

BEFORE WAIPĀ DISTRICT COUNCIL

UNDER the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Proposed Plan Change 14 to the Waipā District
Plan ("**PC14**")

LEGAL SUBMISSIONS ON BEHALF OF FONTERRA LIMITED

28 FEBRUARY 2025

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MAY IT PLEASE THE PANEL:**1. INTRODUCTION**

- 1.1 These submissions are made on behalf of Fonterra Limited ("**Fonterra**") in relation to PC14 to the Waipā District Plan ("**District Plan**"). While Fonterra's role is now as a submitter, Fonterra is the architect of PC14. Fonterra lodged PC14 on 10 May 2024 which seeks to rezone 79.2 ha of land within the C10 Industrial Growth Cell at Hautapu (185-195 Swayne Road ("**Site**")) from Rural Zone to Industrial Zone for future industrial development. The Site is made up of the Bardowie Farm (owned by Fonterra) and a property to the south of the Bardowie Farm referred to as the "Kiwifruit Block" (owned by Bardowie Investments Limited).
- 1.2 PC14 presents an excellent opportunity to meet demand for industrial land and provide economic benefits for the broader community. It represents the next logical step in the live zoning of growth areas north of Cambridge. The PC14 land has been earmarked for growth for many years. This plan change achieves that.
- 1.3 The PC14 provisions have been carefully crafted to enable that supply to occur in a thoughtful, measured way which addresses typical externalised effects such as transport and landscape / visual impacts, while also contributing to the ecological outcomes of the area through the creation of the Mangaone Stream Reserve to protect bats and bat habitat, wetlands and indigenous vegetation.
- 1.4 This hearing process represents the culmination of many years of collaboration between Fonterra and Waipā District Council ("**Council**"). That is reflected in both the Council adopting PC14 for processing, and in the close alignment between the Council Officer's Section 42A Report ("**Section 42A Report**") recommendations and Fonterra's position.
- 1.5 Fonterra has also worked closely with other key stakeholders including Mana Whenua (Ngāti Korokī Kahukura and Ngāti Haua), the Waikato Regional Council / Future Proof, neighbouring properties, and key infrastructure providers (ie the New Zealand Transport Agency and Waipa Networks).
- 1.6 Fonterra is proud of the outcomes represented by PC14 and respectfully requests that it be approved as notified subject to the changes attached to Mr Chrisp's evidence.¹

¹ Mr Chrisp will provide a hearing summary statement that attaches an updated set of provisions incorporating the minor further changes since his evidence was filed and as discussed in these legal submissions.

Experts

- 1.7 An experienced expert team has shaped the PC14 provisions, and has provided evidence on behalf of Fonterra, including responding to matters raised by other submitters.
- 1.8 Evidence has been filed on behalf of Fonterra by:
- (a) Ms Suzanne O'Rourke (Corporate): National Environmental Policy Manager for Fonterra's New Zealand operations detailing Fonterra's role in the Waikato Region and the purpose of PC14, including Fonterra's consultation with stakeholders.
 - (b) Mr Tim Heath (Economics): Property consultant, market analyst and urban demographer for Property Economics Limited presenting his findings of the economic impact on highly productive land, the economic costs and benefits of PC14, and a response to Market Economics Limited's Peer Review.
 - (c) Ms Lisa Jack (Landscape): Principal Landscape Architect and the Design Studio Manager at Harrison Grierson outlining key conclusions for PC14, including recommendations for the Mangaone Precinct Structure Plan and provisions.
 - (d) Mr Mark Apeldoorn (Transport): Transport Planner and Partner at Boffa Miskell detailing the strategic transportation planning framework, including the proposed rezoning and structure plan and key conclusions to support PC14.
 - (e) Mr Graham Ussher (Ecology): Principal Ecologist at RMA Ecology Ltd. Mr Ussher outlining the key conclusions of the ecological values and effects assessment, the Mangaone Precinct Structure Plan and design guidelines assessment, including to protect long-tailed bats and their habitat.
 - (f) Mr Mark Chrisp (Planning): Partner and Principal Environmental Planner at Mitchell Daysh Limited providing an overview of PC14, the key regulatory requirements and appropriateness of objectives and provisions of PC14, Fonterra's submission and further submission, and response to the Section 42A Report.

2. STRUCTURE OF SUBMISSIONS

2.1 Fonterra's submissions will address the:

- (a) background to PC14;
- (b) key features of PC14;
- (c) legal framework;
- (d) key issues arising under the plan change, in submissions, and the Section 42A Report;
- (e) consistency of PC14 with the planning and policy framework; and
- (f) provide concluding comments on PC14.

3. BACKGROUND TO PC14

3.1 The PC14 land is close to Fonterra's Hautapu Dairy Manufacturing site. The land is currently used for spray irrigation of wastewater from Fonterra's Hautapu site, however, following the commissioning of a wastewater treatment plant on the Hautapu site and alternative land being consented for wastewater irrigation (ie the Fencourt Farm recently purchased by Fonterra), the Bardowie Farm will no longer be required for spray irrigation purposes.

3.2 In line with the identification of the Bardowie Farm forming part of the C10 Industrial Growth Cell, Fonterra engaged a team of technical consultants and undertook the necessary assessments to enable consideration of the appropriate planning framework for the Site.²

3.3 As outlined by Ms O'Rourke, Fonterra engaged closely with the Council, along with an array of other key stakeholders, in developing a suite of provisions that rezones the Site to meet the demand for industrial land in the Hautapu – Cambridge area over the medium to long term.³

3.4 The rezoning of the Bardowie Farm represents an expansion of industrial land and integrates well with the area, being the second stage of land within the C10 Industrial Growth Cell to be rezoned to industrial. The first stage immediately to the west of PC14 (known as the Bardowie Industrial Precinct) was rezoned to industrial in 2018 via Plan Change 11 to the District Plan. The

² Evidence of Suzanne O'Rourke at [5.1].

³ Evidence of Suzanne O'Rourke at [5.2]-[5.6].

PC14 land is also already identified for industrial development in the District Plan.⁴

- 3.5 Fonterra has worked closely with Mana Whenua, including through the provision of a Cultural Impact Assessment ("CIA"). All 15 recommendations in the CIA have been adopted and incorporated into PC14. Fonterra acknowledge the time and input from Mana Whenua throughout the PC14 process – and the gifting of the name, Mangaone Precinct, to Fonterra.
- 3.6 Fonterra has also engaged closely with other key stakeholders, including Waikato Regional Council, major infrastructure providers such as the New Zealand Transport Agency and Transpower, and surrounding property owners.
- 3.7 PC14 is unusual in that the Council adopted PC14 as its own, after Fonterra had prepared it and lodged it. While the essential legal tests are unchanged, it is a significant symbolic step.

4. KEY FEATURES OF PC14

- 4.1 While PC14 essentially live zones the plan change area to industrial zoning, the provisions have been carefully developed to reflect the particular context.
- 4.2 Of the 79.2ha plan change area, 71.4ha comprises the Bardowie Farm, with the balance of the land, 7.8ha, being the Kiwifruit Block in the southern part of the PC14 area. The Kiwifruit Block was included in PC14 following discussions with Council staff and their recommendation that it be included.
- 4.3 A Structure Plan is proposed over Bardowie Farm area, which is to be the Mangaone Precinct. Key features of the Structure Plan include:⁵
- (a) the creation of the Mangaone Stream Reserve (approximately 16ha in size). The ecological outcomes are further canvassed in Mr Graham Ussher's evidence, which notes that the creation of this reserve albeit "unusual for a Site of this type and location"⁶ presents "an excellent outcome" for the Site;⁷
 - (b) the identification of a Collector Road and Local Roads, as well as points of connectivity to the wider roading network;

⁴ Appendix S1 of the District Plan.

⁵ Evidence of Mark Chrisp at [4.5].

⁶ Evidence of Dr Graham Ussher at [3.7].

⁷ Evidence of Dr Graham Ussher at [6.1].

- (c) stormwater detention and management devices (precise locations to be confirmed at the subdivision consenting phase);
- (d) a Central Focal Area that will provide for small-scale retail and service activities to establish that will service the day-to-day needs of the industrial businesses in the area; and
- (e) proposed landscaping treatments at the Site edges (particularly along the Mangaone Stream, Swayne Road and Zig Zag Road).

4.4 The Kiwifruit Block will be incorporated into the existing Structure Plan relating to the Bardowie Industrial Precinct. This is because the activities on the Kiwifruit Block relate to the adjacent activities within the Bardowie Industrial Precinct and the land is in common ownership.

5. LEGAL FRAMEWORK

5.1 The Panel will be familiar with the legal framework for plan changes. A summary of key provisions is provided below for completeness.

Summary

5.2 PC14 is to be considered under Part 1 of Schedule 1 to the RMA.⁸

5.3 Sections 72 to 76 of the RMA are relevant. These address the purposes and content of district plans and the matters that councils are required to consider in preparing district plans.

5.4 In this case, the Panel needs to be satisfied that PC14:

- (a) is in accordance with:⁹
 - (i) the Council's functions under section 31 of the RMA;
 - (ii) the provisions of Part 2; and
 - (iii) the Council's duty under section 32 of the RMA to assess the plan change objectives, and whether its provisions are the most appropriate to give effect to those objectives.¹⁰

⁸ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55.

⁹ RMA, section 74.

¹⁰ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55 at [17].

- (b) gives effect to:¹¹
 - (i) any national policy statement;
 - (ii) a national planning standard; and
 - (iii) any regional policy statement.

5.5 The Panel must also:

- (a) have regard to (among other matters):¹²
 - (i) any proposed regional policy statement, or proposed regional plan on any matter of regional significance;
 - (ii) management plans and strategies prepared under other Acts;
 - (iii) consistency with the plans / proposed plans of adjacent territorial authorities; and
- (b) take into account any relevant iwi planning document.¹³

5.6 The provisions of the RMA as relevant to PC14 are also summarised in the Section 42A Report.¹⁴

5.7 As explained below, in our submission the key legal tests are satisfied for this plan change. In particular, PC14 gives effect to relevant national policy statements and the Waikato Regional Policy Statement ("**WRPS**").

6. KEY ISSUES

6.1 This section discusses the key effects of PC14 and matters raised by submitters, and summarises how these are addressed in the evidence on behalf of Fonterra.

Economics

6.2 Mr Heath's evidence is that PC14 will bring material economic benefits to Cambridge, stimulate employment and local economic growth, create a more

¹¹ RMA, section 75(3).

¹² RMA, section 74(2).

¹³ RMA, section 74(2A).

¹⁴ Section 42A Report at [3.1.1]-[3.1.10].

competitive industrial market and assist in creating a well-functioning urban environment.¹⁵

- 6.3 Mr Heath outlines that PC14 will address a portion of an expected shortfall in industrial land capacity over the medium and long term.¹⁶ It also has limited potential to undermine any uptake or growth potential in existing and live-zoned industrial land in Cambridge or the wider district.¹⁷
- 6.4 Council's peer reviewer and the Section 42A Report agree with the conclusions contained in the economics assessment accompanying the PC14 application and as described in Mr Heath's evidence¹⁸ and, in Mr Heath's view, did not raise additional economic effects that needed to be addressed.¹⁹
- 6.5 Mr Heath has addressed submissions which raise concerns around economic effects.²⁰ In summary:
- (a) any potential impact of PC14 on existing or planned industrial land allocations can be expected to be minimal, short term and sufficiently offset by the anticipated growth in the market.²¹ The adverse effects of a failure to provide sufficient industrial land (eg discouraging investment, limiting creation of new jobs) are significantly more profound than any concerns arising from a potential short-term oversupply;²²
 - (b) economic assessments undertaken, which have been peer reviewed, confirm that additional industrial land to effectively support ongoing growth is required;²³ and
 - (c) PC14 demonstrates that it gives effect to relevant economic WRPS criteria.²⁴ The Section 42A Report agrees with this.²⁵ While the Regional Council's evidence contains some comments in this regard, no economic evidence has been provided by other parties.
- 6.6 In our submission, there is clear economic demand for PC14 including to contribute to a well-functioning urban environment.

¹⁵ Evidence of Timothy Heath at [2.8].

¹⁶ Evidence of Timothy Heath at [2.3].

¹⁷ Evidence of Timothy Heath at [2.4].

¹⁸ Section 42A Report at [4.4.1]-[4.4.2].

¹⁹ Evidence of Timothy Heath at [8.8].

²⁰ Evidence of Timothy Heath at section 9.

²¹ Evidence of Timothy Heath at [9.2].

²² Evidence of Timothy Heath at [9.5].

²³ Evidence of Timothy Heath at [9.7]-[9.8].

²⁴ Evidence of Timothy Heath at [9.10]-[9.11].

²⁵ Section 42A Report at [4.4.9].

Landscape

- 6.7 Ms Jack's evidence is that PC14 has adequately addressed and responded to changing landscape and visual amenity values.²⁶ With the inclusion of Ms Jack's recommendations into the PC14 provisions, she considers PC14 will ensure a future environment that visually integrates with existing and future uses.²⁷
- 6.8 Ms Jack is broadly in agreement with the recommendations in the Section 42A Report.²⁸ In Ms Jack's view, there are only two discrete differences remaining, relating to:²⁹
- (a) the minimum building setbacks and height controls (ie interface controls) in relation to the Zig Zag and Swayne Road boundaries. Ms Jack does not support building setbacks and height controls in relation to the Zig Zag and Swayne Road boundaries being changed from 10m to 15m;³⁰ and
 - (b) additional details in Rule 21.2.7.2. Ms Jack considers additional context in this rule is required to ensure that mowable lawns are not proposed in Landscaping Plans, and to include a Maintenance Plan for 5 years as outlined by Mr Chrisp in his evidence.³¹
- 6.9 PC14 interface controls from Zig Zag and Swayne Roads have been carefully considered by Fonterra and Ms Jack in direct response to the environment surrounding it, with the goal of a high amenity outcome.³² In Ms Jack's view, a 15m minimum building setback as proposed in the Section 42A Report will not provide any additional relief compared to a 10m setback. This is primarily due to the recession plane that is proposed for the Site at the rural interface.³³
- 6.10 As explained in Ms Jack's evidence:
- (a) with a 10m minimum setback a building can only be a maximum of 8.8m high without triggering the need for a resource consent;³⁴

²⁶ Evidence of Lisa Jack at [2.7].
²⁷ Evidence of Lisa Jack at [2.7].
²⁸ Evidence of Lisa Jack at [2.3]-[2.4].
²⁹ Evidence of Lisa Jack at [4.19].
³⁰ Evidence of Lisa Jack at [4.2]-[4.13].
³¹ Evidence of Mark Chrisp at [11.10].
³² Evidence of Lisa Jack at [4.13].
³³ Evidence of Lisa Jack at [4.6].
³⁴ Evidence of Lisa Jack at [4.9].

- (b) a building setback of 15m from the boundary must be a maximum of 11.5m high to achieve compliance;³⁵ and
- (c) the recession plane will ensure that a 20m high building (the maximum permitted building height in the Industrial zone) must be at least 29.4m from the boundary to achieve compliance.³⁶

6.11 In our submission, the Panel should prefer the evidence of Ms Jack.

6.12 In relation to Rule 21.2.7.2, Ms Jack proposes amendments to add additional detail to the version of the rule recommended in the Section 42A Report to address comments made by the Council peer reviewer.³⁷

- (a) Ms Jack has proposed clarifications to ensure that shrubs and groundcover are proposed in landscaping plans, rather than mowable lawns.³⁸
- (b) Ms Jack agrees that early establishment and ongoing maintenance of the landscape buffer is essential to provide an acceptable interface between the existing Rural Zone to the east and north (respectively) of Zig Zag and Swayne Roads and the Site.³⁹ In Ms Jack's view, the maintenance plan should outline details on how plants will be managed over 5 years to ensure their continued success to maturity, and any replacements of dead plants that may be required.⁴⁰

6.13 Ms Jack has also responded to submissions addressing landscape and visual matters including the interface controls at Zig Zag and Swayne Roads.⁴¹ In summary:

- (a) As explained above, the interface controls at Zig Zag and Swayne Roads have been carefully considered,⁴² as have the interface controls at the Henmar Trust property.⁴³
- (b) PC14 has assessed and addressed landscape treatments at the boundary with 174 Swayne Road.⁴⁴

³⁵ Evidence of Lisa Jack at [4.10].

³⁶ Evidence of Lisa Jack at [4.11].

³⁷ Evidence of Lisa Jack at [2.5].

³⁸ Evidence of Lisa Jack at [4.15].

³⁹ Evidence of Lisa Jack at [4.4].

⁴⁰ Evidence of Lisa Jack at [4.4].

⁴¹ Evidence of Lisa Jack at section 5.

⁴² Evidence of Lisa Jack at [5.1]-[5.3].

⁴³ Evidence of Lisa Jack at [5.4]-[5.6].

⁴⁴ Evidence of Lisa Jack at [5.7]-[5.8].

- (c) Amenity effects on the properties along Swayne Road have been considered and responded to in the PC14 provisions.⁴⁵

Transport

6.14 Mr Apeldoorn's evidence is that the transport demands from PC14 can be readily accommodated by the transport infrastructure and management measures identified in the provisions.⁴⁶

6.15 The Section 42A Report is well aligned with Mr Apeldoorn's assessments and conclusions.⁴⁷ When Mr Apeldoorn filed his evidence there were only minor differences relating to discrete PC14 provisions remaining.⁴⁸ These have further narrowed following Mr Hudson's rebuttal evidence and are an amendment of:

- (a) Rule 16.4.2.12A, which has been accepted by Mr Hudson. This Rule is proposed to be amended for clarity to read (change underlined):

Apart from one point of roading access onto each of Swayne Road and Zig Zag Road in accordance with the Mangaone Precinct Structure Plan, there shall be no direct vehicular access to industrial lots within the Mangaone Precinct Structure Plan Area directly from Swayne Road or Zig Zag Road.

- (b) Rule S27.2.20.4 in response to Fire and Emergency New Zealand's submission, to reference provision for fire, emergency and public transport.⁴⁹ This will ensure the desired design vehicle forms part of the detailed engineering design for the corridor.⁵⁰ Mr Hudson considers this Rule should not be amended.⁵¹ This is on the basis that the design of this road would not completely inhibit use by fire trucks in an emergency situation and other access routes are more likely to be taken by emergency vehicles, and that designing the road for emergency vehicle use enable other vehicles as well.⁵² Fonterra is comfortable with either position being accepted by the Panel; and
- (c) Proposed Rule 7.4.2.46 to provide clarification as to the transport work required and to better align the transport infrastructure

⁴⁵ Evidence of Lisa Jack at [5.9]-[5.10].

⁴⁶ Evidence of Mark Apeldoorn at [2.5].

⁴⁷ Evidence of Mark Apeldoorn at [6.1].

⁴⁸ Evidence of Mark Apeldoorn at [6.1].

⁴⁹ Evidence of Mark Apeldoorn at [6.4] and [7.17(c)].

⁵⁰ Evidence of Mark Apeldoorn at [6.4].

⁵¹ Evidence of Bryan Hudson at [3.5].

⁵² Evidence of Bryan Hudson at [3.6] and [3.7].

requirements with any future subdivision proposal.⁵³ In rebuttal, Mr Hudson has agreed with certain amendments but proposed other clarifications to this Rule.⁵⁴ Mr Apeldoorn has reviewed Mr Hudson's amendments (eg to include upgrades to Zig Zag Road and Victoria Road intersection) and supports Mr Hudson's updated Rule 7.4.2.46 from a transport perspective.

- 6.16 Mr Apeldoorn's proposed amendments were addressed in Mr Chrisp's evidence.⁵⁵ From a planning perspective and in relation to a section 32AA evaluation, Mr Chrisp considered the amendments align with the ultimate transport network envisaged for the PC14 area and should be adopted.⁵⁶ Mr Chrisp also considers the amendments to Rule 7.4.2.46 are for clarity and that no further section 32AA analysis is required.⁵⁷ Mr Chrisp maintains this position with the amendments in Mr Hudson's evidence which are supported as set out above.⁵⁸
- 6.17 Mr Apeldoorn has reviewed submissions which address transport effects and responded to those.⁵⁹ In summary:
- (a) setting of speed limits is not a matter that can be determined through this plan change;⁶⁰
 - (b) a 12-tonne single unit vehicle limit is proposed for Swayne Road. This corresponds with a standard single unit local delivery truck, the potential for bus movements and security of access for Fire and Emergency access. It also aligns with the New Zealand Transport Agency standardised vehicle classification system;⁶¹
 - (c) moving the access point to PC14 north to 190 Swayne Road has not been undertaken in order to minimise potential traffic effects on Swayne Road residences to the east of the road corridor;⁶²
 - (d) a thorough assessment of effects on the wider transport network and staging has been undertaken and provisions have been proposed to address effects and staging;⁶³

⁵³ Evidence of Mark Apeldoorn at [6.6].
⁵⁴ Evidence of Bryan Hudson at [3.9]-[3.13] and Appendix A.
⁵⁵ Evidence of Mark Chrisp at sections 13 and 14.
⁵⁶ Evidence of Mark Chrisp at [13.7].
⁵⁷ Evidence of Mark Chrisp at [14.4].
⁵⁸ Evidence of Bryan Hudson at Appendix A.
⁵⁹ Evidence of Mark Apeldoorn at section 7.
⁶⁰ Evidence of Mark Apeldoorn at [7.2].
⁶¹ Evidence of Mark Apeldoorn at [7.3].
⁶² Evidence of Mark Apeldoorn at [7.3].
⁶³ Evidence of Mark Apeldoorn at [7.4], [7.8] and [7.16].

- (e) access as has been shown on the Bardowie Industrial Precinct Structure Plan is consistently reflected on the Mangaone Precinct Structure Plan and therefore is aligned with the Bardowie Industrial Precinct Structure Plan;⁶⁴
- (f) the status of a collector road servicing the Henmar Trust property is to be confirmed through a separate master planning process, as is established in the Bardowie Industrial Precinct Structure Plan and consistently reflected on the Mangaone Precinct Structure Plan;⁶⁵
- (g) current District Plan provisions respond to emissions reduction outcomes and / or proposed transport outcomes.⁶⁶ The PC14 structure plan enables integration of active transport mode networks and public transport, and other transport facilities (eg end-of-trip facilities and EV charging)⁶⁷ with the Council intending to address this consistently for the district / region;⁶⁸
- (h) PC14 has had regard to the Waikato Regional Public Transport Plan including as further addressed in Mr Apeldoorn's evidence;⁶⁹
- (i) proposed road sections show a 3.5m carriageway width and can be designed to achieve Fire and Emergency New Zealand's 4.0m accessibility outcomes (within the context of flush carriageways) as described in the Emergency Vehicle Access Design Guide (F5-02 GD);⁷⁰ and
- (j) District Plan provisions include appropriate provision for the management and control of construction activities.⁷¹

6.18 Mr Michael Hall on behalf of Kama Trust (a nearby landowner of industrial land recently rezoned through Plan Change 17) has filed evidence and sought expansion of Rule 7.4.2.46 to include:⁷²

- (a) four-laning of Victoria Road, including two circulating lanes at the Hautapu Road and BIP roundabouts;

⁶⁴ Evidence of Mark Apeldoorn at [7.6].

⁶⁵ Evidence of Mark Apeldoorn at [7.7].

⁶⁶ Evidence of Mark Apeldoorn at [7.11] and [7.13].

⁶⁷ Evidence of Mark Apeldoorn at [7.11], [7.13] and [7.14]. This also addresses Mr Hall's evidence for Kama Trust which seeks provisions related to electric vehicle supply equipment.

⁶⁸ Section 42A Report at [4.13.13]-[4.13.15]; Evidence of Katrina Andrews at [52].

⁶⁹ Evidence of Mark Apeldoorn at [7.15] and Appendix B.

⁷⁰ Evidence of Mark Apeldoorn at [7.17].

⁷¹ Evidence of Mark Apeldoorn at [7.18].

⁷² Evidence of Michael Hall at [13].

- (b) a second left turn lane from SH1 to head north on Victoria Road; and
- (c) that these infrastructure upgrade should be completed prior to any development within the PC14 area.

6.19 Mr Hudson, on behalf of the Council, has responded in detail to Mr Hall's evidence and sets out his position that the upgrade works are not required to be in place before any development or subdivision occurs on the PC14 land.⁷³ Mr Apeldoorn has reviewed both Mr Hall and Mr Hudson's evidence and agrees with Mr Hudson's response. This will be addressed in Mr Apeldoorn's hearing statement.

Ecology

6.20 Dr Ussher's evidence is that PC14 provides assurance that ecological values will be protected and enhanced such that an overall net benefit for ecology is certain.⁷⁴ Dr Ussher considers Fonterra's approach to setting aside a large area of land for protecting and enhancing ecological values is an example of best ecological restoration practice and will serve as a benchmark against which others should take note.⁷⁵

6.21 The Section 42A Report only raises one matter relating to ecology concerning the protection of bats.⁷⁶ Dr Ussher agrees with the amendments proposed in the Section 42A Report⁷⁷ and Mr Chrisp has included these in the PC14 provisions.⁷⁸ There are therefore no outstanding issues concerning ecological matters in the Section 42A Report.

6.22 Dr Ussher has also responded to submissions which raise ecological concerns and supports proposed changes to the PC14 provisions relating to the High Value Bat Habitat Area.⁷⁹ These are also addressed in Mr Chrisp's evidence.⁸⁰ There are therefore no outstanding issues concerning ecological matters as raised by submitters.

⁷³ Evidence of Bryan Hudson at section 5.

⁷⁴ Evidence of Dr Graham Ussher at [2.7].

⁷⁵ Evidence of Dr Graham Ussher at [2.4].

⁷⁶ Section 42A Report at [4.3.1]-[4.3.13].

⁷⁷ Evidence of Dr Graham Ussher at [3.8] and [5.3].

⁷⁸ Evidence of Mark Chrisp at Appendix 2.

⁷⁹ Evidence of Dr Graham Ussher at [2.5] and [5.3].

⁸⁰ Evidence of Mark Chrisp at [10.5]-[10.6].

- 6.23 The evidence of Ms Andrews on behalf of the Waikato Regional Council has sought two changes in relation to bats:
- (a) amendments to provision S27.2.26 to reference the 20m buffer around the High Value Bat Habitat Area where industrial activities cannot occur;⁸¹ and
 - (b) an additional assessment criterion is added under Rule 21.2.7.1 to consider the extent to which a 20m buffer has been provided around the High Value Bat Habitat Area as part of the Mangaone Stream Reserve, to protect the High Value Bat Habitat Area and the bat population within that area from adverse effects of adjacent industrial activities.⁸²
- 6.24 Mr Ussher has reviewed the evidence of Ms Andrews and is comfortable with these changes. The Department of Conservation has also confirmed it agrees with these changes and does not otherwise wish to be heard.⁸³
- 6.25 Accordingly, in our submission, all ecological matters for PC14 have been adequately addressed.

Infrastructure

- 6.26 Fonterra has engaged with Transpower regarding the 110kV transmission lines that traverse the northern part of PC14. These resulted in an agreed set of provisions.⁸⁴
- 6.27 The Section 42A Report recommends Transpower's relief is granted in full.⁸⁵ Mr Chrisp supports this, except for the drafting of Rule 15.4.2.91A(j).⁸⁶ The Section 42A Report version of that rule reads:

15.4.2.91A Any subdivision or development (as relevant) in the Mangaone Precinct Structure Plan Area shall ensure that:

...

(j) On all lots, the provision of vehicle access to any National Grid Support Structures is available.

⁸¹ Evidence of Katrina Andrews at [46].
⁸² Evidence of Katrina Andrews at [47].
⁸³ Letter from Department of Conservation dated 26 February 2025.
⁸⁴ Evidence of Mark Chrisp at [12.3].
⁸⁵ Section 42A Report at [4.9.2].
⁸⁶ Evidence of Mark Chrisp at [12.6].

6.28 As the only 110kV structures are in the northern portion of the Mangaone Precinct, Mr Chrisp proposed Rule 15.4.2.91A(j) should be amended as follows:⁸⁷

15.4.2.91A Any subdivision or development (as relevant) in the Mangaone Precinct Structure Plan Area shall ensure that:

...

(j) ~~On all lots, the provision of vehicle access to any National Grid Support Structures within lots that contain National Grid Support Structures is available.~~

6.29 Following Fonterra's evidence, Transpower has written a letter to the Panel dated 20 February 2025 which acknowledges the issues raised by Mr Chrisp, but suggests a slightly different wording as follows:

15.4.2.91A Any subdivision or development (as relevant) in the Mangaone Precinct Structure Plan Area shall ensure that:

...

(j) ~~On all lots, within the National Grid Corridor, the provision of vehicle access is available to any National Grid Support Structures is available.~~

6.30 Mr Chrisp agrees with the wording above suggested by Transpower.

6.31 Accordingly, in our submission, the Panel should agree to adopt Rule 15.4.2.91A(j) as proposed above by Transpower and supported by Mr Chrisp.

7. PLANNING AND POLICY FRAMEWORK

7.1 The PC14 application and Section 42A Report provide a thorough assessment of PC14 against the relevant statutory and policy framework.⁸⁸

7.2 This framework includes relevant national policy statements, the WRPS and other relevant management plans and strategies.

7.3 A comprehensive section 32 evaluation is provided as part of the PC14 application,⁸⁹ and Mr Chrisp considers no further section 32AA evaluation is required for amendments proposed in his evidence.⁹⁰

⁸⁷ Evidence of Mark Chrisp at [12.10].

⁸⁸ *Plan Change 14 to the Waipā District Plan: Mangaone Precinct C10 Industrial Growth Cell – Hautapu* (10 May 2024) ("**Application**") at pp 67–94; Section 42A Report at [3.1.1]-[3.1.10].

⁸⁹ Section 32 Evaluation at Appendix O.

⁹⁰ Evidence of Mark Chrisp at [16.2].

- 7.4 In summary, Mr Chrisp agrees with the Section 42A Report that:⁹¹
- (a) PC14 gives effect to the National Policy Statement on Urban Development.⁹² PC14 responds to demand for industrial land within the Cambridge / Hautapu area to provide material economic benefits to Cambridge.⁹³ Those benefits include creating a well-functioning urban environment.
 - (b) PC14 is exempt from the National Policy Statement on Highly Productive Land.⁹⁴ Ms Andrews agrees with this on behalf of Waikato Regional Council.⁹⁵
 - (c) PC14 gives effect to the WRPS and is consistent with its strategic policy direction.⁹⁶ This includes the Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River⁹⁷ and the WRPS as it incorporates Plan Change 1.⁹⁸
 - (d) PC14 is consistent with the District Plan, which signals that future land use of the area will be industrial activities.⁹⁹
 - (e) PC14 is consistent with relevant criteria in the Future Proof Development Strategy¹⁰⁰ and aligns with the aspirations of the Waipā 2050 District Growth Strategy.¹⁰¹
- 7.5 Accordingly, we submit PC14 is consistent with the planning framework and meets the required legal tests under the RMA.

8. CONCLUSION

- 8.1 Overall, PC14 seeks to bring forward the availability of industrial land in the Cambridge area that will be required over the medium to long term. It represents the next logical step in the live zoning of growth areas north of Cambridge.

91 Evidence of Mark Chrisp at [10.12]; Evidence of Timothy Heath at [9.13].
 92 Section 42A Report at [3.2.3].
 93 Application at pp 57-58.
 94 Section 42A Report at [3.3.4].
 95 Evidence of Katrina Andrews at [19].
 96 Section 42A Report at [3.5.4].
 97 Section 42A Report at [3.6.3].
 98 Section 42A Report at [3.8.3] and [3.8.4].
 99 Section 42A Report at Appendix S1; Evidence of Mark Chrisp at [5.2].
 100 Section 42A Report at [3.9.5].
 101 Section 42A Report at [3.10.3].

- 8.2 Fonterra's evidence consistently and resoundingly points to PC14 as providing an array of positive effects for the Cambridge area, with any adverse effects able to be addressed in provisions or subject to assessment during future subdivision and land use consent application processes. In our submission, PC14 meets the legal tests under the RMA, and we respectfully request that the Panel approves PC14 on the provisions as set out in Mr Chrisp's evidence.

DATED: 28 February 2025

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