

WAIPĀ DISTRICT COUNCIL

Proposed Plan Change 17, Hautapu Industrial Zones

MINUTE OF THE HEARINGS PANEL

Dated 6/03/2023: Minute #8

Distribution: All submitters on Proposed Plan Change 17; all further submitters who did not make an original submission on Proposed Plan Change 17; Council.

1. The purpose of this Minute is to record our decision on the scope of part of a submission lodged by the Hautapu Landowners' Group requesting the rezoning of land owned by Group members from Rural to Deferred Industrial Zone.
2. In accordance with Minute #7 of 8 February 2023, the Hearings Panel received legal submissions on this scope issue filed on behalf of the Hautapu Landowners' Group, Waipā District Council and Kama Trust, as well as legal submissions in reply on behalf of the Hautapu Landowners Group.
3. The Hearings Panel was also advised by Council Officers of a request communicated to Council by representatives of the Hautapu Landowners' Group on 1 March 2023 for the Panel to delay the issue of its decision on the scope issue in order to allow Kama Trust to consider the Group's infrastructure proposal. Council Officers provided an overview of the Hautapu Landowners' Group infrastructure proposal. For the reasons recorded below, the Hearings Panel was not persuaded to delay its decision on the scope issue.

Resolution:

4. The Hearings Panel has considered 'on the papers' all legal submissions filed on the scope of that part of the Hautapu Landowners' Group submission requesting the rezoning of land owned by Group members from Rural to Deferred Industrial Zone.
5. The Hearings Panel, from resolution passed by Councillor Brown and Councillor Gordon, has determined that that part of the Hautapu Landowners' Group submission requesting the rezoning of land owned by Group members from Rural to Deferred Industrial Zone does not satisfy both limbs of the *Clearwater* test and is not, therefore, within the scope of Proposed Plan Change 17.

Reasons for the Decision:

6. The Hearings Panel finds that the purpose of Proposed Plan Change 17 is to deliver 'live' industrial zoned land in the short term in order to meet current demand to locate new and relocate existing industrial activities in Hautapu.
7. The Hearings Panel does not accept the Hautapu Landowners' Group proposition that the purpose of Proposed Plan Change 17 is to generally rationalise and activate industrial activities over time in Hautapu.
8. That part of the Hautapu Landowners' Group submission seeking to rezone land owned by Group members to a 'deferred' Industrial Zone will require a second, future statutory process to rezone the land to a 'live' Industrial Zone; and the Hearings Panel cannot predetermine the outcome of that future process. The deferred rezoning relief sought in the Hautapu Landowners' Group submission would not, therefore, deliver 'live' Industrial zoned land in the short term to meet current demand.
9. The Hearings Panel is not persuaded by the Hautapu Landowners' Group argument that references in the section 32 Report to the pre-notification discussions between Council and the Hautapu Landowners' Group would have placed directly or potentially directly affected persons on notice of the Group's deferred rezoning proposal.
10. The Hearings Panel concludes, for these reasons, that that part of the Hautapu Landowners' Group submission seeking to rezone land owned by Group members from a Rural to a 'deferred' Industrial Zone does not satisfy both limbs of the *Clearwater* test which, all legal submissions agreed, is the correct legal test for the Hearings Panel to apply to this scope issue.
11. The consequence of the Hearings Panel's decision is that that part of the Hautapu Landowners' Group submission requesting the rezoning of land owned by Group members from Rural to Deferred Industrial Zone, together with all further submissions which supported or opposed that part of the Hautapu Landowners' Group's submission, are struck out pursuant to s41D(1)(c) of the Resource Management Act 1991 and will not be considered by the Hearings Panel in the hearing of Proposed Plan Change 17.
12. All correspondence with the Hearings Panel shall be made through the following contact details:

districtplan@waipadc.govt.nz