IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKAURAU

Decision [2026] NZEnvC 008

IN THE MATTER OF	appeals under clause 14 of the First Schedule of the Resource Management Act 1991
BETWEEN	BARDOWIE INVESTMENTS LIMITED
	(ENV-2025-AKL-147)
	HENMAR TRUST
	(ENV-2025-AKL-149)
	FONTERRA LIMITED
	(ENV-2025-AKL-150)
	Appellants
AND	WAIPĀ DISTRICT COUNCIL
	Respondent

Court:	Environment Judge S M Tepania sitting alone under s 279 of the Act
Last case event:	12 December 2025
Date of Decision:	3 February 2026
Date of Issue:	3 February 2026

CONSENT ORDER

Proposed Plan Change 14 to the Waipā District Plan

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

(1) The Waipā District Plan be amended in accordance with Appendix A to this order; and

(2) The appeals by Bardowie Investments Limited, Henmar Trust and Fonterra Limited are otherwise dismissed.

B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order resolves the appeals by Bardowie Investments Limited (**BIL**), Henmar Trust (**Henmar**) and Fonterra Limited (Fonterra) on parts of the decision of the Waipā District Council (**Council**) on Proposed Plan Change 14 (**PC14**) to the Waipā District Plan (**District Plan**).

[2] PC14 proposes to:

(a) Rezone approximately 79.2 ha of land at Hautapu from Rural Zone to Industrial Zone (referred to as the **Mangaone Precinct**);

(b) Insert a new Appendix S27: Mangaone Precinct Structure Plan;

(c) Amend Appendix S20 Bardowie Industrial Precinct Structure Plan;

(d) Insert new definitions for 'gymnasium' and 'innovation and advanced technology activities' in Part B - Definitions; and

(e) Amend associated provisions in Sections 7, 15, 16 and 21 of the District Plan.

Appeals

[3] Fonterra and BIL are the owners of land within the Mangaone Precinct. BIL also owns land within the Bardowie Industrial Precinct. In their appeals, Fonterra and BIL sought that the roundabout be removed from the Mangaone Precinct Structure Plan and the Bardowie Industrial Precinct Structure Plan and replaced with a T-intersection.

[4] Henmar owns the area of land to the west of the Mangaone Precinct (**Henmar Property**). Henmar's appeal sought the reversal of the decision of Council to reject all of Henmar's submission points other than retention of the roundabout intersection and collector road on both the Mangaone Precinct Structure Plan and the Bardowie Industrial Precinct Structure Plan. In summary, the submissions seek:

(a) Amendments to the Mangaone Precinct Structure Plan to provide better traffic and service connectivity to the adjoining Henmar Property;

(b) Amendments to the District Plan to ensure that the development of the Mangaone Precinct will not cause increased flooding of the Henmar Property;

(c) Amendment of the Industrial Activities provided for in the Mangaone Precinct in rule 7.4 of the Waipā District Plan;

(d) Excluding the land owned by BIL (known as the **Kiwifruit Block**) from PC14; and

(e) Amendments to the rules relating to the interface between the Mangaone Precinct and the Rural Zone, including noise, building setback, landscaping, buffer strip, height and recession plane.

[5] Section 274 notices were lodged by the appellants. No other section 274 notices have been lodged in respect of the appeals.

Agreement reached

[6] The parties attended Court-assisted mediation on 11 November 2025. At the

mediation, the parties agreed to amendments to the following chapters of the District Plan:

(a) Part B – Definitions;

(b) Section 7 – Industrial Zone;

(c) Section 15 – Infrastructure, Hazards, Development and Subdivision;

(d) Section 16 – Transportation;

(e) Section 21 – Assessment Criteria and Information Requirements;

(f) Appendix S20 – Bardowie Industrial Precinct Structure Plan and Urban Design and Landscape Guidelines; and

(g) Appendix S27 – Mangaone Precinct Structure Plan.

[7] The amendments are set out in **Appendix A**. The amendments to each section of the District Plan are described more fully below:

Part B – Definitions

(a) Amend the definition of *Dry industry* to replace the word *operation* with *activity*;

Section 7 – Industrial Zone

(b) Insert an additional restricted discretionary matter (adverse amenity effects) to be assessed under rule 7.4.1.3f;

(c) Amend rule 7.4.2.15Aa.ii. to require the buffer strip along the boundary of the Mangaone Precinct Structure Plan Area with any Rural Zone section of the C10 Growth Cell to be 5m wide (increased from 3m) and including additional planting specifications;

(d) Amend rule 7.4.2.46d (relating to transport upgrades required to Zig Zag Road and Victoria Road prior to development within the Mangaone Precinct) by substituting the word *south* for *north*;

Section 15 – Infrastructure, Hazards, Development and Subdivision

(e) Insert an additional requirement into rule 15.4.2.91A (relating to subdivision within the Mangaone Precinct Structure Plan) to ensure that, when developing on land to the north of the Mangaone Stream, there is the physical and legal ability to provide water supply and wastewater service connections from that land or Zig Zag Road to the boundary of the Rural Zone section of the C10 Growth Cell;

(f) Insert new rule 15.4.2.91B which provides for a 22m strip of land within the Bardowie Industrial Precinct Structure Plan Area to be vested in Council for the purpose of service connections when the east-west collector road is constructed to the mid-block intersection;

Section 16 – Transportation

(g) Insert the word *vehicular* into rule 16.4.2.12A (relating to vehicle access to sites in the Mangaone Precinct Structure Plan Area);

Section 21 – Assessment Criteria and Information Requirements

(h) Amend rule 21.1.7.16 (Industrial Zone Assessment Criteria for restricted discretionary activities) to insert an additional restricted discretionary matter (adverse amenity effects) to be assessed which aligns with the changes made to rule 7.4.1.3f. above;

Appendix S20 – Bardowie Industrial Precinct Structure Plan and Urban Design and Landscape Guidelines

(i) Replace and amend the structure plan diagram by:

    (i) Altering the intersection between the east-west collector and the indicative collector road to the Henmar Property to be a T-intersection rather than a roundabout; and

    (ii) Identifying the intersection in (i) above on the structure plan as the "mid-block" intersection for the purpose of Rule 15.4.2.91B;

Appendix S27 – Mangaone Precinct Structure Plan

(j) Replace and amend the structure plan diagram by:

(i) Altering the intersection between the east-west collector and the indicative collector road to the Henmar Property to be a T-intersection rather than a roundabout;

(ii) Identifying the intersection in (i) above on the structure plan as the "mid-block" intersection for the purpose of Rule 15.4.2.91B; and

(iii) Showing the collector road extending north from the east-west collector road as a dashed line rather than a solid line;

(k) Amend S27.3.4 Issue 2 – The Rural Interface to require the buffer strip along the boundary of the Rural Zoned land to be 5m wide (increased from 3m) and including additional planting specifications.

Section 32AA Evaluation

[8] Section 32AA of the Act requires a further evaluation of any changes to PC14 since the initial s 32 evaluation report and decision. In summary, the s 32AA evaluation concludes that the proposed amendments are considered the most appropriate way to achieve the purpose of the proposal and the Act because:

(a) The traffic engineering advice confirms that a roundabout is not required and that a T-intersection would be the most appropriate configuration from a traffic engineering perspective;

(b) The proposed amendments require an integrated approach to the provision and reticulation of water and wastewater services which ensures efficient and effective provision of services to support the development of the land within the C10 Growth Cell;

(c) The adverse effects of industrial activities on the adjoining Rural Zone land are appropriately managed by the proposed amendments while providing for the planned future industrial development of the

surrounding land; and

(d) The proposed amendment to the definition of *dry industry* will result in a more consistent and therefore efficient and effective outcome in terms of the administration and interpretation of the District Plan.

Consideration

[9] The Court has now read and considered the consent memorandum of the parties dated 12 December 2025.

[10] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

(a) All parties to the proceedings have executed the memorandum requesting this order; and

(b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[11] The Court is satisfied that the changes sought are within the scope of the submissions and the Appeals.

Orders

[12] The Court orders, by consent, that:

(a) The Waipā District Plan be amended in accordance with Appendix A to this order; and

(b) The appeals by Bardowie Investments Limited, Henmar Trust and Fonterra Limited are otherwise dismissed.

[13] Under s 285 of the Act, there is no order as to costs.

S M Tepania
Environment Judge | Kaiwhakawā i te Kōti Taiao

APPENDIX A: AMENDMENTS TO WAIPĀ DISTRICT PLAN

Changes to the Waipā District Plan are set out below under the following headings:

- Part B – Definitions
- Section 7 – Industrial Zone
- Section 15 – Infrastructure, Hazards, Development and Subdivision
- Section 16 – Transportation
- Section 21 – Assessment Criteria and Information Requirements
- Appendix 20 – Bardowie Industrial Precinct Structure Plan and Urban Design and Landscape Guidelines
- Appendix S27 – Mangaone Precinct Structure Plan

The changes are presented in the following ways:

Amendments	Shown
Text to be added	Black and underlined
Text to be deleted	~~Black strikethrough~~

Part B - Definitions

'Dry industry'	Means any industrial ~~operation~~ activity that does not use water for processing, manufacturing, or production purposes; and does not discharge nor generate any liquid effluent from its operation (aside from domestic wastewater). Includes any industrial ~~operation~~ activity that uses and/or disposes of water from processing, manufacturing and production but is self-contained on site. The activity does not require the use of council water and wastewater infrastructure and is adequately able to treat primary discharge stormwater prior to soakage disposal on site.

Section 7 – Industrial Zone

7.4.1.3	Restricted discretionary activities The following activities must comply with the performance standards of this zone
f.	Any activities, in the areas listed below, that requires an air discharge permit from the Waikato Regional Council: (i) Hautapu Industrial Structure Plan Area; (ii) Bardowie Industrial Precinct Structure Plan Area; and (iii) Mangaone Precinct Structure Plan Area.
	Assessment will be restricted to the following matters: ▪ Adverse effect on the Hautapu Dairy Manufacturing Site due to the discharge of contaminants to air. ▪ Any adverse amenity effects (odour, visual and dust) on owners and occupiers of Rural zoned land due to the discharge of contaminants to air. These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Landscaping and screening

7.4.2.15A The following rules shall apply in respect of the Mangaone Precinct Structure Plan Area:

a. The location, extent, type and density of landscaping within the Landscape Buffer Strips and Landscape Amenity Strips for the Mangaone Precinct Structure Plan Area shall be as follows:

i. A Landscaped Buffer Strip of 5m (minimum depth) along any boundary with Swayne Road and Zig Zag Road except for points of roading connectivity and associated sight lines and the Mangaone Stream Reserve comprising of:

- A timber post and rail fence positioned along the road boundary;
- A hedge with a minimum height of 2m at maturity; and
- A row of trees, spaced at 10m apart (or less) that will grow to a height of at least 12m at maturity;

ii. A Landscaped Buffer Strip of ~~3m~~ 5m (minimum depth) along boundary of the Mangaone Precinct Structure Plan Area with any Rural Zone section of the C10 Growth Cell for as long as it remains Rural Zone which must include:

- a hedge with a minimum height of 2m at maturity; and

- a row of trees, spaced at 10m apart that will grow to a height of at least 12m at maturity for the first 100m south from Zig Zag Road.

iii. A Landscaped Amenity Strip of 3m (minimum depth) along the frontage of any lots adjoining an internal road within the Mangaone Precinct Structure Plan Area (except where site accessways are formed) comprising of:

- A row of specimen trees at regular spacings of 20m or less; and
- Groundcover planting or shrubs.

b. The Landscaped Buffer Strips required by subclauses a. i. and ii. above shall be implemented as follows:

i. The Zig Zag Road interface and Rural Zone interface within the C10 Industrial Growth Cell are to be landscaped at the time of the first subdivision and/or development of the land within the Mangaone Precinct Structure Plan Area to the north of the Mangaone Stream; and

ii. The Swayne Road interface is to be landscaped at the time of the first subdivision and/or development of the land within the Mangaone Precinct Structure Plan Area to the south of the Mangaone Stream.

c. Any security fencing up to a maximum of 3m high shall be located behind (i.e. on the internal edge of) any Landscaped Buffer Strip specified in clause (a) above.

Advice Notes:

1. Overall consistency with the Bardowie Industrial Precinct Structure Plan Urban Design and Landscape Guidelines shall be achieved for developments within the Bardowie Industrial Precinct. Specific or minor non-compliance with the urban design guideline may not constitute non-compliance with the District Plan rules subject to overall amenity and urban design outcomes being achieved.
2. Consultation with Council's arborist on appropriate tree species for different areas of the District is advisable.
3. Within the Mangaone Precinct Structure Plan Area low flammable native plant species should be considered and used where appropriate. Consultation with Fire and Emergency New Zealand on appropriate species is advisable.

Activities that fail to comply with Rules 7.4.2.12 to 7.4.2.15A will require a resource consent for a discretionary activity.

Rule – Mangaone Precinct – Transport

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

	Transport Upgrade	Implementation Requirement
a)	Victoria Road / East-West Collector Road Intersection	To be completed prior to: ▪ Any Section 224(c) certificate for subdivision under the RMA being issued for the completion of any
b)	A 2-lane plus painted median Industrial Collector Road - Structure Plan East-West	

	Transport Upgrade	Implementation Requirement
c)	Internal public road formation within the plan change area to be vested as 'local road'	subdivision south of the Mangaone Stream; or ▪ Any activity located south of the Mangaone Stream being able to generate traffic.
d)	Zig Zag Road carriageway widening and pavement strengthening Zig Zag Road / Victoria Road Intersection	To be completed prior to: ▪ Any Section 224(c) certificate for subdivision under the RMA being issued for the completion of any subdivision ~~south~~ north of the Mangaone Stream, with the potential to generate traffic movements directly to or from Zig Zag Road.; or ▪ Any activity located ~~south~~ north of the Mangaone Stream being able to generate traffic.
e)	Swayne Road / Site Access 2-lane T-intersection (designed for light vehicle access only)	To be completed prior to: ▪ Any Section 224(c) certificate for subdivision under the RMA being issued for the completion of any subdivision south of the Mangaone Stream with the potential to generate traffic movements directly to or from Swayne Road; or ▪ Any activity located south of the Mangaone Stream being able to generate traffic.
f)	Swayne Road Rural Industrial Road formation – carriageway widening, potential localised pavement strengthening together with light/medium vehicle access restriction within the site and including a shared path connection to the south to adjoin existing facilities on Swayne Road.	

Activities that fail to comply with Rule 7.4.2.46 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Amenity effects; and
- Road design and connectivity; and
- Safety, capacity, and efficiency of the transport network; and
- The design and sequencing of upgrades to the transport network; and
- Provision of cycling and pedestrian networks; and
- Enabling of public transport; and
- The ability to adequately manage stormwater.

These matters will be considered in accordance with the assessment criteria in Section 21.

Section 15 – Infrastructure, Hazards, Development and Subdivision

Mangaone Precinct Structure Plan Area

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

(a) There is no new direct access from Lots or Activities to:

(i) Swayne Road; or

(ii) Zig Zag Road.

Advice Note: Rule 15.4.2.8 shall apply to these roads.

(b) Only light vehicles are able to use the proposed road connection to Swayne Road.

(c) Roads shall be constructed in accordance with the roading cross-sections in the Mangaone Precinct Structure Plan;

(d) The first subdivision or land use consent application of the Mangaone Precinct for industrial purposes, shall include:

(i) A Mangaone Stream Reserve Development and Operational Maintenance Plan; and

(ii) A Landscape Buffer Strip Planting and Implementation Plan to give effect to Rule 7.4.2.15A.

Advice Note: These plans shall include the information requirements set out in Rule 21.2.7.

(e) Any subdivision or development within 50m of Swayne House shall include an assessment of any effects on the heritage values of Swayne House along with any proposed mitigation measures.

(f) The Mangaone Stream Reserve is vested in Waipā District Council as part of the first subdivision consent application, and the management occurs in accordance with the Managone Stream Reserve Development and Operational Maintenance Plan.

Advice Note: As part of a reserves agreement (forming part of a Development Agreement under Rule 7.4.2.36) it is anticipated that Council will not become immediately responsible on vesting of land for the ongoing management and maintenance of the reserve and that there will be a transitioning period post vesting where the developer will remain responsible for the maintenance of the reserve and its associated features / infrastructure.

(g) The Mangaone Stream Reserve is planted and fenced, and pedestrian / cycle paths are constructed as part of the first subdivision consent, in accordance with the Managone Stream Reserve Development and Operational Maintenance Plan.

(h) A list of matters that will be the subject of private covenants.

(i) On all lots, building platforms for the principal buildings can be accommodated outside of the National Grid Yard.

(j) Within the National Grid Corridor, vehicle access is available to any National Grid Support Structures.

(k) In relation to the subdivision or development of any land north of the Mangaone Stream, there is the physical and legal ability to provide water supply and wastewater service connections from that land or Zig Zag Road to the boundary of the Rural Zone section of the C10 Growth Cell.

Advice Note: Subdivision may occur in stages. Where this is proposed only those rules and requirements which specifically relate to the land within the stage will be considered relevant.

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

Bardowie Industrial Precinct Structure Plan

15.4.2.91B When the east/west collector road, within the Bardowie Industrial Precinct Structure Plan Area, is constructed to the mid-block intersection labelled on the Structure Plan, a 22m wide strip of land (including in which services can be provided) from the mid-block intersection northwards to the northern boundary of Node 3 shall be vested in Council.

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

Section 16 – Transportation

Rule - Vehicle access to sites in the Mangaone Precinct Structure Plan Area

16.4.2.12A 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.

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

Section 21 - Assessment Criteria and Information Requirements

21.1.7 Industrial Zone

	Industrial Zone Assessment Criteria	
	Restricted Discretionary Activities	
21.1.7.16	~~Activities in the Bardowie Industrial Precinct Structure Plan Area and the Hautapu Industrial Structure Plan Area requiring an air discharge permit from the Waikato Regional Council~~ Any activities, in the areas listed below, that requires an air discharge permit from the Waikato Regional Council:	a. The actual and potential adverse effects on the operation of the Hautapu Dairy Manufacturing Site. b. Any adverse amenity effects (odour, visual and dust) on owners and occupiers of rural zoned land due to the discharge of contaminants to air.

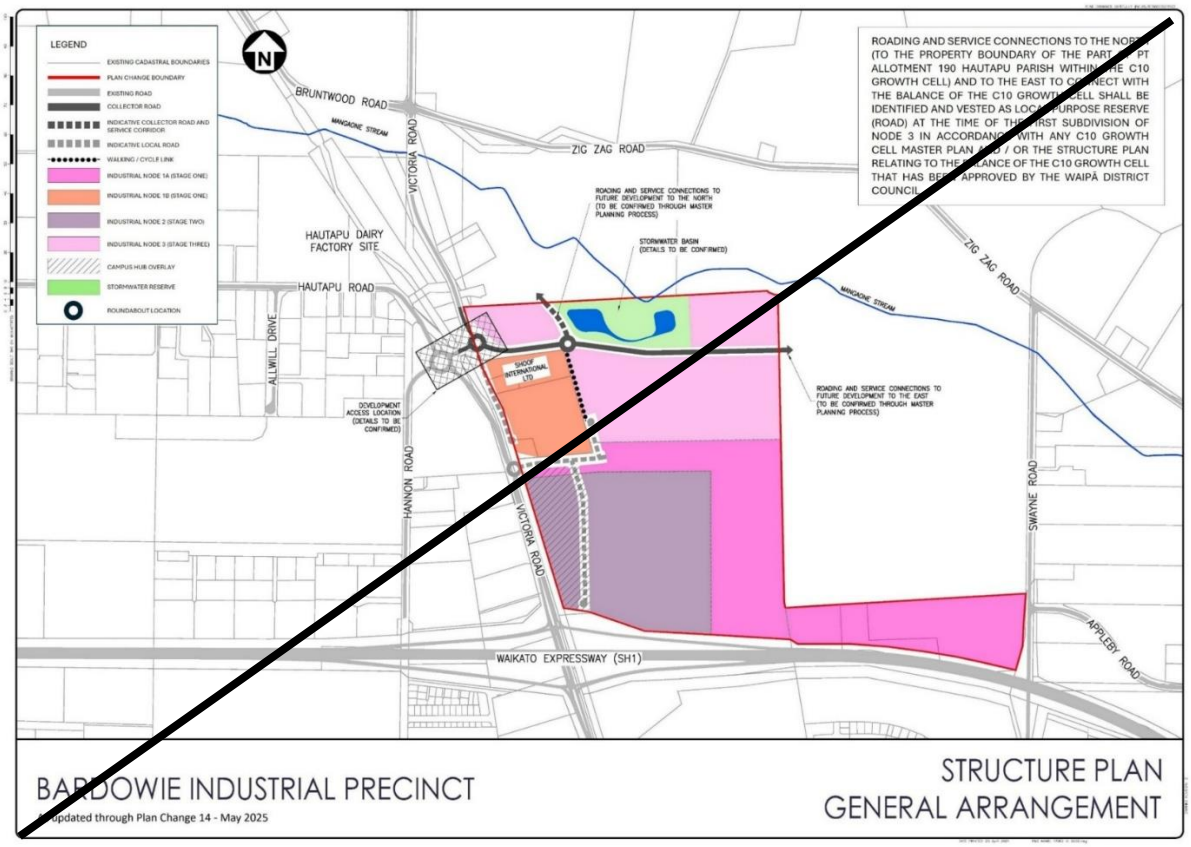
	Industrial Zone Assessment Criteria	
	(i) Hautapu Industrial Structure Plan Area; (ii) Bardowie Industrial Precinct Structure Plan Area; and (iii) Mangaone Precinct Structure Plan Area.	

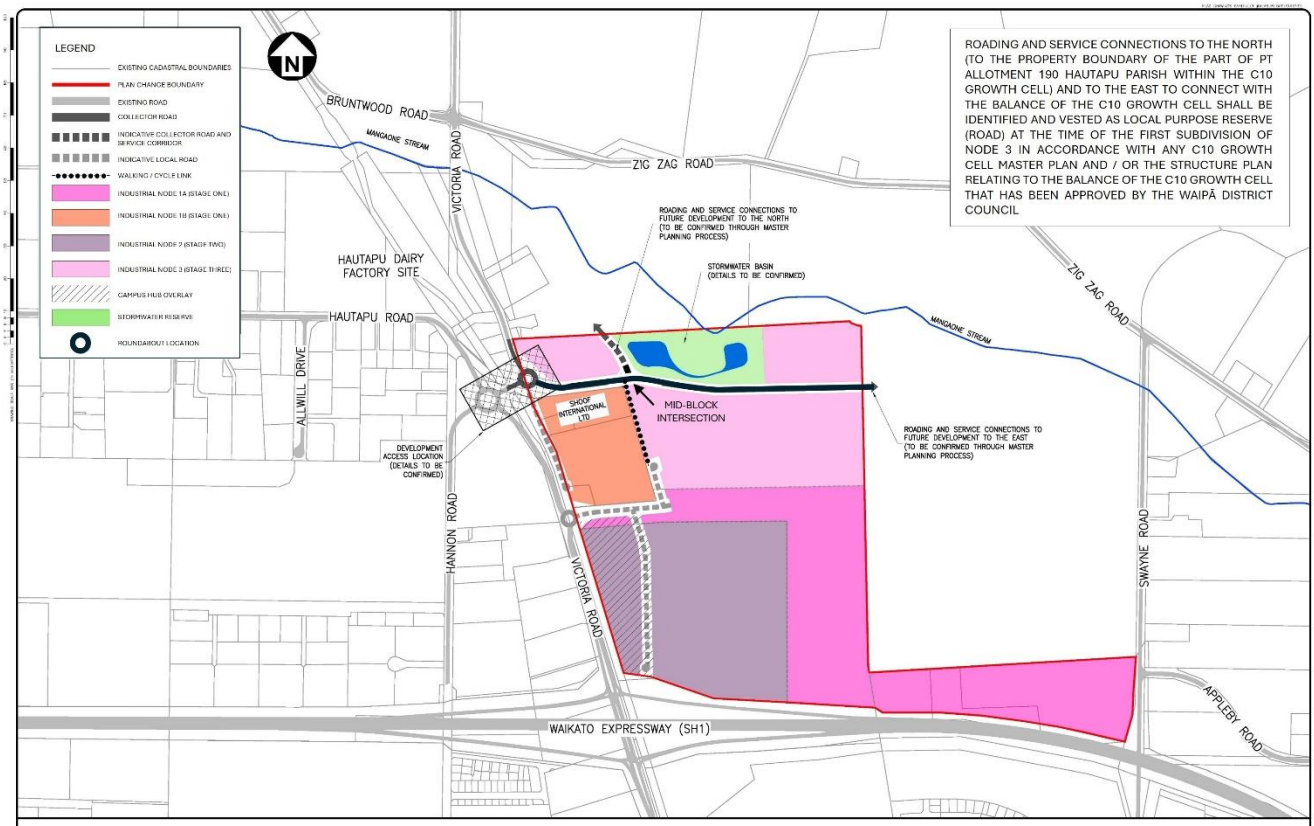
Appendix S20 – Bardowie Industrial Precinct Structure Plan and Urban Design and Landscape Guidelines

Replace and amend structure plan diagram as follows:

a) Intersection between the east-west collector and the Henmar Trust land shall be a t-intersection rather than a roundabout; and

b) The intersection in (a) above shall be identified on the structure plan as the "mid-block" intersection for the purpose of Rule 15.4.2.91B.





BARDOWIE INDUSTRIAL PRECINCT

As updated by Plan Change 14 – November 2025

STRUCTURE PLAN GENERAL ARRANGEMENT

Appendix S27 – Mangaone Precinct Structure Plan

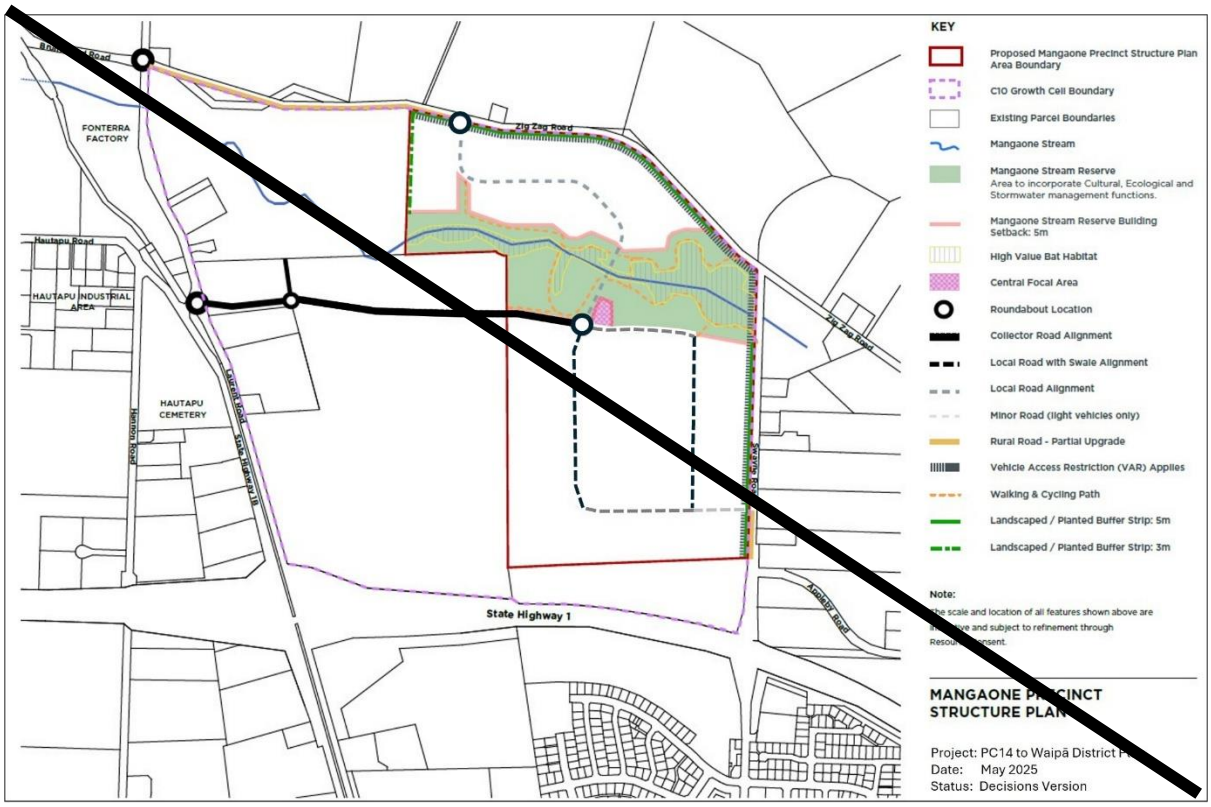
Replace and amend structure plan diagram as follows:

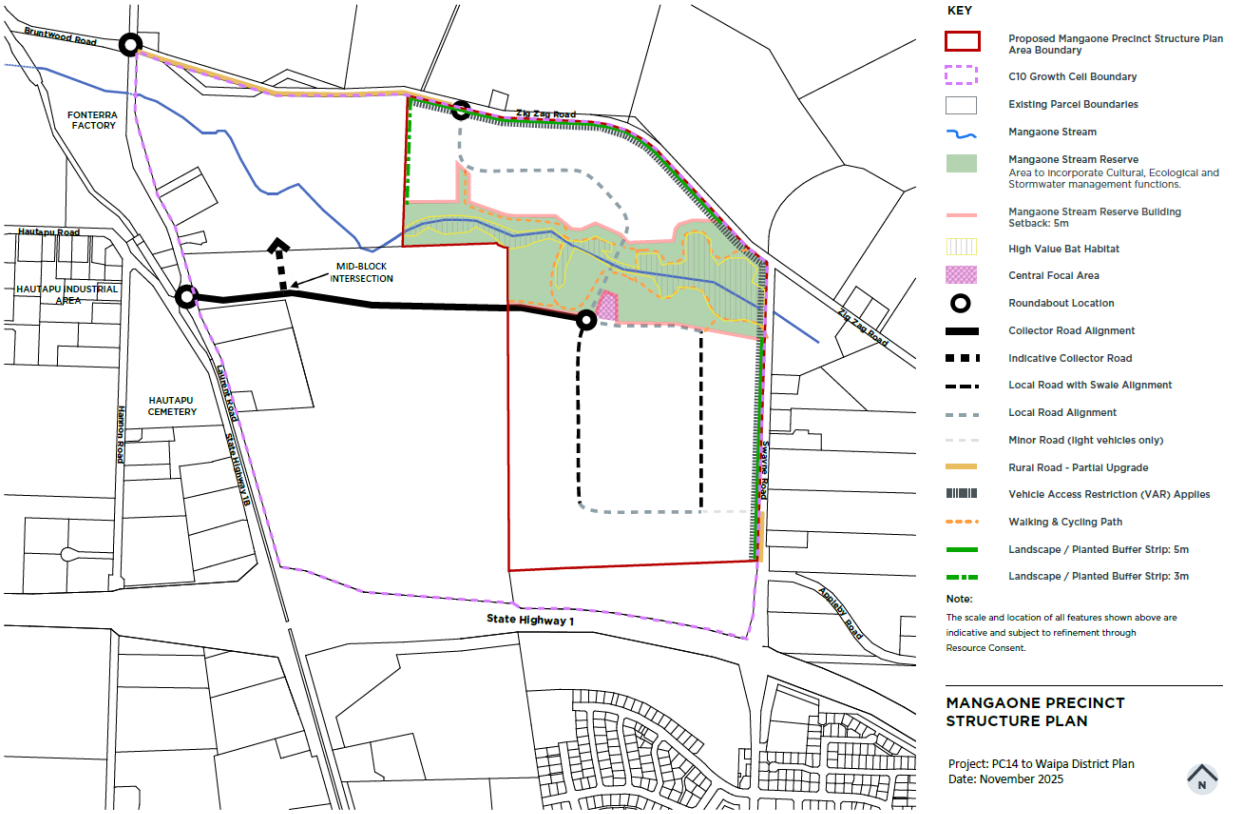
a) Intersection between the east-west collector and the Henmar Trust land shall be a t-intersection rather than a roundabout;

b) The intersection in (a) above shall be identified on the structure plan as the "mid-block" intersection for the purpose of Rule 15.4.2.91B; and

c) The collector road extending north from the east-west collector shall be a dashed line rather than a solid line.

Figure S27A below is the Mangaone Precinct Structure Plan





S27.3.4 Issue 2 - The Rural Interface

- Mangaone Precinct Structure Plan Area borders Rural zoned land to the north and east. It is important that subdivision and development responds to this rural interface and specific rules apply within the Precinct to achieve appropriate built form and landscaping outcomes. These rules include:
  - A 5m wide planted landscape buffer strip along Swayne Road and Zig Zag Road;
  - A ~~3m~~ 5m wide landscaped buffer strip along the boundary of the industrial site bordering the Rural Zoned land within the C10 Growth Cell. The buffer strip must include a hedge with a minimum height of 2m at maturity and a row of trees, spaced at 10m apart, that will grow to a height of at least 12m at maturity, for the first 100m south from Zig Zag Road;
  - A 10m setback for buildings along Swayne Road and Zig Zag Road;
  - A rule to control the height of buildings in relation to Swayne Road and Zig Zag Road so that any part of a building should not penetrate a recession plane taken at 30-degrees at a point 3m above ground level at the road boundary;
  - A rule requiring that there be no signage on the façade of buildings facing Swayne Road or Zig Zag Road;
  - A rule requiring that, 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 access to industrial lots within the

Mangaone Precinct Structure Plan Area directly from Swayne Road or Zig Zag Road; and

- A limitation on only light vehicles using Swayne Road to access the Mangaone Precinct Structure Plan Area.