

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2025] NZEnvC 356

IN THE MATTER OF an appeal under clause 14 of the First
Schedule to the Resource Management
Act 1991

BETWEEN HYNDS PIPE SYSTEMS LIMITED
HYNDS FOUNDATION
(ENV-2022-AKL-000087)

Appellants

AND WAIKATO DISTRICT COUNCIL
Respondent

Court: Environment Judge S M Tepania, sitting alone under s 279 of the
Act
Last case event: 30 September 2025
Date of Order: 5 November 2025
Date of Issue: 5 November 2025

CONSENT ORDER

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

Hynds Pipe Systems Limited & Hynds Foundation v Waikato District Council – Appeals
against the Waikato PDP – Topic 4.2: Infrastructure – All other matters



- (1) the appeal is allowed subject to amendment of Rule TRPT-R4 in the Transportation chapter of the Waikato District Plan (Operative in Part) as set out in **Appendix A** and amendment of the planning map to apply an overlay over the land at 9 and 41 McDonald Road and 62 Bluff Road, Pookeno called “Pookeno Traffic Overlay” in accordance with **Appendix B** to this Order; and
- (2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Hynds Pipe Systems Ltd (**Hynds**) and Hynds Foundation (together referred to as the **appellants**) against parts of the decisions of Waikato District Council on the proposed Waikato District Plan (**PDP**). The PDP became the Waikato District Plan – Operative in Part on 30 October 2024 (**DP-OP**).

Background

[2] During the hearings on the PDP, the Independent Hearing Panel (**IHP**) made the decision to amend the notified PDP to adopt the National Planning Standards which came into force after notification of the PDP. As a result, the chapters and provisions referenced in submissions, further submissions, and in some notices of appeal do not reflect the chapter and provision references in the decisions version of the PDP. For ease of reference, the decisions version of the provisions are referred to in this Order.

[3] This Order resolves the last outstanding appeal point in the appellants’ appeal (paragraph 9(f) of the notice of appeal) and concerns the permitted activity threshold for vehicle movements in the Heavy industrial zone (**HIZ**). This part of the appeal was assigned to ‘Topic 4.2: Infrastructure – All other matters’ (**Topic 4.2**).

Hynds

[4] Hynds is owned by the Hynds Group, which is a family-owned and operated business that specialises in the manufacture and supply of construction materials in New Zealand and Australia.

[5] Hynds has established a significant precast concrete manufacturing and distribution plant within a strategic industrial node at 9 and 41 McDonald Road, Pookeno (known collectively as the **Hynds Site**). The property at 62 Bluff Road, adjacent to the Hynds Site, is owned by Hynds Foundation, a charitable foundation established by the directors of Hynds Group. A portion of land (4.27 ha) at 62 Bluff Road immediately adjacent to the Hynds Site was rezoned from General rural zone (**GRUZ**) to HIZ in the decisions version of the PDP to enable future expansion of Hynds' operations in Pookeno.

The appeal

[6] Of relevance to Topic 4.2, the appeal sought changes to the traffic generation rules as they apply to Hynds' operations at 9 McDonald Road, Pookeno.

[7] Synlait Milk Ltd gave notice of an intention to join Hynds' appeal pursuant to s 274 of the RMA but subsequently withdrew its notice. This was confirmed by the Court on 9 February 2024.

Agreement reached

[8] The parties, together with their respective traffic engineers, entered direct discussions and have agreed on amendments to TRPT-R4 to resolve the appellants' appeal point allocated to Topic 4.2.

[9] In reliance on the advice of their respective traffic experts, the parties have agreed to apply a traffic overlay over the three properties that make up Hynds' current and future operations in Pookeno, being the Hynds Site and 62 Bluff Road, so all traffic related to its operations is administered under one rule. The parties have agreed to increase the permitted vehicle movements from the Hynds Site from a total of 500 (250 per site per day) to 950 per day and to increase the percentage of heavy vehicle

movements from those two sites from 15% to 40%. Whilst 62 Bluff Road has been included in the overlay and amended rule, it is not subject to any increase in vehicle movements beyond the permitted levels. The traffic generation from 62 Bluff Road will remain at the existing permitted level of 250 per site and 15% heavy vehicles. This results in a total traffic generation from the overlay of 1200 vehicle movements per day.

[10] In relation to heavy vehicle movements, the amendment allows up to 420 heavy vehicle movements (being 40% of the 950 vehicle movements from the Hynds Site and 15% of the 250 vehicle movements from 62 Bluff Road).

[11] To give effect to the agreement, and in reliance on the advice of their respective traffic experts, the parties have agreed to:

- (a) amend the planning maps to apply an overlay over the land at 9 and 41 McDonald Road and 62 Bluff Road, Pookeno called the “Pookeno Traffic Overlay”;
- (b) amend TRPT-R4(1)(a)(v) to exclude the sites located within the Pookeno Traffic Overlay;
- (c) after TRPT-R4(1)(a)(vii)(2), insert new clause (viii) which sets out the maximum number of vehicle movements (and heavy vehicle movements) from the Pookeno Traffic Overlay and requires all vehicle movements to access to and from McDonald Road; and
- (d) as a consequential change, renumber the remaining clauses in TRPT-R4 and relocate the note after clause (1)(a) to the end of the rule so it appears with the other advice note.

Statutory planning framework

[12] The parties have considered the statutory framework applicable to preparing plans under the Act and are of the view that the agreed amendments satisfy the relevant statutory requirements.

Council functions

[13] Under ss 72 and 74(1) of the Act, the Council must prepare and change its district plan in accordance with, and to assist it to carry out its functions, to achieve the purpose of the Act.

[14] One of the Council's functions under s 31 of the RMA is:

the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

[15] The parties consider that the agreed amendments will assist the Council to carry out the above function by establishing a level of traffic movements that is appropriate for the Hynds Site given its size and HIZ zoning.

Part 2 RMA

[16] The parties consider that the agreed amendments are in accordance with the provisions of Part 2 of the Act because:

- (a) they support the enabling aspect of the purpose of the Act. Careful consideration has been given to establishing a position that ensures the Hynds Site can be developed to their full potential, thereby supporting the Pookeno strategic industrial node, whilst managing the potential for adverse effects on the transport network;
- (b) they support the further economic development of the Pookeno strategic industrial node in accordance with the Waikato Regional Policy Statement (**WRPS**) and Future Proof Strategy 2024 (**Future Proof**); and
- (c) they focus on integrated management of adverse effects on the transport network by setting a threshold above which a further assessment of traffic effects is required.

National Policy Statements on Urban Development 2020

[17] When preparing a district plan, the Council must give effect to any national policy statement and any national planning standard. The parties advise that the National Policy Statement on Urban Development 2020 (**NPS-UD**) is relevant to the appeal.

[18] The NPS-UD is relevant to the proposal as it sets out the objectives and policies for the planning of well-functioning urban environments under the Act. The relevant objectives of the NPS-UD are:

- (a) Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, now and into the future.
- (b) Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of urban environment in which one or more apply:
 - (i) the area is in or near a centre or other area with many employment opportunities;
 - (ii) the area is well-serviced by existing or planned public transport; and
 - (iii) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

[19] The parties consider that the proposal gives effect to Objective 1 as the additional traffic movements will allow the Hynds Site and the strategic industrial node to operate more effectively and as intended by the zone applied to the land. In turn, the effective operation of the industrial land will contribute to the creation of a well-functioning urban environment at Pookeno.

[20] They consider that the proposal also gives effect to Objective 3 because the Hynds Sites at Pookeno are a recognised strategic industrial node where more

industrial development is encouraged. The Sites are serviced by public transport with bus stops located on McDonald Road. Further, Pookeno is a location where there is high demand for housing, therefore providing a regulatory framework that is enabling of more employment in this location will assist in meeting the outcomes in Objective 1.

[21] Further, the parties consider that the proposed amendments give effect to the following policies of the NPS-UD:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: (a) ... (b) Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size.	The proposed amendments enable the future development of a large area which is important for manufacturing operations (Policy 1). The overlay is also located within a recognised strategic industrial node in both WRPS and Future Proof (Policy 6). The overlay is in a location where further industrial development is anticipated and increased levels of traffic generation is commensurate with this outcome.
Policy 6: When making decisions that affect urban environments, decision-makers have particular regard to the following matters: (c) The planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (d) That the planned urban built form in those RMA planning documents may involve significant	

changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities; and (ii) are not, of themselves an adverse effect	
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Waikato Regional Policy Statement

[22] The parties consider that the proposed amendments will give effect to the WRPS. The amendments are also consistent with proposed Plan Change 1, which is currently under appeal. The amendments will implement the following objectives and policies:

UFD-O1 – Built environment Development of the built environment (including transport and other infrastructure) and associated land use and other infrastructure occurs in an integrated, sustainable and planned manner which enables positive social, cultural and economic outcomes including by:	By increasing the threshold by which a resource consent is required for the number of traffic movements from the overlay will provide for positive social and economic outcomes for Pookeno. It will achieve this by providing confidence for further investment whilst managing the potential effects on the transport network. This outcome gives effect to:
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(…)	• UFD-O1 and UFD-P1
UFD-P1 – Planned and co-ordinated subdivision, use and development Subdivision, use and development of the built environment, including transport, occurs in a planned and coordinated manner which: ... (a) has regard to the principles in APP11; (b) recognises and addresses potential cumulative effects of subdivision, use and development; ... APP11 – General development principles ... (c) support existing urban areas in preference to creating new ones; (d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and	• App11 (d) The overlay is located within the existing Heavy industrial zone in Pookeno. Its location means it is supporting existing urban areas in preference to creating new areas (APP11- General development principle (c)). The location of the overlay also gives effect to APP11i(iii) as there are existing bus stops located adjacent to the McDonald Road sites. Providing for the sites within the overlay to develop further also gives effect to UFD-P11. The main reason for this is Pookeno is identified as a Strategic Industrial Node.

upgrading, where these can be anticipated; (i) promote compact urban form, design and location to: (i) ... (iii) Maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport	
UFD-P11 Adopting Future Proof land use pattern Within the Future Proof area: 1. (...) 3. new industrial development should predominantly be located in the strategic industrial nodes in Table 35(APP12) and in accordance with the indicative	Table 35 identifies the overlay area as being within a Strategic Industrial Node at Pookeno. The proposal will seek to reinforce development within this strategic node and provide confidence to Hynds to move forward with new developments within the overlay area.

timings in that table except where...	
UFD-P2 – Co-ordinating growth and infrastructure Management of the built environment ensures: 1. the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to: (a) optimise the efficient and affordable provision of both the development and the infrastructure; (b) maintain or enhance the operational effectiveness, viability, and safety of existing and planned infrastructure; (c) protect investment in existing infrastructure; and (d) ensure new development does not occur until provision for appropriate infrastructure necessary to	The amendments provide for an increase in traffic movements proportionate to the size of the McDonald Road sites. Whilst traffic will increase on the surrounding road network as a result of the proposed amendments, the network has been designed for industrial use and traffic modelling indicates the increase can be absorbed with minimal effect. The main issue identified through traffic modelling is delays caused by right-turns out of McDonald Road/Great South Road intersection. The traffic advice received was the impact from the additional proposed vehicle movements is acceptable. Furthermore, the Appellants will continue to pay development contributions to contribute towards any necessary future upgrades. For these reasons, the proposal gives effect to the WRPS.

service the development is in place. ...	
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[23] Under the WRPS, Pookeno is identified as an urban enablement area. Pookeno is also identified as a strategic industrial node. The WRPS directs urban development to occur within urban and village enablement areas and for most industrial development to occur within strategic industrial nodes.

[24] The WRPS also provides policy support for regionally significant industry. Hynds consider its operations are “regionally significant industry” as defined in the WRPS. This is because it is an economic activity which uses the region’s natural resources (sand and aggregate) for manufacturing and has benefits which are significant at a regional or national scale, being the supply of essential infrastructure. This includes the supply of branch pipes and shaft segments for the Central Interceptor (stormwater) project in Auckland, drainage products for the City Rail Link and a new truck sewer main for Ruakura in Hamilton. The Council accepts Hynds’ operations is a regionally significant industry at least at a regional scale if not at a national scale. The proposal supports Hynds’ operations by enabling Heavy Industrial activities of Hynds’ scale.

Section 32AA assessment

[25] Section 32AA of the Act requires a further evaluation of any changes to the proposed plan change since the initial s 32 evaluation report and the decision. The Council has prepared a stand-alone s 32AA evaluation.

[26] In summary, the s 32AA assessment concludes that:

- (a) The objectives of the proposed amendments, are the most appropriate way of achieving the purpose of the Act on the basis that:
 - (i) The proposal will better enable the use and on-going development of the Hynds overlay area and the development of the Pookeno Strategic Industrial Node in accordance with s 5(2) of the RMA.

In particular, the proposal will mean that the heavy industrial zoned land will be able to be developed for its intended use. This will benefit the economic wellbeing of Pookeno.

- (ii) The proposal will manage adverse effects on the surrounding transport environment in accordance with s 5(2)(c) of the Act. Pookeno has been planned and designed to enable the use of the overlay for heavy industrial activities. Traffic assessments have confirmed the additional vehicle movements proposed can be safely accommodated within the existing transport network, thus managing adverse effects on the transport network.
 - (iii) The proposal will manage adverse effects on the transport network that arise from development and ensure that they are avoided, remedied or mitigated in accordance with s 5(2)(c) of the Act.
 - (iv) The proposal enables the efficient use and development of natural and physical resources under s 7(b). It does this by increasing the numbers of vehicles and heavy vehicles that can access the overlay, as a permitted activity. It is important the overlay is used efficiently.
- (b) While three other options were initially considered, Option 2 (the proposed amendments) is the preferred option because:
- (i) it is anticipated to have the highest net benefits in terms of supporting regionally significant industry, further development of the Pookeno Strategic Industrial Node and economic opportunities compared to the other options;
 - (ii) it will enable the level of vehicle movements required to service a manufacturing operation within the overlay whilst ensuring that neither the capacity or safety of the surrounding transport network will be compromised; and

- (iii) the assessment of the proposed amendments has shown that they will be an efficient way to achieve the objectives of the proposal and the DP-OP because they will enable the development of a large site zoned heavy industrial, while retaining a vehicle threshold which is consistent with similar limits in the DP-OP.

[27] In summary, it is agreed by the Council and Hynds that the proposed amendments to the DP-OP are the most appropriate to achieve the objectives of the Act.

Consideration

[28] The Court has now read and considered the consent memorandum of the parties dated 30 September 2025 which proposes to resolve the appeal.

[29] The making of the consent order sought resolves the relief sought in paragraph 9(f) of the appeal. All other relief sought in the appeal has been disposed of by way of consent orders issued by the Court. Accordingly, this Order resolves the appeal in full. Topic 4.2 is also resolved in full.

[30] The parties have agreed that there is no issue as to costs.

[31] 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;
- (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.

[32] The Court is satisfied that the agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably

practicable options and assessed costs and benefits. The Court concludes the parties have taken a nuanced and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, the Court considers that the sustainable management purpose and the other relevant requirements of the Act are broadly met.

Orders

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

- (a) the appeal is allowed subject to amendment of Rule TRPT-R4 in the Transportation chapter of the Waikato District Plan (Operative in Part) as set out in **Appendix A** and amendment of the planning map to apply an overlay over the land at 9 and 41 McDonald Road and 62 Bluff Road, Pookeno called “Pookeno Traffic Overlay” in accordance with **Appendix B** to this Order; and
- (b) the appeal is otherwise dismissed.

[34] 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: Proposed amendments to TRPT-R4 with tracked changes

TRPT-R4 Traffic generation		
All zones	(1) Activity status: PER Activity-specific standards: <u>(a) Where any site gains access from an arterial or regional arterial (including state highway) road, there is a maximum of 50 Equivalent Car Movements (ECM) per day.</u> Note: ECM - 1 car movement is equivalent to 1 car movement / 1 truck movement is equivalent to 3 car movements / 1 truck and trailer movement is equivalent to 5 car movements. <u>(b) Any other site must comply with the following traffic generation conditions standards:</u> (i) Within the GRZ - General residential zone, MRZ1 - Medium density residential zone 1, MRZ2- Medium density residential zone 2 or RLZ - Rural lifestyle zone there is a maximum of 100 vehicle movements per site per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or (ii) Within the RPZ - Rangitahi Peninsula zone there is a maximum of 200 vehicle movements per site per day, and no more than 5% of these vehicle movements are heavy vehicle movements; or (iii) Within the BTZ - Business Tamahere zone, COMZ - Commercial zone, TCZ - Town centre zone or LCZ - Local centre zone there is a maximum of 300 vehicle movements per site per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) The trip characteristics associated with the proposed activity; (b) The design of features intended to ensure safety for all users of the access site, and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians; (c) Land transport network safety and efficiency, particularly at peak traffic times (of both the activity and road network); and (d) Mitigation to address adverse effects, such as: (i) Travel planning; (ii) Providing alternatives to private vehicle trips; including accessibility to public transport; (iii) Staging development; and (iv) Contributing to improvements to the road network.

	(iv) Within the GRUZ - General rural zone: (1) There is maximum 200 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; (2) For activities directly associated with horticulture harvesting, a maximum of 300 vehicle movements per site per day for up to a month, once in a 12-month period and no more than 33% of these vehicle movements are heavy vehicle movements; or (3) Within the Agricultural Research Centres identified on the planning maps as a specific controls there is maximum 3000 vehicle movements per site per day; or (v) Within the GIZ - General industrial zone and HIZ - Heavy industrial zone (excluding the Huntly Power Station, and Huntly Quarry site and the <u>Pookeno Traffic Overlay</u>): (1) Maximum 250 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; or (vi) From the Huntly Power Station site as shown as the HIZ - Heavy industrial zone on the planning maps: (1) All vehicle movements generated from all activities on the site combined (including those movements which were lawfully established prior to 5 December 2012), there is a maximum 750 vehicle movements per site per day; and	
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	(2) Maximum 300 of these vehicle movements are heavy vehicle movements; or (vii) From the Huntly Quarry site: (1) All vehicle movements generated from all activities on the site combined (excluding those movements which were lawfully established prior to 5 December 2012), there is maximum 350 vehicle movements per site per day; and (2) No more than 150 of these vehicle movements are heavy vehicle movements, increasing to 200 once the Huntly Bypass section of the Waikato Expressway is open for public use; <u>or</u> <u>(viii) From the Pookeno Traffic Overlay the maximum number of vehicles per day must be no more than 1200 (including those that were previously established prior to January 2022) and no more than 420 of these movements can be heavy vehicles, provided that:</u> <u>(1) No more than 250 vehicle movements are generated from Record of Title 614850 (or any allotments subsequently created from that title) and of those 250 vehicle movements no more than 15% can be heavy vehicles; and</u> <u>(2) All vehicle movements must access to and from McDonald Road.</u> (viii) (ix) Within PREC27 and PREC28 of the TKAZ - Te Kowhai airpark zone there is a maximum 250 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; or	
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	(ix)(x) Within PREC29 and PREC30 of the TKAZ - Te Kowhai airpark zone there is a maximum of 30 vehicle movements per site per day and no more than 4 of these vehicle movements are heavy vehicle movements except: (xi) Movement restrictions do not apply if the activity is an event or promotion (including temporary events) in PREC29 or a community facility in PREC29; or (xii) From the Horotiu Industrial Park does not exceed 15.4 trips/ha gross land area/peak hour; (xiii) Within the KLZ - Kimihia Lakes zone there is a maximum of 850 vehicle movements per hour and no more than 15% of these vehicle movements are heavy vehicle movements Advice Notes: <u>1. ECM - 1 car movement is equivalent to 1 car movement / 1 truck movement is equivalent to 3 car movements / 1 truck and trailer movement is equivalent to 5 car movements.</u> <u>2.</u> Where the likely vehicle movement rates or the actual generation rates of the actual activity are unknown, Table 11 - Vehicle movement rates provides indicative traffic generation rates for various activities.	
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Appendix B: Pookeno Traffic Overlay

