

# **Appendix 5 Section 32AA Evaluation**

## **I Introduction**

The provisions to enable APL's development have evolved substantially through the evidence, hearing and decision-making processes. Originally the submission sought the application of the PDP Residential Business and Industrial Zones to the APL site with some minor amendments to PDP objectives and policies. The decision version of provisions is far more substantive and includes a new zone, with three new precincts which sit underneath the zone.

In response to submissions seeking implementation of the National Planning Standards, the Ohinewai development has been cast as a Special Purpose Zone, with the main land uses such as residential, industrial and business being precincts. This will allow the general provisions like infrastructure and compliance with the structure plan to sit under the zone, and the more specific provisions regarding land use to be nested in the precincts underneath the Special Purpose Zone umbrella.

The structure of the provisions has been changed so that it is organised under the following headings:

### a. Ohinewai Zone

The introduction explains what the zone covers and the precinct structure which sits underneath. The introduction explains that the structure plan has informed the location of the precincts. The introduction also explains that the Ohinewai Zone provisions are self-contained and do not rely on any other chapters in the district plan. This chapter contains an introduction, objectives and policies which apply across the whole zone including the structure plan, the structure plan diagram, and tables containing key infrastructure upgrades.

- i. Infrastructure and energy (combined objectives, policies and rules)
- ii. Hazardous substances and contaminated land (combined objectives, policies and rules)
- iii. Natural hazards (combined objectives, policies and rules)
- iv. Ohinewai Residential Precinct
- v. Ohinewai Business Precinct
- vi. Ohinewai Industrial Precinct
- vii. Definitions

While it would be desirable for the Ohinewai provisions to be integrated across the PDP in its National Planning Standards structure (e.g. subdivision provisions in the subdivision chapter, earthworks controls in the earthworks chapter, etc.), this is not practical given the timing of the Ohinewai decision versus the decision of the Hearing Panel on the rest of the PDP. It is somewhat expected that this integration exercise will need to occur in the future

after any appeals are resolved (if indeed there are any), and a future minor plan change may be needed to seamlessly integrate the Ohinewai provisions.

The resulting provisions are therefore a combination of:

- a. specific Ohinewai objectives, policies and rules arising from the hearing and evidence received;
- b. notified objectives policies and rules for:
  - Infrastructure and energy
  - Hazardous substances and contaminated land
  - Natural hazards
  - Residential Zone
  - Business Zone
  - Industrial Zone
  - Definitions
- c. Recommendations of the twenty-four s42A reports for:
  - Infrastructure and energy
  - Hazardous substances and contaminated land
  - Natural hazards
  - Residential Zone
  - Business Zone
  - Industrial Zone
  - Definitions

For steps (b) and (c) above, a s32 or s32AA evaluation was undertaken respectively. For this reason, this s32AA evaluation for the Ohinewai draws on those previous analyses and is therefore a summary rather than a highly detailed and comprehensive assessment.

The s32 evaluations and s42A reports are available on the Council's website if further detail is required.

A separate analysis has been undertaken below for the new objectives in the Ohinewai Zone to satisfy s32AA.

## 2 Scale and significance evaluation

The level of detail undertaken for the evaluation of the Ohinewai provisions has been determined by an assessment of the scale and significance of the implementation of them. The scale and significance assessment considered the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

- (a) are of regional or district-wide significance;
- (b) have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
- (c) adversely affect people's health and safety;
- (d) result in a significant change to the character and amenity of local communities;

- (e) adversely affect those with particular interests including Māori;
- (f) limit options for future generations to remedy effects;
- (g) whether the effects have been considered implicitly or explicitly by higher order documents; and
- (h) include regulations or other interventions that will impose significant costs on individuals or communities.

Policies, rules and maps have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

This matter has a high significance due to the degree of change from the current planning framework (Rural Zone) and the consequential intensification of development. In accordance with s32AA(1)(b) and (c) this evaluation is required to be undertaken in accordance with s32(1) to (4) and to a level of detail that corresponds to the scale and significance of effects anticipated by the proposed changes to the PDP.

### **3 Objectives**

Section 32(1)(a) (and therefore s32AA(1)(b)) requires an assessment of whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.

*Section 32 of the RMA states that “Objective” means –*

- (a) For a proposal that contains or states objectives, those objectives;*
- (b) For all other proposals, the purpose of the proposal.*

The original s32 documents prepared for the PDP considered the objectives of the plan and whether they were the most appropriate way to achieve sustainable management in the Waikato district. The following considers whether the proposed changes included in the decision are now the most appropriate way to achieve sustainable management.

There are a number of objectives that are located in the following sections:

- Ohinewai Zone
- Ohinewai Natural Hazards
- Ohinewai Hazardous Substances
- Ohinewai Infrastructure and Energy
- Ohinewai Residential Precinct
- Ohinewai Business Precinct
- Ohinewai Industrial Precinct

As all the objectives in the above chapters (with the exception of Ohinewai Zone) have had their own s32A evaluations as part of the notification of the Proposed Waikato District Plan and s42A reports, the evaluations below are a summary of those.

A separate analysis has been undertaken below for the new objectives in the Ohinewai Zone to satisfy s32AA. .

The following objectives are in the Ohinewai Zone and are assessed below against the purpose of the Act:

- OHI-O1 Development
- OHI-O2 Vision and Strategy for the Waikato River
- OHI-O3 Community facilities and open space
- OHI-O4 Infrastructure
- OHI-O5 Ecological restoration
- OHI-O6 Amenity and character
- OHI-O7 Reverse sensitivity

<b>Section 5 Purpose</b>	
Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social well-being	<p>OHI-O1 recognises the Ohinewai Zone as a strategically important industrial node with supporting residential and commercial activities. The development of the industrial area in particular will contribute significantly to the social well-being of the local community as well as nearby Huntly by providing job opportunities, and the wider district through employment as well as spend. OHI-O1 will give rise to district-wide social benefits arising from employment, particularly in the context of low median incomes and declining numbers of businesses in Huntly and Te Kauwhata. The social benefits are likely to be substantial, at the individual, family, and community level.</p> <p>OHI-O3 seeks to provide an appropriate range of accessible, walkable and conveniently located services, community facilities and public open spaces that serve the day-to day needs of people living and working in the Ohinewai zone. This will assist in the residents and workers being able to meet their social needs locally.</p> <p>OHI-O4 ensures Ohinewai is connected to Huntly through a means of alternative transport options. This will encourage the social connection of the two communities.</p>

<p>Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their economic well-being</p>	<p>OHI-O1 will provide for the economic well-being of both the local community (including Huntly) as well as the wider district. The joint witness statement of the economic experts confirmed that new economic growth is likely from the rezoning, not just redistributing expected economic growth. The proposal will bring economic development and employment opportunities that do not currently exist. The employment opportunities are created at various points in the development; ranging from the initial land preparation and construction, to the more long-term employment provided by industrial activities.</p> <p>The development of the industrial area in particular will contribute significantly to the economic well-being of the local community through jobs as well as additional spend.</p> <p>The combination of industrial and commercial activities will increase not only the number of jobs for the area, but also the range of employment opportunities available.</p>
<p>Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their cultural well-being</p>	<p>The Vision and Strategy is reflected in OHI-O2. The objective seeks to restore the whenua and upholds cultural values in accordance with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River). This objective will strengthen the resilience of Māori culture, improve the connection of Māori with the River, and provide opportunities for betterment of the River and its catchment.</p> <p>The management of wastewater and water is also critical in achieving the Vision and Strategy. For this reason, OHI-O4 requires all development is to be connected to a reticulated public water supply, except for on-site water supply for initial industrial development in Factory Stages F1 and F2. That same objective avoids development not connected to a public reticulated wastewater network, except for initial subdivision and development in Factory Stages 1 and 2 which is to have on-site treatment and disposal of wastewater.</p> <p>OHI-O3 recognises the importance of providing an appropriate range of accessible, walkable and conveniently located services, community facilities and public open spaces to serve the day-to day needs of people living and working in the Ohinewai Zone. This objective will ensure that the cultural well-being of the residents and workers will be met.</p>

	<p>While Ohinewai is 2.3km from Huntly, the proximity to Huntly is recognised in OHI-O4 which ensures Ohinewai Zone is well-connected to Huntly by road, walking and cycling networks. This will ensure that any cultural needs that cannot be provided by Ohinewai can be met by Huntly.</p>
Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their health and safety	<p>This part of section 5 is achieved primarily by OHI-O7 which addresses the potential for reverse sensitivity as well as amenity, particularly in the context of sensitive land uses such as residential. Business and industrial activities can come into conflict with residential environments. Recognising this and seeking to avoid adverse effects on amenity and safety will provide for the community's ongoing health and safety in accordance with Section 5(2).</p> <p>OHI-O4 ensures Ohinewai Zone is well-connected to Huntly by road, walking and cycling networks. OHI-O4 also ensures development is staged to ensure water supply, wastewater and transport infrastructure with the necessary capacity is available prior to development. This ensures that the development is appropriately serviced by infrastructure, thereby providing for the health and safety of the residents and employees in Ohinewai.</p> <p>OHI-O3 also ensures there is sufficient walkable services, community facilities and open space reserves which will enable people to be active and live healthier lives.</p> <p>OHI-O6 seeks to provide a high level of amenity and will therefore ensure the health and safety of the residents in terms of the living environment.</p>
Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations	<p>The objectives will sustain the natural and physical resources to meet the needs of future generations in the following ways:</p> <ul style="list-style-type: none"> <li>• OHI-O1 provides employment opportunities which will benefit not only the current generations, but future generations as well.</li> <li>• OHI-O2 relates to the River as a key natural resource and giving effect to the Vision and Strategy is important.</li> <li>• OHI-O5 seeks to enhance the indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems.</li> </ul>

Safeguarding the life-supporting capacity of air, water, soil, and ecosystems	The objectives respond to any effects on the life-supporting capacity, particularly the ecosystems in accordance with Section 5(2)(b) of the Act.
Avoiding, remedying, or mitigating any adverse effects of activities on the environment.	<p>Most of the objectives seek to avoid, remedy or mitigate potential adverse effects on the environment, including:</p> <ul style="list-style-type: none"> <li>• measures to avoid or mitigate transport safety effects</li> <li>• staging development to ensure appropriate water supply, wastewater and transport infrastructure with the necessary capacity is available prior to development</li> <li>• mitigating potential adverse visual and landscape effects</li> <li>• enhancing biodiversity values and the life-supporting capacity of indigenous ecosystems</li> <li>• giving effect to the Vision and Strategy</li> <li>• managing the effects of development on existing rural character</li> <li>• minimising reverse sensitivity effects</li> </ul>
<b>Section 6, 7 and 8</b>	
6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga	The key objective is OHI-O2 which seeks to restore the whenua and upholds cultural values in accordance with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River).
7(a) kaitiakitanga	
8 Treaty of Waitangi	
<b>7 Other matters</b>	
(b) the efficient use and development of natural and physical resources	<p>The objectives will ensure efficient use of natural and physical resources in the following ways:</p> <ul style="list-style-type: none"> <li>• OHI-O2 to the River as a key natural resource and giving effect to the Vision and Strategy is important.</li> </ul>

	<ul style="list-style-type: none"> <li>• OHI-O5 seeks to enhance the indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems.</li> </ul>
(c) the maintenance and enhancement of amenity values	Amenity is recognised through OHI-O6 which seeks to manage the effects of development on existing rural character, and achieve a high level of amenity within the zone through good urban design. OHI-O7 addresses the potential for reverse sensitivity will achieve the maintenance of amenity values, particularly in the context of sensitive land uses such as residential.
(d) intrinsic values of ecosystems	OHI-O5 seeks to enhance the indigenous biodiversity values and the life supporting capacity of indigenous ecosystems, and addresses this matter.
(f) maintenance and enhancement of the quality of the environment	<p>Most of the objectives seek to maintain and enhance elements of the environment including:</p> <ul style="list-style-type: none"> <li>• measures to avoid or mitigate transport safety effects,</li> <li>• mitigating potential adverse visual and landscape effects</li> <li>• enhancing biodiversity values and the life supporting capacity of indigenous ecosystems</li> <li>• giving effect to the Vision and Strategy</li> <li>• managing the effects of development on existing rural character</li> <li>• minimising reverse sensitivity effects</li> </ul>

The following objectives are largely based on the notified Proposed District Plan and amendments recommended in earlier s42A reports. As these have been assessed against the purpose of the Act in terms of s32 in those documents in some detail, the following is a summary of the assessment required by s32(1)(a). The objectives are:

#### OHI-EIT – Ohinewai Zone: energy, infrastructure and transport

- OHI-EIT-O1 Development, operation and maintenance of infrastructure
- OHI-EIT-O2 Adverse effects on infrastructure
- OHI-EIT-O3 Infrastructure in the community and identified areas
- OHI-EIT-O4 Renewable energy
- OHI-EIT-O5 Integration of infrastructure with subdivision, land use and development

- OHI-EIT-O6 Stormwater management
- OHI-EIT-O7 Stormwater, drainage and flood management
- OHI-EIT-O8 Land transport network

#### OHI-HR – Ohinewai hazards and risks

- OHI-HR-O1 Hazardous substances
- OHI-HR-O2 Hazardous substances
- OHI-HR-O3 Health and Safety at Work Act 2015

#### OHI-CL – Ohinewai hazards and risks

- OHI-CL-O1 Contaminated land

#### OHI-NH– Ohinewai natural hazards

- OHI-NH-O1 Natural hazards
- OHI-NH-O2 Resilience to natural hazard
- OHI-NH-O3 Climate change

#### PREC1 – Ohinewai residential precinct

- PREC1-O1 Residential development and design
- PREC1-O2 Residential amenity
- PREC1-O3 Residential activities

#### PREC2 – Ohinewai business precinct

- PREC2-O1 Commercial activity
- PREC2-O2 Character
- PREC2-O3 Amenity

#### PREC3 – Ohinewai industrial precinct

- PREC3-O1 Economic growth of industry
- PREC3-O2 Manage adverse effects
- PREC3-O3 Development of Ohinewai as a strategic industrial node

<b>Section 5 Purpose</b>	
Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social well-being	<p>The objectives particularly in the Ohinewai Business and Industrial Precincts will provide for the social well-being of both the local community (including Huntly) as well as the wider district, primarily through the creation of employment and housing opportunities.</p> <p>The objectives in the Ohinewai Industrial Precinct explicitly seek to support and strengthen growth of industry, recognising the positive employment and economic benefits of industrial activities. In addition, the over-arching objective for the zone recognises Ohinewai as a strategically important industrial node. The development of the industrial area in particular will contribute significantly to the social well-being of the local community as well as nearby Huntly by providing job opportunities, and the wider district through employment as well as spend.</p> <p>The objectives will give rise to district-wide social benefits arising from employment, particularly in the context of low median incomes and declining numbers of businesses in Huntly and Te Kauwhata. The social benefits are likely to be substantial, at the individual, family, and community level.</p> <p>PREC1-O2 seeks to establish a well-designed community, which will provide for the social well-being of the community.</p>
Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their economic well-being	<p>The objectives particularly in the Ohinewai Business and Industrial Precincts will provide for the economic well-being of both the local community (including Huntly) as well as the wider district. The joint witness statement of the economic experts confirmed that new economic growth is likely from the rezoning, not just redistributing expected economic growth. The proposal will bring economic development and employment opportunities that do not currently exist. The employment opportunities are created at various points in the development; ranging from the initial</p>

	<p>land preparation and construction, to the more long-term employment provided by Ohinewai Industrial Precinct.</p> <p>The objectives in the Ohinewai Industrial Precinct explicitly seek to support and strengthen growth of industry, recognising the positive employment and economic benefits of industrial activities. PREC3-O1 seeks to strengthen and support industrial activities, and explicitly recognises the positive employment and economic benefits of industrial activities.</p> <p>The Ohinewai Business Precinct objectives enable commercial activity to support the Ohinewai community in two identified areas. These two business areas are intended to meet the day-to-day needs of the community. The commercial activity enabled by this objective will assist in the community providing for its economic well-being.</p>
<p>Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their cultural well-being</p>	<p>Cultural matters are addressed in the infrastructure chapter including:</p> <ul style="list-style-type: none"> <li>• OHI-EIT-O1 Development, operation and maintenance of infrastructure</li> <li>• OHI-EIT-O7 Stormwater, drainage and flood management</li> </ul> <p>In particular, the potential for infrastructure to be sensitive to cultural and spiritual values is recognised.</p>
<p>Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their health and safety</p>	<p>This part of section 5 is achieved by a number of objectives.</p> <p>The objectives in the Infrastructure, Energy and Transport chapter address health and safety in that infrastructure is integrated with development. Infrastructure such as wastewater, water supply and telecommunications is required for people's health and safety. OHI-EIT-O7 explicitly recognises that regional flood management infrastructure has the potential to adversely affect the health and safety of people in the district.</p> <p>The continuing use of the three waters infrastructure through enabling the operation, maintenance and development enables people and communities to provide for their health and well-being in accordance with Section 5(2) of the Act. At its simplest level, the wastewater network enables the wastewater to be taken away from communities and treated, thus ensuring people's health. The</p>

	<p>stormwater network takes away flood water and thus protects people's health and homes. The water supply network is essential for life by providing clean drinking water.</p> <p>Protecting infrastructure from reverse sensitivity issues also ensures the health and safety of people and communities in accordance with Section 5(2) of the Act. Activities such as constructing too close to a key intersection (for example) can adversely affect the health of the occupants. In addition, it can compromise the integrity of the network with increased risk insufficient visibility.</p> <p>There are a number of objectives which address amenity, particularly in the context of sensitive land uses such as residential. PREC3-O1 recognises the potential for activities and buildings to adversely affect the amenity values or sensitive activities and seeks to protect this. Business and industrial activities can come into conflict with residential environments. Recognising this and seeking to avoid adverse effects on amenity and safety will provide for the community's ongoing health and safety in accordance with Section 5(2).</p> <p>OHI-HR-O1 seeks to protect the community and natural environment from the adverse effects associated with the manufacture, use, storage or transportation of hazardous substances. Similarly, OHI-CL-O1 recognises that contaminated land needs to be managed to protect human health and the environment.</p> <p>OHI-NH-O2 recognises that there are risks from natural hazards on people, property, and infrastructure and seeks that they be avoided or appropriately mitigated. OHI-NH-O3 seeks to establish resilient communities that are able to effectively and efficiently respond to, and recover from, natural hazard events. These objectives will ensure the health and safety in the context of these matters.</p>
Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations	<p>The objectives will sustain the natural and physical resources to meet the needs of future generations in the following way:</p> <ul style="list-style-type: none"> <li>• PRECI-O1 recognises the need for efficient use of the land resource in terms of residential development.</li> <li>• PREC3-O1 and O3 provides employment opportunities which will benefit not only the current generations, but future generations as well.</li> </ul>

	<ul style="list-style-type: none"> <li>• OHI-EIT-O1 ensures infrastructure is developed, operated and maintained and upgraded to enhance social, economic, cultural and environmental well-being.</li> </ul>
Safeguarding the life-supporting capacity of air, water, soil, and ecosystems	<p>The objectives respond the effects on the life-supporting capacity, particularly the management of stormwater in accordance with Section 5(2)(b) of the Act. Stormwater discharges from development will be adequately treated through on-site treatment mechanisms and as such are not anticipated to have any effects on the health of people and communities as affected by their secondary contact with freshwater. Furthermore, it is considered that the proposed stormwater management framework does not provide for adverse effects on the mauri (life-supporting capacity) of any freshwater body and any associated ecosystems. This framework is established by OHI-EIT-O7.</p> <p>Having a fully functioning reticulated three waters network safeguards the life-supporting capacity of air, water, soil and ecosystem in accordance with Section 5(2)(b) of the Act. The adverse effects on these resources would be considerably higher if each site managed its own stormwater and wastewater individually. Community systems allow more effective management of stormwater and treatment of wastewater to a far higher level than is possible by a single site.</p>
Avoiding, remedying, or mitigating any adverse effects of activities on the environment	<p>Many of the objectives seek to avoid, remedy or mitigate potential adverse effects on the environment, including:</p> <ul style="list-style-type: none"> <li>• OHI-EIT-O8 measures to avoid or mitigate transport safety effects,</li> <li>• OHI-EIT-O2 minimising reverse sensitivity effects,</li> <li>• OHI-EIT-O7 maintaining hydrological characteristics of the natural drainage processes,</li> <li>• OHI-EIT-O3 Provision of Infrastructure takes into account the qualities and characteristics of surrounding environments and community well-being,</li> <li>• OHI-HR-O1 To protect the community and natural environment from the adverse effects associated with the manufacture, use, storage or transportation of hazardous substances,</li> <li>• OHI-CL-O1 Contaminated land to protect human health and the environment from contaminated land,</li> </ul>

	<ul style="list-style-type: none"> <li>• PREC2-O3 The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the Ohinewai Business Precinct,</li> <li>• Integrated and effective reticulated management of the three waters enables adverse effects on the environment to be avoided, remedied or mitigated in accordance with Section 5(2)(b) of the Act.</li> </ul>
<b>Section 6, 7 and 8</b>	
6(h) the management of significant risks from natural hazards	The objectives in the Ohinewai natural hazards chapter address this matter directly. In particular, land development should avoid where practicable or mitigate the risks of natural hazards. Secondly, the objective defines a resilient community as one where the risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated.
<b>7 Other matters</b>	
(b) the efficient use and development of natural and physical resources	<p>The objectives will ensure efficient use of natural and physical resources in the following ways:</p> <ul style="list-style-type: none"> <li>• PRECI-O1 recognises the need for efficient use of the land resource in terms of residential development.</li> <li>• The objectives in the Industrial Precinct seek to establish Ohinewai as a strategic industrial node, and thus maximise the positive employment and economic benefits of industrial activities.</li> </ul>
(c) the maintenance and enhancement of amenity values	Amenity is recognised through objectives which seek to manage the effects of development on existing rural character, and achieve a high level of amenity within the zone through good urban design. The objectives which address the potential for reverse sensitivity will achieve the maintenance of amenity values, particularly in the context of sensitive land uses such as residential. The objectives recognise the potential for activities and buildings to adversely affect the character, amenity and safety in the Residential Precinct and seek to minimise this. Business and industrial activities can come into conflict with residential environments.

(f) maintenance and enhancement of the quality of the environment	<p>Most of the objectives seek to maintain and enhance elements of the environment including:</p> <ul style="list-style-type: none"> <li>• measures to avoid or mitigate transport safety effects,</li> <li>• mitigating potential adverse visual and landscape effects</li> <li>• minimising reverse sensitivity effects</li> <li>• maintaining hydrological characteristics of the natural drainage processes</li> <li>• protecting the community and natural environment from the adverse effects associated with the manufacture, use, storage or transportation of hazardous substances</li> </ul>
(i) the effects of climate change	<p>This is addressed directly by the objective in the Ohinewai Natural Hazards chapter which seeks to develop a well-prepared community that:</p> <ul style="list-style-type: none"> <li>• Is able to adapt to the effects of climate change; and</li> <li>• Is able to effectively and efficiently respond to, and recover from, natural hazard events.</li> </ul>
(j) the benefits to be derived from the use and development of renewable energy.	<p>This is addressed directly by OHI-EIT-O4 which seeks energy-efficient design and an increase in renewable electricity generation.</p>

Having undertaken the assessment above, the suite of objectives for Ohinewai are considered the most objective to achieve the Purpose of the Act in accordance with s5(1).

## **4 Evaluation of proposed policies, rules and methods**

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

### **4.1 Identification of Reasonably Practicable Options – for Achieving Objective(s)**

The following assessment identifies reasonably practicable options for achieving the objectives. This high-level screening process considers the effectiveness of each option. Only those options considered to be reasonably practicable will be evaluated in this section.

Option 1: Retain the notified Rural Zone for the site (effectively rejecting the APL submission);

Option 2: Apply the most relevant PDP zones as notified to the site;

Option 3: Apply the most relevant PDP zones to the site but amend the provisions to enable the proposed development in Ohinewai;

Option 4: Create new zones for Ohinewai and associated provisions.

It is clear that a rezoning is required to enable the APL development to occur. While utilising the existing zones in the PDP may be an efficient approach, the release of the decision on Ohinewai zoning ahead of the decisions on the rest of the PDP causes procedural challenges. For example, there is no way to release a planning map for Ohinewai that contains zones but relies on the provisions yet to be released in the Hearing Panel's decision later in 2021. Option 4 means that the zone and provisions can reflect the characteristics of the site and be tailored to the development. The disadvantage of this option is that it will essentially result in a self-contained set of provisions that will need to be integrated into the wider district plan at some point in the future to avoid duplication. In terms of broad planning approaches, Option 4 is considered to be the most straight appropriate given the timing of the Hearing Panel's decision.

As outlined in Mr Gaze's evidence, APL had considered a range of alternatives in terms of location, but failed to find anything that met the needs of the company and its business. There may be alternative locations which accord with the RPS, however they would have constraints which make the project less viable such as land instability in Huntly due to mine subsidence, or distance away from the main trunk rail line, or insufficient land area.

At a micro level, both the structure plan, design and provisions have evolved considerably since the original submission was lodged in 2018, all of which could be described as a consideration of options and alternatives.

## **4.2 Efficiency and effectiveness**

Section 32(1)(b) (and thus s32AA(1)(b)) of the RMA requires an examination of the proposed provisions to ensure that they are the most appropriate way of achieving the relevant objectives. The decision is an amending proposal insofar as the s32 evaluation for the PDP has already been written. It follows that this assessment must relate to the provisions and objectives of the decision as if they were the amending proposal. The complexity is that some of the objectives and provisions have been sourced from the notified PDP, and therefore are not amended by the Hearing Panel's decision per se. To avoid complexity, all of the provisions included in the decision have been considered to be the amending proposal and have been considered as a comprehensive package.

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
Policies in: <ul style="list-style-type: none"> <li>• Ohinewai Zone</li> <li>• Ohinewai Natural Hazards</li> <li>• Ohinewai Hazardous Substances</li> <li>• Ohinewai Infrastructure and Energy</li> <li>• Ohinewai Residential Precinct</li> <li>• Ohinewai Business Precinct</li> <li>• Ohinewai Industrial Precinct</li> </ul>	<p><b>Environmental:</b> The development of the site provides a significant opportunity for ecological betterment to occur on the site.</p> <p>Removing diffuse discharge associated with dairy farming.</p> <p>Three waters management framework that will ensure that all stormwater runoff is treated to a high level.</p> <p>The development of the structure plan will provide a significant increase in vegetation on the site and enhance biodiversity on the site.</p> <p>Improvement in water flowing into Lake Rotokawau and Lake Waikare.</p> <p>Will result in remediation of any contaminated land</p> <p>Reduction in trucks as Sleepyhead can utilise the rail network</p>	<p><b>Environmental:</b> The Ohinewai Structure Plan represents a significant change for Ohinewai and would enable urban development in what is currently a rural area. This represents a significant visual change for the area.</p> <p>The Structure Plan facilitates commercial, residential and industrial development. Each of these have the potential to create adverse environmental effects if they are not managed appropriately through performance standards and assessment criteria.</p> <p>Development of the Structure Plan area will remove a working dairy farm from the site, reducing the amount of productive rural land in the district.</p> <p>Amenity effects to the surrounding landowners arising from site preparation and construction</p> <p>Increased stormwater due to significant increase in impermeable surface area</p> <p>Increase in traffic both on local roads and the Waikato Expressway</p> <p>Potential effects on water quality of the river and its tributaries due to earthworks and construction</p> <p>Increased risk to indigenous wildlife from cats and dogs</p> <p>Impact on indigenous fauna species from development e.g. black mudfish and bats</p>
Rules, standards and assessment criteria in: <ul style="list-style-type: none"> <li>• Ohinewai Zone</li> <li>• Ohinewai Natural Hazards</li> <li>• Ohinewai Hazardous Substances</li> <li>• Ohinewai Infrastructure and Energy</li> <li>• Ohinewai Residential Precinct</li> <li>• Ohinewai Business Precinct</li> <li>• Ohinewai Industrial Precinct</li> </ul>		
District plan maps for Ohinewai		
Ohinewai structure plan		
Ohinewai staging plan		
Ohinewai definitions		

	<p><b>Economic:</b></p> <p>The development phase includes construction costs of \$1,099m spend with an initial regional economic injection of \$1,316m.</p> <p>The ongoing operation of the anticipated development in terms of retail spend and employment generation of \$192.9m per annum, with an additional 1265 employees.</p> <p>The estimated contribution during the construction phase is \$100m to the local catchment.</p> <p>Potential to provide a significant number of jobs during construction and upon completion.</p> <p>Opportunity to provide housing for the district including affordable housing for workers associated with the site.</p> <p>The retail and office provisions will ensure that the existing centres of Huntly and Te Kauwhata will not be adversely effected in relation to their form and function.</p> <p>The rules ensure a sufficient level of commercial activities to meet the day-to-day needs for the local community.</p> <p>Increased range in employment opportunities as a direct result of development e.g. new childcare centres.</p>	<p><b>Economic:</b></p> <p>May reduce any economic growth in Huntly.</p> <p>Potential to pull existing businesses out of Huntly.</p>
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	<p><b>Social:</b></p> <p>Provides lifestyle and living choices.</p> <p>Opportunities to live, work and play in a single location.</p> <p>Social impacts arising from additional employment and housing opportunities.</p> <p>Increased student population at Ohinewai School and associated increase in funding.</p> <p>Increased recreational opportunities.</p>	<p><b>Social:</b></p> <p>This represents a significant change for the Ohinewai community, which is likely to grow in size and change in character over the next 10 years.</p> <p>Potential for reverse sensitivity effects.</p> <p>Increases the number of residents and businesses in the Defended Area and therefore increases risk.</p> <p>Moves the traditional centre of Ohinewai away from the western side of the Waikato Expressway and disconnects the current social facilities being the community hall and school.</p> <p>Pressure on the school to accommodate additional students.</p> <p>Increase in the number of residents with different values.</p> <p>Potential for complaints arising from recreational shooting on Lake Rotokawau.</p>
	<p><b>Cultural:</b></p> <p>Supports a connected community.</p> <p>Supports improvement of the Huntly wastewater treatment plant.</p> <p>Additional housing and work opportunities.</p>	<p><b>Cultural:</b></p> <p>There may be adverse cultural effects</p>
<b>Opportunities for economic growth and employment</b>		
The development phase includes construction costs of \$1,099m spend with an initial regional economic injection of \$1,316m		
The ongoing operation of the anticipated development in terms of retail spend and employment generation of \$192.9. per annum, with an additional 1265 employees.		

The estimated contribution during the construction phase is \$100m to the local catchment.

#### Risk of acting or not acting

Uncertainty or insufficiency of information:

There was a great deal of information provided through technical assessments, evidence and expert conferencing, and consequently very little uncertain or insufficient information. The uncertainties associated with the development include:

- timing and scale of upgrades to the Huntly wastewater treatment plant
- level of interest in the development of the site (other than the Sleepyhead foam factory)
- actual impact on Huntly
- timing of the construction of the rail siding
- timing of development occurring, and therefore construction of infrastructure upgrades
- the Te Kauwhata Water Association having its consent approved after it expires in 2024
- actual level of traffic generation.

Risk of acting or not acting:

The risk of not acting (i.e. not rezoning the land) is that The Comfort Group will be unable to rationalise, expand and improve productivity and will be required to find a site somewhere else which would be very difficult. As a result, the economic, social and employment opportunities would be entirely lost. This is the opportunity cost of the rezoning.

Risks of acting include social and economic failure of Huntly where commercial and residential growth is attracted to Ohinewai rather than Huntly. The flip side to this is that without the APL development, Huntly may fail to thrive anyway, particularly given the lack of employment opportunities and consequential demand for residential growth. Other risks of acting include flood risk, unreasonable noise, landscape and visual effects, etc.

#### Efficiency and effectiveness

Rezoning the APL land in the district planning maps is the most efficient and effective method of implementing the outcomes sought by the objectives. The Ohinewai Structure Plan establishes the layout of the site and the provisions ensure the structure plan is implemented through assessment criteria and policies upon subdivision. The objectives are efficiently and effectively achieved by various policies, rules and assessment criteria.