

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission in respect of the **PROPOSED WAIKATO DISTRICT PLAN** by **AMBURY PROPERTIES LIMITED** pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai

SUMMARY STATEMENT OF JOHN BLAIR OLLIVER

1. My name is John Blair Olliver. I am a planning consultant and I am a founding director of Bloxam Burnett & Olliver Ltd ("BBO"), a firm of consulting engineers, planners and surveyors based in Hamilton. I prepared a statement of evidence dated 9 July 2020, and a statement of rebuttal evidence dated 24 August 2020. The purpose of this document is to summarise those statements.
2. I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ("EIC").
3. This summary addresses planning issues but not background and context. It also briefly comments on the evidence of Tony McLauchlan on behalf of Ohinewai Lands Ltd ("OLL") and the s42A rebuttal.
4. The rezoning submission by Ambury Properties Ltd ("APL") is subject to a wide range of the provisions in the Resource Management Act 1991 ('RMA'). Sections 32 and 32AA require an evaluation of the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting where there is uncertain information.
5. Within the broader assessment of the benefits and costs of the environmental, economic, social and cultural effects of the rezoning, section 32(2) specifically requires assessment of the opportunities for economic growth and employment to be provided or reduced. There is a significant economic benefit to the Ohinewai/Huntly area and the wider district from the \$1billion plus investment and the significant number of jobs, estimated at 2,600¹. The evidence of Mr Quigley confirms the significant social benefits for the deprived Huntly/Ohinewai area from this injection of investment and employment.²
6. With a project of this scale and complexity, some uncertainty of information is expected. The risk of not acting (i.e. not rezoning) is that the Comfort Group ("TCG") will be unable to rationalise, expand and improve productivity

1 Economics JWS.

2 Statement of evidence of Robert Quigley paragraph 2.6.

and will be required to find a site somewhere else which would be very difficult. As a result, the economic, social and employment benefits would be lost. This is the opportunity cost associated with the rezoning.

7. There are some risks of acting (i.e. rezoning the land). There is a minor risk that a long-term water and wastewater solution is not in place by the years 7-9 of development. However, that risk is now addressed by the Mid Waikato Servicing Strategy preferred options, backed up by the proposed staging rules that will prevent development beyond the capacity of the infrastructure, together with the MOU between APL and WDC.
8. The key strategic framework in which a decision is to be made is in the objectives and policies of the RPS and subservient planning instruments including Future Proof 2017 and Waikato 2070. The key objectives and policies were agreed in the Planning JWS.
9. The Vision and Strategy for the Waikato River is a fundamental aspect of the RPS that must be given effect to. The concept of restoration and protection contained in the Vision and Strategy means to preserve and improve, which is interpreted as 'betterment' for the river. This is usually applied to the physical state of the River. However, the objectives in the RPS are broader than that, whereby the physical health of the river ('abundant life') sits alongside the non-physical 'prosperous communities' and the shared responsibilities for restoring and protecting it.
10. As this is a rezoning submission, it does not directly result in physical development and the associated effects. Rather, it enables development, with the development form being guided by District Plan provisions, and the future effects being governed by detailed design and resource consents.
11. The unanticipated nature of the OSP development challenges the responsiveness of the relevant planning instruments, and in particular the RPS objectives and policies that reflect the Future Proof land use pattern. In an ideal world, the sequence of strategic and spatial planning would be undertaken first, and the subsequent development proposal neatly fitted into it. However, that is not always feasible, given the dynamic and unpredictable nature of urban development in a growing region.
12. Policies 6.14(c) and 6.14(g) of the RPS create flexibility and responsiveness for a rezoning such as the OSP to depart from the Future Proof pattern. The alternative land release criteria in Method 6.14.3 are specifically designed to address this issue and form a key evaluation tool.
13. Given that the purpose of Policy 6.14 and Implementation Method 6.14.3 is to provide flexibility it is not surprising that the wording of the provisions are more enabling than other policies and methods. The words 'should predominantly' rather than 'shall' are used together with 'consistent with'. Section 6A the Development Principles, also says '*New development should ...*', whereas it would have said 'shall' if a prescriptive approach was intended.
14. The land requirement of the OSP is too large to be accommodated in Huntly or any of the other towns in the vicinity. Although there is currently an area of rural land between Huntly and Ohinewai, the OSP is only 2.5km from Huntly's future urban limits. This means it is sufficiently close to have many synergies with the township through schooling, shopping, recreation and social services. It will also be an employment node and will provide its own convenience services and amenities. Ohinewai will not be a 'dormitory' suburb where large travel distances are required to access these services or employment. However, because of its scale it is inevitable that a new urban area has to be created to enable it.

15. I conclude that the Waikato Expressway, including the Ohinewai Interchange, has sufficient unused capacity to be used safely and efficiently and there is capacity available in the Huntly WWTP and WTP to accommodate the OSP in the medium term. In the long term a solution is available through the MWSS.
16. I have also assessed the rezoning against the 'Guiding Principles' in Future Proof 2017, which are similar to the Development Principles but are more up to date. I concluded it is consistent with them.
17. Section 7.5 of Future Proof 2017, 'A Responsive Approach to Development' reinforces the need for flexibility when applying the settlement pattern in the RPS. In my opinion, the OSP is a classic example of a previously unidentified opportunity that will contribute economic, social and cultural benefits, as envisaged by Section 7.5. The National Policy Statement-Urban Development provides further high-level support for a responsive approach.
18. Waikato 2070 is a very recent (May 2020) document that is relevant. It carries significant weight because it is up to date and because it was prepared following a submission and hearing process with knowledge of the OSP proposal, allowing it to be evaluated in that context.
19. Based on my evaluation I conclude that the OSP gives effect to the RPS and is in accordance with Part 2 of the RMA and with the NSP-UD.
20. My conclusion is based on implementation of the recommended plan provisions at **Attachment A** of my Rebuttal Evidence, which are designed to address environmental effects and to ensure RPS policy requirements to match development with infrastructure capacity are met.

Ohinewai Lands Limited evidence

21. Mr McLauchlan requests several amendments to the Structure Plan. I agree with his suggestion that the Ohinewai Reserve be identified on the Structure Plan. I do not agree with his suggestion that the two potential access points (labelled 15 on the Masterplan) be included on the Structure Plan. The land to the north is now identified in Waikato 2070 as potential industrial and in general it is undesirable to connect an industrial area through a residential area. Therefore, it would be inappropriate to formalise them on the Structure Plan.
22. It is also premature to extend the indicative shared path network to Tahuna Road. The shared path network connects to the OSP internal roading network. The only reason it would be logical to change that network would be if the OLL land was to be developed and then the Tahuna Road treatment could be changed to reflect development on both sides of the road. There is not sufficient certainty that the OLL land will be rezoned and developed to make such an amendment. There is sufficient flexibility in the plan provisions to accommodate a change such as this if needed in the future.

Section 42A rebuttal report

23. I have reviewed the s42A rebuttal dated 7 September 2020 by Chloe Trenouth. In paragraph 13 it refers to land areas of the various zones, some of which are incorrect. The correct areas are provided in Attachment A to the summary statement of Jonathan Broekhuysen.
24. It notes that the plan provisions refer to 800m² GFA of corner shop/café in the Residential zone (Rule 16.6.6 D3)³. This is a Discretionary Activity and

³ S42A Rebuttal, paragraph 35

the assessment criteria is the extent of consistency with the total floor area of commercial activities in the Business zone. The intent is that any such additional shops would fit within the total cap of 2,500m² GFA. Hence there was no need for additional economic assessment of the 800m². I agree with Ms Trenouth that any effects will be addressed through the resource consent process.

25. I agree with Ms Trenouth's conclusion that flooding, geotechnical, ecological, stormwater, acoustic, landscape and visual, local transport, short term water and wastewater, and cultural effects can be adequately addressed by plan provisions.⁴
26. The s42A rebuttal includes a range of suggested amendments and fine tuning to the plan provisions. I agree with a number of them and consider that a separate process including Councils planning advisers would be beneficial to finalise them.
27. The s42A rebuttal then lists five 'effects' that would not be mitigated by plan provisions.⁵ In my opinion only the first two bullet points (and one aspect of the fifth) are environmental effects. They are firstly, potential safety effects associated with the NIMT overbridge and secondly, uncertainty regarding water and wastewater servicing in the medium to long term. In my opinion both can also be adequately addressed through plan provisions. The safety effect is minor, as described in Mr Inder's evidence, and can be addressed by conditions on subsequent resource consents which will include ITAs.
28. In terms of water and wastewater servicing, in my opinion the requisite level of certainty is reached for a rezoning. The concern about over-allocation is mitigated by the MOU with WDC to work together to secure the needed water supply in the future. WDC is actively negotiating with the Te Kauwhata Water Association (TKWA) to secure some of their consented volume, which would overcome Mr Bradley's concern that they are not a municipal supplier.⁶ In addition APL holds an agreement with TKWA that would enable a transfer to WDC, again placing the allocation into the correct hands, and without a need to join the queue and obtain a new consent for an additional allocation. Overall Mr Bradley concludes that the staged water and wastewater solutions are technically feasible and appropriate.⁷
29. That leaves the last three bullet points; integration of land use and transport, density, and social impacts of loss outlook on existing residents/lack of amenities. Social impacts on existing residents is a potential effect, but those effects apply equally to industrial development, which is supported by the rebuttal report. In my opinion those effects are minor and mitigated as set out in the evidence of Mr Graham.
30. The other selected matters are better characterised as imprecise strategic planning issues, not measurable environmental effects, as they reflect RPS and Future Proof provisions. I do not agree that they are significant strategic issues, as set out in my evidence and rebuttal.
31. In any case, the s42A rebuttal fails to reasonably balance these matters against the significant economic, social and cultural benefits, as required by s5, s32, Future Proof 2017 and the NPS-UD. In my opinion those factors far outweigh the few strategic issues captured in the last three bullet points.

John Olliver
9 September 2020

⁴ S42A Rebuttal, paragraph 114

⁵ S42A Rebuttal, paragraph 116

⁶ S42A Rebuttal, paragraph 90

⁷ Stantec Technical memo dated 27 August 2020, page 3