

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

**IN THE MATTER** Of the Resource Management Act  
1991 (the Act)  
**AND**

**IN THE MATTER OF** Of hearing submissions and further  
submissions on the Proposed Waikato  
District Plan

**SUBMITTER** Ohinewai Lands Limited  
  
Submitter [No. 428]

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**LEGAL SUBMISSIONS FOR OHINEWAI LANDS LIMITED**

Dated: 8 September 2020

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## **1 Introduction**

1.1 Ohinewai Lands Limited (OLL) is a submitter and further submitter on the proposed Waikato District Plan (pWDP) and has filed the following documents with the Waikato District Council (Council) and the Hearing Panel (Panel):

- (a) Submission no. 428 dated 9 October 2018;
- (b) Further submission no. 1206 dated 15 July 2019;
- (c) Memorandum of Counsel dated 14 August 2019 refining the growth area identified in OLL's original submission;
- (d) Section 32AA Report produced by Harrison Grierson on behalf of OLL, dated 5 December and filed with the Panel on 6 December 2019 (Section 32AA Report). This report included:
  - (i) Urban Design, Landscape and Visual Assessment produced by Boffa Miskell;
  - (ii) Infrastructure Services Assessment produced by Harrison Grierson;
  - (iii) Archaeological Assessment produced by W Gumbley Ltd; and
- (e) Evidence of Mr Tony McLauchlan on behalf of OLL dated 21 August 2020.

1.2 OLL is the owner of rural properties in Ohinewai which, together with land owned by Waikare Lands Limited (WLL), are in excess of 1,300 hectares in the wider Ohinewai area situated both to the north and south of the site owned by Ambury Properties Limited (APL) (the OLL Landholdings). These OLL Landholdings are shown in Figure 1 of the evidence of Mr McLauchlan and include:

- (a) a block of land to the north of the APL property (Northern Block); and
- (b) an area of approximately 39 hectares, located south of APL's land between Tahuna Road and Lake Ohinewai, to be

developed in the future for residential purposes (the Site).<sup>1</sup> A full description of the Site is set out in the evidence of Mr McLauchlan.<sup>2</sup>

- 1.3 Under the notified version of the pWDP the OLL Landholdings are zoned Rural.
- 1.4 As set out in the evidence of Mr McLauchlan,<sup>3</sup> OLL has not sought to rezone the OLL Landholdings through the pWDP process but is seeking rezoning is not precluded in the future. Based on technical advice received, OLL's position is that the Site is well suited to be zoned for residential and open space purposes in the future, once infrastructure constraints are solved, and would be able to accommodate approximately 235 dwellings.
- 1.5 It is intended that future development at the Site will be complementary to the APL development through the provision of larger lot sizes and connectivity to Lake Ohinewai reserve.
- 1.6 Both the Northern Block and the Site have been identified on the Huntly and Ohinewai Development Plan<sup>4</sup> in The Waikato District Council Growth and Economic Development Strategy 2070 (Waikato 2070) as future development areas with a development timeframe of 1-10 years.<sup>5</sup> OLL was a submitter to Waikato 2070 and presented at the Council hearing on the Strategy.
- 1.7 This statement of position will cover the following topics:
  - (a) Relief sought.
  - (b) Section 32AA Report.
  - (c) National Policy Statement on Urban Development 2020.
  - (d) Waikato District Council Growth and Economic Development Strategy 2070.

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<sup>1</sup> The Site is shown on Figure 3 of the evidence of Tony McLauchlan filed on behalf of Ohinewai Lands Limited on 21 August 2020.

<sup>2</sup> Paragraph 15 – 16 of the evidence of Tony McLauchlan.

<sup>3</sup> Paragraph 17 of the evidence of Tony McLauchlan.

<sup>4</sup> Page 34 of the Waikato District Council Growth and Economic Development Strategy 2070 and also included as Attachment 1.

<sup>5</sup> OLL's land to the north of the APL site is identified as part of the Ohinewai South Industrial Cluster (1-10 years) on the Huntly and Ohinewai Development Plan in the Waikato 2070 Strategy. OLL's land to the south of Tahuna Road is identified as part of the Residential Activity Zone (1-10 years) on the same Development Plan in Waikato 2070.

- (e) Section 42A Report.
- (f) Conclusion.

## **2 Relief**

### 2.1 OLL's seeks that:

- (a) both the Northern Block and the Site, as identified by Waikato 2070, are recognised as future growth areas through an Ohinewai Structure Plan; and
- (b) the provisions of the pWDP do not preclude OLL from undertaking future residential development at the Site.

### 2.2 Specifically, OLL is concerned with access to the OLL Landholdings, the Tahuna Road interface and the Ohinewai Structure Plan.<sup>6</sup>

### 2.3 OLL's submissions were as follows:

- (a) Original submission: The inclusion of a growth area at Ohinewai in accordance with the plan attached to the submission, which encompassed the wider Ohinewai area.<sup>7</sup>
- (b) Further submission on APL's primary submission: The submission by OLL identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. The submission sought that the entire 'Proposed Growth Area' should be the subject of a structure planning exercise to provide an overarching approach to land use planning in and around Ohinewai. OLL supported the Ohinewai Structure Plan proposed by APL but sought that the extent of the Structure Plan area be increased to consider the entire 'Proposed Growth Area' rather than APL's property alone.
- (c) A memorandum was filed on behalf of OLL on 14 August 2019 refining the 'The Proposed Growth Area' requested in its submissions to its land holdings, attaching a revised map to

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<sup>6</sup> Paragraph 20 of the evidence of Tony McLauchlan.

<sup>7</sup> As shown by the plan attached the Ohinewai Lands Limited submission No. 428.

replace the map in OLL's original submission.<sup>8</sup> That revised map is included as Figure 1 to the evidence of Mr McLauchlan.

- 2.4 OLL then filed its Section 32AA Report and supporting technical reports as set out above. At section 3.3 of its Section 32AA Report<sup>9</sup>, OLL set out the changes it sought to the pWDP in accordance with its relief based on the proposed provisions and Structure Plan put forward by APL at the time. Those provisions have subsequently been amended and the latest versions presented in the rebuttal evidence of Mr John Olliver<sup>10</sup> and the evidence of Mr Jonathan Broekhuysen<sup>11</sup> and the changes sought below by OLL have been updated to reflect this.
- 2.5 OLL generally supports APL's proposal to establish a mixed use area comprising an industrial node, commercial activities at a suitable scale, residential dwellings with a mix of densities and extensive open space to the extent that it aligns with the Huntly and Ohinewai Development Plan in Waikato 2070.
- 2.6 APL seems to acknowledge the importance of development not turning its back on Tahuna Road and there are some pWDP provisions proposed by APL which will go some way to addressing this. OLL supports the following changes requested by Ambury in its evidence and rebuttal evidence. These are:
- (a) The addition of a new Objective 4.1.19 and Policy 4.1.20.
  - (b) Limitations on fencing along the Tahuna Road boundary through Existing Land use – Building rule 16.3.4 which will restrict solid fences/walls to 1.2m in height and visually permeable fences to 1.8m in height along the Tahuna Road boundary.
  - (c) Inclusion of the following proposed assessment criteria for multi-unit development, retirement villages, marae complexes and papakainga housing development in proposed Land Use –

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<sup>8</sup> Paragraph 7 of the memorandum filed on behalf of Ohinewai Lands Limited on 14 August 2019.

<sup>9</sup> Page 12 of the Section 32AA Report produced by Harrison Grierson on behalf of Ohinewai Lands Limited, dated 5 December and filed with the Panel on 6 December 2019.

<sup>10</sup> Attachment A1 and A3 of the rebuttal evidence of John Olliver filed on behalf of Ambury Properties Limited.

<sup>11</sup> Attachment B to the evidence of Jonathan Broekhuysen of behalf of Ambury Properties Limited.

Effects rule 16.6.3 RD8 which will need to be considered for development adjoining Tahuna Road:

- (i) "the extent to which ... when viewed from any public space, creates visual interest through articulation, roof form, openings and variation"; and
  - (ii) "the extent to which ... fences and walls along any road or reserve boundary are avoided or limited in height".
- (d) Inclusion of proposed Subdivision rule 16.6.5 RD7 requiring a Landscape Concept Plan which must include (amongst other things) "i) details of fencing and landscape treatment of lots along the Tahuna Road frontage to create an attractive and open interface to Tahuna Road".
- (e) Insertion of a Structure Plan for Ohinewai into Appendix 13 with the identification of a roundabout on Tahuna Road that provides for future access to the OLL Site.

2.7 OLL seeks the following further revisions to APL's proposed provisions to be inserted into the pWDP:

- (a) Require fencing and landscaping requirements to be detailed for lots and open space within rule 16.6.5 RD7(i) to ensure the 'indicative open space network' shown on the Ohinewai Structure Plan is subject to the same landscape design and treatment rules as fencing and landscaping within lots, ensuring the retention of an attractive and open interface to Tahuna Road.
- (b) In respect to the proposed Ohinewai Structure Plan to be inserted into Appendix 13 of the pWDP, include the following amendments:
  - (i) reference to the Site as a 'potential future residential growth area, including open space'<sup>12</sup>;
  - (ii) reference the Northern Block as a 'potential future industrial growth area' to reflect Waikato 2070;

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<sup>12</sup> As shown at Attachment 2 to the evidence of Tony McLauchlan.

- (iii) include the potential future connections to the 'potential future industrial growth area' in the Northern Block as shown on the APL Masterplan at number 15;<sup>13</sup>
- (iv) identify the Ohinewai Reserve;
- (v) include the previously identified eastern intersection on Tahuna Road adjacent to the OLL Site, as shown on Figure 4 of the Section 32AA Report, for vehicle access or at a minimum for future cycling and pedestrian connections between the APL land and OLL's Site.

2.8 The changes to the pWDP set out above will enable a more strategic structure planned approach to be taken to the wider development at Ohinewai, while not precluding development on the Northern Block or the Site in the future.

### **3 OLL Section 32AA Report**

3.1 OLL submitted a Section 32AA Report, dated 19 December 2019, which included the following supporting technical reports:

- (a) Urban Design, Landscape and Visual Assessment from Boffa Miskell (Urban Design Report);
- (b) Infrastructure Services Assessment from Harrison Grierson (Infrastructure Report); and
- (c) Archaeological Assessment from W Gumbly and Associates (Archaeological Assessment).

3.2 The relief sought is supported by the technical reports appended to the Section 32AA report, with a summary of the conclusions set out below.

- (a) The Urban Design Report states:<sup>14</sup>

*The potential future further expansion of Ohinewai to the OLL Site to the south of Tahuna Road takes advantage of the naturally higher ground and the significant opportunity to*

<sup>13</sup> Attachment A to the evidence of Jonathan Broekhuysen.

<sup>14</sup> Page 8 of the Urban Design, Landscape and Visual Assessment from Boffa Miskell attached as Appendix 3 to the Section 32AA Report.

*connect to the amenity of the Council's Ohinewai Reserve and Lake Ohinewai. Urban development more or less symmetrically fronting onto both sides of Tahuna Road will also establish a stronger eastern entry into an expanded Ohinewai settlement and better support reduced travel speeds - ideally 50km/hr - in this part of the settlement. In urban design terms it is important that future residential development doesn't 'turn its back' on Tahuna Road and that linear, one sided, ribbon development is avoided.*

The Urban Design Report concludes that, from an urban design and community development perspective, the preferred form of urban expansion at Ohinewai would comprise both employment land as well as residential and appropriately scaled service retail zones.<sup>15</sup>

- (b) The Infrastructure Report concludes that from a flood hazard perspective the risk of flooding at the Site can be mitigated by filling within the floodplain and offsetting land elsewhere to achieve hydraulic neutrality in the floodplain.<sup>16</sup>
- (c) The Archaeological Report concluded that within the Site there are no recorded archaeological sites and that the result of the walkover survey did not identify anything of archaeological interest.<sup>17</sup>

3.3 A section 32AA analysis was carried out in section 6 of the Section 32AA Report that assessed the changes requested by OLL. The requirements of section 74 of the Resource Management Act 1991 (RMA) were also met in preparing the Section 32AA Report.<sup>18</sup>

3.4 The residential activities proposed at Ohinewai do not reflect the growth allocations set out in the Waikato Regional Policy Statement (WRPS)<sup>19</sup>, therefore the alternative land release provisions will apply

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<sup>15</sup> Page 17 of the Urban Design, Landscape and Visual Assessment from Boffa Miskell attached as Appendix 3 to the Section 32AA Report.

<sup>16</sup> Page 11 of the Infrastructure Services Assessment from Harrison Grierson attached as Appendix 4 to the Section 32AA Report.

<sup>17</sup> Page 14 of the Archaeological Assessment from W Gumbly and Associates attached as Appendix 5 to the Section 32AA Report.

<sup>18</sup> The matters considered under section 74 of the Resource Management Act 1991 are set out at section 5.1.3 of the Section 32AA Report.

<sup>19</sup> Table 6-1 of the Waikato Regional Policy Statement.



to any residential rezoning proposed.<sup>20</sup> The Section 32AA Report considers these alternative release provisions but determines that as a rezoning is not being sought by OLL it does not constitute a land release and therefore the alternative land release provisions do not need to be addressed for the Site to be identified as potential future growth area.

- 3.5 The Section 32AA Report concluded that the OLL Site is well suited to be zoned Residential in the future to accommodate up to 235 dwellings and public open space areas adjacent to Lake Ohinewai and the existing Ohinewai Reserve. It went on to state:

*The Planning Report has considered OLL's requested changes in terms of the relevant provisions of the RMA and relevant strategies and plans. Key provisions within the strategies and plans include provisions related to growth, biodiversity, natural character and natural hazards. Emerging changes in the approach to growth at Ohinewai (and within the wider Hamilton to Auckland Corridor area) mean that there is currently misalignment between some of the plans. Integration of the outcomes is expected to occur through updates of some of the plans, including the Phase 2 review of Future Proof which is expected to occur in 2020 and a subsequent review of the WRPS. Further clarification on water and wastewater infrastructure for Ohinewai is expected in mid-2020 following the completion of a servicing strategy by Watercare for the corridor between Huntly and Meremere (including Ohinewai).*

*Including the OLL site as a potential future growth area within the pWDP will have the benefit of clearly signalling the preferred option for future growth so that landowners, the community and infrastructure providers are aware and can plan for that potential eventuality and respond to it. Including such provisions does not constitute a commitment to rezone the land and any future rezoning would require further technical assessments and be subject to consideration against the applicable policy framework as it exists at the time of the plan change or plan review process.*

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<sup>20</sup> Section 5.2.3 of the Section 32AA Report.

- 3.6 While APL's provisions and proposed Structure Plan have changed since this section 32AA analysis was undertaken, the substance of the changes sought to the pWDP remain as assessed. As with the provisions in the Section 32AA Report, the changes requested in section 2 above and in the evidence of Mr McLauchlan<sup>21</sup> seek to ensure: appropriate structure planning is undertaken for Ohinewai; OLL's relevant growth areas are recognised; and development is not precluded in the future at the Site. Therefore the conclusions of the Section 32AA Report set out above and in the report remain valid.
- 3.7 Since the Section 32AA Report was submitted to the Panel the new National Policy Statement on Urban Development 2020 (NPS-UD) has been released and the Waikato 2070 strategy has been finalised. These documents are discussed in more detail below, but it is submitted that the conclusions in the Section 32AA Report are further affirmed by the release of these two documents.

#### **4 National Policy Statement on Urban Development 2020**

- 4.1 The NPS-UD took effect on 20 August 2020 and replaces the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC). The Waikato District Council is categorised as a Tier 1 local authority<sup>22</sup> as it is identified as a growing region in New Zealand and subject to the most directive policies in the NPS-UD.
- 4.2 Ministry for the Environment summarises the intent of the NPS-UD as recognising the significance of:

*having 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; and*

*providing sufficient development capacity to meet the different needs of people and communities.*

- 4.3 An urban environment is defined in the NPS-UD as any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

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<sup>21</sup> Paragraphs 21-33 of the evidence of Tony McLauchlan.

<sup>22</sup> Table 1 in the Appendix to the National Policy Statement for Urban Development 2020.

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

4.4 When applied to the APL development, the development is not intended to be a stand alone town, with the residents of Huntly intended to be employed in the industrial offering of the APL development and the residents of the new APL development utilising the services of Huntly on a semi-frequent basis.<sup>23</sup> The development at Ohinewai will also share water and wastewater infrastructure with Huntly in the long term. Considering both Huntly and the new development at Ohinewai as one housing and labour market that is predominantly urban in character and will be of at least 10,000 people, the NPS-UD is relevant to the APL proposal and to the broader relief sought by OLL.

4.5 The NPS-UD contains new policy direction requiring that local authority decision makers be responsive to plan changes that would add significantly to development capacity and contribute to “well-functioning urban environments”, even if the development capacity is:<sup>24</sup>

- unanticipated by RMA planning documents; or
- out-of-sequence with planned land release.

4.6 The direction for local authorities to have particular regard to out-of-sequence and unanticipated development will apply if the development significantly adds to development capacity, supports well-functioning urban environments, is well-connected along transport corridors and meets criteria included in the relevant regional policy statement.

4.7 The definition of a “well functioning urban environment” is set out in Policy 1 and includes, as a minimum, environments that:

- have or enable a variety of homes that:

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<sup>23</sup> Paragraph 8.11 of the evidence of John Olliver on behalf of Ambury Properties Limited.  
<sup>24</sup> Policy 8 of the National Policy Statement of Urban Development Capacity 2020.

- meet the needs, in terms of type, price, and location, of different households; and
- enable Māori to express their cultural traditions and norms; and
- have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- support reductions in greenhouse gas emissions; and
- are resilient to the likely current and future effects of climate change.

4.8 The WRPS is required to be amended to reflect the NPS-UD as soon as practicable. It will also need to be amended to reflect the Future Proof Phase 2 review. The review of the WRPS will follow decisions on the APL rezoning request and will likely precede consideration of any rezoning of the future plan change or consent proposal in respect of the OLL Landholdings. Any alternative land release provisions that are still in place will need to be considered in detail at that time.

## **5 Waikato Growth and Economic Development Strategy 2070**

5.1 When the Section 32AA Report was submitted and the Section 42A Report for the Ohinewai Rezoning and Development, prepared by Chloe Trenouth and released on 13 March 2020 (Section 42A Report) was issued, Waikato 2070 was still in draft form and under consultation. The Waikato 2070 Report has now been approved by the Council and issued in its final form on 19 May 2020, making it the most recent strategy document for urban growth patterns in the

Waikato District. OLL seeks that the pWDP reflects what is shown on the Huntly and Ohinewai Development Plan.<sup>25</sup>

- 5.2 Waikato 2070 is a document intended to inform how, where and when growth occurs in the Waikato District over the next 50 years. The Waikato 2070 states that it will ultimately inform long-term planning and therefore affect social, cultural, economic and environmental wellbeing.<sup>26</sup>
- 5.3 The draft Waikato 2070 strategy did not include provision for business or residential development in Ohinewai, with provision only being made for industrial activity and no development envisaged on the Site. However, in response to submissions from both APL and OLL, the Council has amended the Huntly and Ohinewai Development Plan to now include residential activity on both APL and OLL's land within a 1 – 10 year timeframe. This amendment clearly confirms that residential development is appropriate on the Site. The Northern Block is identified as part of the 'Ohinewai Industrial South Cluster' with a development timeframe of 1-10 years.

*Legal weighting*

- 5.4 Waikato 2070 is prepared under the special consultative procedure provisions of the Local Government Act 2002.<sup>27</sup> This was the same procedure used for Future Proof. The process involved a submission and hearing process.
- 5.5 The Growth Strategy is therefore a matter for consideration by the Panel under section 74(2)(b)(i) of the RMA as a management plan or strategy prepared under other Acts. Management plans or strategies do not need to be mandatory statutory documents to be relevant.
- 5.6 Section 74(2)(b)(i) requires the Panel to "have regard to" the Growth Strategy. The phrase "have regard to" means that a matter must be given material consideration, but the rules or policies that are in the specified document need not necessarily be followed.<sup>28</sup>

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<sup>25</sup> Page 34 of the Waikato District Council Growth and Economic Development Strategy.

<sup>26</sup> Page 2 of the Waikato District Council Growth and Economic Development Strategy.

<sup>27</sup> Section 83 of the Local Government Act 2002.

<sup>28</sup> *Winstone Aggregates Ltd v Papakura District Council* EnvC A096/98.

- 5.7 Waikato 2070 was developed with the knowledge of the APL and OLL proposals and, upon assessment, has considered them suitable for the Waikato district. The document represents Council's latest thinking on growth and was intended to inform the pWDP process. Many submitters (including OLL) have spent considerable time and cost participating in those processes and have based decisions on their participation in the pWDP process on the outcomes. Waikato 2070 forms an important part of the evidence that is available for decision making on alternative land release.
- 5.8 As Future Proof is embedded into the WRPS it must be afforded more weight than Waikato 2070. However, Future Proof is due to undergo a long awaited update at some point in 2020 through its Phase 2 review, indicating that the growth and land allocation provisions as they currently stand are out of date and incorrect to accommodate unanticipated changing growth and land use patterns since its release. Waikato 2070 is up to date and reflects what is occurring in the district today, with a more accurate vision into the future. As a result, OLL has placed significant weight on the Waikato 2070 strategy in its decision making for its Landholdings.

## **6 Section 42A Report**

- 6.1 The Section 42A Report recommended the OLL relief set out above be rejected within the Ohinewai Structure Plan area.
- 6.2 OLL has considered the recommendations in the Section 42A Report and makes the following comments below:

### *Waikato 2070 and Blueprint*

- (a) *The Section 42A Report at paragraphs 76 - 80 identifies that regard is not statutorily required to be had to the Blueprint or Waikato 2070 but it has considered them relevant because the documents illustrate a change to the agreed/approved growth strategy. Paragraph 79 notes that Waikato 2070 is a draft and decisions are expected to be adopted in April 2020. The Section 42A Report considers that identification of Ohinewai as an industrial cluster cannot be considered as more than an opportunity at this stage, the area is significant and structure*

*planning has not been undertaken to determine the extent to which such an opportunity could be realised. No weight is given to the strategy because of its draft nature.*

OLL agrees that the blueprint holds no statutory weight under section 74 of the RMA however considers it is a relevant consideration in weighing up alternative land release, particularly given it states it is intended to inform the pWDP. In that respect it cannot be disregarded.

Waikato 2070 is now finalised and followed a Special Consultative Processes under the Local Government Act 2002. Therefore the Panel is required to have regard to it. It cannot be afforded "no weight". At the time of the Section 42A Report making the recommendation to decline OLL's relief, the draft Waikato 2070 document only envisaged future industrial activity at Ohinewai with no residential activity identified. Had this been the final strategy, then that outcome would support the position that the s42A Report has landed on (i.e. to recommend industrial rezoning only). However, Waikato 2070 was amended as a result of submissions of both OLL and APL to include residential activity on the Huntly and Ohinewai Development Plan. As Waikato 2070 is supposed to inform the pWDP, this is a strong indication from the Council that it envisages a mix of industrial and residential development at Ohinewai and contradicts the conclusion of the Section 42A Report.

#### *WRPS and Future Proof*

- (b) *Paragraph 322 disagrees with OLL's approach of not assessing its proposal against the alternative land release criteria because including the OLL Site would identify a new growth area that, like APL, is inconsistent with the agreed settlement pattern.*

OLL's position is that if APL's proposal is accepted then there is merit in future proofing growth at Ohinewai to potentially enable OLL's Site to be developed in the future (if and when demand requires it). Decisions made now could preclude that possibility. That does not constitute land release inconsistent with agreed settlement patterns – it is simply sensible planning, recognising

the strategy adopted by Waikato 2070 indicates development unanticipated by the WRPS and uncertainty regarding future growth within the river communities due to growth propositions being considered for the H2A Corridor Plan.

*Urban design*

- (c) *Paragraph 187 states that Matthew Jones, in his peer review at Appendix 9 of the Section 42A Report, recommends the size of the landscape buffer on Tahuna Road be 5m with a provision requiring large scale trees. He notes the buffer is partially opposite the OLL site so would need to be reconsidered if the OLL land was rezoned in the future.*

The interface with Tahuna Road is important to ensure connectivity between the APL site and the OLL Site is maintained. The Urban Design Report from Boffa Miskell recommends the removal of the open space buffer along the north side of Tahuna Road along the APL frontage and the requirement for residential lots to address the street on both sides. However, if removal does not occur then the Structure Plan and pWDP provisions should avoid an outcome where houses effectively “turn their back” to Tahuna Road.

- (d) *Paragraph 241 states that the peer review of Mr Jones considers the location is generally suitable for urbanisation and the proposals (APL and OLL) are responsive to underlying landscape values. Concern is raised whether growth should occur at Ohinewai or should be focused on complementing and expanding Huntly and Te Kauwhata. Mr Jones considers best practice would be to prepare a structure plan for the whole of Ohinewai to avoid piecemeal development.*

Recent strategic growth thinking identifies opportunity for transformational changes (H2A Corridor Plan) and urban growth under various scenarios for Ohinewai, including the recently released Waikato 2070 strategy. OLL agrees that a Structure Plan for Ohinewai as a whole is preferable. The pWDP process has not allowed for a structure planning exercise to occur to that



extent, so OLL has sought to engage and input as best as possible.

- (e) *Paragraph 245 it is noted that Mr Jones identifies the relationship between the OLL and APL proposals as critical and the development should be integrated. If the OLL proposal was accepted along with the APL proposal, this would require amendments to the Structure Plan to provide suitable integration.*

This is a key reason why OLL is participating in the pWDP process and seeking identification of the OLL Landholdings as potential future growth areas. The changes OLL is seeking to the Structure Plan would be important to ensure this integration occurs in a manner that reflects best urban design practice.

- (f) *Paragraphs 247-249 refer to particular concerns of Mr Jones, being establishment of a new town that is disconnected and separate from Ohinewai village, a car-centric community, no community centre, inappropriate density and a lack of integration between APL and OLL proposals. Mr Jones suggests a more comprehensive and integrated structure planning exercise is required.*

This concern fails to recognise that industrial growth alone will also be car-centric (probably more so). A Structure Plan approach for Ohinewai is what OLL has attempted to achieve within the confines of the submitter led approach to growth at Ohinewai through the pWDP. A changing strategic landscape and information only becoming available as the process has progressed has made it challenging but OLL would welcome opportunities for further integration of structure planning outcomes. OLL anticipates that future updates to the Ohinewai Structure Plan will be required to implement the wider industrial and residential development intent envisaged in the Waikato 2070 Strategy.

- (g) *Paragraph 252 states that if APL proposal is accepted Mr Jones considers the Structure Plan should be amended to identify the OLL land for future urban development and identify how integration will be achieved.*

This statement supports what OLL is seeking as an outcome for the pWDP and seems to recognise the spatial benefits of urban growth on the OLL Site.

#### *Infrastructure*

- (h) *Paragraphs 222-223 state that no budget is currently allocated in the Long Term Plan for extension of public networks and upgraded treatment plants required for the APL proposal to be reticulated. It goes on to state that a Mid Waikato Servicing Strategy study is currently underway and expected to be completed in mid 2020 that it is looking into servicing options for water and waste water for the area between Meremere and Huntly. APL would require interim servicing options. OLL is not seeking to develop its land in the short term so waiting 5-10 years for sub regional water and wastewater plants is not an issue for OLL.*

The public release of the Mid-Waikato Servicing Strategy is imminent and APL has indicated that interim servicing options can be provided until a long term solution can be established. As set out in the evidence of Mr McLauchlan, OLL has engaged with Watercare to ensure appropriate infrastructure can be provided to service the OLL Site in the future. Watercare is aware of OLL's intentions and are considering suitable servicing options for Ohinewai based on the growth direction established in Waikato 2070. Any timeline of 5 – 10 years accords with the development aspirations of OLL.

The Mid-Waikato Servicing Strategy has identified issues of non-compliance with existing infrastructure in Huntly. Development in Ohinewai will ensure that more funding is available to not only provide capacity for growth but also allow the necessary upgrades to existing infrastructure to occur without having to fall solely on existing ratepayers.

### *Cultural assessment*

- (i) *Paragraphs 211-217 state that no assessment of cultural values has been provided by submitters in support of the rezoning requests. OLL have indicated they have initiated engagement with iwi and anticipate this will continue through the pWDP process. There is insufficient information to understand the effects of the APL proposal on cultural values.*

OLL initiated engagement with mana whenua in March 2020. OLL has since decided not to pursue rezoning of its land at the Site. As set out in the evidence of Mr McLauchlan, OLL intends to undertake further consultation in the future at the appropriate time when processes to rezone its land are advanced.

### **Concluding comments**

- 6.3 OLL is not seeking rezoning of its land, but recognition of its Landholdings as future growth areas to the extent that it aligns with the Waikato 2070 Strategy. OLL supports the proposal of APL with the amendments to the provisions and Structure Plan set out in section 2 above.
- 6.4 Waikato has been identified in the recently released NPS-UD as a Tier 1 region, indicating that it is one of the faster growing regions in New Zealand, creating the pressures on land supply and housing that come with that.
- 6.5 The APL proposal is a potentially transformational opportunity to assist in relieving this pressure and that thinking supports OLL's position that options for the future in Ohinewai should not be foreclosed. It is prudent to plan now for the possibility of more residential and industrial land being provided in the future at Ohinewai.
- 6.6 The Section 32AA Report and supporting technical assessments have shown that the topography and location of the OLL Site is suitable for residential development and open space and that a residential offering would be complementary to the APL development through the provision of larger lot sizes and connectivity to Lake Ohinewai and the

Ohinewai Reserve. Further, having development fronting both sides of Tahuna Road will assist in creating an urban environment that encourages houses and residential lots to not “turn their back” on Tahuna Road.

- 6.7 The Waikato 2070 Strategy identifies the Northern Block as part of the Ohinewai South Industrial Cluster. OLL considers that the future development potential of that land should be recognised and not precluded through decisions on the pWDP.
- 6.8 The conclusion of the Section 42A Report that the residential component of the APL development and OLL’s proposal is not appropriate for Ohinewai is contrary to the Waikato 2070 Strategy and to the principles of “live, work, play” within the local area set out in Future Proof 2017. The Urban Design Report concludes that from an urban design and community perspective that the preferred form of urban expansion at Ohinewai would comprise both employment land as well as residential and appropriately scaled service retail zones.
- 6.9 OLL considers that structure planning at Ohinewai is important to ensure appropriate integration and sensible planning decisions are made that give effect to the vision in Waikato 2070. The relief sought by OLL will seek to assist in this wider strategic approach and therefore OLL requests that the relief set out in section 2 is granted.

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