

Appendix 5: Further information provided by submitters and other correspondence

Including the following information in the following order:

- Planning RFI email dated 9 January – acoustic, historic heritage, hazardous facilities, groundwater, open space matters
- Three Waters RFI email dated 29 January
- *Response memo from BBO dated 3 February on historic heritage and three waters matters*
- *Acoustic response memo from Marshall Day dated 28 January*
- Social Impact RFI email dated 5 February
- Economic RFI email dated 11 February
- Landscape and Urban Design RFI email dated 13 February
- *Social Impact response from Robert Quigley dated 14 February*
- Three Waters second RFI email dated 18 February
- *Landscape response memo from Mansergh Graham dated 19 February*
- *Water and Wastewater Options Memo from GHD dated 20 February*
- *Open Space Strategy memo from BBO dated 21 February*
- *Urban design response memo from BBO/Adapt Studio dated 21 February*
- *Ralph Estates Minerals memo from BBO/BerrySimons dated 24 February*
- Transport RFI email dated 24 February
- *Economic response memo from BBO/Property Economics dated 24 February*
- *Open Space further response email from BBO dated 26 February*
- Rail siding RFI email dated 26 February
- *Rail Siding response email from BBO dated 26 February*
- *Transport response email and four associated attachments from BBO dated 26 February*
- *Hazardous substances response email from BBO dated 28 February*
- *Affordable housing further information email from BBO dated 3 March*

Emily Buckingham

From: Chloe Trenouth
Sent: Thursday, 9 January 2020 1:37 PM
To: Stuart Penfold
Cc: Carolyn Wratt
Subject: Ohinewai

Expires: Tuesday, 7 July 2020 12:00 AM

Hi Stuart,

Happy New Year – I think you are still on holiday, hopefully enjoying some relaxing family time.

I tried to ring you but for some reason your number doesn't seem to be working (must be on holiday 😊). I just wanted to clarify some matters discussed at our site visit and raise a few additional issues that we may not have covered before I go on holiday again:

1. Acoustic – the acoustic report indicates that there are no issues with achieving the noise standards at the boundary of the site. I would like to understand whether there is likely to be any acoustic issues for the proposed residential activities within the site, given the proximity of the industrial sites. I would like to understand whether once new residential sites are created the industrial sites will still be able to meet the noise standards. If not then it may be necessary to include provisions in the precinct plan for acoustic mitigation requirements on some of the residential sites (i.e. within certain distance of industrial sites).
2. Historic Heritage – there is no assessment within the AEE of historic heritage. Could you please confirm whether this matter has been considered, given it is a s6 matter under the RMA I think it is important to at least confirm that this has been considered and none identified if this is the case.
3. Hazardous Facilities – I think we discussed this matter and you were going to provide some information that has been submitted with the resource consent to enable us to understand potential risks. It should be identified in the AEE whether the hazardous facilities required for the Sleepyhead Factory in particular, but potentially other industrial uses would be adequately addressed by existing proposed district plan provisions or other legislation or whether additional precinct provisions are required.
4. Groundwater – there is no assessment of groundwater effects provided although the Geotechnical Report identifies that groundwater levels are high (0.5m -1m across the site and at ground level in some locations). Some assessment should be provided on what the effects of development would be. I am wondering whether there may be a need for groundwater recharge to avoid settlement effects, which would require precinct specific provisions. It may be that the stormwater management approach already addresses this issue, but this is not clear to me currently.
5. Parks – I think we discussed this one also and you were going to come back to us on what the expectation was of APL for the ownership and management of open space. Could you please confirm this ASAP and if there is an expectation of vesting to the Council this will need to be discussed with parks team.

I'm back in the office on the 28th January and we can discuss the above further.

Ngā mihi | Regards

Chloe Trenouth
Director
Hill Young Cooper Ltd

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Emily Buckingham

From: Carolyn Wratt <Carolyn.Wratt@outlook.com>
Sent: Tuesday, 28 January 2020 10:11 AM
To: Chloe Trenouth
Subject: Request for further info 3 waters

Hi Carolyn

Both Megan (stormwater / flooding) and Jim (water and wastewater) have now reviewed all documents the in the share point and both of them have identified some additional document / information that they would like to review. Please see their request below.

Megan

In the stormwater management report by Wood it says that "Consultation with Rick Liefting has been carried out prior to the flood modelling being. As part of this consultation process, the objectives and parameters of the modelling exercise were established. A peer reviewer was also assigned to ensure that the modelling carried out is in line with WRC's objectives."

Can you please request:

- Ohinewai Flood Assessment Report
- The peer review assessment – as referred to above
- WRC modelling objectives
- Infrastructure Report referred to in section 2.10 of the Woods Stormwater Report
- Also it refers to the Sleepyhead Flood Assessment Report, is this the Ohinewai Flood Assessment Report or a separate report? If it's a separate report can we also get that.

Jim – Wastewater

- Woods Infrastructure Report for wastewater servicing for APL. Has it been prepared yet it is reference in the Woods Wastewater Strategies Report 28/11/19 in the Executive Summary and section 12.1
- WSL Implementation Plans referred to in Woods Wastewater Strategies Report 28/11/19 section 3.5
- Woods/APL's minutes / records of discussions with WDC and WSL referred to Woods Wastewater Strategies Report 28/11/19 section 9.4.1
- Capital and Operating costs referred to Woods Wastewater Strategies Report 28/11/19 section 11.2.5 and 11.2.6

Jim – Water

- Woods Infrastructure Report for water servicing for APL. Has it been prepared yet it is reference in the Woods Water Strategies Report 28/11/19 in the Executive Summary and sections 2.1 and 12
- Woods/APL's minutes / records of discussions with WDC and WSL referred to Woods Water Strategies Report 28/11/19 section 3.1
- Records of discussions with water allocation owners referred to Woods Water Strategies Report 28/11/19 sections 3.7 and 10.5.1

Also we just need to confirm that the water, wastewater, stormwater and flooding reports listed in appendices in the AEE and s32AA Evaluation Report prepared by BBO are those that we have prepared by Woods along with the flood assessment report requested above.

It would be really helpful if you could give us some indication as to when this information will be available for us.

Hope you have a lovely weekend

All the best

Paula Hunter

BA, Dip TP, FNZPI
National Specialist - Planning

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Our ref: 145860-06

3 February 2020

Waikato District Council
Attention: Chloe Trenouth
Via Email
Chloe@hyc.co.nz

Dear Chloe,

Ambury Properties Limited (APL) – Submissions on the Proposed Waikato District Plan
Ohinewai rezoning
Response to request for additional information on technical reporting

Thank you for your requests for additional information via email dated 9 January and 29 January 2020.
Please find set out below a response to the queries.

Email 9 January 2020

Acoustic

- 1. Acoustic – the acoustic report indicates that there are no issues with achieving the noise standards at the boundary of the site. I would like to understand whether there is likely to be any acoustic issues for the proposed residential activities within the site, given the proximity of the industrial sites. I would like to understand whether once new residential sites are created the industrial sites will still be able to meet the noise standards. If not then it may be necessary to include provisions in the precinct plan for acoustic mitigation requirements on some of the residential sites (i.e. within certain distance of industrial sites).*

We sought further advice from Marshall Day Acoustics (MDA) on this query and their response is **enclosed**. In summary, MDA advise that:

- The Industrial zone is proposed to be separated from the eastern residential area by a distance of around 130 metres.
- As MDA had reported on the existing Village zone to the west on Lumsden Road, it is not expected that the daytime use of the industrial area would be overly constrained by the presence of the Residential zone based on the activities envisaged and significant noise mitigation measures are not expected to be required.
- The extent of night time noise will depend on the number of industries that operate at night and using the proposed Sleepyhead factory as an example, activities are predicted to comply with the night time noise limits.

- Taking a worst-case scenario, for activities that could breach the noise standards at either day or night, due diligence at the planning stages should identify activities of excessive noise and plan for mitigation measures accordingly. This can be captured at the resource consent stage for specific developments.

Historic Heritage

2. *Historic Heritage – there is no assessment within the AEE of historic heritage. Could you please confirm whether this matter has been considered, given it is a s6 matter under the RMA I think it is important to at least confirm that this has been considered and none identified if this is the case.*

Further advice was sought from Warren Gumbley on this matter. Warren has advised that:

‘We considered the potential historic heritage values for the area at Ohinewai site in the archaeological assessment report. So, the archaeological report addresses this – it’s just that there aren’t any we could find.

Historic and archaeological values are much the same in this sense - they are focused on the place. HNZPT legislation considers all places of human activity where physical remains are found to be archaeological sites if this occurred prior to 1900 - and this is the guide we have used. There are more recent structures on the land - all relating to the development of the existing farm and date to the mid-20th Century or are more recent. It is my opinion that these do not need to be canvassed in the assessment.

Hazardous Facilities

3. *Hazardous Facilities – I think we discussed this matter and you were going to provide some information that has been submitted with the resource consent to enable us to understand potential risks. It should be identified in the AEE whether the hazardous facilities required for the Sleepyhead Factory in particular, but potentially other industrial uses would be adequately addressed by existing proposed district plan provisions or other legislation or whether additional precinct provisions are required.*

We are currently in the process of having the technical reporting for a resource consent application for the factory collated into a memo that will respond to this query. We expect to have this memo available to you no later than **14th February 2020**.

Groundwater

4. *Groundwater – there is no assessment of groundwater effects provided although the Geotechnical Report identifies that groundwater levels are high (0.5m -1m across the site and at ground level in some locations). Some assessment should be provided on what the effects of development would be. I am wondering whether there may be a need for groundwater recharge to avoid settlement effects, which would require precinct specific provisions. It may be that the stormwater management approach already addresses this issue, but this is not clear to me currently.*

We have considered this further and agree that more work can be done to clarify the implications of the rezoning on groundwater. Pattle Delamore Partners (PDP) have been engaged by APL to assess and report on groundwater and expect to deliver the report by the 20 March 2020. As discussed previously, we appreciate that this is after the section 42A report is due (13 March) and so we will endeavour to have a high-level summary to you as soon as possible.

Parks

5. *Parks – I think we discussed this one also and you were going to come back to us on what the expectation was of APL for the ownership and management of open space. Could you please confirm this ASAP and if there is an expectation of vesting to the Council this will need to be discussed with parks team.*

Put simply, it is expected that the majority of the Open Space will be owned and managed by a legal entity managed by APL, e.g. a body corporate or similar. We will initiate discussions with WDC (and/or Watercare Services Limited Waikato) in terms of the ownership, maintenance and operations requirements for 3 waters infrastructure as such infrastructure would generally be vested with Council.

Given the multiple purposes that the open space area will fulfil, including community facilities, we will engage with the WDC Parks team and come back to you on the outcomes of that consultation.

Email – 29 January 2020 – Stantec on 3 Waters

1. *Peer review assessment by T&T of the flood assessment*

Woods have advised that the technical reports have been provided to WRC (and T+T as WRC's peer reviewer) and to date we have not had any feedback from T+T specifically, however some feedback was received from WRC.

With respect to the flood assessment this was done in collaboration with WRC. There were regular meetings which have been minuted and those minutes were included in the report (Appendix C) and sent to WRC.

We will follow up with the WRC to see if their scope with T+T included a formal peer review documentation. If so, we will request a copy and forward on.

2. *WRC modelling objectives for the flood modelling*

Woods advise that the objectives for WRC focussed on understanding risk to the development, including as a result of a stop bank breach.

WRC also wanted to understand flood effects to downstream environment and work to date has focussed on the 10 & 100yr rainfall event (based on the spillway at Lake Waikare (8m RL)), however we have done analysis for the two scenarios which is based on the current gate operations procedures provided by WRC.

3. *There are some inconsistencies in the use of terminology - can you confirm whether there is a separate Infrastructure Report that we have not yet been provided. Looking at the documents it appears to me that there is the strategy, which is essentially an options assessment for water and wastewater, but there is no other report. There is also only the Stormwater Management Plan isn't there?*

No there is no other Infrastructure Report and stormwater management is covered by the Stormwater Management Plan (**Appendix I**).

4. *Infrastructure Report is referred to in the Stormwater Report section 2.10*

This is an error and should refer to the Initial geotechnical report.

5. *Infrastructure Report is referred to in the wastewater strategy (section 12.10) and water strategy (section 2.1)*

The references in section 2.1 of the Water Strategy and 2.1 of the Wastewater Strategy are, we agree confusing. In this context, the water supply, wastewater options and stormwater management plan are the infrastructure reports.

6. *Can you also please confirm whether the Sleepyhead Flood Assessment Report is the same as the Ohinewai Flood Assessment Report?*

Yes.

7. *WSL Implementation Plans referred to in Woods Wastewater Strategies Report 28/11/19 section 3.5*

This is in reference to the WSL Implementation plans that are currently under development.

8. *Capital and Operating costs referred to Woods Wastewater Strategies Report 28/11/19 section 11.2.5 and 11.2.6*

These costs are for comparative purposes only.

9. *Records of discussions with water allocation owners referred to Woods Water Strategies Report 28/11/19 sections 3.7 and 10.5.1*

The discussions with these parties were held in confidence as they are commercially sensitive. We consider that the details of the meeting attendees are not necessarily important, however the outcomes of the meetings more so. That is, that there is water allocation available and that there is an established water allocation trading system available from multiple parties that would enable the servicing of the proposed development enabled by the rezoning.

If Stantec require further information on the process involved, we can provide contact details of staff within the Waikato Regional Council as required.

We trust this satisfies your request for further information. Please contact me in the first instance on spenfold@bbo.co.nz or 07 834 8532 if I can be of further assistance.

Yours sincerely



Stuart Penfold
Senior Planner

28 January 2020

Ambury Properties Ltd
C/- BBO
PO Box 9041
Hamilton 3240

Attention: Stuart Penfold

Dear Stuart

**OHINEWAI PLAN CHANGE
RESPONSE TO COUNCIL OFFICER QUESTION**

Marshall Day Acoustics ('MDA') has provided a report on a submission for Ambury Properties Limited in relation to a site in Ohinewai (refer Report Rp 004 20190798).

We understand our assessment was reviewed by the Waikato District Council reporting officer who noted the following:

"Acoustic – the acoustic report indicates that there are no issues with achieving the noise standards at the boundary of the site. I would like to understand whether there is likely to be any acoustic issues for the proposed residential activities within the site, given the proximity of the industrial sites. I would like to understand whether once new residential sites are created the industrial sites will still be able to meet the noise standards. If not then it may be necessary to include provisions in the precinct plan for acoustic mitigation requirements on some of the residential sites (i.e. within certain distance of industrial sites).

Our response follows:

It is proposed to use the provisions in the District Plan to control noise. The relevant noise limits are the residential zone limits in Section 16.2.1.1 of the Proposed District Plan (refer Attachment 1). These include a 50 dB L_{Aeq} limit during the daytime, 45 dB L_{Aeq} during the evening and 40 dB L_{Aeq} / 65 dB L_{AFmax} during the night-time. The rules are similar to noise limits that are often applied in residential/rural zones in other Districts throughout New Zealand. Such rules provide for a good level of residential amenity overall and compliance will normally result in noise being "reasonable", particularly for a site such as this where the existing noise environment is already elevated.

As recognised in the reporting officer's question, in some *mixed-use* zone higher noise limits are applied at residential facades. Where such noise limits are higher than 55 dB L_{Aeq} (daytime) and/or 45 dB L_{Aeq} (night-time), a requirement to sound insulate dwelling facades is often included in planning provisions¹. It is understood that this approach is **not proposed** for the Ambury Properties Limited submission: the submission proposes to use the noise limits contained in the WDC Proposed Plan and does not propose to include a sound insulation overlay.

The *Industrial* zone is proposed to be separated from the eastern residential area by a distance of around 130 metres. As with the *Village zone* to the west, we expect that light industry activity that generates relatively high internal noise levels² can comply with the **daytime and evening** District Plan noise limits. It is not expected that the daytime use of the industrial area would be overly constrained by the presence of the

¹ Sound insulation of dwellings in higher noise areas allow residents respite from noise, but does not necessarily ensure a good level of acoustic amenity is achieved in outdoor recreation areas (e.g. patios, gardens).

² e.g. manufacture of prefabricated building components, kitchen and joinery manufacture, automotive servicing and repair

Residential zone based on the activities envisaged³ and significant noise mitigation measures are not expected to be required. It is noted that there are potential noise mitigation measures⁴ that could be included during planning stages if a risk of non-compliance is identified during the developer's due diligence.

The extent of **night-time** noise emissions will depend on the number of industries that operate in the *Industrial* zone at night⁵. Activities similar to the proposed Sleepyhead manufacturing development are predicted to comply at the *Residential* zone to the east. However, in a theoretical worst-case situation where there are heavy industrial activities and/or high numbers of truck movements during the night-time on the eastern side of the site, a breach of the night-time limit could occur. Resource consent may therefore be required if such night-time activity was proposed to be established.

In the above situation, the proposed operation would need to implement noise mitigation either to comply with the noise rules or to implement the "best practicable option" to ensure noise is *reasonable* as required by section 16 of the Resource Management Act. The following options would be considered:

- Noise mitigation by bunds or barriers may be required on the eastern industrial boundary(s) to comply with the Proposed District Plan zone rules. A large bund along the eastern boundary could be of significant benefit in increasing the flexibility of the *Industrial* land while providing a better level of amenity to the *Residential* zone. The bund is not considered a critical compliance measure at this stage however.
- Structural noise mitigation may be required to ensure that noise emissions from the sites comply with the night-time rules. This may involve enclosing sources, loading trucks indoors or designing buildings to reduce noise emissions; or
- Activity may need to be restricted at night. Adequate planning and due diligence prior to the establishment of the activity will preclude unsuitable activities establishing if they cannot comply.

Night-time truck access to the site would not technically breach the District Plan noise rules as roads would be vested in Council ownership. Our experience with night-time truck movements on private sites is that they can potentially comply with a 40 dB L_{Aeq} noise limit at the *Residential* zone based on the setback distance shown on the masterplan⁶.

Overall Conclusions

Overall it is considered that the proximity of the *Village* and *Residential* zones will place few constraints on daytime and evening use of the *industrial* area. During the night-time, activities operating in the *Industrial* area will need to be considered on a case-by-case basis to ensure that cumulative noise levels do not breach the Proposed District Plan noise limits (or are provided for by appropriate future resource consents). It is not proposed to provide higher noise limits or a sound insulation requirement in the proposed *Residential* zone other than what is proposed in the Proposed District Plan.

³ It is noted that compliance with the District Plan residential zone noise rules would be a due diligence matter for noisy activities. Noise emissions from high noise generating industrial activities can be reduced significantly by choosing appropriate door locations and by constructing buildings appropriately with regard to noise emissions.

⁴ Noise barriers, good building design, noise management, selection of quiet plant, enclosure of external plant.

⁵ It is atypical for activities such as building product and joinery manufacture, automotive servicing, machinery hire, and building product sales to occur during the night-time. Quieter activities such as warehousing or distribution may be more likely to need to occur during the night-time.

⁶ This depends somewhat on the number of truck movements that occur every fifteen minutes. Occasional movements would comply with the limits whereas a very busy logistics yard may need to consider night-time access points or noise barriers to comply.

We trust this information is satisfactory. If you have any further questions please do not hesitate to contact us.

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

Peter Ibbotson

Consultant

Attachment 1: 16.2.1.1 Noise - General

- | | |
|----|---|
| P1 | Farming noise, and noise generated by emergency generators and emergency sirens. |
| P2 | <p>(a) Noise measured at any other site in the residential zone must not exceed</p> <p>(i) 50dB (L_{Aeq}), 7am to 7pm, every day;</p> <p>(ii) 45dB (L_{Aeq}), 7pm to 10pm, every day; and</p> <p>(iii) 40dB (L_{Aeq}) and 65dB (L_{Amax}), 10pm to 7am the following day.</p> |
| P3 | <p>(a) Noise levels shall be measured in accordance with the requirements of <i>NZS 6801:2008 Acoustics - Measurement of Environmental Sound</i>.</p> <p>(b) Noise levels shall be assessed in accordance with the requirements of <i>NZS 6802:2008 Acoustics - Environmental Noise</i>.</p> |
| D1 | Noise that does not comply with Rule 16.2.1.1 P2 or P3. |
-

Emily Buckingham

From: Chloe Trenouth
Sent: Wednesday, 5 February 2020 11:24 AM
To: Stuart Penfold
Cc: Carolyn Wratt
Subject: Ohinewai - Social Impact Assessment Further Information

Expires: Monday, 3 August 2020 12:00 AM

Good morning Stuart,

We have now received some initial feedback from the social impact assessment peer review being undertaken by Beca. At this stage they have provided a list of questions essentially seeking some further information / clarification to enable them to complete their review. Can you please have a look through these and let us know how you wish to respond because I think there are a couple of ways we can approach this given the tight timeframe that we have.

The following queries are raised:

- The focus of the SIA appears to be an assessment of the proposed Master Plan (rather than the rezoning / plan change requests). This is important as the AEE assesses the zoning request relying on findings from the SIA. It would assist to have information on how the benefits of the MasterPlan as assessed in the SIA will or can be delivered (with certainty). For example:
 1. Reference is made to the opportunity for the school to have potable water / waste water issues addressed because of the Masterplan, it is unclear how this potentially positive opportunity will be realised (or with any certainty) from the change in zoning;
 2. Staffing/employment opportunities outside the Sleepyhead factory – what are the mechanisms to ensure that these opportunities and the proposed employment numbers will be realised – should some specific consideration be given to the difference in potential social outcomes for the employment at the Sleepyhead site distinct from the wider rezoning request in light of this uncertainty (which appears to be the approach taken in the economic evaluation from Property Economics)
 3. Origin of employees – there is some suggestions of initiatives for local employment and transition from education to employment asserted in the SIA but this does not appear to be required in zoning provisions so unclear of the certainty in respect of social benefits
- The assessment mentions countryside living and large residential lots but remains largely silent on the farming community is there additional information on this group – in particular the values of this community and changes likely to be experienced by the change in zoning?
- Has consideration been given to a residential zone being in place should the single large employer of the site (some 1,000 workers) move out of the area in the future – how does this relate to the social outcomes of Te Kauwhata as a dormitory suburb. This issue, which has been well document in other industrial service towns, might be worth commenting on further – to confirm why the authors do not consider it relevant in this case.
- The SIA makes comments on the affordable housing provision for employees of Sleepyhead. However, it is unclear how they will be supported into this housing (e.g. there appears to be some margin between the cost of housing in Huntly with the averages proposed in this site and therefore a potential 'affordability delta'. Are specific measures to be proposed that can be relied on. If not, what assumptions are made in the SIA of these houses being occupied by employees (in the economic assessment considered could be as high as 70%) and what are the implications if that is not realised?
- How would the risk of the rezoning – particularly the retail and outlet retail areas becoming direct competition to retail/business land in Huntly and exacerbating the economic and social issues that the SIA identified for this area, how will these managed?

- Has the SIA considered both the proposal being additional housing/industrial/retail activity in the area versus it being drawn from other areas such as Huntly, where there is some capacity of supply?
- Were the interviews for the SIA conducted based on the presentation/explanation of the master plan – it is unclear whether discussion was on the zoning rather than these MasterPlan outcomes, which may have influenced people's views (e.g. the open space and reserve network shown does not appear to be zoned or confirmed, how was housing and employment numbers conveyed relative to zoning)?
- Some further commentary on how the SIA relates to the information in the economic report (Property Economics) in respect of employment – particularly as that report appears to indicate that they are the same market for employment and there are housing opportunities and infrastructure provision in this area (albeit that there may be some market demand differences). In particular, further commentary on whether the employment opportunities (beyond those at Sleepyhead) are actually relocation of jobs that were projected anyway, it is unclear why this area is making new employment – my estimate this accounts for some 1,000 of the employment numbers being used in the SIA. It is also unclear where these employment numbers have been derived from.
- The SIA does not consider the proposal in the context of the Waikato Blueprint in 2018 – which provides some consideration on community aspirations / values and commentary on the implications of the rezoning on these.

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

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Emily Buckingham

From: Chloe Trenouth
Sent: Tuesday, 11 February 2020 5:26 PM
To: Stuart Penfold
Cc: Carolyn Wratt
Subject: Ohinewai - Economic assessment request for further information

Expires: Sunday, 9 August 2020 12:00 AM

Hi Stuart,

Further to our discussion this morning please see below a number of points that Derek Kemp has raised in his initial review of the Property Economics report and APL proposal. You may be able to respond to some of these and others possibly not within the timeframe but I just wanted to raise them with you in the first instance for discussion.

1. Clarify whether the 43,400m² of commercial space proposed provides for more than a small cluster of convenience shops and the Discount Factory Outline Centre.
2. Clarify how much retail and office space is contemplated. The DFO is identified as 43,400m², and convenience retail as 2,500m² (including commercial services) but it is unclear what level of office space may be provided. The proposed planning provisions restricting GFA exclude commercial services, service stations or a garden centre from the total combined GFA of 2,500m². The DFO also has no GFA cap.
3. The proposed planning provisions specifically state that 'stand-alone' office tenancies shall have a gross leasable floor area of not more than 200 sq. m. It is not clear whether that applies only to individual tenancies and only to leased space, not owner occupied space or to the whole building.
4. The calculation for convenience retail includes residents and additional workers and business. Does it also include visitors to the DFO that may need cafes and convenience services?
5. The estimated DFO spend of \$110 million from the catchment is 15% of the total spend for large format retail spending in 2018. Please consider the potential impacts of taking away this spend from other centres providing similar offerings within the catchment (i.e. The Base and Dress Smart at Te Rapa).
6. Clarify why the localised catchment does not include Te Kauwhata or Taupiri.
7. The construction and employment figures in s10 should be re-assessed and evaluated without the DFO and residential components in case they do not progress.
8. The competitive impact of DFO on local and district retail employment, and existing retail owners and workers incomes has not been evaluated.

These are in addition to the concerns I raised with you a couple of weeks ago and summarised in your email of 31.01.20:

- Initial comments from Derek Kemp around the sustainability of the proposed Discount Retail Outlet stores and around housing choice (TK vs Huntly vs Ohinewai).

Further to the point above I would add that we have some concerns about what happens if the DFO proposal is not successful and the potential impacts on Huntly and TK centres. It is also unclear how the 'affordable' housing is to be achieved, and what the residential offer will be other than a price point around \$500,000. I think you mentioned that Property Economics are already doing some further work in this area.

Derek is out of the country and is back early next week I believe. There may be some benefit in having a teleconference with him to work through his concerns (expert to expert).

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

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Emily Buckingham

From: Chloe Trenouth
Sent: Thursday, 13 February 2020 9:03 AM
To: Stuart Penfold
Cc: Carolyn Wratt
Subject: Ohinewai - landscape and urban design further information request

Expires: Tuesday, 11 August 2020 12:00 AM

Hi Stuart,

As discussed, we have received an initial peer review of the APL landscape and urban design reports. The following information is sought to assist in considering the proposal:

- Further assessment of the **appropriateness** of the land use change from rural to urban in this setting, rather than whether the proposal can be absorbed in this setting (VAC analysis). This relates to both landscape and urban design matters.
- In relation to the urban design, an assessment against the NZUDP seven "C's" provides a means to review, however an assessment against the provisions of the new zones is not provided. Please provide commentary / assessment of the design in relation to the above, and also the site's context and proposed form, connectivity and activity of the future proposal.

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

P: 09 353 1286 | **M:** 022 6147605 | **E:** chloe@hyc.co.nz

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Robert Quigley's response to Beca's review of the Ohinewai Masterplan SIA

Beca review in black. RQ response in blue.

- *The focus of the SIA appears to be an assessment of the proposed Master Plan (rather than the rezoning / plan change requests). This is important as the AEE assesses the zoning request relying on findings from the SIA.*

The SIA assessed the Masterplan, on the basis that the proposed rezoning (and associated Structure Plan) enables the proposed development as outlined on the Masterplan.

This was considered to be most useful approach to assist the decision makers understand the potential social effects of the expected development form. The implementation of the Masterplan is enabled by the Structure Plan, with the proposed District Plan provisions requiring development on the site to be consistent with the Ohinewai Structure Plan.

- *It would assist to have information on how the benefits of the MasterPlan as assessed in the SIA will or can be delivered (with certainty). For example:*
 1. *Reference is made to the opportunity for the school to have potable water / waste water issues addressed because of the Masterplan, it is unclear how this potentially positive opportunity will be realised (or with any certainty) from the change in zoning;*

My understanding is that in the medium to long term, the proposed development requires reticulated wastewater and water services. Options have been put forward by APL to provide for those services.

Through discussions with both APL and Ohinewai School, the SIA has assumed that the reticulated system is likely to be available for the school to connect to in the future. Any connection to any eventual reticulated system would depend on Waikato District Council's policy and may require contributions to connect.

This can be managed by continuing the existing relationship between the School and APL, and seeking WDC's support if needed in the future.

2. *Staffing/employment opportunities outside the Sleepyhead factory – what are the mechanisms to ensure that these opportunities and the proposed employment numbers will be realised – should some specific consideration be given to the difference in potential social outcomes for the employment at the Sleepyhead site distinct from the wider rezoning request in light of this uncertainty (which appears to be the approach taken in the economic evaluation from Property Economics)*

Property Economics has taken a conservative and District-wide view of employment numbers by only considering the unique activity of Sleepyhead staff. The rezoning allows for substantial additional light industrial and discount retail. It would be remiss of the SIA to ignore the potential social effects of such a large potential change on the towns within the SIA study area.

I agree the certainty of achieving the balance of the retail and light industrial is not as high as the certainty of employment arising from Sleepyhead (almost certain given APL's needs for the factory operation), but given the shortage of nearby industrial land, the desirability of the proposed industrial land given its position next to SH1 and with a rail link to key ports and major cities, the likelihood of the additional development is high. As such I have not attempted to separate out the potential social effects from the two major sources of employment, nor have I done a District-wide assessment.

3. *Origin of employees – there is some suggestions of initiatives for local employment and transition from education to employment asserted in the SIA but this does not appear to be required in zoning provisions so unclear of the certainty in respect of social benefits.*

Yes, as described in the SIA there are existing initiatives, operating right now, by schools, Waikato Tainui and the Ministry of Social Development (MSD) who look to partner with employers. Via engagement undertaken by APL, there is a clear acknowledgement from Waikato Tainui and MSD staff of the opportunity for transformational employment opportunities from existing centres and APL have for several months been transporting local employees (by bus) to work in their existing factories in Auckland.

The Masterplan enabled by the rezoning, and in particular the values described by Sleepyhead, mean relationships are being formed and solidified to extend these existing programmes. Such initiatives are built on trust and strong relationships, not rules or requirements. Given all parties have expressed a desire to work together, goals align, and existing programmes are already in place, the certainty ascribed to these potential social effects is high.

- *The assessment mentions countryside living and large residential lots but remains largely silent on the farming community is there additional information on this group – in particular the values of this community and changes likely to be experienced by the change in zoning?*

Discussions with potential stakeholders about scope, including Council staff, did not identify the 'wider farming community' as a community of focus for the SIA. Despite this, farmers have been included in the assessment to a modest extent. What is clear is that the rezoning of land, while large, is actually small in contrast to the land-area (of farms) on the eastern side of the expressway. For example, because of this continued exposure to a large farming community, the Principal and Deputy-Principal of Ohinewai School still expect the school to retain its farm-oriented focus.

- *Has consideration been given to a residential zone being in place should the single large employer of the site (some 1,000 workers) move out of the area in the future – how does this relate to the social outcomes of Te Kauwhata as a dormitory suburb. This issue, which has been well document in other industrial service towns, might be worth commenting on further – to confirm why the authors do not consider it relevant in this case.*

The potential for Sleepyhead to close has been considered and described in the SIA (see page 26; Section 6.3 Potential housing effects).

- *The SIA makes comments on the affordable housing provision for employees of Sleepyhead. However, it is unclear how they will be supported into this housing (e.g. there appears to be some margin between the cost of housing in Huntly with the averages proposed in this site and therefore a potential 'affordability delta'. Are specific measures to be proposed that can be relied on. If not, what assumptions are made in the SIA of these houses being occupied by employees (in the economic assessment considered could be as high as 70%) and what are the implications if that is not realised?*

Sleepyhead are still working on potential arrangements in this area so I can't add additional clarity at this point. I will provide further details once they are available.

- *How would the risk of the rezoning – particularly the retail and outlet retail areas becoming direct competition to retail/business land in Huntly and exacerbating the economic and social issues that the SIA identified for this area, how will these managed?*

The potential for this effect is explicitly explored in Section 9: Business.

- *Has the SIA considered both the proposal being additional housing/industrial/retail activity in the area versus it being drawn from other areas such as Huntly, where there is some capacity of supply?*

Huntly has little industrial land available and none at the scale offered by APL, housing sections are in short supply and the provision of additional residential land is constrained by topography, historic land uses and geotechnical constraints. Te Kauwhata has an abundance of housing supply and very little industrial land.

Several interviewees, in business, housing, Council, communities, were explicitly questioned on this topic. This question is explicitly considered in the housing and business sections of the SIA. Only one interviewee described having a stand-alone industrial site (with no residential housing at Ohinewai) as a good idea. Other respondents saw the social benefits of being able to live, learn and work at the Ohinewai site, for those who wish that lifestyle. Several people mentioned the climate change positive effects of allowing people to live near to where they worked, but that was out of scope for my assessment. I also refer to the Waikato Regional Policy Statement Development Principle, number six: 'Minimise energy and carbon use such as by compact urban form, and design and location which minimises the need for private motor vehicle use, encourage walking, cycling and use of public transport and maximise opportunities for people to live, work and play within their local area'.

There will be housing choice. People will choose whether to live in Ohinewai, Huntly or Te Kauwhata (or elsewhere), so effects will be spread across those areas.

- *Were the interviews for the SIA conducted based on the presentation/explanation of the master plan – it is unclear whether discussion was on the zoning rather than these Masterplan outcomes, which may have influenced people's views (e.g. the open space and reserve network*

shown does not appear to be zoned or confirmed, how was housing and employment numbers conveyed relative to zoning)?

Yes, the interviews were presented on the basis of the Masterplan being the development form. The rezoning and structure plan enabling the Masterplan to be implemented was not particularly discussed in detail and those plans are the planning tools in order to implement the development form. As discussed above, this was considered the most likely option for the use of the land, especially given the strategies being developed.

I began the interviews with a short description of the Masterplan. I described where the site was, and how APL was seeking to rezone the land from rural to a mixed use. Nearly everyone knew about the proposal. I stressed that approval was not guaranteed as some people knew the land was already in the process of being sold to APL. I described the major proposed uses of the site: Firstly, the rezoned land enabling the Sleepyhead factory and its potential 1,000 jobs (which most people knew of). I also described how the rezoning would enable about another 1,000 light manufacturing and outlet retail jobs on top of this, should it all go ahead. The potential for 1,000 additional jobs was not well known by most interviewees. Secondly, I described the potential for 1,100 additional homes and mentioned that over time that would equal about 2,700 people. Most interviewees were already aware of the housing component and its approximate size. Depending on the interviewee, I would describe additional parts of the Masterplan relevant to that person. For example, for Ohinewai School, I described how no school was proposed within the site.

- *Some further commentary on how the SIA relates to the information in the economic report (Property Economics) in respect of employment – particularly as that report appears to indicate that they are the same market for employment and there are housing opportunities and infrastructure provision in this area (albeit that there may be some market demand differences). In particular, further commentary on whether the employment opportunities (beyond those at Sleepyhead) are actually relocation of jobs that were projected anyway, it is unclear why this area is making new employment – my estimate this accounts for some 1,000 of the employment numbers being used in the SIA. It is also unclear where these employment numbers have been derived from.*

The employment numbers in the SIA are as described in section 4: Approximately 700 hires from NZ Comfort Group and an additional 1,072 hires from additional light industrial, outlet retail and community services (total 1,772).

The Property Economics report focussed on the 1,000 employees from NZ Comfort Group (of which 300 will relocate) who are described as unique activity on the site, i.e. new jobs to the District that would not otherwise be expected to materialise. The other 1,072 jobs, are jobs that do not exist now in the district, but are not a unique activity and are therefore projected to occur somewhere in the district, in the future.

Being a Masterplanned site, it will likely be an attractive proposition to businesses, and so as new businesses form, they are more likely to choose this location over others. The SIA has assessed the effects on the townships of Ohinewai, Huntly and Te Kauwhata; and to these townships, these additional jobs are new jobs, and as close as possible for both towns.

- *The SIA does not consider the proposal in the context of the Waikato Blueprint in 2018 – which provides some consideration on community aspirations / values and commentary on the implications of the rezoning on these.*

Yes, I have considered the Waikato Blueprint. I didn't explicitly refer to the Waikato Blueprint in the SIA because when I asked interviewees about the document, those that were familiar with it suggested it did not necessarily reflect their views. However, I note the rezoning is consistent with the Local Area Blueprint for Ohinewai, as is most of the Waikato Blueprint, including the following:

- The vision as *"Liveable, Thriving and Connected Communities / He noohanga aahuru, he iwi whai ora, he hapori tuuhono tahi"* (p3)
- The Blueprint themes (p3):
 - *"Communities: strengthen, enable and connect local communities and citizens, and support those most in need.*
 - *Growth: direct cohesive growth outcomes which support all community needs.*
 - *Economy: support the rural and urban economy, and attract more visitors, entrepreneurs, and employment uses.*
 - *Transport: leverage value off accessibility, help those disadvantaged by a lack of transport options, prepare for future passenger rail.*
 - *Infrastructure: develop and maintain efficient infrastructure that is environmentally clean and will serve the community well into the future."*
- The Ohinewai Local Area Blueprint:
 - *"lifestyle character protection, support the school, and integrated approach, should industrial uses occur (p3).*
 - *The local school is a great asset. There is room for expansion on its site (p76).*
 - *Growth is welcomed in response to the ageing population and the need to keep and make facilities and services viable, but there is also the desire to retain the current 'community feel' (p76).*
 - *There is a desire to retain large lot sizes and the character that this brings (p76).*
[For clarity, this aligns with the proposal as it can be achieved on the Western side of the Expressway, where most existing residents live. Those living on the Eastern side already live alongside a busy road, SH1 and main trunk rail line.]
 - *Potential for a large-scale development to occur, subject to an RMA process (p76).*
 - *There is an opportunity to improve recreation and tourism opportunities through the creation of walk and cycle ways around the lake and along the river (p76).*
 - *There is a strong requirement to improve pedestrian and cycling linkages between east and west. This may require a clip-on to the existing bridge (p76).*
 - *There is a strong desire for improved public transport accessibility among the community. This includes ensuring that the level of service is reliable and meaningful enough to support commuters (p76).*
 - *Infrastructure issues (water and wastewater) should be resolved" (p76).*
- *"There is a great need to improve housing and other property affordability throughout the district" (p31).*
- *"Jobs in the Waikato District are only providing work for half of residents who work (ignoring the unemployed), a shortage of 12,200 jobs" (p34)*

- *“At present this one job for every household target is not even close, with the district only providing one job for every four residents, and there has been very little improvement over the last 16 years” (p34)*
- *“Relying on horticulture and agriculture alone for employment and wealth is therefore not sufficient; growth should also come from other sectors.” (p35)*
- *“... the growing district population can therefore only be expected to create 35% (at best) of the jobs needed.” (p35)*
- The Blueprint puts forward the following *“approach to retain existing wealth, capture new wealth and capture wealth from elsewhere (p36):*
 - *Attract high income residents and businesses*
 - *Attract those with high incomes to local centres*
 - *Residents spending time and therefore money locally*
 - *Workers spending time and therefore money locally*
 - *Ensure sufficient well located, zoned & serviced land*
 - *Attract catalytic first movers*
 - *Vision, promote & market clusters*
 - *Vision, promote & market locations for clustering places future industrial land*
 - *Attract new residents with resources to invest locally.”*
- *Already zoned and available industrial land is in Tuakau and Meremere (p41), both significantly further from Huntly compared to Ohinewai*
- *“Possible – to be verified (approximate areas)” of industrial land in Ohinewai (currently not zoned) are identified in the Blueprint (p42).*
- *The Huntly Local Area Blueprint prioritises ‘employment and youth initiatives’ (p61), with the Ohinewai Masterplan site being very close to this workforce. “There is a need for suitable employment for young people and related skills training” (p79).*

14/2/2020

Emily Buckingham

From: Chloe Trenouth
Sent: Tuesday, 18 February 2020 2:16 PM
To: Stuart Penfold; John Olliver
Cc: Carolyn Wratt
Subject: Ohinewai - 3 waters peer review

Expires: Sunday, 16 August 2020 12:00 AM

Hi Stuart/John,

Further to our discussions yesterday I am emailing to confirm the further information sought for 3 waters.

- Stantec has a number of matters that they wish to clarify with Woods relating to stormwater and flooding, I think this would be the most efficient approach. Please confirm that you are happy for Megan Blackburn to contact Woods directly.
- Please provide an update on the further analysis currently underway by APL on the water and wastewater options to illustrate what is being considered and whether any greater certainty can be provided on preferred options.

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

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MEMORANDUM

To John Olliver

Project: Ambury Properties Limited Rezoning

Date 19/02/2020

I have been asked to provide specific comment on the *appropriateness* of the proposed APL rezoning. After undertaking physical inspection of the location and surrounding area, in conjunction with GIS analysis and the preparation of my visual and landscape assessment report dated December 2019, I am of the opinion that the proposed rezoning is appropriate for this location. My conclusion is drawn from consideration of my assessment of the landscape and amenity factors, outlined in my Visual and Landscape Assessment Report, and their relevance to the Waikato Regional Policy Statement (WRPS) and the Proposed Waikato District Plan (PDP), with particular regard to the Future Proof Strategy.

I consider the rezoning is appropriate for the following reasons;

1. The location is consistent with the general spatial patterning in this part of the Waikato District. Along the SH1/NIMTL corridor, villages and towns are regularly spaced at approximately every 7-9 kms. Ohinewai is one such village and this rezoning expands the existing Ohinewai village to meet with adjacent development. Land on Lumsden Road adjoining the site is zoned Village in the PDP and developed for residential purposes. Similar to other settlements along the corridor, the development adjoins the major movement hub created by the Ohinewai grade separated interchange. In terms of connectivity, the area to be rezoned is located to utilise existing infrastructure, in particular the SH1/NIMTL corridor. The intended development within the rezoned area includes specific provision of a railway siding for the transport of materials and finished product. It also is located at an existing SH1 interchange facilitating ready access to road transport, and includes opportunities to establish walking and cycling connections to Huntly using the existing transport network.
2. The area to be rezoned includes provision for residential and commercial activity as well as recreational and amenity facilities, providing integrated accommodation and activity for employees of industry within the area. This is an *appropriate* urban design response by creating a community that is internally walkable and self-sufficient for basic services but also close enough to readily access more extensive community and commercial services in Huntly.
3. The rezoning area is located on rural land that has degraded ecological values. The proposed development plan supporting the rezoning includes significant areas of ecological planting as well as amenity open space and parkland. These act to enhance the existing ecological values and buffer the areas from undesirable encroachment from adventitious species.
4. The proposed area to be rezoned is in broad proximity to two identified outstanding natural features (*Lake Waikare* and the *Waikato River*). With respect to the *Waikato River*, the combination of the undulating topography around the site and the distance to the features means that it will not be affected by the rezoning. With respect to *Lake Waikare*, specifically

the *Lake Rotokawau* fringe, the area of the Wilderness Park including restoration planting proposed as part of the development will enhance the natural character and landscape values of this feature by extending the planting and connecting the Wetland Park to the Lake Rotokawau fringe ecologically and in landscape terms. (The Wilderness Park is included in the Illustrative master plan which supports the Zoning and Structure Plans).

5. The illustrative master plan which reflects the anticipated development of the proposed rezoning has been designed to be sympathetic to the natural and physical qualities and characteristics of the surrounding environment. The proposed restoration and amenity planting as part of the 'Wilderness Park' and setback planting will provide a buffer between the proposed development and adjoining Lake Rotokawau and Lumsden and Tahuna Roads, as well as enhance the existing planting around *Lake Rotokawau*.
6. The illustrative plan also demonstrates that the anticipated outcome of development is consistent with the PDP Urban Design Guidelines for residential subdivision; connectivity and movement networks, neighbourhood character, residential block and street layout, open space and landscape treatment and low impact urban design. It promotes walkability, connectivity and accessibility in and around the development itself and connections to Ohinewai village and Lake Rotokawau. Street and lot layout as well as public open space (Wilderness Park) have been well thought out to address street frontages and public spaces, accommodate a variety of building density, with a mix of usable lot types.
7. In addition, submissions received on the proposed rezoning, by *Ohinewai Lands Ltd* and *Shand Properties Ltd*, identify an intention to rezone additional areas in and around Ohinewai Village for further urban growth. This indicates that additional development proposals are part of the future context for Ohinewai.

In summary, due to the presence of existing land use patterns within the wider area; the transport corridor and interchange, the Ohinewai village and the ONFs; the development will be seen as an extension of the Ohinewai settlement, an increased intensity of development which forms a coherent extension of the existing transport linkages and integrates with the surrounding landscape through the functional and ecological buffer contained within the development itself. The proposed rezoning is considered appropriate within the wider landscape context. While subsequent development of the proposed rezoning area will alter the existing landscape pattern; introducing earthworks, infrastructure development and buildings over an extent and to a degree that are not present within the receiving environment, when considered within the context of the proposed zone, it is anticipated that a complying development with appropriate mitigation would result in an acceptable level of effect on landscape amenity.



Michael Graham
Director
Landscape Architect



Memorandum

20 February 2020

To	Ambury Properties Limited		
Copy to	BerrySimons (Simon Berry), Bloxam Burnett & Olliver Ltd (John Oliver)		
From	GHD Limited	Tel	07 834 7900
Subject	Waters Review - Ambury Properties	Job no.	12/525/715

1 Background / Introduction

Ambury Properties Limited (APL) has lodged a submission on the Proposed Waikato District Plan seeking a rezoning of land near Ohinewai to support the relocation of The Comfort Group's manufacturing plants and development of a supporting residential/commercial zone, all to be called The Sleepyhead Estate. The site is not service by Three Water infrastructure at the moment so APL engaged Wood and Partners Consultants Limited (Woods) to assess the Three Waters (Water, Wastewater and Stormwater) requirements for servicing of the proposed rezoned land.

Woods reports have, in general, identified significant challenges for servicing the proposed area, particularly in relation to potable water (water) and wastewater. The Woods reports present options for servicing and confirms that there are both short- and long-term solutions; however, does note that further consultation and design are required.

APL has requested GHD Limited (GHD) to review the analysis undertaken in terms of options in light of the planning and regulatory context and the existing infrastructure provisions available to the Waikato District Council (WDC) with a view to producing a more refined recommendation in terms of options for provision of water and wastewater infrastructure that can:

- (a) Be discussed with WDC / Watercare in terms of feasibility and timing; and
- (b) Be placed before the Panel considering plan submissions.

2 Purpose

Against that background, the purpose of this brief report is to provide a review of documents submitted in support of Ambury Properties Rezoning submission on the Waikato District Plan, particularly in relation to the provision of Three Waters infrastructure.

In doing so, this memorandum:

- Addresses the sub-regional setting;
- Sets out our views on the Woods reports;
- Addresses WDC water and wastewater usage;
- Considers options available and discusses them;

3 Sub-Regional Setting

To provide some deeper analysis of options available for servicing, than in the Woods reports, it is first useful to understand the nature and context of Three Waters within the Waikato Sub Region.

3.1 Te Ture Whaimana o Te Awa o Waikato

The driving legislation that governs waters activity in the area is the River Settlement Act and the Vision and Strategy for the Waikato River, Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy). Section 10 of APL's Rezoning Submission AEE addresses this legislation in detail; for the purposes of this memo, no further detail is needed. It is important, however, to note that at a practical operational level, the Vision and Strategy drives and dictates almost all of the decisions related to the 3 Waters, which will include this rezoning request.

3.2 Plan Change 1

Plan Change 1 is a proposed change to the Waikato Regional Plan, with rules to manage both point source discharges (such as sewage from towns and waste from factories) and non-point source discharges linked to agriculture. Developed with the community, it allows for the management of nitrogen, phosphorus, sediment and bacteria in the Waikato and Waipā Rivers.¹

This plan change will have significant impact on the way water is managed through the Waikato and Waipā River Catchments and, even though it is still progressing through the statutory process, will have a significant influence on water solutions for the rezoning.

3.3 Hamilton to Auckland Corridor

Recently, Ohinewai and the wider Sub Regional area have been included and within the Hamilton to Auckland Corridor work program (H2A, see area map attachment 1). H2A is a Central Government-driven collaborative project involving local councils and Central Government organisations.

The H2A plan outlines the requirements needed for growth in an area between Hamilton and Auckland, and in particular refers to the area of discussion in some detail. The outputs of this work is viewable through the following link. <http://futureproof.org.nz/corridor-plan/the-plan/>

The key outcomes of the plan in relation to the Three Waters, is to:

Address our waters challenges by taking a boundary less and 'best for river' approach to achieve the Te Ture Whaimana - Vision and Strategy for the Waikato River, and deliver Hamilton to Auckland Corridor Plan growth management objectives.

- ***Waikato sub-regional three waters study***
- ***Designing and developing a cross-regional blue-green open space and recreational network***

A significant amount of work has recently been undertaken in the 3 Waters area in the sub region, within the context of H2A. This work has including a Better Business Case, Strategic Business Case (following Treasury format) and a Current State report. This work was completed via a series of integrated workshops which included Central Government participation. The Future Proof Governance structure has also been expanded to ensure all necessary parties are involved. A summary of the output information from this work is included in attachment 2. This outlines the

¹ <https://www.waikatoregion.govt.nz/council/policy-and-plans/healthy-rivers-plan-for-change>

challenges for 3 Waters in the area, and also outlines proposed servicing themes for the area of the proposed APL rezoning, namely the provision of “De Centralisation of Services”.

3.4 Sub Regional Three Waters Strategy

It is also important to acknowledge the existence of a Sub Regional Three Waters Strategy that overlays the area and is intended to provide direction for the provision of infrastructure within the sub region. The Strategy went through a full Local Government Act process and therefore has the statutory weightings that come with such a process, even though the work is now somewhat dated (2012).

3.5 Te Kauwhata Housing Infrastructure Fund

WDC was successful in securing a significant amount of funding through Central Government’s Housing Infrastructure Fund (HIF) process in 2018 (through the development of a BBC, work undertaken by GHD). A HIF funding of \$38m was allocated to support a total infrastructure requirement of \$72.2 million, spread across Water, Wastewater and Transport.

The HIF funding was secured to facilitate the development of the Te Kauwhata Structure Plan and the Lakeside Development in Te Kauwhata, funding the construction of a wastewater solution (MBR plant), based on a new plant discharging to the Waikato River, via land contact. It was intended their plant would replace the current discharge to Lake Waikare. This work has not yet been undertaken and the funding short-fall not yet met.

4 Review of Woods Reports

For the purposes of this memo, the following four documents have been reviewed, at a high level.

- Assessment of Environmental Effects Report and section 32AA Evaluation by BBO
- Woods Stormwater Management Plan
- Woods Water Supply Servicing Strategies
- Woods Wastewater Servicing Strategies

The review concludes that the Woods reports are technically sound and offer solid technical solutions to the issues surrounding the rezoning request. On the face of the recommendations, the reports generally recommend stand-alone infrastructure solutions for both water and wastewater, at least to allow the development to commence.

Although this approach is considered technically sound, it may not be feasible from a practical application perspective. The solutions supported by Woods appear to have been arrived at without having due regard to the sub regional challenges and work undertaken over recent years and currently underway (as noted above).

It is also worth noting that the Woods reports generally favour approaches that limit the need for the developer to pay WDC Development Contributions (DC’s). Whilst DC’s in this case could be significant (although a Development Agreement may help alleviate that), they also may be able to be used to the benefit of the developer, given the infrastructure issues faced within the WDC area and the funding challenges these bring. Currently 3 Waters DC’s on the site are not payable as it is zoned Rural, so the Development Agreement could effectively replace or minimise future DC’s. Further work on this area is highly recommended.

5 Waikato District water and wastewater usage

To understand the local water and wastewater context and to support option development (other than that offered through Woods' report), Table 1 has been developed to provide an overview of plant capacity and demand and set a framework from which to consider viable servicing options moving forward.



Memorandum

5.1 Current water usage

	Parameter	Huntly WWTW	Development WW Flows	Te Kauwhata WWTW	Te Kauwhata WTP	Development Water Demand	Huntly WTP
Consented discharge / take limit	Maximum (m3/day)	11,500		3,600	22,900 ²		6,700 ³
	Annual average (m3/day)	-		1,100	-		-
Actual discharge / take	Daily average (m3/day)	1,451	2,000	997	1,713	2,150	3,000
	Peak daily flow (m3/day)	4,712	4,000	2,430	3,262	4,300	4,100
	Year recorded	2017/18		2016/17	2018		2018

Table 1: Overview of Plant Consent Limits and Demands

² This is the maximum consented water take for the whole of the Te Kauwhata Irrigation Association

³ Maximum consented water take will increase to 6,800 m³/day in 2027, 6,900 m³/day in 2033, 7000 m³/day in 2039



Memorandum

5.2 Discharge quality

The nutrient load limits for Huntly and Ngaruawahia Wastewater Treatment Plants are combined during the summer months such that:

- The median summer (December to May inclusive) total nitrogen load (TN_{load}) for Ngaruawahia Wastewater Treatment Plant and Huntly Wastewater Treatment Plant combined shall not exceed 57 kilograms per day; and
- The median summer (December to May inclusive) total phosphorus load (TP_{load}) for Ngaruawahia Wastewater Treatment Plant and Huntly Wastewater Treatment Plant combined shall not exceed 17.3 kilograms per day

As can be seen in the table, both water and wastewater plants in the vicinity of the rezoning area have capacity within their resource consent volumes. This is important insofar as it enables consideration of maximizing resource use and minimizing impact on the receiving environment in the context of the proposed development (WDC being willing); something that is critical if the proposed rezoning is to gain wider support.

5.3 Treatment Plant Layouts and compliance status (as understood)

Huntly Wastewater Treatment Plant

The Huntly Wastewater Treatment Plant is a pond-based system with UV treatment and wetland treatment, prior to discharge into the Waikato River. This WWTP is understood to be currently non-compliant with its discharge consent.

Te Kauwhata Wastewater Treatment Plant

The TKWWTP consists of a pond system, Aquamats and wetland treatment, prior to discharge into Lake Waikere. It is understood to also be currently non-compliant with its discharge consent.

Huntly Water Treatment Plant

The Huntly Water Treatment Plant currently provides water that complies with both protozoal and bacteriological requirements of the Drinking Water Standards in New Zealand (DWSNZ). It has surplus capacity and is understood to be recently connected to Ngaruawahia to supplement its supply in times of high demand. It can treat up to 8,000 m³/day currently.

Te Kauwhata Water Treatment Plant

The Te Kauwhata Water Treatment Plant currently provides water that complies with both protozoal and bacteriological requirements of the Drinking Water Standards in New Zealand (DWSNZ). Its water is sourced through the Te Kauwhata Irrigation Society, which has consent to draw 22,900 m³/d from the Waikato River. It can treat up to 3,000 m³/day currently.

5.4 Summary

As can be seen from the data presented in the sections above, all water takes/discharges have volumetric capacity within them and some have production volume capacity at the plant. Taking the water and wastewater demand for proposed rezoning for APL area and overlaying it with the data above offers a technical solution, whereby there is sufficient capacity within existing water takes and

wastewater discharges to accommodate the proposal, without the need for a new water take from the Waikato River or new discharge to the River.



6 Options and Discussion

6.1 Discussion

As mentioned in the information presented above, the H2A corridor is poised for significant change. This is on the back of high growth and demand for residential and industrial/commercial land. This growth is seen as a nationally significant issue and has support from multiple government agencies. Ministers are now sitting on a Future Proof Committee focused on the delivery of key initiatives in the H2A corridor and Central Government funding is pending for the next stage of the Corridor 3 Waters Plan, potentially \$1 million.

With respect to the 3 Waters and servicing of the growth, significant challenges exist and need to be worked through to allow a solution which is cognisant of the Vision and Strategy. Plan Change 1, which looks to implement the requirements of Vision and Strategy, is still progressing through the hearing and decision process and the outcomes of this will impact greatly on how water is managed moving forward.

6.2 Existing compliance problems

Experience within the sub region, particularly with regards to water takes and wastewater discharges, clearly shows that the securing of new consents with new outfalls and/or takes points, is extremely unlikely. WDC is already struggling with compliance with existing assets with the result that a new proposal which would result in more assets for WDC to manage may be a “hard sell” to WRC. Equally, WDC is not at all keen on accepting provision of private 3 Waters infrastructure.

The desire to improve the river and its tributaries now being enshrined in law (through the Settlement Act, Vision and Strategy and subsequent policies and plans), makes the granting of such consents not just unlikely, but almost impossible.

6.3 Existing allocation problems

The current allocation status of the Waikato River (almost fully allocated and a significant queue of pending applications, including Watercare Services Auckland Consent) and the “First in, First Served” approach within the Regional Plan, makes securing water for non-municipal use difficult, and extremely unlikely.

6.4 Emerging solution: Water take

The remaining avenue that is open for increasing water take is the elevated status that Municipal Suppliers have under the Water Module of the Waikato Regional Plan when renewing consents or requesting further water, from even a fully allocated catchment. Whilst the exact nature of this rule and policy setting needs to be further analysed, it does, on the face of it, provide an option for WDC to apply for further water to service its growth and allocate its existing capacity to the proposed rezoning area for both municipal and commercial/industrial use.

6.5 Emerging solution: Funding

On the back of these matters, identifying options that not only use existing infrastructure and consents, but can also address compliance, and therefore water quality issues, is a positive for both WDC and APL. Coupled with this is the potential to use HIF funding to offset costs if a wider servicing option may be considered (particularly for wastewater) beneficial. Ways to offset Development contributions, such as the developer construction of the treatment plants/upgrades and handing over to WDC are also options worth consideration. DBO's, PPP's and other may also be other ways to approach the infrastructure challenges and allow “off balance sheet” solutions to be found and implemented for WDC.

6.6 Emerging Solution: Mid Waikato Servicing Strategy

It is understood that WDC has commenced a process of developing a Mid Waikato Servicing Strategy. The strategy is aimed to complete a long-term 50-year servicing strategy for water and wastewater supply for the Mid-Waikato area, stretching from Meremere to Huntly. When completed, the servicing strategy will feed into the WDC Activity Management Plan (AMP), the Waikato District Long-Term Plan (LTP) and Infrastructure Strategy (IS).

Given the size and scale of the rezoning area (in the context of the service area) and the potential for it to influence the potential solutions produced from such a piece of work, it may be appropriate for APL to engage with WDC and support the development of the servicing strategy.

6.7 Options

Following a review of the Woods documents and taking into account the information outlined within this memo, a set of high-level recommendations for servicing can be arrived at.

It is important to understand that in developing these recommendations and possible way forward a certain amount of local knowledge and understanding has been applied to the analysis as a result of our intimate understanding on the Waikato sub-region and WDC. Some of the key considerations used include:

- A view that new takes and discharges to or from the wider Waikato Catchment will be strongly opposed by Iwi
- Proposals aimed at addressing compliance issues and quality of discharge (i.e. betterment) are likely to gain support, particularly if supporting progress towards achieving the goals of Te Ture Whaimana o Te Awa o Waikato
- Proposals that support the targets within the H2A work are likely to gain support and also may be eligible for central government funding
- Supporting the long term planning works being undertaken by WDC and allowing opportunities to address infrastructure challenges and consolidation, would be seen as advantageous by the wider Future Proof family

With that in mind, possible options for moving the process forward are outlined below.

6.7.1 Recommendation 1. Water

The preferred option for supplying water to the proposed development would be the use of the existing capacity within the Huntly Water Treatment Plant and servicing the development via a dedicated delivery main.

This would involve the securing the existing treatment and allocation capacity from the Huntly Water Treatment Plant and supporting WDC in securing further water from the river to cater for proposed district growth in both Huntly and Ngaruawahia.

This option is preferred; as it does not see the need to secure further consents for water take from the catchment, either ground or surface, which is considered extremely unlikely. It is based on the assumption that the rules set out in the Regional Plan would support WDC securing further allocation to cater for future growth within the two towns.

The option may require that the Industrial component of the development requires to be supplied from an alternative source (such as groundwater, which we understand may be feasible) and further work does need to be undertaken to understand the policy setting and the practical application of the rules in the Regional Plan.

Whilst DCs may need to be paid under this option, these can be discussed with WDC and a delivery pipeline and reservoir(s) can be constructed and vested in Council, offsetting that portion of cost. Capacity increase at the plant and other infrastructure investment could also be looked into to offset the required DC payments.

6.7.2 Recommendation 2: Wastewater

The **preferred option for wastewater for the development is the use of the existing capacity within the Huntly Wastewater Treatment Plant.** This does not result in any further discharge points to water being constructed to the environment and also utilises existing foot print and designation of the current plant.

In our view, this is by far and away the most logical approach to addressing the issue of wastewater servicing, given the significant volumetric capacity the plant has and the challenges being faced by WDC with regards to compliance.

Whilst this option is preferred, it would require the HWWTP to be upgraded to comply with its consent. This could be undertaken by APL and transferred back to WDC, or undertaken as a DBO, PPP or a number of other potential options.

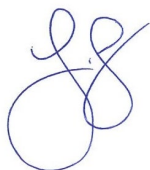
Thought also needs to be given to whether this approach can be linked to an approach that brings the Te Kauwhata Wastewater to Huntly, via the rezoned network connection. This allows access to the HIF funding and provides workable solution for WDC and the Lake side developer.

7 Conclusion

Ambury Properties Limited (APL) has lodged a submission on the Proposed Waikato District Plan seeking a rezoning of land near Ohinewai to support the relocation of The Comfort Group's manufacturing plants and development of a supporting residential/commercial zone. Challenges with the three waters servicing this proposed rezoning, in particular Water and Wastewater, have led to the development of this memorandum which is focused on providing potential servicing options in light of the changing and challenging regulatory and statutory landscape. Following a high-level analysis of a number of contributing factors influencing the area of the rezoning, it is considered that water and wastewater servicing could be achieved via existing public infrastructure, namely Huntly Water and Wastewater plants, moving forward.

More work needs to be completed on how this option may be implemented, particularly in light that Council has commenced on the development of the three waters servicing strategy. At a high level the recommendations noted in section 6 above provide a solution to servicing the rezoning area with water and wastewater, and may also provide further opportunities to address other water challenges in the area, faced by WDC.

Regards



Tim Harty
Project Director

Attachment 1: Hamilton to Auckland area map



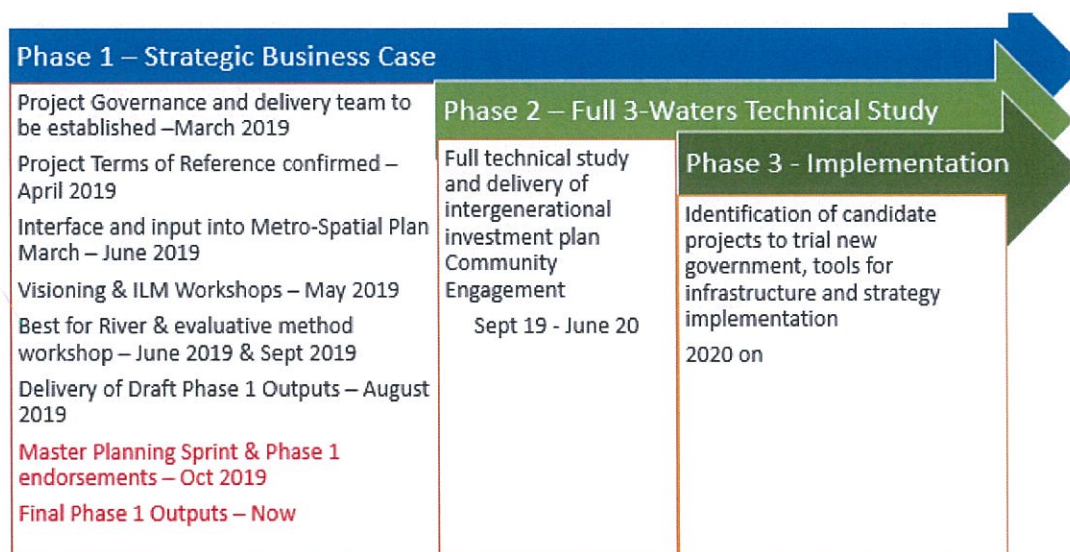
Attachment 2: Future Proof H2A Summary Report

4. WAIKATO SUB-REGIONAL THREE WATERS STUDY

This section includes a short update on the Waikato Sub-Regional Three Waters Study. The Study seeks to identify the most innovative, responsive and timely infrastructure solutions, unconstrained by territorial boundaries, while creating better environmental outcomes, community benefits and overall efficiencies than individual TLAs.

Progress update

An overview of the Study and key milestones is shown in the diagram below.



The project is nearing the completion of phase 1, with the finalisation of key outputs. Key deliverables from phase 1 include:

1. Project terms of reference
2. Project vision and key objective
3. Evaluation methodology
4. Master planning sprint outcomes
5. Strategic business case
6. Current state of three-waters report
7. Inputs into Metro Spatial Plan

Project vision and objective

As part of phase 1, the project vision and key objective were determined. The vision is:

Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri
"The river of life, each curve more beautiful than the last"

...a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

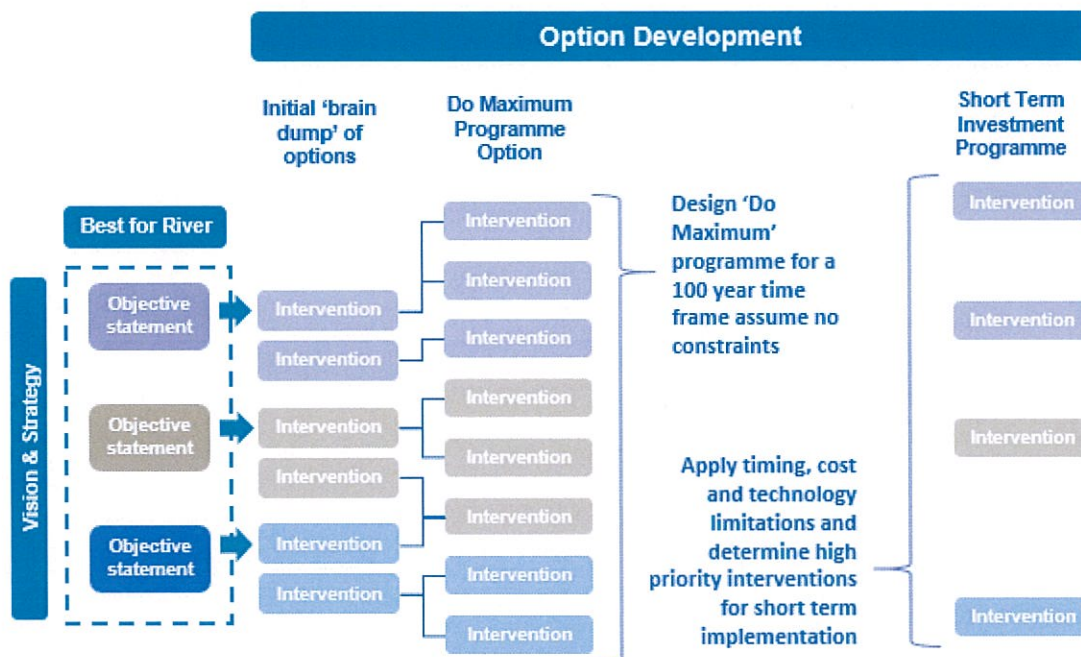
The key project objective is:

"give effect to the Vision and Strategy for the Waikato River"

Specific 'best for river' investment objectives have also been developed along with draft KPIs as part of phase 1 and will inform phase 2 of the study and individual three waters projects being delivered by individual local authorities.

Evaluation methodology

An evaluation methodology has been determined from which to identify and assess implementation options going forward (see diagram below). The methodology begins and ends with Te Ture Whaimana - The Vision and Strategy for the Waikato River. Te Ture Whaimana and 'best for river' objective statements are the basis of the framework and formulates our 'do maximum' programme of options.



Master planning sprint agreed themes

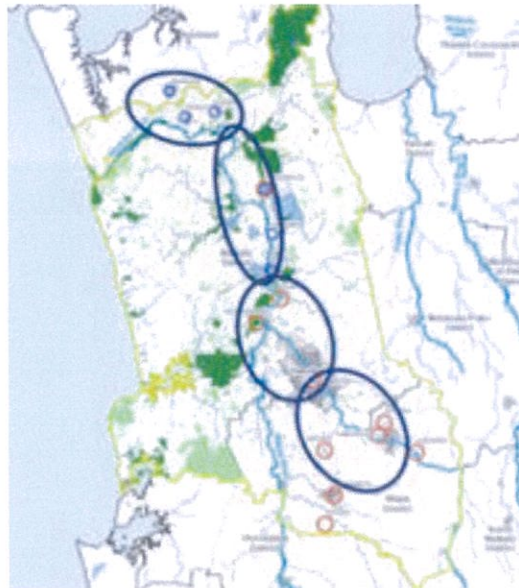
A master planning sprint workshop was held on 18 October 2019 with all the partners. The design sprint was a culmination of the previous 12 months work delivered through the project and sought to identify key components that might inform a long-term (100 Years +) strategy for three waters infrastructure that will:

1. Contribute to achieving Te Ture Whaimana
2. Provide for the needs of the sub-region
3. Meet the objectives of the H2A and the three waters study

Four distinct servicing areas were identified during the workshop, including North Waikato, Central River Communities, North Metro and South Metro (see map adjacent).

Agreed themes included:

- Centralisation for North Waikato, North Metro and South Metro areas for water and wastewater
- Both decentralisation and centralisation identified for the River Communities
- Pursue resource recovery and reuse - water, nutrients and energy
- Siting industrial activity around resource recovery centres to maximise water reuse
- Adoption of water sensitive city and community design principles
- Investment in cultural and environment restoration to address impacts of urbanisation
- Critical linkages with blue/green corridor, the Metro Spatial Plan and transport



The Cambridge Wastewater was identified as a critical project. Funding is required to pursue and (if appropriate) commence the implementation of the Southern Metro facility.

Strategic business case

A strategic business case has now been completed for the project. The strategic case sets out the case for change in municipal water, wastewater and stormwater management in the Waikato and Waipa river catchment. The strategic case is intended to support development of a programme business case for investment long-term, collaborative strategy for three waters management and delivery in the sub-region unconstrained by territorial boundaries.

Key issues identified in the strategic case include:

- Lack of integrated management
- Historic decisions resulting in degraded environment and relationships
- Inadequate infrastructure planning
- Infrastructure deficit

These problems highlight a need to re-evaluate, re-design and deploy urban water management solutions and delivery mechanisms that meet the objectives of Te Ture Whaimana, rise to the challenges facing communities, and deliver environmental, cultural, social and economic benefits.

Addressing the problems above is expected to deliver the following outcomes and benefits:

- River health and quality is enhanced and people's connection with the River is restored.
- Commitment and dedication to a collaborative and integrated approach to land, water, community planning that is holistic, integrated, aligned with community aspirations, and provides opportunities for involvement by wider community.
- Deliver best for river solutions and approaches for managing growth and resource sustainability.

Example opportunities identified in the strategic case include:

- Sub-regional approach to water and wastewater consenting
- Centralised resource recovery facilities for southern metro, northern metro
- Agreed enhancement investment priorities and funding approach
- Deliberate spatial planning and creating an environment that encourages and enables water use and reuse innovation
- Improved 3-waters infrastructure and sector resilience and capability through common and integrated solutions, scale, connected networks

Current state report

The current state report provides context and technical evidence in support of the strategic business case for a change and provides foundation information for phase 2 of the project.

Next steps

The key next step for the project is to update the terms of reference for the project (including confirming the detailed scope for phase 2) and secure funding for phase 2. Funding will be sought from Future Proof partners, central government and other key stakeholders.

Key elements of phase 2 include:

- Programme Business Case to align with 2021 LTP processes and planning including:
 - Detailed technical investigation of potential projects to inform spatial plans and unlock H2A corridor
 - Prioritised project list including
 - Protection of strategic sites e.g., future plant locations
 - Water supply integration
 - Sub-regional approach to consenting
 - Specific upgrades (e.g., WWTP etc)
 - Multi-benefit blue/green asset sites (stormwater + recreation)
 - Demand interventions e.g., water metering, education campaigns, leak reduction
 - Options to fund and finance the programme over the short, medium and long term
 - Procurement options and opportunities to standardise, align, package and sequence
 - Management and delivery options to maximise value, build capability, unlock opportunities earlier
 - Potential implementation plan with candidate projects

6. NEW FUNDING, FINANCING AND DELIVERY OPTIONS

This section provides an update on a recent tour to Australia as part of the new funding, financing and delivery options initiative.

Australian discovery tour

A small group of partner representatives recently went to Australia to understand the long-term focused partnerships approach that they use to implement major land use, economic development, community wellbeing and infrastructure initiatives, packaged up and referred to as City Deals.

There are a lot of observations and learnings that we can bring into a New Zealand context.



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Memo

To Chloe Trenouth
CC David Gaze
From John Olliver
Date 21 February 2020
Job No. 145860-16
Subject **Open Space Strategy**

1. This memorandum responds to your request for further information on ownership and management of open space areas in the Sleepyhead Estate. It is based on experience with similar developments. It also reflects discussions with WDC staff (Josh Crawshaw) about the provision of open space in the Ohinewai locality.
 2. **Open space ownership**
 - 2.1 The open space areas on the Masterplan are approximately 55ha in area and comprise a combination of large regional type parks and active and passive recreational spaces. Smaller scale intimate semi-private spaces will also be provided in the higher density areas. The proposed medium density/affordable housing means that access to nearby high quality open spaces is critical to success. Some of the open spaces have a dual stormwater treatment/ recreational function, with the extent of that to be determined at detailed design stage. The open space areas will be open to the public (ie. not limited to Sleepyhead Estate residents) and therefore will be community assets.
 - 2.2 Ambury Properties Limited (APL) intends that the open space areas will be owned by 'Sleepyhead Estate Residents' Society' (or similar name). In relation to this Society:
 - (i) Various landowners within the Sleepyhead development will have a membership in this Society.
 - (ii) The landowners' obligations to:
 - (a) Join the Society;
 - (b) Retain membership of the Society; and
 - (c) Pay levies to the Society;
- will be set out in a covenant to be notified on each landowner's title, and set out in the rules of the Society. Therefore, membership of the Society (and the resulting obligations to pay levies) will not be able to be separated from title ownership.



- (iii) Each relevant landowner will also have an easement registered against its title, setting out the right to use the open space areas, and the terms of that use. The open space areas will have easements registered against them providing for public access and use.
- (iv) APL will:
 - (a) Provide initial funding to the Society, to ensure it has sustainable funding in place from the outset.
 - (b) On the sale of each relevant lot, collect an initial levy from each relevant landowner/Society member, to be paid to the Society's account.
 - (c) Maintain a controlling interest in the Society until development is complete, and the society is in a position to be self-sustaining.
- (v) While it is intended that the Society will be perpetual, the Society rules and covenant will provide that if the Society is wound up, ownership of the open space areas, and consequential obligations of management and maintenance, will transfer to the various adjacent owners in shares.

2.3 This is a common structure used around the country for privately-owned infrastructure and/or recreational facilities within residential developments.¹ For example:

- (i) Pauanui Lakes Resort, Pauanui.
- (ii) Whitianga Waterways, Whitianga.
- (iii) Durham Estate, Hamilton.
- (iv) Lake Hood, Ashburton.
- (v) Jack's Point, Queenstown.
- (vi) Newhaven, Auckland.

¹ See for example J Pidgeon, "Common Property Ownership and Incorporated Societies", Auckland District Law Society Property Law Half Day Conference, 22 February 2018.



- 2.4 These arrangements work well when they have effective rules, are properly funded, and owners are clear on their responsibilities. These points can be managed through quality legal documentation, and the input of APL.
- 2.5 Maintenance and monitoring responsibilities will in all cases fall on the open space owner, not the Council. The owner may then contract with other parties (such as a management company) to carry these out. The management specifications will be intended to achieve a higher standard of maintenance than a Council usually would.
- 2.6 WDC can have certainty of tenure/ownership and certainty about open space care responsibilities, and in particular, that these will not fall on WDC or their ratepayers.

3. Stormwater

- 3.1 Some of the open space areas, particularly in the Central Park area, will also be used for stormwater treatment and disposal. Those areas will form part of the stormwater management network and like the rest of the network it is expected that they will need to be controlled by WDC (or Watercare on their behalf). At detailed design stage these areas will need to be delineated and separated from the recreational areas and vested in Council.

4. Park provision

- 4.1 The public open space areas in the Sleepyhead Estate exceed the minimum area requirements in the WDC's Park Strategy 2014. However, given the open space areas are intended for public use, at detailed design stage the elements of the open space area will be designed to be consistent with the design guidelines contained within that Strategy, together with the Council's Playground Strategy 2017. These strategies set out minimum service standards such as accessibility, carparking, maintenance and slope.
- 4.2 All of the Open Space areas fall within land zoned for Residential, Business or Industrial purposes and the design would be undertaken in conjunction with the consenting of the adjacent development.

Yours sincerely

Bloxam Burnett & Olliver



John Olliver

Director

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Memo

To Chloe Trenouth
From John Olliver (BBO) and Jonathan Broekhuysen (Adapt Studio)
Date 21 February 2020
Job No. 145860-16
Subject **Ambury Properties Ltd Rezoning Submission; Implementation of Urban Design elements**

1. As part of the peer reviews of the urban design assessment your reviewer has requested;

'In relation to urban design, an assessment against the NZUDP seven 'C's' provides a means to review, however an assessment against the provisions of the new zones is not provided. Please provide commentary / assessment of the design in relation to the above, and also the sites context and proposed form, connectivity and activity of the future proposal.'

Commentary on Proposed Zones

2. This memo assesses the zones from the point of view of the mechanisms they use to implement the Structure Plan and therefore the extent to which they implement the Masterplan. The Masterplan underpins the Structure Plan but is at a much greater level of detail than is required for a District Plan. A separate memo from Michael Graham, landscape architect, provides further comment on the appropriateness from a landscape perspective.
3. Wherever possible, zone provisions from the Proposed District Plan (PDP) have been used / adopted to simplify the consenting process for Council officers and ensure that there is a consistency with other developments in the Waikato.

Residential Zone

4. The rezoning submission effectively adopts the Residential Zone from the PDP as is. The only proposed addition is that minimum building setbacks on external zone boundaries where they adjoin the Rural zone are increased to 15m (Rule 16.3.9.1 P4).
5. The Masterplan is designed to deliver a medium density development that includes duplexes and apartment buildings (which are defined in the PDP as three or more attached units) as well as standalone houses. This development will fall within the definition of 'Multi-unit development' in the PDP, which is defined to mean 'multiple residential units which are integrated in a comprehensive manner' and includes duplexes and apartments. Multi-unit developments are a Restricted Discretionary Activity in the Residential Zone (Rule 16.1.3). Discretion is reserved over a range of amenity and design matters, including Appendix 3.4 which is a set of Urban Design Guidelines for Multi-unit development.



6. These Design Guidelines specifically reference the NZ Urban Design Protocol and provide design guidance under the following subheadings:
- Site and Contextual Analysis
 - Movement, Access and Parking
 - Neighbourhood Character
 - Street and Public Realm Interface
 - Private Residential Amenity
 - Communal Open Spaces and Landscape Treatment
7. Subdivision to implement a multi-unit development is also a Restricted Discretionary Activity (Rule 16.4.4), and also refers to the Multi Unit Development Guidelines as one of the matters of discretion.
8. Therefore, the RDA status, together with the matters of discretion linked to these guidelines provide a high level of certainty that for multi-unit development a high-quality urban design outcome (including relevant achievement of the seven C's) will be delivered. The guidelines are clear and comprehensive and in our opinion provide good guidance.
9. Given the residential development based on the masterplan has an average lot size of 222m² and relies on a large number of connected houses, it is expected that the majority of the development will fall into the category of multi-unit development and be subject to a comprehensive land use / subdivision consent process.
10. However, if any parts of the development do not fall into that category and are dealt with as residential subdivision they will be categorised as Restricted Discretionary Activities if lots are over 450m² and Discretionary Activities if they are under 450m². The matters of discretion in both cases include:
- Likely location of future buildings and their potential effects on the environment
 - Consistency with any relevant structure plan
 - Amenity values and streetscape landscaping
 - Consistency with the matters in the Residential Subdivision Guidelines (Appendix 3.1 of the PDP).
11. The Residential Subdivision Guidelines also refer to the seven 'C's and provide a series of guidelines under the following subheadings:
- Site and Contextual Analyses
 - Neighbourhood Character
 - Residential Built and Street Layout
 - Open Spaces and Landscape Treatment
 - Low Impact Urban Design
12. These guidelines, together with the RDA / DA status, provide a high level of confidence that quality urban design outcomes will be achieved for all residential subdivision. The outcomes are supported by the specific road cross sections proposed to be inserted into the PDP as part of the rezoning submission by APL. These cross-sections are consistent with the masterplan.



Industrial Zone

13. Development in the Industrial Zone is controlled by the provisions of Chapter 20 of the PDP. Several site-specific rules are proposed to be inserted requiring additional building setbacks from boundaries. Industrial buildings are generally a permitted activity and industrial subdivision is a Restricted Discretionary Activity, with the matters of discretion including 'amenity'. The subdivision by APL proposes a specific cross-section for industrial roads that includes planted berms, and shared cycle/pedestrian paths on each side. This will provide a higher level of amenity than other industrial areas in the Waikato District.
14. There is currently no Industrial zone rule that specifically implements proposed Policy 4.1.19 to ensure development is in general accordance with the Ohinewai Structure Plan. This should be rectified by a new rule (or similar wording) as follows:

'20.4.7 Ohinewai Structure Plan

All development and subdivision in the Ohinewai Structure Plan area shall be in general accordance with the Ohinewai Structure Plan'

15. Given the lack of any urban design provisions in the PDP Industrial zone we are currently undertaking some further work to identify items that should be controlled to avoid poor outcomes. This is likely to require a shift of activity status to Controlled. We would like to work with WDC/ Isthmus to develop an agreed approach to this. The items we are currently considering are as follows;
 - Ancillary office and ancillary retail to be forward of the any storage or warehouse building and to address the street.
 - Storage areas to be screened when viewed from the road or sufficiently set back on the site so that they are not overly prominent when viewed from the road.
 - Any carparking forward of the building line to have a minimum landscaping requirement.
 - Some level of architectural merit to the front façade of all buildings facing the street, at a minimum some physical articulation, windows, mix of materials, visible entry and avoidance of blank walls.
 - Any signage, be it on a pole or attached to the building, to be clearly visible from the street.

Business Zone

16. The Business Zone for Ohinewai also includes some site-specific provisions requiring larger setbacks on road frontages with Lumsden and Tahuna Roads and several specific retail rules such as floorspace caps.
17. Business activities and buildings are generally a permitted activity. Subdivision is a restricted discretionary activity, but with reference only to amenity values as a relevant assessment criteria.
18. As with the Industrial Zone, the Business zone requires the following additional rule to ensure implementation of Policy 4.1.19;

17.4.1.8 Ohinewai Structure Plan

'All development and subdivision in the Ohinewai Structure Plan area shall be in general accordance with the Ohinewai Structure Plan'

19. The Ohinewai Business zone is intended to provide a neighbourhood centre incorporating convenience retail, community and service uses (including a public transport depot and emergency services facility) together with a possible service centre. It will not be a town centre of the type found in the District's townships. However, some aspects of the Town Centres Guidelines (Appendix 3.3 of the PDP) provide urban design guidance that is relevant.



20. We propose to undertake some further work on how to link the relevant aspects of the Town Centre Guidelines into assessment of development within the Ohinewai Business Zone, to provide greater certainty of quality urban design outcomes and will provide further advice on that once we have formalised it. We expect it will require a shift of activity status in the zone to either Controlled or Restricted Discretionary. We propose to work with WDC/Isthmus on the detail.

Commentary on Site Context, Proposed Form, Connectivity and Activity

21. The Sleepyhead Estate Urban Design Statement (UDS) produced by Adapt Studio, dated 5 December 2019 has a dedicated section on context. An analysis of the sites regional, local and site context is contained in section 3, paragraphs 3.1 to 3.13.
22. A general analysis of the proposed form, connectivity and activity is discussed in section 6 of the UDS. There is a description of the proposal, further analysis of the movement network and analysis of the open space network. There are two diagrams being figure 7 and figure 8 which help to illustrate the movement network and types of open spaces proposed.
23. The masterplan (Appendix 1 in the UDS) further illustrates the envisaged types of activities and where these are to happen which is then translated to both the structure plan and zoning plan within Appendices 2 and 3 of the UDS.

Yours sincerely

Bloxam Burnett & Olliver



John Olliver

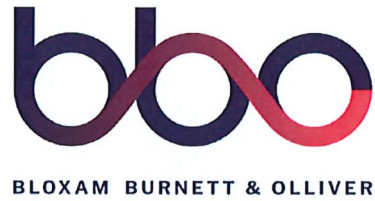
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K/145860-16/Liaison with WDC/Urban Design Memo





MEMORANDUM

To: Chloe Trenouth
From: Simon Berry and John Olliver
Date: 24 February 2020
Subject: **AMBURY PROPERTIES LIMITED – OHINEWAI REZONING**
POSITION PAPER REGARDING FURTHER SUBMISSION BY THE RALPH ESTATES

1. INTRODUCTION

- 1.1 We refer to our meeting (Trenouth / Buckingham / Olliver / Penfold / Berry / Storer) at your offices on 17 February 2010. At that meeting we discussed the Ralph Estates ("RE") further submission on the Proposed Waikato District Plan ("PWDP") in respect of APL's submission seeking a rezoning at Ohinewai.
- 1.2 APL is aware that approximately half of the land is subject to a reservation of mines and mineral rights to the Public Trustee (Ralph Estate), and intends to address any applicable commercial issues with RE. However, given the RE submission, it has been decided that we should address the planning issues directly to enable the Panel to make a finding in that regard.
- 1.3 We indicated that we would provide you with a note setting out APL's position on the planning issues, hence this memorandum.

Purpose and scope of memorandum

- 1.4 The purpose of this memorandum is to address that issue. In doing so, we address:
- (a) Context – the Ohinewai coal resource and the RE further submission (Section 2);
 - (b) Planning provisions relevant to assessment of the RE further submission (Section 3);
 - (c) How the coal resource would be accessed and the effects of that (Section 4); and

- (d) The likelihood of resource consents being granted to mine the coal - APL's position (Section 5).

2. **CONTEXT**

The Ohinewai coal resource

- 2.1 The existence and nature of coal deposits in the Ohinewai area is well known and understood. Substantial geotechnical investigations, feasibility studies, and environmental assessments have been undertaken in respect of the coal resource. In fact, in the mid-1980s a mining permit was granted to the then Solid Energy Ltd over land in the Ohinewai area, and land (including the land now owned by APL) was acquired by the Crown under the Public Works Act for that purpose. However, the mine was never established and the land sold.
- 2.2 Our current understanding is that the coal resource is located approximately 80-200m below ground level across a wide area (much wider than APL's land). The nature and extent of the resource will be addressed by APL witness, Cameron Lines.
- 2.3 Due to the size of the required operation, RE (or any mining operator) would likely also need to access or purchase significant additional land.

Ralph Estates' further submission

- 2.4 The Ralph Estates' further submission:
- (a) States that APL's rezoning proposal relates to land that is on, or in close proximity to, land in which the Ralph Estates have mineral interests (administered by the Public Trust);
 - (b) Claims that the Ralph Estates have rights to enter that land and mine the minerals beneath the surface, and that the rezoning proposal would effectively sterilize those interests; and
 - (c) Opposes APL's rezoning proposal on the basis that it would adversely affect the Ralph Estates.

3. **PLANNING FRAMEWORK**

Activity status

- 3.1 The winning of coal from land zoned Rural falls within the PWDP's definition of "extractive industry", which is defined to mean:

Means taking, winning or extracting by whatever means, the naturally-occurring minerals (including but not limited to coal, rock, sand, and gravel) and peat from under or on the land surface...

(Our emphasis).

- 3.2 Extractive industry in the Rural zone is generally a discretionary activity in both the PWDP and the Operative Waikato District Plan ("OWDP").
- 3.3 On that basis, section 104 of the RMA would apply to any application for resource consent to undertake mining activities on the land, requiring a full assessment of the application.

Regional and district planning instruments

- 3.4 The regional and district planning instruments that would be relevant in terms of section 104(1)(b) of the RMA comprise:
- (a) The Operative Waikato Regional Policy Statement;
 - (b) The Operative Waikato Regional Plan;
 - (c) The Operative Waikato District Plan; and
 - (d) The Proposed Waikato District Plan.
- 3.5 Relevant provisions will be considered in turn.

Operative Waikato Regional Policy Statement

- 3.6 The Regional Policy Statement contains objectives and policies that relate to mining and mineral resources in the Waikato Region. The key provisions are set out below.
- 3.7 Policy 6.8 specifically addresses access to minerals and states:
- "Management of development of the built environment appropriately recognises:*
- a) the potential for impacts of subdivision, use and development on access to mineral resources;*
 - b) the need for mineral resources to be available for infrastructure and building developments;*
 - c) the potential benefits of further development of the region's minerals and providing for the continued operation of existing lawfully established mineral extraction activities;*
 - d) the need to manage the adverse effects of extraction, which may include avoiding mineral extraction, or certain types of mineral extraction, in some areas;*
 - e) the potential for land use development that is inconsistent with nearby mineral extraction activities; and*
 - f) that some mineral resources are considered taonga or traditional resources by tāngata whenua."*
- 3.8 The RPS also sets out implementation methods to manage mineral resources, as follows:

"6.8.1 Identification of mineral resources

Waikato Regional Council will work with territorial authorities, iwi authorities, relevant industry and other agencies to collate the identification and mapping of the location of significant mineral resources. This mapping will be made available to territorial authorities. In determining significance, regard will be had to at least the following:

- a) relative scarcity;*
- b) contribution or potential contribution to national and regional economy;*

c) current and potential demand, and location with respect to demand;

d) constraints on extraction including existing or planned settlement;

e) quality and size of deposit;

f) importance of the mineral resource to tāngata whenua; and

g) importance to infrastructure development.

Until such time as significant mineral resources are identified in accordance with Method 6.8.1 the criteria set out above shall be used to determine the significance of any mineral resource at a specific location.

6.8.2 Plan provisions

District plans and regional plans:

a) shall include provisions to protect, as appropriate, access to significant mineral resources identified pursuant to Implementation Method 6.8.1; and

b) may identify areas where new mineral extraction activities are appropriate and areas where new mineral extraction activities should be avoided.

6.8.3 Managing effects of development on mineral resources

Regional and district plans shall manage the reverse sensitivity effects of development on identified significant mineral resources and mineral extraction activities by discouraging new sensitive activities from locating near identified significant mineral resources and mineral extraction activities.

Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River

3.9 Section 2 of the RPS sets out the Vision and Strategy for the Waikato River.

3.10 The overarching purpose of Te Ture Whaimana is to restore the health and wellbeing of the river for future generations. This means that for any resource use in the Waikato River catchment, development must provide some 'betterment' for the river.

Operative Waikato Regional Plan

3.11 Any proposed mining activity would require regional consents under the Waikato Regional Plan ("WRP"). The key objectives and policies of the WRP that would influence a consenting process for coal mining are outlined below:

"Water Resources – Objective 3.1.2

The management of water bodies in a way which ensures:

a) that people are able to take and use water for their social, economic and cultural wellbeing

b) net improvement of water quality across the Region

c) the avoidance of significant adverse effects on aquatic ecosystems

d) the characteristics of flow regimes are enhanced where practicable and justified by the ecological benefits

e) the range of uses of water reliant on the characteristics of flow regimes are maintained or enhanced

f) the range of reasonably foreseeable uses of ground water and surface water are protected

g) inefficient use of the available ground surface water resources is minimised

h) an increase in the extent and quality of the Region's wetlands

i) that significant adverse effects on the relationship tangata whenua as Kaitiaki have with water and their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses in or on the margins of water bodies, are remedied or mitigated

j) the cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with water their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies are remedied or mitigated

l) the natural character of the coastal environment, wetlands and lakes and rivers and their margins (including caves), is preserved and protected from inappropriate use and development

m) ground water quality is maintained or enhanced and ground water takes managed to ensure sustainable yield

n) shallow ground water takes do not adversely affect values for which any potentially affected surface water body is managed

o) concentrations of contaminants leaching from land use activities and non-point source discharges to shallow ground water and surface waters do not reach levels that present significant risks to human health or aquatic ecosystems

p) that the positive effects of water resource use activities and associated existing lawfully established infrastructure are recognised, whilst avoiding, remedying or mitigating adverse effects on the environment.

Damming and Diverting – Objective 3.6.2

Damming and/or diverting of water undertaken in a manner that:

a) Does not have adverse effects that are inconsistent with the water management objectives in Section 3.1.2.

b) Does not have adverse effects that are inconsistent with the river and lake bed structures objectives in Section 4.2.2.

c) Does not obstruct fish passage where it would otherwise occur in the absence of unnatural barriers, so that trout or indigenous fish can complete their lifecycle.

d) Results in no increase in the adverse effects of flooding or land instability hazards.

e) Results in no loss of existing aquatic habitats as a consequence of channelisation of rivers.

f) Increases the use of off-stream dams for water supply purposes as an alternative to dams in perennial streams.

Wetlands – Policy 3.7.3

Policy 1: Control Land Drainage in Areas Adjacent to Identified Wetlands and Within Wetlands

Ensure that land drainage activities within wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, or immediately adjacent to wetlands identified in Section 3.7.7, are undertaken in a manner that avoids changes in water level that lead to:

a) shrinking or loss of the wetland, or

b) accelerated dewatering and oxidation, or

c) significant adverse effects on tangata whenua values of the wetland, or

d) adverse effects of flooding on neighbouring properties, or

e) significant adverse effects on the relationship tangata whenua as Kaitiaki have with the wetland, or

f) adverse effects on the natural character of wetlands or

g) adverse effects on the ability to use the wetlands for recreational purposes

and remedy or mitigate otherwise.”

Operative Waikato District Plan

- 3.12 The winning of coal from Rural-zoned land falls within the OWDP definition of “Extractive Industry”.
- 3.13 The activity status of Extractive Industry in the Rural zone is a discretionary activity. In the “Landscape Policy Area”, Extractive Industry is a non-complying activity. The margin of Lake Waikare is within the Landscape Policy Area.
- 3.14 The OWDP contains a number of objectives and policies in respect of minerals and extractive industries, including the following:

“Objective 4.5A.1

Minerals are available for extraction.

Policy 4.5A.2

Nationally and regionally significant mineral resources should be recognised for their actual or potential contribution to social and economic wellbeing.

Policy 4.5A.4

Activities that are sensitive to the effects of mining or associated mineral haulage should be located and designed to avoid, remedy or mitigate adverse effects on the utilisation of actively exploited

mineral resources or for which resource consent to extract has been obtained, so that resource utilisation is not constrained."

- 3.15 In addition, the OWDP planning maps include a "Coal Mine Policy Area" overlay, one of which applies to APL's land and the surrounding area. An extract from the planning maps is **enclosed**, with the overlay represented by the orange dots.

- 3.16 The following specific policy applies to land within the Coal Mine Policy Area:

"Policy 4.5A.3

Access to and extraction of mineral resources from specific areas identified as Coal Mine Policy Areas and Aggregate Extraction Policy Areas on the planning maps should not be compromised by new use or development in areas on or close to those areas."

- 3.13 The Reasons and Explanations section¹ of the OWDP in relation to Mineral Extraction states that:

"Subdivision, use or development, especially of a sensitive nature such as residential and rural-residential, in close proximity to mineral resources has the potential to constrain extraction of those resources. Development in the vicinity of an actively exploited mineral resource or a haulage route should be designed to avoid, remedy or mitigate its sensitivity to the effects of mining and haulage. The wide extent of mineral resources within the district means that there is considerable uncertainty regarding when, or if, extraction may occur at a specific new site. Therefore it is not reasonable to give special protection within the district plan to resources throughout the district for which mineral extraction is not currently authorised or to constrain other activities in the meantime. Those who wish to utilise new resources in the future should consider options outside of the district plan to facilitate future extraction. Options may include proactively establishing buffers around specific sites through land purchase or agreements with landowners."

(Our emphasis).

Proposed Waikato District Plan

- 3.14 The PWDP includes objectives and policies relating to minerals and extractive industries, as follows:

"5.4.1 Objective – Minerals and extractive industries

Mineral resource use provides economic, social and environmental benefits to the district.

5.4.1 Objective – Minerals and Extractive Industries

(a) Enable extractive industries provided that adverse effects are avoided, remedied or mitigated.

(b) Protect access to, and extraction of, mineral resources by:

(i) Identifying lawfully established extractive industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps;

¹ OWDP at 4.5B.1.

(ii) Identifying the site of a potential extractive industry within an Aggregate Resource Area on planning maps;

(c) Ensure that lawfully established extractive industries are not compromised by new subdivision, use or development;

(d) Avoid location of any sensitive land use within specified buffer areas which otherwise risks the effective operation of a lawfully established extractive industry."

3.15 The PWDP includes a "Coal Mining Area" overlay on the planning maps. However, no such overlay has been applied to the APL site or the area around Ohinewai in the PWDP.

3.16 The Rural Zone section 32 report explains that:²

"The planning maps in the OWDP indicate 'Coal Mining Areas' that align with mining licences that were valid when the OWDP was being developed. This same mapping technique has been rolled over with the PWDP except that those areas where mining licences have expired are no longer annotated."

3.17 RE did not make any primary submissions on the PWDP, including in relation to the Coal Mining Area. No other submitters have lodged submissions seeking to apply a mineral resource overlay in the Ohinewai area. On this basis this aspect of the PWDP is not subject to change.

4. **HOW THE COAL RESOURCE WOULD BE ACCESSED AND EFFECTS**

4.1 Mr Lines' advice is that, in theory, the coal resource could be extracted via:

- (a) Opencast coal mining (similar to the consent granted in the 1980's); or
- (b) Underground mining³.

Opencast mining

4.2 Opencast mining would require the excavation of a very large pit and is expected to include the following ongoing processes over some 500-1000 ha of land (depending on the final size of the opencast):

- (a) Development of site infrastructure (for example, access roads, haul roads, site offices, truck racks, maintenance facilities, parking areas and coal handling facilities)⁴.
- (b) Extraction of overburden⁵ materials (this includes Tauranga Group, Te Kuiti Group and Waikato Coal Measures mudstones above the coal seams). The nature of these materials (combination of strength and groundwater) mean that overall slope angles would be flat by mining standards; possibly as flat as 1V:5H in upper Tauranga Group Soils, and around 1V:1.5H in the Waikato Coal Measures. These angles would be further dependent on pit wall height.

² Section 32 Report Part 2 – Rural Zone, dated July 2018, at 2.1.5.

³ Coal seam gasification may also be an option but this is a relatively new technology that is still being trialled.

⁴ As a smaller scale start up the Maramarua Kopuku open cast is a good example of the infrastructure areas.

⁵ Overburden refers to all unsaleable material excavated to allow access to the coal seams at depth.

- (c) Management of groundwater inflows which may include some combination of dewatering from internal pit floor sumps and dewatering from wells positioned around the excavation (known as well pointing).
 - (d) Preparation and construction of overburden disposal areas (OBDA). For every m³ of excavation a similar volume of disposal area is required (allowing for some bulking of the excavated material). Key issues include:
 - (i) Distance from the opencast to the OBDA area (overburden fleet efficiency decreases, and costs increase with distance from the opencast).
 - (ii) Availability of a large enough footprint to accommodate initial volumes of overburden. In early mine development, if existing historic mine voids are not present a greenfields area needs to be made available for the OBDA until such time as the pit can be developed to a sufficient size that in-pit backfilling can commence i.e. filling of the previously mined out areas of the site⁶.
 - (iii) OBDA footprint located away from the opencast to avoid sterilizing economically winnable coal and so that the crest of the opencast slope is not surcharged (pit slope stability issue).
 - (e) Extraction, transportation and processing (blending, washing, etc.) of the resource.
 - (f) Economic methods to get the coal to market. At Ohinewai, we expect that this would include the development of a rail siding to access the main trunk rail line immediately to the west, adjacent to SH1.
- 4.3 As such, the extraction of the coal resource would have widespread and significant effects including:
- (a) Large area of land for the mine excavation footprint, necessitating the removal of one or both of Lakes Rotokawau and Ohinewai.
 - (b) Widespread drawdown of groundwater in the compressible Tauranga Group soils, resulting in associated widespread ground surface settlement. Potentially affecting SH1 and the Main Trunk rail line.
 - (c) Potential for direct hydraulic connection between Lake Waikare and the Waikato River through the higher permeability sand rich Karapiro Formation, including the risk of internal erosion (piping) style failure of the pit walls and flooding of the pit from either water source.
 - (d) Potential instability of the pit walls due to uncertainty in material characteristics. Large-scale slope failures have occurred historically in opencasts in the North Waikato coal fields.
 - (e) Risk of large-scale lateral spread type failures during seismic events in any remnant mine slopes in cut Tauranga Group soils at the completion of mining.

⁶ Rotowaro is a good example of the scale of pit and associated overburden disposal areas.

Underground mining

- 4.4 Accessing the coal resource via underground means would require:
- (a) Development of mine infrastructure (similar to Section 4.2(a) above).
 - (b) Development of an initial access drive or shaft to get equipment and personnel access to the resource at depth. Given the depth of the resource and ground conditions in the upper 60-80 m shaft access is more likely, but brings with it additional complexity and cost in both development and operation.
 - (c) Design and development of ventilation systems.
 - (d) Preparation and construction of an initial overburden disposal area (OBDA) to store material excavated in developing the access drives. The initial OBDA would be of a significantly reduced volume compared to that required for opencast mining, but similar issues would be faced.
 - (e) Development of a secondary means of egress from the coal extraction areas in accordance with Section 170 of the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016.
 - (f) Mining of the resource. Given that the coal seams are expected to be affected by discontinuities and fault offsets it is likely that more efficient longwall mining techniques would be unsuitable. Room and pillar mining using self-propelled continuous miners is a more likely mining method, but the need to leave pillars behind to support the coal roof and mitigate against surface settlement may mean that only a part of each coal seam could be extracted in this fashion.
 - (g) Transportation and processing (blending, washing etc) of the resource.
 - (h) Economic methods to get the coal to market as for Section 4.2(f) above.
- 4.5 The extraction of the coal resource by underground means could have surface settlement effects due to either collapse of mine workings at depth, or long term dewatering of the Tauranga Group where sufficient hydraulic connectivity exists between it and the underlying Te Kuiti Group and Waikato Coal Measures.

Commercial considerations

- 4.6 Although not addressed in this memorandum, it would be also appropriate to consider the economics of extracting the coal, including the high up-front capital costs prior to any coal becoming available for extraction, and the potential market for the coal.

5. LIKELIHOOD OF SUCCEEDING WITH COAL MINING APPLICATION

Section 104(1)(a) – potential effects

- 5.1 The effects of extracting the coal are outlined in Section 2 above. The effects would be significant and adverse, including a significant risk of “draining” Lake Waikare. Lakes Ohinewai and/or Rotokawau would be ‘removed’, resulting in significant adverse effects on ecology, natural character, landscape values, recreational and public use and access and hydrology. Significant cultural effects would arise because of the significance of the area, and particularly the lakes, to tangata whenua.

Section 104(1)(b) – planning instruments

- 5.2 The Vision and Strategy for the Waikato River, which forms part of the RPS, specifies outcomes of restoration and protection of the river that do not appear capable of being achieved.
- 5.3 The overall policy direction of the RPS in relation to mineral resources is to acknowledge their importance as a regional resource, but to identify the potential issues associated with extraction including reverse sensitivity effects, environmental effects and cultural impacts. It promotes mapping of significant mineral resources in District Plans, which WDC has undertaken in the PWDP.
- 5.4 The applicable District planning instruments do not support development of land being restricted due to existence of privately owned minerals that are not currently authorised or actively being exploited. Resource consents under the OWDP and the PWDP would be non-complying activities due to their impacts on Lake Rotokawau and its surrounds which is an Outstanding Natural Feature and Significant Natural Area, and the margin of Lake Waikare which is a Landscape Policy Area. The objectives and policies of the Plans are designed to protect these areas from inappropriate land use.
- 5.5 The policy direction of the PWDP is to recognise the importance of mineral resources in the district and to map the main resources based in part of authorised development based on existing mining licences. This gives effect to the RPS implementation method. The PWDP mapping excludes the Ohinewai area.

Section 104(1)(c) – other relevant matter

- 5.6 Hearing commissioners may consider it “relevant and reasonably necessary” to consider the opportunity cost of granting consent to mine the coal at Ohinewai, namely, the inability of the owner of the land to proceed with The Sleepyhead Estate development, thus foregoing the very significant economic and social advantages that development will bring.
- 5.7 In addition Part 2 of the RMA is relevant and it is considered that the development is likely to be in conflict with s6, the Matters of National Importance with particular reference to sections 6(a), (b), (c), (d) and (e).

Assessment

- 5.8 In light of the above, the likelihood of consent being granted to exploit the coal resource is, in our view, very low. RE’s further submission that the APL proposal will “sterilise” the resource must be seen in this light, i.e., it does not actually sterilise the resource but the likelihood of accessing it (even under the current zoning) is so small as to be negligible.
- 5.9 Accordingly, the land is still “suitable” for APL’s proposal and zoning sought.

Emily Buckingham

From: Naomi McMinn <Naomi.McMinn@graymatter.co.nz>
Sent: Monday, 24 February 2020 12:52 PM
To: Cameron Inder; Rhulani Baloyi
Subject: RE: Ohinewai - traffic peer review

Hi sorry I got tied up and forgot to send this to you. Now I see John has requested it.
This is my draft RFI table:

Information Request (APL ITA)	Reason for requiring further information
Clarification of the areas presented in Table 5-1 and how they apply to the zone areas.	To understand the rationale and ensure consistency between the proposed zone areas and the submitter's basis for assessment of the trip generation
Clarification of the Sleepyhead factory area	Discrepancy between AEE Section 1.4 and the ITA Section 1.4 and Table 5-1
Further information of the application of trip generation rates and rationale for application of reduction factors, including how the mixed use adjustment factors were applied; total daily and peak hour trip generation before trip adjustments were applied.	To understand the basis of the ITA trip generation of 1,100 vph and 1,700 vph. Given the proposal is for rezoning, there could be significantly more traffic generated if the sleepyhead proposal does not go ahead.
Provision of Sidra reports including traffic movement diagrams, level of service diagrams for each lane, movement summaries (networked) and the corresponding Sidra layout diagrams	To fully understand the scenarios, modelling results (and sensitivity testing).
A schematic diagram of movement volumes (similar to Figures 2-7 to 2-10 of the ITA).	To clearly show turning volumes with the development traffic.
WRTM updates and application	Assessment of future traffic network.
Further assessment of the proposed interventions and intersections forms. Safety assessment should be completed to inform the appropriateness of the proposed access and intersection forms. Staging of the development and timing of when the intersections will be constructed including expected trip generation and assignment to fully understand the suitability of the proposed intersection forms.	Roundabouts are the safest form of intersection and to support Vision Zero we would prefer roundabout intersections to T-intersections. Additional information is needed to support the form of the intersections and to ensure they will operate safely.
Safety audit of the proposed level crossing and realignment of Lumsden Road. Formal approval from Kiwirail of the layout.	We are concerned the proposal introduces out of context curves. The level crossing is a key aspect of the proposal and confirmation that the design is safe and acceptable to KiwiRail and WDC Roding staff is needed.

Information Request (APL ITA)	Reason for requiring further information
<p>Clarification of what upgrades are recommended and the triggers for the upgrades.</p> <p>Provision of the rules and triggers that are proposed for the District Plan in order to implement the recommendations of the ITA.</p>	<p>ITA discusses a range of upgrades to the network. Rules and triggers for the proposed upgrades are not included in the planning provisions so it is unclear how these would be implemented.</p> <p>A range of options for walking and cycling connections to the wider area are proposed in the ITA, but it is unclear which option will be developed and there is nothing required by the planning provisions or identified on the structure plan.</p>
<p>Evidence of consultation with NZTA to confirm interchange assessment and proposed upgrades.</p>	<p>Given the location, the proposal is expected to generate vehicle trips to the SH1 to access services (secondary school, medical, shopping , employment etc)</p>

Give me a call if there is anything you want to discuss.

Naomi
8538997



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Memo

To Chloe Trenouth
From John Olliver (BBO) and Tim Heath (Property Economics)
Date 24 February 2020
Job No. 145860-16
Subject **Ohinewai Economic Assessment Response**

1. The following is our initial response to Derek Kemp's requests for further information/clarification;
2. *Clarify whether the 43,400m² of commercial space proposed provides for more than a small cluster of convenience shops and the Discount Factory Outlet Centre. Yes - approximately 5.6ha of the 8.5ha is the DFO with a further 2.9ha for a service centre / petrol station and some convenience retail.*
3. *Clarify how much retail and office space is contemplated. The DFO is identified as 43,400m², and convenience retail as 2,500m² (including commercial services) but it is unclear what level of office space may be provided. The proposed planning provisions restricting GFA exclude commercial services, service stations or a garden centre from the total combined GFA of 2,500m². The DFO also has no GFA cap. Given that part of the 8.5ha Business zone is planned for a service station it is anticipated that the actual composition will include very little commercial office space (as opposed to any ancillary office space permitted in the industrial area). We originally assessed a DFO of approximately 40,000sqm at the start. Subsequently the proposed Structure Plan looks to accommodate approximately 30,000sqm on only 5.6ha of the site. The remaining commercial aspect of the proposal includes the 2.9ha for the service centre, petrol station and some convenience retail.*
4. *The proposed planning provisions specifically state that 'stand-alone' office tenancies shall have a gross leaseable floor area of not more than 200 sq. m. It is not clear whether that applies only to individual tenancies and only to leased space, not owner occupied space or to the whole building. The rule is intended to apply to all office spaces, both leased and owner-occupied. It is agreed that the words 'stand-alone' are unnecessary. Our recommended rewording of Rule 17.5.11 P2 is therefore;*
'~~Stand alone~~ Office tenancies shall have a gross leaseable floor area of no more than 200m²'. A consequential amendment is also required to Rule 17.5.11 P3 by deletion of the words 'stand-alone'.
5. *The calculation for convenience retail includes residents and additional workers and business. Does it also include visitors to the DFO that may need cafes and convenience services? It does not, and as such is considered conservative.*



6. *The estimated DFO spend of \$110 million from the catchment is 15% of the total spend for large format retail spending in 2018. Please consider the potential impacts of taking away this spend from other centres providing similar offerings within the catchment (i.e. The Base and Dress Smart at Te Rapa). Not sure where the 15% has come from, as per the Economic Assessment report this \$110m represents 3.8% of the catchment's LFR spend.*
7. *Clarify why the localised catchment does not include Te Kauwhata or Taupiri. It was considered prudent to confine the local catchment to the Ohinewai/Huntly area as that is the local area utilised in the Waikato 2070 Growth Strategy and best represents the extent of the local community.*
8. *The construction and employment figures in s10 should be re-assessed and evaluated without the DFO and residential components in case they do not progress. The residential and DFO components are fundamental aspects of the overall mixed-use development and of the economic viability of the project so evaluating it without them does not appear to have merit.*
9. *The competitive impact of DFO on local and district retail employment, and existing retail owners and workers incomes has not been evaluated. In our expert opinion there are currently no existing retailers in the area that are likely to experience any material competition from the proposed DFO.*
10. *The sustainability of the DFO, its potential impacts on Huntly and Te Kauwhata town centres, and what would happen if it was not successful. We do not consider it will have potential impacts on Huntly or Te Kauwhata for the reasons set out in 9 above. We acknowledge the concern about alternative uses of the site and buildings if it is unsuccessful and are further considering plan provisions to address this.*
11. *How is the 'affordable' housing to be achieved and what will the residential offer be, other than a price point of around \$500,000? We are still working on this issue with The Comfort Group so are unable to update you further at this point.*

Yours sincerely

Bloxam Burnett & Olliver



John Olliver

Director

0274822637

jolliver@bbo.co.nz

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Emily Buckingham

From: John Olliver <jolliver@bbo.co.nz>
Sent: Wednesday, 26 February 2020 4:50 PM
To: Chloe Trenouth
Cc: Jonathan Broekhuysen; Stuart Penfold; David Gaze; Kate Storer; Simon Berry
Subject: Open Space Strategy; further information

Hi Chloe. As discussed yesterday here are some further comments from Jonathan Broekhuysen, our urban designer, on the Open Space Strategy fit with WDC strategies.

Regards



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From: Jonathan Broekhuysen <jb@adaptstudio.co.nz>
Sent: Tuesday, 25 February 2020 9:13 AM
To: John Olliver <jolliver@bbo.co.nz>
Subject: Re: Open Space Strategy

I have read the relevant WDC OS strategy documents and make the following comments in regards to the current open space concept design contained within the re-zoning application:

WDC Parks Strategy 2014

- The concept landscape / open space design is in general alignment with the Vision except for the provision of outdoor sports grounds which are intended as Council facilities for "major townships". These sports grounds may not eventuate or could be left in the Sleepyhead Estate's residents society's (or similar) ownership for ongoing management. I note that section 2.1 goes into more detail on the provision of sports and recreational parks and the concept design we are showing (bar finer details such as a toilet block) is able to meet the services and facilities which are outlined.
- As the applicants (Ambury Properties Ltd) Open Space Strategy memo states, we are over-provisioned in terms of open space. Subsequently the bulk of parks (except SW assets) ownership will be held by the residents society (or similar).
- There is a high level alignment with section 1.6 which outlines "Parks Purpose" under the sub headings of Health and Well being, Social, Cultural, Environmental and Economic outcomes.
- Neighbourhood Parks (section 2.2) are not necessarily required due to the extent of the larger open space network and the proximity of these spaces to the residential areas. The concept does however show a series of smaller, more intimate open spaces as part of some of the denser housing areas which would provide additional amenity to these higher density areas. It is envisaged that these would be left in private ownership and they will likely be owned by the wider residents society (or similar).
- Both Recreation and Ecological Linkage Parks (Section 2.3) and Nature Parks (Section 2.4) are fit descriptions for the eastern "Wilderness Park". This park meets the requirements for both of these types of open space. There will need to

be an ongoing discussion as to whether this park is best left in the residents society (or similar) or if it is best if part was amalgamated into DOC ownership of the parcel of land containing Lake Rotokawau.

- The categories of Outdoor Adventure Parks (Section 2.5), Public Gardens (Section 2.6) and Cultural Heritage Parks (Section 2.7) are not applicable.
- The category of Civic Park (Section 2.8) may have some applicability around the business zone. It was always conceptualised that the western end of the "Central Park" would have a more urban / civic feel and provide a space for people to use who were either visiting / shopping in the business zone. This concept is in general alignment with the description, provision and standards except that the guidance states that it should be where public and community buildings are located. The concept currently shows these types of buildings further east along the central park to have an improved relationship, and be more readily accessible from the residential catchment.
- While an assessment of Ohinewai is not specifically included in section 4.1, it is noted that Huntly's current overall park provision is similar to the level of service guidelines and is well supplemented by a very high provision of nature park and is considered adequate to meet the current population level.

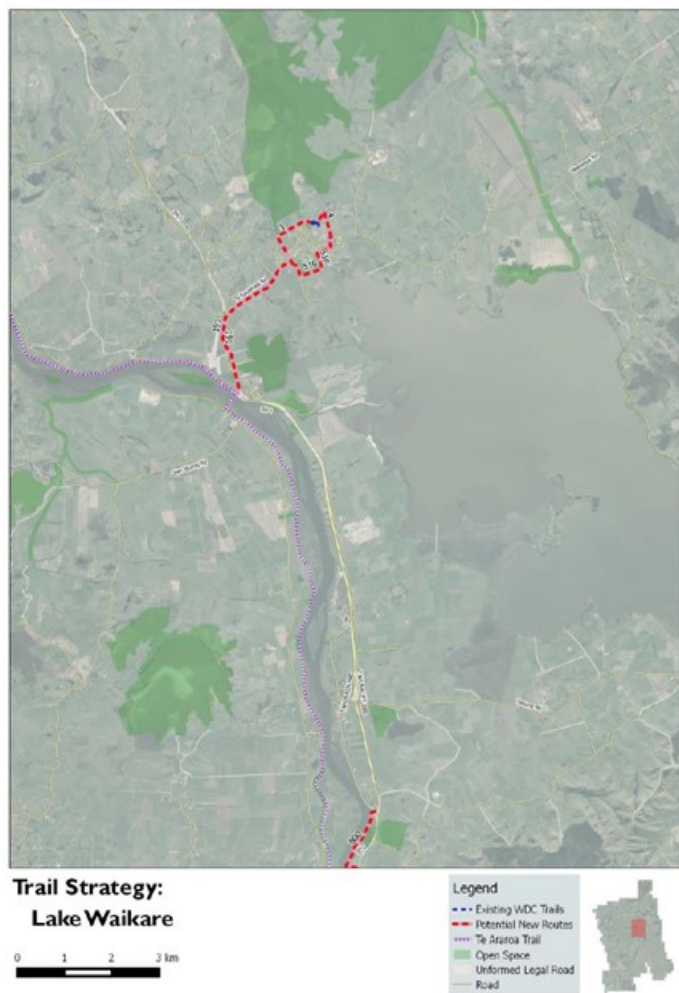
In summary, the landscape / open space concept in the rezoning application is in general alignment with the quality and types of open spaces that the strategy envisages, we are however over provisioned in the amount of open space. I would assume that on the basis of the bulk of this open space being held in a residents society (or similar), or possibly DOC ownership for the eastern end, and the maintenance liability staying there, this should not be an issue as it will provide a high level of amenity for Sleepyhead Estate residents and the wider Ohinewai and Huntly area. We will need to work closely with WDC during future design phases post rezoning to figure out how a split between SW assets and more recreational areas can be most effectively achieved without forming a visible delineation between ownership and maintenance regimes. The proposed landscape concept is for an integrated SW network within the open space network so I do see this as a potential risk going forward if we cannot achieve this seamless transition between open space functions.

WDC Playground Strategy 2017

- There is currently no specified neighbourhood, local or destination playground locations in the Sleepyhead Estate landscape concept. There are however four Community Activity Nodes (yellow rectangles on masterplan) which are highlighted as well-located spaces for the provisions of activity nodes which could contain play equipment, seating, and other more engaging activities. There is further opportunity for additional play equipment to be incorporated into the smaller pocket parks which would be developed as part of some of the denser development areas.
- I see no reason why we could not meet the requirements of the strategy under the framework of the rezoning document. The applicant team may need to discuss this further with WDC in particular if the need for a destination playground is present. I note that section 7.2.1 of the strategy recommends that one be developed / maintained at Huntly Domain and it may be that there is not one required at Ohinewai. Once again I would prefer that this discussion be held at future resource consenting stages with WDC post plan change.

WDC Trails Strategy 2016

- Unsurprisingly the trails strategy promotes the importance of walking, cycling and bridle trails. The landscape / open space concept plan contained within the rezoning application contains a high level of connectivity and level of service for both pedestrians and cyclists.
- While none of the trails shown in the concept plan or on the structure plan are included as priority projects in the strategic document, they are an integral part of the overall land use and open space concept. Connections to the existing Ohinewai Settlement, Ohinewai Primary school, providing access to Lake Rotokawau and possibly Lake Waikare longer term, while providing pedestrian and cycle connectivity internally within Sleepyhead Estate is a very important component of the overall concept. I note that there is a proposed Lake Waikare Trail Strategy map on section 4.12 but this does not connect to the Sleepyhead Estate site and is also earmarked as a low priority. See below.



- Once again, a more detailed discussion will need to be had with WDC around the ownership of these trails as they cross both SW and recreational focused open space parcels and also the required level of service / surface treatment, width etc. of these trails.

Kind Regards

JB

Emily Buckingham

From: Chloe Trenouth
Sent: Wednesday, 26 February 2020 1:39 PM
To: Stuart Penfold; John Olliver
Cc: Carolyn Wratt; Naomi McMinn
Subject: Ohinewai - rail siding proposed

Expires: Monday, 24 August 2020 12:00 AM

Afternoon Stuart and John,

As I discussed with Stuart by telephone this afternoon, I am concerned about certainty that the rail siding will be provided by APL to manage transportation effects. I appreciate that discussions with Kiwirail have been positive and that an email is provided confirming that they support the provision of the rail siding, however the developer must pay for it.

Can you please provide an indication of ballpark figure for provision of the railsiding, and how APL are proposing to fund it? If it is not required until a later stage, allowing additional time to resolve funding and any construction issues, then it would be useful to understand whether triggers for development are required in the plan provisions to manage effects. It is my understanding that the ITA is developed on the basis that the railsiding is provided, therefore it is integral to the proposal.

See NZ Herald article on Monday below indicating that APL will be reliant on government funding to secure the rail siding:

\$1.4 billion Sleepyhead housing, community project: Rezone hearing brought forward

24 Feb, 2020 5:00am

6 minutes to read



The country's leading bedmaker and home of iconic Kiwi brand Sleepyhead, The Comfort Group plans a unique manufacturing hub and community in Ohinewai, North Waikato. Photo/Supplied.

By: Andrea Fox

Herald business writer based in the Waikato

andrea.fox@nzme.co.nz

Bed maker and exporter The Comfort Group has started the countdown to a hearing of its plan to build a \$1.4 billion manufacturing and housing community in north Waikato, with new economic projections claiming big benefits for the area.

Australasia's biggest bed and sleeping products maker, an Auckland family-owned company which owns the Sleepyhead, Sleepmaker and Dunlop Foams brands, wants a zoning change in the proposed Waikato District Plan to be able to start building this year on 176 hectares of marginal rural land it's bought at Ohinewai, 5km north of Huntly.

The hearing for a change to industrial, business and residential zoning is set down for early June.

The hearing has been brought forward five months and a decision, expected quickly after, by nearly a full year, in response to the company's plea for urgency because it has run out of room in Auckland.

"We need to get moving," director and co-owner Craig Turner told the Herald.

"Our business is growing quite substantially in China, we have leases being terminated and our production space is full."

Two efforts to expand in Auckland had been stymied by objections and limited space, Turner said.

Comfort Group plans a mixed-used community with up to 1100 new homes and a cutting edge manufacturing centre which would boost its manufacturing space from 30,000sq m to 100,000sq m over 10 years. The site would be the group's new headquarters.

It currently employs 500 people at three sites in Otahuhu, Avondale and Glen Innes.



Comfort Group director and co-owner Craig Turner. Photo/Supplied

If it gets the green light mid-year, earthworks would start almost immediately with the initial stage, a foam manufacturing centre, expected to be operational by mid 2022, Turner said.

The housing plan is an integral part of the development because Comfort Group wants to help its staff into their own homes, impossible now for many with the cost of Auckland housing, he said.

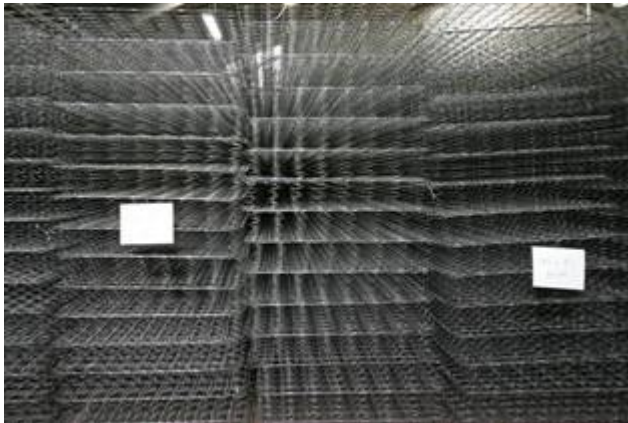
Key numbers from an economic impact report say capital investment in the district over the decade would likely result in direct economic benefits of \$1.3b and create about 410 jobs a year.

For the economy of the immediate local area, Huntly and Ohinewai, the development would likely inject \$100m over 10 years and create 42 more jobs a year.

For ongoing operational impacts, Sleepyhead's operations and the housing development alone were estimated to have a \$193m-a-year positive economic effect on the wider region, supporting 1265 jobs. Within the immediate area, ongoing benefits were put at a further \$35m in retail spend and an additional 1088 jobs, including Sleepyhead staff.

A bulk factory outlet associated with the manufacturing business is planned on 9.5ha of the site, selling beds, mattresses, bedding, drapes, soft furnishings and furniture. Homeware stores, neighbourhood shops and a service centre are also planned.

In its submission to the Waikato District Council, the company said it intends to set up a scheme to help staff and their families into housing ownership as part of their employment.



Piles of springs, for beds, at Sleepyhead Manufacturing Company Limited in Auckland. Photo / File

The new community beside the Waikato River, to be called the Sleepyhead Estate, would enable people to "live, eat, and work in one area", said Turner, saving staff commuting costs and providing more time with their families.

The application said the housing area of 23ha would be a mix of about 900 medium and higher-density homes. Some would be reserved for staff and others offered to the market.

The housing area would be separated from the industrial operation by a recreational/open space buffer of more than 100m wide. The site adjoins Lake Rotokawau and a DoC reserve and would provide walkway and cycle access to Lake Waikare and Te Kauwhata.

Asked how much "affordable" housing at the new community would be and how the company planned to support staff into them, Turner said it was early days.

"We've been working with the banks ... to find ways of doing different financing packages - shared equity is one thing we're looking at. This [aspect] is not well developed but there are lots and lots of opportunities."

He wasn't sure yet of the cost of the "affordable" houses because discussions needed to be had with the council and the Government.

Turner rejected the suggestion the company was depending on the new housing offer to help swing a decision its way in June.

"We won't have to firm up housing [by then] because it's not something we are promoting in our application. [What] we are promoting is that it is bringing industry and income into an area that is [economically] really suffering."

Turner said the company would have spent at least \$2.5m on the proposal by hearing time. It had 22 specialist consultancies on the proposal.

An attraction of the district was the labour force available to support the company's growth prospects, he said.

It was working with Waikato-Tainui as part of the planning. Skills training of some Ohinewai and Huntly locals had already started with a minivan picking up prospective employees and taking them to Auckland each morning.

Turner said while "anything could come out of the woodwork" in the hearing process, council support had been strong and nobody had suggested the plan isn't sensible.

"We have people saying we have to take into consideration things like emissions and water, and things like that may be stumbling blocks. The site is totally unserved. But no one has said it doesn't make sense."

"We believe in this, it's good for the community and good for the country."

Comfort Group is in talks with KiwiRail and the state highway authority, Turner said.

The company is keen to utilise the site's close proximity to rail to reduce the number of trucks used in its import and export operations, through the building of a rail siding to serve the development.

"It's horrendously expensive for a siding, we have to talk to the Government. Without the Government we can't do it. We need assistance to get trucks off the road. We expect to have to contribute of course but we haven't gone down that track yet."

The company also needs to hear from NZTA over the road authority's requirements for the development.

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

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Emily Buckingham

From: John Olliver <jolliver@bbo.co.nz>
Sent: Wednesday, 26 February 2020 4:11 PM
To: Chloe Trenouth
Cc: Naomi McMinn; Rhulani Baloyi; Cameron Inder; Simon Berry; David Gaze; Stuart Penfold
Subject: Ohinewai - rail siding proposed

Hi Chloe. See below the response from our traffic engineers on technical aspects of your query. Although the below assessment shows that the siding is not required from the traffic point of view The Comfort Group remains committed to building the siding and has invested in its preliminary design and land acquisition. It makes good economic and environmental sense. It is shown on the Structure Plan so provided that there is a rule requiring development be in general accordance with the Structure Plan there is sufficient certainty that it will be implemented. However there is no need for any timing triggers. In my view the cost of the siding, and the source of funding, are not relevant matters for a rezoning. Kind regards



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From: Rhulani Baloyi <rbaloyi@bbo.co.nz>
Sent: Wednesday, 26 February 2020 3:24 PM
To: John Olliver <jolliver@bbo.co.nz>
Cc: Stuart Penfold <spenfold@bbo.co.nz>; Cameron Inder <cinder@bbo.co.nz>
Subject: RE: Ohinewai - rail siding proposed

Hi John,

Please see below response to Chloe's enquiry:

As described in Section 7.1.7 of the ITA report dated 6 December 2019, a sensitivity assessment (Sensitivity Test 4) was conducted to determine the impact of having 80% of the predicted freight trips on the road network (i.e. 20% of all freight trips that is expected to be generated by the development via rail and 80% via heavy commercial trucks). The results of the sensitivity test showed the following (refer to Table 7.8 and Table 7.9 of the report):

- Both the western and eastern ramp intersections at the Ohinewai Interchange will have sufficient capacity - both intersections are expected to perform at Level of Service (LOS) C and better during the morning and afternoon peaks.
- Likewise, the Tahuna Road & Lumsden Road roundabout is expected to operate at acceptable levels of service (LOS C and better) during the morning and afternoon peaks.
- The additional truck traffic is not expected to trigger further upgrades than the ones already proposed in the ITA report.

A further capacity assessment was conducted to determine the impact of having no rail siding at all (i.e. all freight trips via the road network). The assessment shows only a slight decline in LOS on the southbound and northbound off-ramps (from LOS C to LOS D), however, LOS D is considered acceptable. As expected, all three intersections are expected to operate at acceptable levels of service during both the morning and afternoon peaks.

Based on the above findings, not implementing the rail siding will have minimal impact on the capacity and operations at the Ohinewai Interchange and the Tahuna Rd & Lumsden Road intersection, which are the key intersections assessed in the ITA.

Kind regards,



Rhulani Baloyi SENIOR TRANSPORT ENGINEER
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From: John Olliver <jolliver@bbo.co.nz>
Sent: Wednesday, 26 February 2020 2:02 PM
To: Cameron Inder <cinder@bbo.co.nz>; Rhulani Baloyi <rbaloyi@bbo.co.nz>
Cc: Stuart Penfold <spenfold@bbo.co.nz>
Subject: Fwd: Ohinewai - rail siding proposed

Can we discuss when I'm back I office shortly

John Olliver

Begin forwarded message:

From: Chloe Trenouth <chloe@hyc.co.nz>
Date: 26 February 2020 at 1:39:30 PM NZDT
To: Stuart Penfold <spenfold@bbo.co.nz>, John Olliver <jolliver@bbo.co.nz>
Cc: Carolyn Wratt <Carolyn.Wratt@waidc.govt.nz>, Naomi McMinn <Naomi.McMinn@graymatter.co.nz>
Subject: Ohinewai - rail siding proposed

Afternoon Stuart and John,

As I discussed with Stuart by telephone this afternoon, I am concerned about certainty that the rail siding will be provided by APL to manage transportation effects. I appreciate that discussions with Kiwirail have been positive and that an email is provided confirming that they support the provision of the rail siding, however the developer must pay for it.

Emily Buckingham

From: Chloe Trenouth
Sent: Tuesday, 10 March 2020 2:35 PM
To: Emily Buckingham
Subject: FW: Ohinewai - traffic peer review
Attachments: Zone Areas.pdf; Predicted Trip Generation.pdf; Schematic Diagram - Predicted Movement Figures (AM Peak Hour).pdf; Schematic Diagram - Predicted Movement Figures (PM Peak Hour).pdf

Expires: Sunday, 6 September 2020 12:00 AM

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

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From: John Olliver <jolliver@bbo.co.nz>
Sent: Wednesday, 26 February 2020 2:34 PM
To: Chloe Trenouth <chloe@hyc.co.nz>
Cc: Stuart Penfold <spenfold@bbo.co.nz>
Subject: FW: Ohinewai - traffic peer review

Hi Chloe. Below are responses to date to Naomi on the traffic requests.
Regards



John Olliver DIRECTOR
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From: Rhulani Baloyi <rbaloyi@bbo.co.nz>
Sent: Wednesday, 26 February 2020 2:29 PM
To: John Olliver <jolliver@bbo.co.nz>
Subject: FW: Ohinewai - traffic peer review

Hi John,

Please see below correspondence with Naomi. The items below cover the first 5 items on the Information Request list.

Regards,



Rhulani Baloyi SENIOR TRANSPORT ENGINEER
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From: Rhulani Baloyi
Sent: Wednesday, 26 February 2020 1:04 PM
To: Naomi McMinn <Naomi.McMinn@graymatter.co.nz>
Cc: Cameron Inder <cinder@bbo.co.nz>
Subject: RE: Ohinewai - traffic peer review

Hi Naomi,

Please find below our initial response to the following items:

1. Clarification on the areas presented in Table 5 and how they apply to the zone areas;

Please refer the Attachment named "Zone Areas". The first figure in the attachment shows the proposed framework and activity areas for the APL development, while the second figure shows the proposed land use areas as described in Table 5-1 of the ITA.

2. Clarification of the Sleepyhead factory area;

In terms of the size of proposed factory – the full site including the land north of the rail siding and factoring in the realignment of Lumsden Road is 29.5ha (please see picture 1 below – pink shape), while the land to the south of the rail siding and factoring in a realigned Lumsden road is 22.2ha (see picture 2 below). We considered the factory site to exclude the rail siding area, and have thus reported it as 22.2ha. We will clarify this in the ITA and AEE report.

Picture 1



3. Further information on the application to trip generation rates and rationale for application of reduction factors;

Please refer the Attachment named “Predicted Trip Generation”. The table in the attachment provides the total trip generation (without adjustment factors), and details of how each factor was applied and the resulting predicted trip generation for the proposed APL development.

4. Provision of Sidra reports, including layout, traffic movement and LOS and diagrams;

Given the large sizes of the Sidra files, I will send a separate email with a direct download link to the files.

5. Schematic diagram of movement volumes;

Please refer to the Attachments named “Schematic Diagram – Predicted Movement Figures” for the 2031 AM and PM Peak Hour traffic movements which include the proposed APL Development traffic.

As discussed in our meeting last week, the remaining items will require additional work but that we will keep you updated as we progress.

Please let me know if you need any further details related to the above.

Kind regards



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If you wish to send us a large file, please click the following link: <https://www.sendthisfile.com>

From: Naomi McMinn <Naomi.McMinn@graymatter.co.nz>
Sent: Monday, 24 February 2020 12:52 PM
To: Cameron Inder <cinder@bbo.co.nz>; Rhulani Baloyi <rbaloyi@bbo.co.nz>
Subject: RE: Ohinewai - traffic peer review

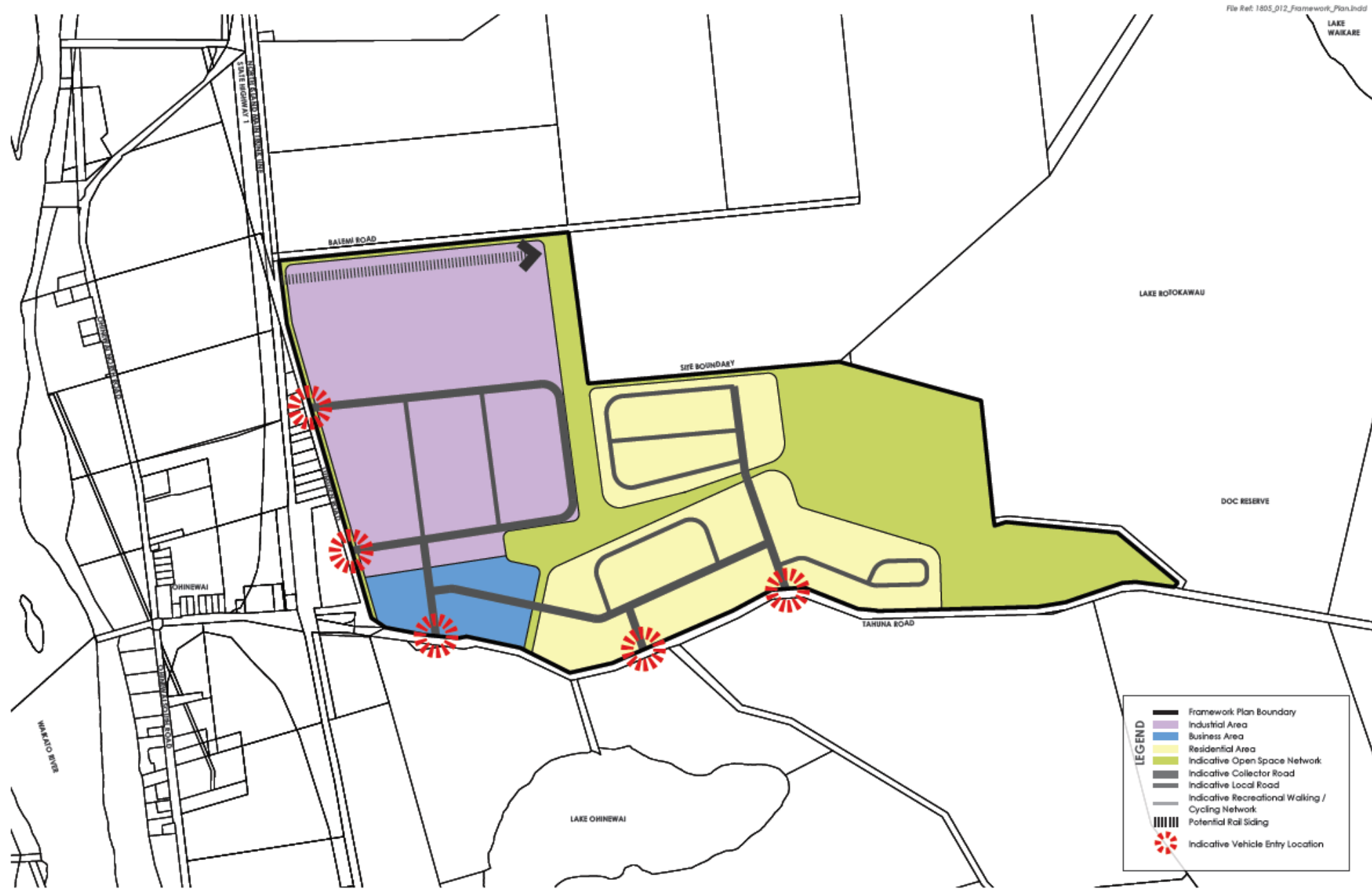
Hi sorry I got tied up and forgot to send this to you. Now I see John has requested it.
This is my draft RFI table:

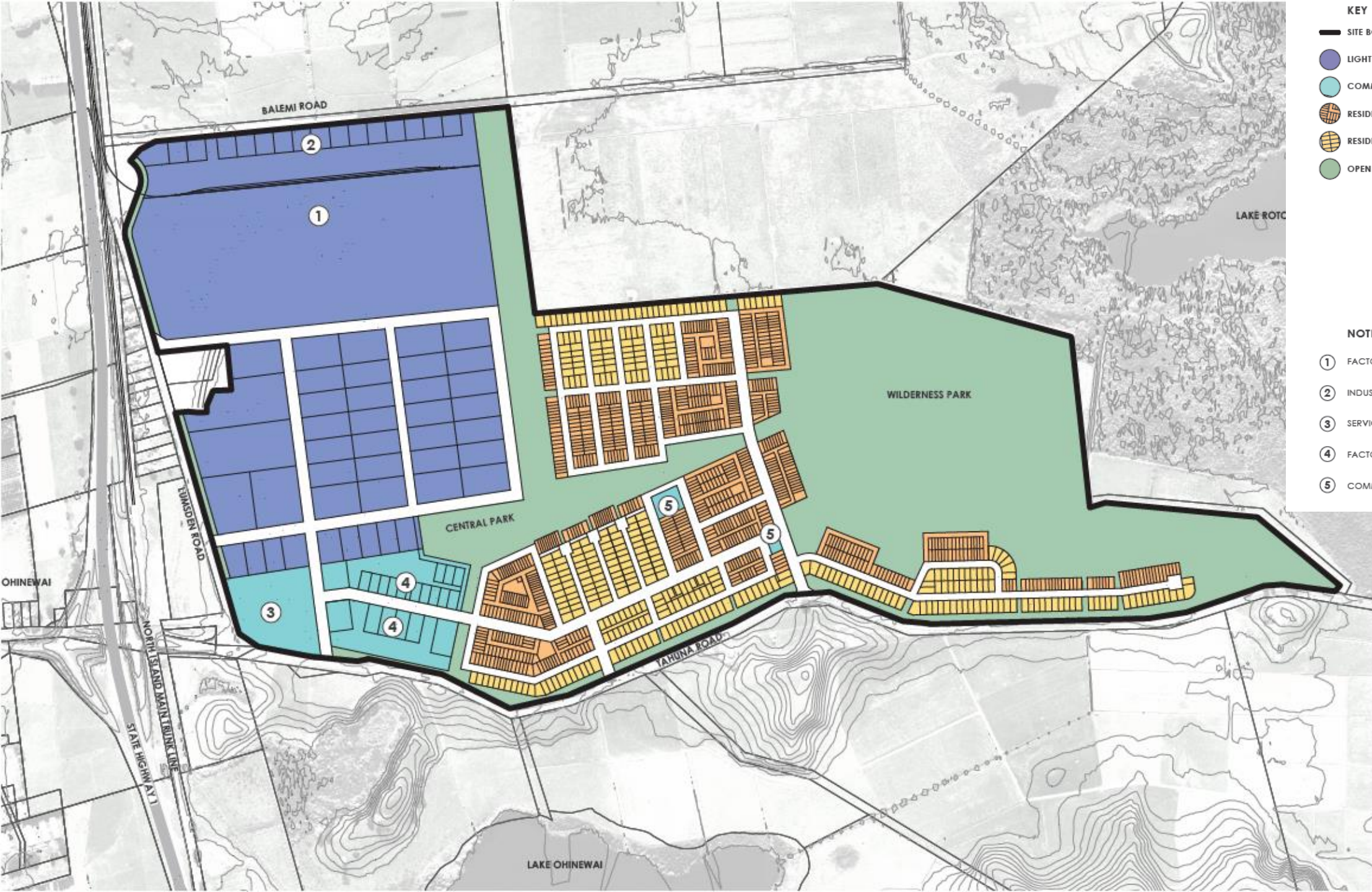
Information Request (APL ITA)	Reason for requiring further information
Clarification of the areas presented in Table 5-1 and how they apply to the zone areas.	To understand the rationale and ensure consistency between the proposed zone areas and the submitter's basis for assessment of the trip generation
Clarification of the Sleepyhead factory area	Discrepancy between AEE Section 1.4 and the ITA Section 1.4 and Table 5-1
Further information of the application of trip generation rates and rationale for application of reduction factors, including how the mixed use adjustment factors were applied; total daily and peak hour trip generation before trip adjustments were applied.	To understand the basis of the ITA trip generation of 1,100 vph and 1,700 vph. Given the proposal is for rezoning, there could be significantly more traffic generated if the sleepyhead proposal does not go ahead.
Provision of Sidra reports including traffic movement diagrams, level of service diagrams for each lane, movement summaries (networked) and the corresponding Sidra layout diagrams	To fully understand the scenarios, modelling results (and sensitivity testing).
A schematic diagram of movement volumes (similar to Figures 2-7 to 2-10 of the ITA).	To clearly show turning volumes with the development traffic.
WRTM updates and application	Assessment of future traffic network.
Further assessment of the proposed interventions and intersections forms. Safety assessment should be completed to inform the appropriateness of the proposed access and intersection forms. Staging of the development and timing of when the intersections will be constructed including expected trip generation and assignment to fully understand the suitability of the proposed intersection forms.	Roundabouts are the safest form of intersection and to support Vision Zero we would prefer roundabout intersections to T-intersections. Additional information is needed to support the form of the intersections and to ensure they will operate safely.
Safety audit of the proposed level crossing and realignment of Lumsden Road. Formal approval from Kiwirail of the layout.	We are concerned the proposal introduces out of context curves. The level crossing is a key aspect of the proposal and confirmation that the design is safe and acceptable to KiwiRail and WDC Roding staff is needed.

Information Request (APL ITA)	Reason for requiring further information
<p>Clarification of what upgrades are recommended and the triggers for the upgrades.</p> <p>Provision of the rules and triggers that are proposed for the District Plan in order to implement the recommendations of the ITA.</p>	<p>ITA discusses a range of upgrades to the network. Rules and triggers for the proposed upgrades are not included in the planning provisions so it is unclear how these would be implemented.</p> <p>A range of options for walking and cycling connections to the wider area are proposed in the ITA, but it is unclear which option will be developed and there is nothing required by the planning provisions or identified on the structure plan.</p>
<p>Evidence of consultation with NZTA to confirm interchange assessment and proposed upgrades.</p>	<p>Given the location, the proposal is expected to generate vehicle trips to the SH1 to access services (secondary school, medical, shopping , employment etc)</p>

Give me a call if there is anything you want to discuss.

Naomi
8538997





- KEY**
- SITE BOUNDARY
 - LIGHT INDUSTRIAL LAND USE
 - COMMERCIAL LAND USE
 - RESIDENTIAL - HIGH DENSITY
 - RESIDENTIAL - MEDIUM DENSITY
 - OPEN SPACE

- NOTES**
- ① FACTORY SITE WITH DIRECT RAIL SIDING ACCESS
 - ② INDUSTRIAL SITES WITH DIRECT RAIL SIDING ACCESS
 - ③ SERVICE CENTRE LOCATION
 - ④ FACTORY OUTLET AREA
 - ⑤ COMMUNITY FACILITY / CORNER SHOP

Land Use Area	Yield		Period	Trip Rate	Distribution (%)		Total Trip Generation			Heavy Commercial Vehicle (HCV) Trips						Total Trip Generation (excl. HCV trips)			Mixed-use Adjustment Factor (external vs internal trips)						External Trips			Shift Work Adjustment			Predicted Peak Hour Trip Generation																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
										Total HCV Trips ¹ (no. of trips)			Total HCV Trips via road network ²						Factor	Internal Trips ³ (no. of trips)			External Trips ⁴ (no. of trips)			Vehicle Trips ⁵ (no. of vehicles)			Vehicle trips during shifts ⁶ (no. of vehicles)			Light Vehicles (no. of vehicles)			Heavy Commercial Vehicles (no. of trucks)			Total Vehicles (no. of vehicles)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Commercial/ Retail: Service Station	10	fuel positions	Daily (vpd)	120.66 per fuel position	50%	50%	604	604	1,208	-	-	-	-	-	-	604	604	1,208	20%	121	121	242	483	483	966	483	483	966	-	-	-	483	483	966
			AM Peak Hour (vph)	10.88 per fuel position	50%	50%	55	55	110	-	-	-	-	-	-	55	55	110	20%	11	11	22	44	44	88	44	44	88	-	-	-	44	44	88
			PM Peak Hour (vph)	16.06 per fuel position	50%	50%	80	80	160	-	-	-	-	-	-	80	80	160	20%	16	16	32	64	64	128	64	64	128	-	-	-	64	64	128
Commercial/ Retail: Retail Outlet Centre	28,100	m² GFA	Daily (vpd)	28.63 per 100m² GFA	50%	50%	4,023	4,023	8,046	-	-	-	-	-	-	4,023	4,023	8,046	10%	402	402	805	3,621	3,621	7,241	3,603	3,603	7,205	-	-	-	3,603	3,603	7,205
			AM Peak Hour (vph)	0.73 per 100m² GFA	73%	27%	150	56	206	-	-	-	-	-	-	150	56	206	10%	15	6	21	135	50	185	133	50	183	-	-	-	133	50	183
			PM Peak Hour (vph)	2.47 per 100m² GFA	47%	53%	317	358	675	-	-	-	-	-	-	317	358	675	10%	32	36	68	285	322	608	282	321	603	-	-	-	282	321	603
Commercial/ Retail: Community Corner Shop	315	m² GFA	Daily (vpd)	128.60 per 100m² GFA	50%	50%	203	203	406	-	-	-	-	-	-	203	203	406	100%	203	203	406	-	-	-	-	-	-	-	-	-	-	-	-
			AM Peak Hour (vph)	33.39 per 100m² GFA	50%	50%	53	53	106	-	-	-	-	-	-	53	53	106	100%	53	53	106	-	-	-	-	-	-	-	-	-	-	-	-
			PM Peak Hour (vph)	42.5 per 100m² GFA	49%	51%	66	69	135	-	-	-	-	-	-	66	69	135	100%	66	69	135	-	-	-	-	-	-	-	-	-	-	-	-

Residential: General Density	375	dwellings	Daily (vpd)	9.57 per dwelling	50%	50%	1,795	1,795	3,590	-	-	-	-	-	-	1,795	1,795	3,590	40%	718	718	1,436	1,077	1,077	2,154	1,077	1,077	2,154	-	-	-	1,077	1,077	2,154	-	-	-	1,077	1,077	2,154
			AM Peak Hour (vph)	0.75 per dwelling	25%	76%	69	213	282	-	-	-	-	-	-	69	213	282	40%	28	85	113	41	128	169	41	128	169	-	-	-	41	128	169	-	-	-	41	128	169
			PM Peak Hour (vph)	1.01 per dwelling	63%	37%	239	141	380	-	-	-	-	-	-	239	141	380	40%	96	56	152	143	85	228	143	85	228	-	-	-	143	85	228	-	-	-	143	85	228
Residential: Medium Density	725	dwellings	Daily (vpd)	9.57 per dwelling	50%	50%	3,470	3,470	6,940	-	-	-	-	-	-	3,470	3,470	6,940	40%	1,388	1,388	2,776	2,082	2,082	4,164	2,082	2,082	4,164	-	-	-	2,082	2,082	4,164	-	-	-	2,082	2,082	4,164
			AM Peak Hour (vph)	0.75 per dwelling	25%	76%	134	411	545	-	-	-	-	-	-	134	411	545	40%	54	164	218	80	247	327	80	247	327	-	-	-	80	247	327	-	-	-	80	247	327
			PM Peak Hour (vph)	1.01 per dwelling	63%	37%	462	271	733	-	-	-	-	-	-	462	271	733	40%	185	108	293	277	163	440	277	163	440	-	-	-	277	163	440	-	-	-	277	163	440
Total			Daily (vpd)																												3,159	3,159	6,318	-	-	-	3,159	3,159	6,318	
			AM Peak Hour (vph)																												122	374	496	-	-	-	122	374	496	
			PM Peak Hour (vph)																												421	247	668	-	-	-	421	247	668	

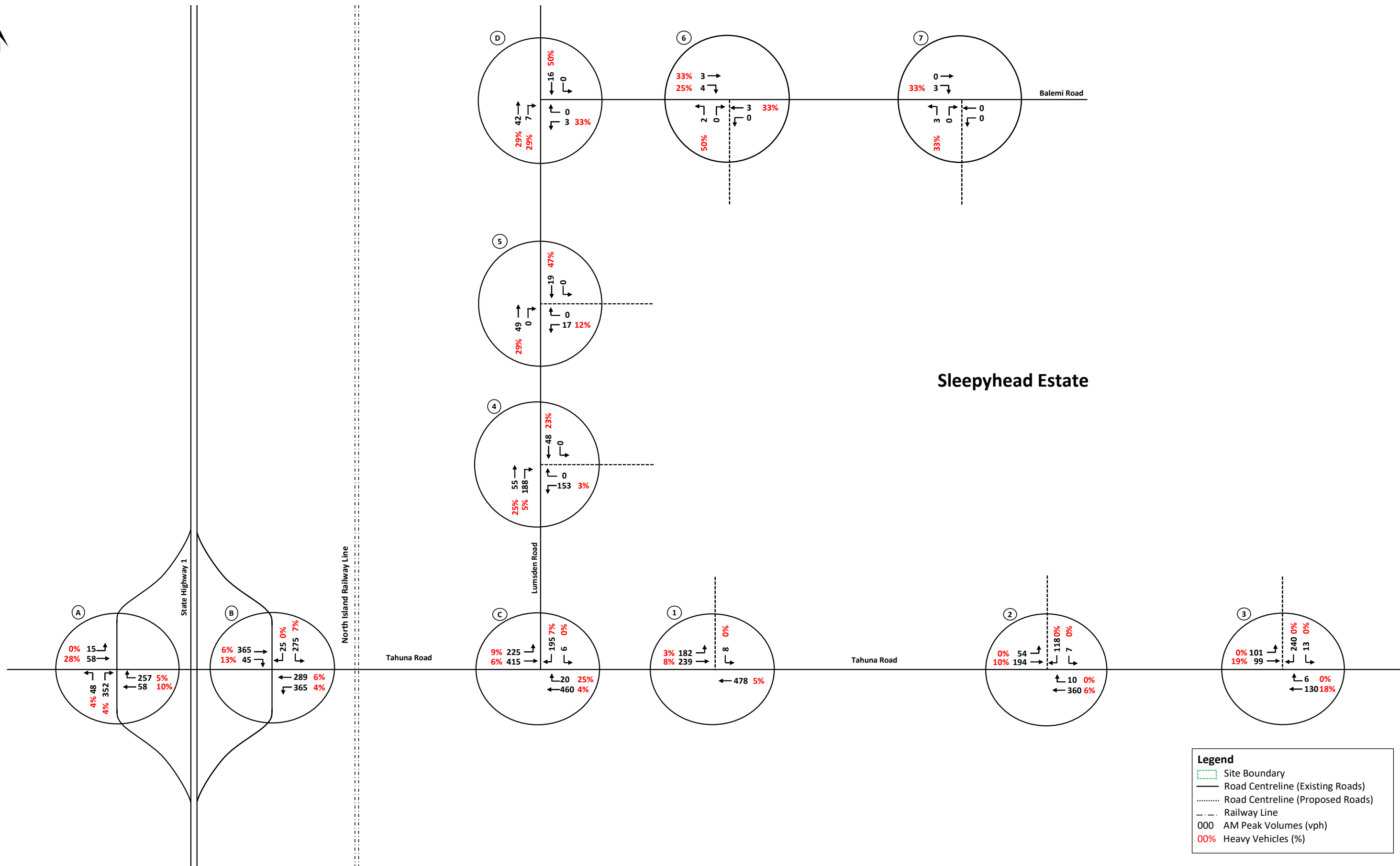
Grand Total for Development			Daily (vpd)																												8,402	8,402	16,804	37	37	74	8,402	8,402	16,804
			AM Peak Hour (vph)																												487	545	1,032	16	6	22	487	545	1,032
			PM Peak Hour (vph)																												881	766	1,647	9	11	21	881	766	1,647

Notes:

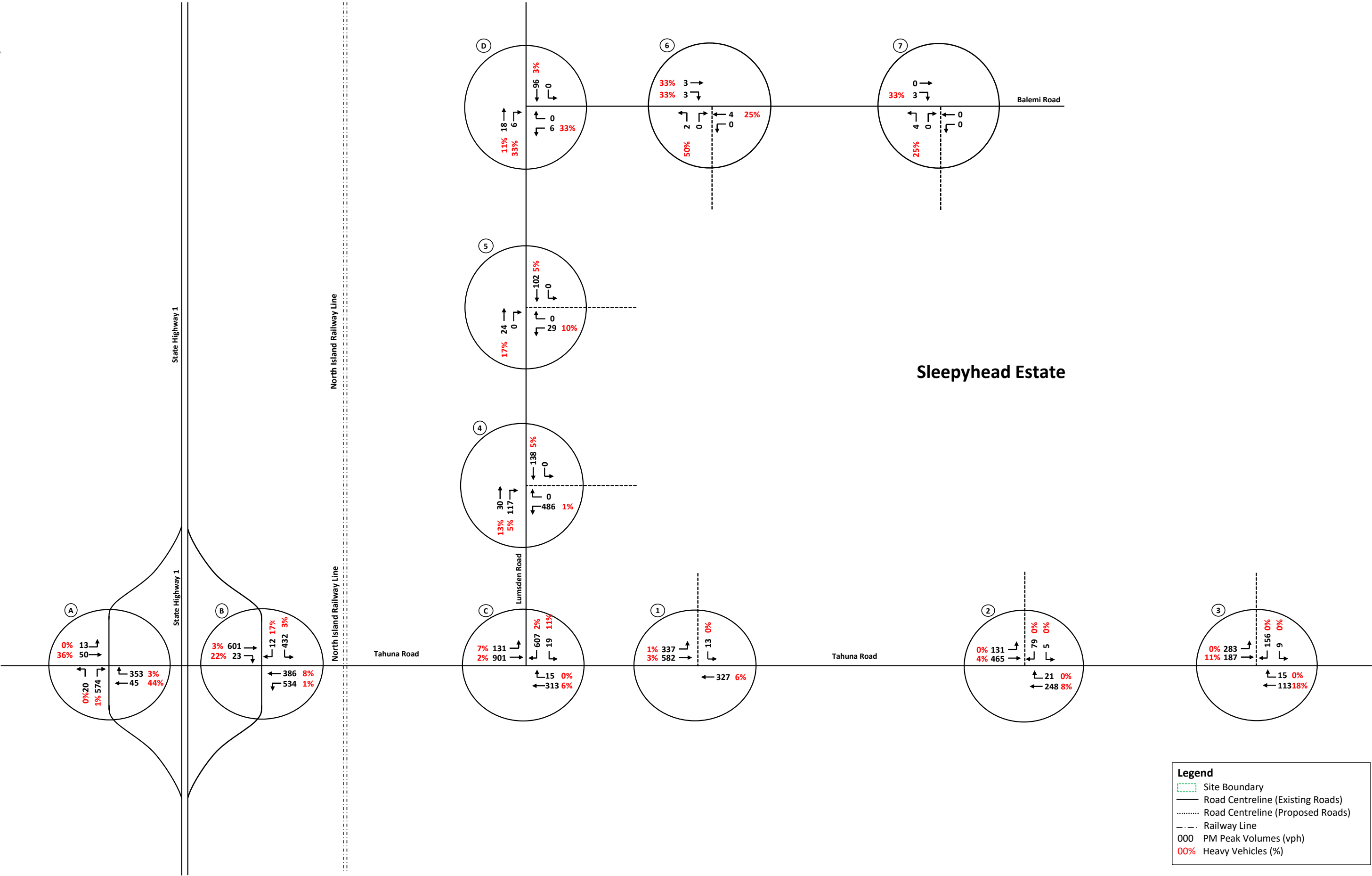
¹Assumed to be 8% of total daily trip generation and 14% of the peak hour trip generation

²Assuming only 20% of HCV trips will be via road

Predicted Vehicle Movements with the proposed APL Development - 2031 AM Peak Hour



Predicted Vehicle Movements with the proposed APL Development - 2031 PM Peak Hour



Emily Buckingham

From: Stuart Penfold <spenfold@bbo.co.nz>
Sent: Friday, 28 February 2020 1:03 PM
To: Chloe Trenouth
Cc: John Olliver
Subject: RE: Ohinewai
Attachments: HSA.sleepyhead.rotu.12.12.19.pdf

Hi Chloe,

Please find set out below a response to point 3 of your email dated 9 January re. hazardous materials.

I've also **attached** the draft report completed for the factory that outlines the management measures to be implemented for the factory.

Note that this report will shortly be superseded to account for updated plans – however, the management principles will remain the same. We can forward on the updated report once it is complete – this is expected to be in mid-March.

In summary, we believe that the existing (proposed) plan provisions are adequate to effectively manage the proposed Sleepyhead factory and any other industrial uses that locate within the industrial zone.

We contend that the existing provisions that apply across the District are adequate and that specific provisions for Ohinewai are not needed.

Key points:

- The proposed factory is the anchor tenant in the proposed Industrial zone and the report outlines that appropriate management measures can be put in place for the facility.
- The factory requires a Discretionary activity resource consent for exceeding the quantities of certain hazardous material stored on site – while the factory activity itself is a Permitted activity (under the proposed Industrial zoning).
- The establishment of industrial activities within an industrial zone can logically be expected – and the existing (proposed) rules are the expected framework that these activities are managed under. If activities do not meet the Permitted activity threshold, then the resource consent process can manage effects (as this report has shown).
- As well as consents required under the District (and Regional) Plan, the management of hazardous substances are subject to the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HSW-HS), and Health and Safety at Work (Major Hazard Facilities) Regulations 2016 (HSW-MHF) as the facility is considered a Major Hazardous Facility.
- The T+T report outlines that the necessary requirements of the HSW-HS & HSW-MHF Regulations can be met.
- There are various locations throughout the Waikato District where Industrial zones are located adjacent to residential or Village zones (e.g. Huntly, Ngaruawahia, Horotiu) and there are no site-specific plan provisions in place to manage hazardous substance effects. We consider that Ohinewai is no different, with the resource consent process the appropriate method to manage the effects of Industrial activities.

Please come back to us if you have any further questions on this.

Best regards
Stuart

From: Chloe Trenouth <chloe@hyc.co.nz>
Sent: Thursday, January 9, 2020 1:37 PM
To: Stuart Penfold <spenfold@bbo.co.nz>
Cc: Carolyn Wratt <Carolyn.Wratt@waidc.govt.nz>
Subject: Ohinewai

Hi Stuart,

Happy New Year – I think you are still on holiday, hopefully enjoying some relaxing family time.

I tried to ring you but for some reason your number doesn't seem to be working (must be on holiday 😊). I just wanted to clarify some matters discussed at our site visit and raise a few additional issues that we may not have covered before I go on holiday again:

1. Acoustic – the acoustic report indicates that there are no issues with achieving the noise standards at the boundary of the site. I would like to understand whether there is likely to be any acoustic issues for the proposed residential activities within the site, given the proximity of the industrial sites. I would like to understand whether once new residential sites are created the industrial sites will still be able to meet the noise standards. If not then it may be necessary to include provisions in the precinct plan for acoustic mitigation requirements on some of the residential sites (i.e. within certain distance of industrial sites).
2. Historic Heritage – there is no assessment within the AEE of historic heritage. Could you please confirm whether this matter has been considered, given it is a s6 matter under the RMA I think it is important to at least confirm that this has been considered and none identified if this is the case.
3. Hazardous Facilities – I think we discussed this matter and you were going to provide some information that has been submitted with the resource consent to enable us to understand potential risks. It should be identified in the AEE whether the hazardous facilities required for the Sleepyhead Factory in particular, but potentially other industrial uses would be adequately addressed by existing proposed district plan provisions or other legislation or whether additional precinct provisions are required.
4. Groundwater – there is no assessment of groundwater effects provided although the Geotechnical Report identifies that groundwater levels are high (0.5m -1m across the site and at ground level in some locations). Some assessment should be provided on what the effects of development would be. I am wondering whether there may be a need for groundwater recharge to avoid settlement effects, which would require precinct specific provisions. It may be that the stormwater management approach already addresses this issue, but this is not clear to me currently.
5. Parks – I think we discussed this one also and you were going to come back to us on what the expectation was of APL for the ownership and management of open space. Could you please confirm this ASAP and if there is an expectation of vesting to the Council this will need to be discussed with parks team.

I'm back in the office on the 28th January and we can discuss the above further.

Ngā mihi | Regards

Chloe Trenouth

Director

Hill Young Cooper Ltd

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Emily Buckingham

From: John Olliver <jolliver@bbo.co.nz>
Sent: Tuesday, 3 March 2020 7:59 AM
To: Chloe Trenouth
Cc: Stuart Penfold; David Gaze; Simon Berry; Kate Storer
Subject: Response re worker housing

Hi Chloe. You have asked me to summarise The Comfort Group's (TCG) approach to delivering lower cost housing for it's workers.

The AEE dated 6 December 2019 at page 30 summarises the approach to housing as follows;

'NZCG has a very strong family-based worker culture, with many families having worked for NZCG for several generations. NZCG has been increasingly concerned at the inability of its employees and their families to find affordable housing in Auckland. The company intends to set up a scheme to assist their families into housing ownership located adjacent to the Factory as part of their employment. Employment housing will be combined with housing available to the general market.'

'Approximately 900-1100 residential dwellings are proposed within the development area over the course of 7-10 years. It is expected that a mix of housing typologies will be on offer, including many medium density typologies that will be in the lower price bands. Development form will be finalised and consented at the appropriate land use / subdivision consent stage.'

One of the purposes of the rezoning is recorded in the AEE as;

'Residential development to provide affordable housing for employees of The Comfort Group and for housing that is available on the open market, providing housing choice to those that live in the Waikato District.'

The Comfort Group (TCG) is fully committed to this purpose and intends to find a way to assist its employees into home ownership. It is currently investigating a range of methods to achieve it including studying overseas models such as rent to buy and joint purchase. The medium density/ masterplanned approach has been designed to enable houses to be developed at a reasonable cost. Hence the aim, as described in the AEE, to develop houses at around the \$500,000 price point, which as pointed out in the Property Economics Assessment (Appendix Q to the AEE), is lower than the average in Te Kauwhata. TCG's first concern is to ensure the houses are a reasonable cost relative to their worker's experience in Auckland.

As the rezoning is a single-ownership site it enables a medium density residential development based on the masterplan, and is deliberately designed to achieve housing outcomes that will be at the lower price points. It is therefore different from housing developments occurring in the nearby townships which are more of a low density suburban character. TCG have commissioned further design work on the medium density typologies and community management methods so that more detail can be provided.

We will update you on the above investigations as information comes to hand.

Kind regards

John Olliver DIRECTOR
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Chloe Trenouth

From: John Olliver <jolliver@bbo.co.nz>
Sent: Wednesday, 11 March 2020 8:43 AM
To: Chloe Trenouth
Cc: Stuart Penfold; Simon Berry; Kate Storer; David Gaze
Subject: APL Rezoning- High class soils

Hi Chloe. You have queried whether the APL site contains 'High Class Soils'. The definition of High Class Soils in the PDP is;

'Means those soils in Land Use Capability Classes I and II(excluding peat soils) and soils in Land Use Capability Classes IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification'.

We have reviewed the LUC plans for the Ohinewai area and the soils on the elevated parts of the site are Class IIIe3 and the low lying parts of the site are Class IIw2. Class IIw2 is described as 'Plains and terraces with organic soils formed from peat admixed with alluvium. A continuing slight wetness limitation exists after drainage' and the soil type is described as 'Recent alluvium and peat'. This is a peat soil.

Therefore these soils do not fall into the definition of 'High Class Soils'.
Regards



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