

SECTION 42A REPORT

Opening Statement

Hearing 19: Ohinewai Rezoning and Development

Prepared by: Chloe Trenouth

Date: 11 September 2020

Introduction

1. My name is Chloe Trenouth, I am a Director at Hill Young Cooper Limited a private planning consultancy based in Auckland and Wellington. I have been engaged by the Waikato District Council as an independent consultant planner to prepare the Section 42A Report (s42 report), including rebuttal evidence.
2. My opening statement will provide an overview of:
 - a. The rezoning sought by the submissions;
 - b. Summary assessment of submissions;
 - c. Overall recommendations; and
 - d. Recommended changes to the notified version
3. Submissions seeking rezoning at Ohinewai have been considered comprehensively. In total there were 7 submitters seeking rezoning and development at Ohinewai. Since the original s42A report Planning Focus Limited [383.1] has withdrawn their submission, accordingly any further submissions also fall away. This submission and further submission are not considered any further.
 - **Ambury Properties Ltd** [764] seek to rezone approximately 178 ha of Rural Zone land to Residential Zone (107ha), Business Zone (7.5ha), and Industrial Zone (73.5ha) to establish an integrated settlement on the eastern side of the Waikato Expressway and NIMT at Ohinewai.
 - **Ohinewai Lands Limited** [428] do not seek rezoning at this stage but request that rezoning decisions do not preclude future rezoning.
 - **Ohinewai Area Committee** [793] seek to rezone 10, 12, 14, 16, and 18 Ohinewai North Road from Business Zone to Residential Zone.
 - **Ribbonwood Family Trust** [863] seek to rezone rural zoned properties on the western side of Ohinewai (including 53 Ohinewai South Road), bounded by Ohinewai South Road and the Waikato Expressway to Country Living Zone.
 - **Shand Properties Ltd** [738] seek to rezone approximately 61 ha of land adjacent to Ohinewai North Road from Rural Zone to Country Living Zone.
 - **PLB Construction** [804] seek to include policies referring to industrial zone being suitable at Ohinewai.

Ambury Property Ltd

4. As outlined by APL, the original proposal has been amended. My rebuttal evidence assesses the proposal as follows:
 - Introduction of urban zones, an Ohinewai Structure Plan (OSP) and customised plan provisions applying to Ohinewai (with further provisions added/amended since the original s42A report was prepared);
 - Industrial zone (73.5ha) including Sleepyhead factory (37ha)
 - Business zone (7.5ha) including service station and neighbourhood centre
 - Residential zone (107ha), including 900-1100 medium density houses (52ha) and open space (55ha).

5. The main topics in contention raised in evidence from submitters and further submitters include:
 - a. Environmental effects – including economic, flooding, geotechnical, ecological, stormwater management, acoustic, landscape and visual, transport, cultural values, water supply and wastewater, urban design, social impacts, mineral resources
 - b. Alignment with the strategic framework, including National Policy Statement, Waikato Regional Policy Statement, Future Proof Growth Strategy, non-RMA documents
 - c. Statutory framework – including Part 2, s32AA, s75 of the Resource Management Act 1991 (RMA)
 - d. Proposed plan provisions including zoning maps, structure plan and text changes
6. In response to the main topic in contention the following technical experts have provided updated reports (attached to my rebuttal evidence) and are available to answer any questions that the Panel may have:
 - Dr Douglas Fairgray (Economic – Residential)
 - Mr Matthew Jones (Landscape and Urban Design)
 - Ms Naomi McMinn (Transport)
 - Mr Jim Bradley (Water and Wastewater)
 - Ms Jo Healy (Social Impact).
7. Ms Blackburn (Stormwater) and Mr Kemp (Economic – Business) did not provide updated assessments to my rebuttal evidence as there were no outstanding issues in contention after Expert Conferencing. I rely on their original assessments along with Joint Witness Statements from expert conferencing. Therefore, Ms Blackburn and Mr Kemp are not attending the hearing.

Conclusion on APL Proposal

8. I previously supported the industrial component and recommended that the APL submission be accepted in part in my original s42A report. APL have since stated that the industrial, residential and business components of the proposal cannot be considered separately. Therefore, I have considered the APL proposal as an integrated package.
9. I have changed my position regarding APL submission [764.1]. While I continue to support the industrial component, I do not support the APL proposal as a whole because it establishes a new urban area that is not adjacent to an existing urban area and does not achieve the integration of land use and transport. There is insufficient justification for establishing a residential community (900 – 1100 houses) at Ohinewai with poor accessibility to services and amenities. The proposal would be heavily car dependent with inadequate alternative transport modes and does not achieve a compact urban form.
10. My assessment of environment effects identifies that there would be positive economic effects from industrial development in terms of both jobs and the local economy. Although many minor adverse environment effects can be adequately mitigated by plan provisions (subject to fine-tuning) a number of significant adverse effects have either not been adequately addressed or cannot be including:

- Safety effects associated with the NIMT overbridge being inadequate to accommodate trucks turning without crossing the centreline.
- Uncertainty remains regarding servicing the site in the medium to long term, particularly security of water supply.
- Poor integration of land use and transport resulting in car-centric development and a dormitory town.
- Density of residential development is not supported by adequate amenity.
- Social impacts on countryside living and rural outlook of existing residents, from uncertainty that affordable housing will be provided, and creating a community in a rural area without existing services and amenities.

11. I have assessed APLs proposal against the relevant statutory tests of the RMA and in my opinion it:

- does not give effect to the National Policy Statement for Urban Development in accordance with s75(3)(a) - although it would provide for significant development capacity it does not create a well-functioning urban environment with good accessibility and supporting reductions in greenhouse gas emissions (Objectives 1, 6 and 8, and Policies 1 and 8);
- does not give effect to the Waikato Regional Policy Statement in accordance with s75(3)(c) – uncertainty remains regarding the impacts of water supply and wastewater infrastructure on the Waikato River, lack of integrated land use and infrastructure planning, is not consistent with the development principles, does not meet the criteria for considering alternative land use patterns, and is not consistent with the guiding principles of Future Proof (Objective 3.4, Objective 3.12, and Policies 6.1 and 6.14);
- it does not achieve the sustainable management purpose of the Act in accordance with s74(1)(2) because while enabling the economic wellbeing of the community through jobs and growth of the local economy these positive effects do not override the significant adverse transport, urban design and social effects on existing and future communities.

Ohinewai Land Limited [428]

12. Evidence filed on behalf of OLL by Mr McLaughlin clarifies that the key concerns for this submitter are that rezoning decisions do not preclude future rezoning of land owned by OLL, which surrounds the APL land.
13. I agree that if the APL proposal is accepted by the Panel, that provision should be made to ensure that development of adjacent sites is not precluded to enable consistency with Waikato 2070. Accordingly, changes could be made to the Ohinewai Structure Plan to identify road connections to the north. I consider a future plan change by OLL could address concerns regarding integration along Tahuna Road, including amendments to the structure plan.

Ribbonwood Family Trust and Shand Properties Ltd

14. Shand Properties Ltd provided a range of technical assessments in support of their submission. However, no evidence was submitted.
15. No technical assessments or evidence was submitted in support of the Ribbonwood Family Trust submission. While the submission seeks broader rezoning, the submitter appears to primarily be seeking rezoning of one site at 53 Ohinewai South Road

16. Proposals for Country Living zones are located within the 1% AEP flood plain for surface flooding and rely on the Waikato River Stopbanks. In a failure or breach of the stop banks these sites would be affected by flooding. Although surface flooding could potentially be mitigated, the residual risks of the stop banks breaching does not appear to be.
17. Requests for Country Living Zones are inconsistent with the Future Proof settlement pattern and the RPS; in particular being contrary to the indicative growth limits around town centres and villages on Map 6.2 and being contrary to the requirements of RPS Policy 6.17. Although the requests are consistent with the community's vision as set out in the recent Ohinewai Local Area Blueprint, this document is not a statutory document that must be considered in accordance with the statutory tests of the Act.

Ohinewai Area Committee

18. Five small sites are identified for rezoning from Business to Residential Zone in order to reflect their existing use, which has been residential in character and use for decades. I agree that the use of these sites is likely to remain residential in the near future.
19. I support the rezoning request and consider the Village Zone to be the most appropriate residential zoning to enable continued residential use, while discouraging further subdivision of unserviced. A Village Zone will equally support the outcomes sought by the submitter in my opinion and therefore is within the scope of the submission.

PLB Construction

20. I do not support the PLB Construction submission to include explicit indication of Ohinewai's suitability for industrial zoning in the district plan as I do not consider this to be appropriate. Suitability for industrial uses is most appropriately shown by the zoning maps.

Overall recommendations

21. For the reasons above I recommend:
 - a. Reject APL submissions [764.1-6] including the revised proposal as presented by the Ohinewai Structure Plan (Rev J dated 23 July 2020) and Zoning Plan (Rev E dated 22 July 2020) and amended plan provisions attached to Mr Olliver's rebuttal planning evidence (dated 24 August 2020).
 - b. Reject Ohinewai Lands Limited [428.1]
 - c. Accept in part Ohinewai Area Committee [793.1]
 - d. Reject Ribbonwood Family Trust [863.1]
 - e. Reject Shand Properties Ltd [738.1]
 - f. Reject PLB Construction [804.2 and 804.3]

Recommended amendments

22. Rezone sites 10, 12, 14, 16, and 18 Ohinewai North Road to Village Zone.