

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage 1

Hearing 19: Ohinewai Rezoning and Development

Report prepared by: Chloe Trenouth

Date: 13 March 2020



TABLE OF CONTENTS

1	Introduction	4
2	Scope of Report.....	5
3	Consideration of submissions received	7
4	Statutory requirements	8
5	Large Scale Industrial, Business and Residential Rezoning Requests	15
6	Country Living rezonings.....	58
7	Miscellaneous	62
8	Conclusion.....	65

Appendix 1: Table of submission points

Appendix 2: Ohinewai Zoning Map from PWDP

Appendix 3: Rezoning Land Location Map by Submitter

Appendix 4: AEE and Technical Reports from APL and OLL

Appendix 5: Further information provided by submitters and other correspondence

Appendix 6: Economic Assessment Peer Review (business / industrial)

Appendix 7: Economic Assessment Peer Review (residential land use)

Appendix 8: Three Waters Peer Review

Appendix 9: Landscape and Urban Design Peer Review

Appendix 10: Transport Peer Review

Appendix 11: Social Impact Peer Review

Appendix 12: Open Space Advice

Appendix 13: Recommended amendments

Appendix 14: Relevant WRPS Objectives and Policies

Appendix 15: WRPS Development Principles

List of submitters and further submitters addressed in this report

Original Submitter	Submission number	Further Submitter	Submission number
Planning Focus Limited	383.1	Auckland/Waikato Fish and Game Council	FSI 1045 and FSI 399
Ohinewai Land Limited (including addendum)	428.1	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	FSI 108
Shand Properties	738.1	Turangawaewae Trust Board	FSI 139
Ambury Properties Limited	764.1-.6	Ohinewai Area Committee	FSI 145
Ohinewai Area Committee	793.1	Ribbonwood Family Trust	FSI 179
Ribbonwood Family Trust	863.1	Shand Properties	FSI 191
PLB Construction	804.2, 804.3	New Zealand Transport Agency	FSI 202 and FSI 392
		Ohinewai Land Limited	FSI 206
		Ohinewai Area Committee	FSI 207
		Ambury Properties Limited	FSI 224
		Waikato Regional Council	FSI 277
		Department of Conservation	FSI 293
		Perry Group Limited	FSI 313
		D & T Whyte	FSI 331, FSI 389 and FSI 401
		Genesis Energy Limited	FSI 345
		Allen Fabrics Ltd.	FSI 349
		Mercury NZ Limited for Mercury D	FSI 387
		Mercury NZ Limited for Mercury E	FSI 388
		P Tubic and W Cooper	FSI 390
		Konini Farms Limited	FSI 391
		J and S Keleher	FSI 393
		L MacDonald	FSI 394
		C Maher	FSI 395
		The Ralph Estates	FSI 396
		Mercury NZ Limited	FSI 397
		Future Proof Implementation Committee	FSI 398
		D Dobbs	FSI 400
		R and S Marsh	FSI 402
		B Holmes	FSI 403
		S Stow	FSI 405
		D and R Holmes	FSI 406

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Chloe Astra Trenouth. I am a Director (Planner) at Hill Young Cooper Ltd. I have been in this position since April 2016. I have been employed at Hill Young Cooper Ltd since July 2012.
2. I hold the qualification of Bachelor of Planning from the University of Auckland and am a full member of the New Zealand Planning Institute.
3. I have been employed in planning roles in private consultancy, central government and local government for over 20 years. My relevant experience to this hearing includes being lead planner for the hearings process on the urban growth regional policy statement provisions of the Auckland Unitary Plan, on behalf of Auckland Council. I was then an expert planning witness for several appeals to the Environment Court on the Rural Urban Boundary location in the Auckland Unitary Plan, and non-complying subdivision in the Future Urban Zone.
4. I have also prepared and processed a number of district plan changes and been involved in planning for greenfields areas within Auckland including Takanini, Whenuapai, Warkworth and Drury South. Prior to employment at Hill Young Cooper Ltd I was part of the Spatial Plan team responsible for producing the first Auckland Plan.

I.2 Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
6. I am authorised to give this evidence on the Council's behalf to the hearings commissioners.

I.3 Conflict of Interest

7. I, as well as other Hill Young Cooper Ltd staff, have had no prior involvement in the preparation of the Proposed Waikato District Plan (PWDP) or any submissions on the PWDP. I confirm that I have no real or perceived conflict of interest.

I.4 Preparation of this report

8. The scope of evidence relates to evaluation of submissions and further submissions received in relation to Ohinewai rezoning and development provisions.
9. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
10. In preparing this report I rely on expert advice sought from the following technical specialists:
 - Derek Kemp with regards to economic and industrial/business land supply effects
 - Dr Douglas Fairgray, Market Economics, with regards to residential capacity
 - Stantec with regards to three waters infrastructure and flooding
 - Matthew Jones, Isthmus Group, with regards to landscape and urban design effects
 - Naomi McMinn/Alastair Black, Gray Matter, with regards to transport effects
 - Amelia Linzey/Jo Healy, Beca, with regards to social impact
 - Joshua Cranshaw, Waikato District Council with regards to open space.

2 Scope of Report

2.1 Matters addressed by this report

11. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the zoning of Ohinewai land, and related Ohinewai-specific development provisions within the PWDP.

2.2 Overview of the topic

12. Ohinewai is a small village (population approx. 245) located between the Waikato River and State Highway One and adjacent to the North Island Main Trunk railway line (NIMT), approximately 8km north of Huntly and 12km south of Te Kauwhata. The village features dwellings and commercial buildings, limited number of industries, a community hall and a primary school. These are surrounded by lifestyle residential lots and productive rural activities.
13. The PWDP as notified maintains the zones identified in the Operative Waikato District Plan (OWDP) for the area of Ohinewai. There is no growth identified at Ohinewai through any change in zones between the OWDP and the PWDP. The existing zones are predominantly Rural, with some Country Living identified along Ohinewai South Road. Several sites are zoned Village along the western side of Lumsden Road adjacent to the NIMT, and also in the vicinity of the existing community hall. There are approximately 6 small sites zoned Business centrally located within the village on the corner of Ohinewai North Road. A map of PWDP zoning at Ohinewai is provided at Appendix 2.
14. Through submissions on the PWDP, significant growth has been sought on rural land at Ohinewai. The most detailed proposal is by Ambury Properties Limited (APL), for what is known as the Ohinewai Structure Plan on 178ha of land bounded by Lumsden Road, Tahuna Road and Balemi Road. This is referred to throughout this report as 'the APL Proposal' and includes:
- Introduction of urban zones, an Ohinewai Structure Plan and customised plan provisions applying to Ohinewai;
 - Industrial zone (63ha) including Sleepyhead factory (37ha);
 - Business zone (8.7ha) anticipated for service station, factory outlet shops, convenience retail;
 - Residential zone (107ha), including 900-1100 medium density houses (52ha) and open space (55ha).
15. Directly south of the APL proposal and also on rural land, Ohinewai Lands Limited (OLL) is seeking that a further growth area (39ha) be signalled within the Ohinewai Structure Plan proposed by APL ('the OLL proposal'). No 'live' zoning is sought at this stage, with the intent to allow for future low density residential use and open space by way of a plan change.
16. Planning Focus Ltd seeks that land be rezoned industrial at Lumsden Road (same sites identified by APL) and also at Ohinewai west.
17. Shands Properties and Ribbonwood Family Trust seek rezoning to Ohinewai land on the western side of State Highway One, seeking that Country Living zone be applied rather than Rural. The Ohinewai Area Committee seeks rezoning of 5 properties in Ohinewai Village

identified as Business Zone to Residential to reflect current land use. A map of the rezoning proposals is provided at Appendix 3.

2.3 Procedural matters

18. Stage 1 of the PWDP was notified on 18 July 2018 and original submissions closed on 9 October 2018. Six submissions were made requesting rezoning at Ohinewai, including by APL [764]. Further submissions to the PWDP closed in July 2019.
19. A pre-hearing request was made by APL to hear and determine its submission earlier than scheduled. In August 2019 the PWDP Hearing Panel agreed to this request and determined that all six submissions seeking rezoning at Ohinewai would be re-notified and the opportunity given for further submissions to be lodged.¹ Any further submissions already lodged on Ohinewai rezoning matters remained valid and did not need to be resubmitted. Re-notification occurred on 15 October 2019 and further submissions closed on 7 November 2019.
20. APL's first further submission [FS1224] on its own original submission contained an amended structure plan and its second further submission [FS1224] contained new proposed plan provisions. These changes are considered to be within the scope of APL's original submission, which sought '*such further relief and/or amendments as may be necessary*' to support the rezoning sought.
21. The Hearing Panel also directed that each of the Ohinewai submitters requesting rezoning provide all technical reports and supporting documents by 1 December 2019. APL and OLL provided such additional documentation, which was made publicly available on the Waikato District Council website in order to inform this s42A report and other parties' hearing evidence. These documents are attached to this report as Appendix 4.
22. APL's s32AA planning report further modifies the structure plan and proposed plan provisions previously contained in its original and further submissions. For the purposes of this report, the original submission is treated as amended to match the proposal in the latest planning report because it is within the scope of their original submission as discussed above.
23. OLL's s32AA planning report modifies (reduces) the land area shown in its original and further submissions and clarifies that no rezoning is sought, just amendments to APL's structure plan and one of APL's proposed policies. For the purposes of this report the original submission is treated as amended to match the proposal in the latest planning report and only the latest, reduced land area is assessed.
24. Between the provision of the technical reports and supporting documentation and the completion of this s42A report, I have been in correspondence with several submitters (mainly APL's consultants) in regard to further information required to assess the proposal. I undertook a site visit to Ohinewai on 23 December 2019, including the APL site, OLL site, and the Ohinewai village.
25. Two meetings were held with APL planning consultants, including at the site visit (23 December 2019) and a meeting (17 February 2020) to discuss the technical information submitted in support of the application. Further telecoms and emails with APL have occurred to seek clarification on the technical information provided and to request some further information in response to technical peer reviews. The further information requested and provided is documented in Appendix 5. I note that some technical discussions were also undertaken between the APL experts and the peer reviewers, which are discussed in the relevant peer review reports.
26. I met with Matt Peacock of OLL on their site (23 December 2019) and also discussed their proposal with the planning consultant on a couple of occasions regarding the technical

¹ Minute & Further Directions from Hearing Commissioners 20 August 2019

information submitted in support of their application. No further information was sought from OLL because they are not seeking rezoning at this time.

27. Additional telecoms with further submitters include Waikato Regional Council, Department of Conservation, and NZ Transport Agency to seek clarification on the scope of their submissions to better understand their concerns.

3 Consideration of submissions received

3.1 Overview of submissions

28. Submissions from six separate parties relate to rezoning land at Ohinewai (with an additional one submission relating to policy applying to Ohinewai). The submissions cover:

- **Ambury Properties Limited [764]:** Request to rezone approximately 178 hectares of Rural Zone land to Industrial (63ha), Business (8.7ha) and Residential (107ha). The Industrial land includes the proposed Sleepyhead factory. Corresponding changes and insertions are proposed to the PWDP text, including adding an Ohinewai Structure Plan (showing 55ha of the residential land to be open space). Full plan change documentation was provided, including planning and technical reports.
- **Ohinewai Land Limited [428]:** Request to include approximately 39 hectares of Rural Zone land into the Ohinewai Structure Plan proposed by APL (anticipated to be used for future residential and open space). A full planning report was provided with some technical reports appended.
- **Planning Focus Limited [383]:** Request to rezone approximately 178 hectares of Rural Zone land (the same land subject to the APL submission) to Industrial Zone, and to also rezone approximately 39 hectares of land on Ohinewai South Road from Country Living Zone to Industrial Zone.
- **Shand Properties [738]:** Request to rezone approximately 61 hectares of land adjacent to Ohinewai North Road from Rural Zone to Country Living Zone.
- **Ohinewai Area Committee [793]:** Request to rezone 10, 12, 14, 16 and 18 Ohinewai North Road from Business Zone to Residential Zone.
- **Ribbonwood Family Trust [863]:** Request to rezone all Rural Zoned properties within the area bounded by Ohinewai South Road and State Highway 1, including 53 Ohinewai South Road, to Country Living Zone. *Further submission amends this to request Residential zone OR Country Living Zone with 2,500m² minimum lot size rather than 5,000m².*
- **PLB Construction [804]:** Request to include policies referring to industrial zone being suitable for Ohinewai.

29. The location of the land subject to the rezoning submissions is shown in Appendix 3 of this report.

30. The plan-wide submissions addressed in Hearing 2 do not directly affect this topic.

3.2 Further submissions

31. 36 further submissions that included 153 further submission points were received on the above submissions (from both the original further submissions process and the separate renotification of the Ohinewai rezoning submissions). I generally address the further submissions together with the primary submissions they relate to, however as noted in sections 2.3 and 3.1 of this report, some of the further submissions contain new material or amendments to original material.

3.3 Structure of the report

32. I have structured this report as follows:

Section 4 Statutory requirements

Section 5 Large scale industrial, business and residential rezonings

Section 6 Country living rezonings

Section 7 Miscellaneous

Section 8 Conclusions

33. Section 5 addresses the largest land area with the most significant change in land use character and intensity sought. This requires detailed technical consideration, therefore has also been divided into sub-sections on these technical matters.
34. Appendices to this report include:
- Appendix 1: Table of submission points
 - Appendix 2: Ohinewai Zoning Map from PWDP
 - Appendix 3: Map of land which rezoning submissions apply to
 - Appendix 4: AEE and Technical Reports from APL and OLL
 - Appendix 5: Further information provided by submitters and other correspondence
 - Appendix 6: Economic Assessment Peer Review (Business / Industrial)
 - Appendix 7: Economic Assessment Peer Review (Residential / Land Use)
 - Appendix 8: Three Waters Peer Review
 - Appendix 9: Landscape and Urban Design Peer Review
 - Appendix 10: Transport Peer Review
 - Appendix 11: Social Impact Peer Review
 - Appendix 12: Open Space Advice
 - Appendix 13: Recommended amendments
 - Appendix 14: Relevant WRPS Objectives and Policies
 - Appendix 15: WRPS Development Principles

4 Statutory requirements

35. The overarching statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32.) The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40), and other relevant plans and strategies (paragraphs 41-45).
36. In addition to the relevant statutory documents it is important to identify the relevant statutory tests under the Resource Management Act (the Act) that must be considered when assessing the rezoning and relevant provisions sought by the submitters. These are summarised as follows:
- In accordance with the functions of a territorial authority, certain provisions of the RMA need to be addressed (s74(1)(a), (b), (d), (e))
 - Must have regard to any relevant management plans and strategies under other Acts (s74(2)(b))
 - Take into account any relevant planning document recognised by an iwi authority (s74(2A))
 - Must give effect to any national policy statement, national planning standard and regional policy statement (s75(3)(a), (ba), and (c))

- Must not be inconsistent with a regional plan (s75(4)(b)).

37. I have considered all relevant statutory documents. The following sections identify statutory documents with particular relevance to this report.

4.1 National Policy Statement on Urban Development Capacity 2016 (NPS-UDC)

38. The NPS-UDC requires business and residential capacity (supply) versus demand to be assessed for the short, medium and long terms up to a 30 year timeframe. Waikato District is classified as a high growth area and must provide development capacity to meet projected demand, plus a 20% additional margin in the short and medium term and a 15% additional margin in the long term (Policy PCI).

39. Policy PA1 sets out the development capacity requirements in the short to long term. For development capacity to be available in the short term (next 3 years) it must be feasible, zoned and serviced with development infrastructure. In the medium term (3-10 years) development capacity must be feasible, zoned and either serviced with development infrastructure or funded in the Long Term Plan for development infrastructure. In the long term (10-30 years) development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure must be identified in the relevant Infrastructure Strategy. Feasible is defined by the NPS-UDC to mean that development is commercially viable taking into account the likely costs, revenue and yield of developing.

40. The latest capacity and demand assessments for Waikato District² identify that residential, commercial and industrial land supply meets demand (across all timeframes) at the sub-regional level, but industrial land demand is at 85% of supply, so needs to be closely monitored. There are also some mismatches between industrial demand and supply at a Ward level, and Huntly (the Ward that includes Ohinewai) has an undersupply of industrial land.

41. A residential shortfall for the long term (2046) is identified in the Market Economics Housing Development Capacity Assessment Report (2017), including in the Huntly Ward. However, the recently approved Lakeside Plan Change at Te Kauwhata (2018) and additional capacity identified in the PWDP addresses this.

42. Also relevant are Policies PA3 and PA4, which require that planning decisions about providing development capacity also need to provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations. Policy PA3 requires that this is to be achieved with regard to providing housing and employment choices, efficient use of urban land and development infrastructure, and limiting adverse impacts on the competitive operation of land and development. Policy PA4 requires that the benefits that urban development will provide be taken into account; as well as the benefits and costs of urban development at a national, regional and district scale, as well as local effects.

4.2 Waikato Regional Policy Statement (WRPS)

43. The Council is required to give effect to an operative regional policy statement. Section 2 of the WRPS includes the Vision and Strategy for the Waikato River, and is relevant to the consideration of submissions in this report. There are many WRPS objectives and policies of relevance, below I have commented on the objectives and policies with the most bearing on my assessment, relating to growth and development. I have also attached a list of the relevant WRPS objectives and policies as Appendix 14 for completeness.

² Market Economic (2017) housing development capacity assessment and business assessment

4.2.1 Vision and Strategy for the Waikato River

44. The Ohinewai land is within the Waikato River Catchment and is therefore subject to the Vision and Strategy set out in Section 2 of the WRPS. The WRPS takes a precautionary approach to decisions that may result in significant adverse effects on the Waikato River, and further degradation as a result of human activities is not supported.
45. Objectives for the Waikato River include restoration and protection of the health and wellbeing; an integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the river; and the recognition and avoidance of adverse cumulative effects within the catchment.
46. Most relevant to this report is the strategy set out in Policy 2.5.3(i) that encourages a 'whole of river' approach, including best practice methods for restoring and protecting the health and wellbeing of the river.
47. Objective 3.4 and Policy 8.5 seek to ensure that the vision and strategy for the Waikato River is achieved.

4.2.2 Section 3 – Objectives

48. Objective 3.12 deals with the development of the built environment and is particularly relevant to this report. This seeks that development occur in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes. The objective sets out how these outcomes will be achieved including (c) integrating land use and infrastructure planning, (d) integrating land use and water planning, (g) minimising land use conflicts including potential for reverse sensitivity, (h) anticipating and responding to changing land use pressures outside the Waikato region.
49. Objective 3.27 identifies minimum housing targets for the Future Proof area in accordance with the requirements of the NPS-UDC to ensure sufficient and feasible development capacity is available. Waikato District is required to provide a total of 19,400 dwellings between 2017 and 2046 as follows:
 - 7,100 dwellings in the short to medium (2017-2026)
 - 12,300 dwellings in the long term (2027-2046)

4.2.3 Section 6 – Built Environment

50. Policy 6.1 requires the planned and co-ordinated subdivision, use and development of the built environment in a manner which: has regard to the principles in Section 6A; recognises and addresses potential cumulative effects; is based on sufficient information to allow assessment of long term effects; and has regard to the existing built environment. This policy is of particular relevance to the consideration of the rezoning submissions in relation to the resulting built environment. This policy establishes the fundamental approach for all development to be planned and includes a list of the information required to support new urban development.
51. Section 6.1.8 Implementation methods of the WRPS sets out the relevant information to be addressed to achieve planned and co-ordinated development in a new urban zone. This information acts as guidance rather than a requirement, but addresses a range of WRPS objectives. Key information expected includes the density of land uses, staging and trigger requirements; the location, type, scale, funding and staging of infrastructure required to service the area; and safe and efficient functioning of existing and planned transport and other regionally significant infrastructure.
52. Specific direction is also provided in the WRPS 6.1.5 implementation methods for district plans to direct rural-residential development to areas identified in the district plan, and ensure development is directed away from areas that include natural hazards, regionally significant industry, and high class soils.

Infrastructure and growth

53. Policy 6.3 Co-ordinating growth and infrastructure requires that the built environment is managed to ensure that new development is aligned with the provision of appropriate infrastructure, and existing and planned infrastructure is managed efficiently. This policy establishes the need for a long-term strategic approach to land use and infrastructure integration, particularly transport, and requires coordination across agencies.
54. I consider Policy 6.3(a) to be particularly relevant because it expands on the earlier direction of Policy 6.1 by setting out the expectations for coordinating development and infrastructure, in terms of timing and sequencing. This coordination is required to optimise efficiency of development and infrastructure and to protect existing infrastructure, and to ensure that new development does not occur until appropriate infrastructure is in place.
55. Policy 6.3(e) requires that new infrastructure provided by the private sector does not compromise the function of existing or planned provision of infrastructure by central, regional or local government agencies.

Implementation of Future Proof

56. Policy 6.14 adopts the Future Proof land use pattern and requires urban development to be in accordance with the principles of Future Proof. The policy framework requires alignment with the settlement pattern in Future Proof to ensure that land is zoned and appropriately serviced. The growth strategy anticipates that growth will occur within the Urban Limits identified on Map 6.2, with new urban areas identified to accommodate residential growth and strategic industrial nodes as the focus for new industrial development. Most relevant to this report are the following specific provisions of Policy 6.14 that enable an alternative land release pattern or timing for industrial and residential development, where:

(c) requires alternative land release and timing for industry development to meet the criteria in Method 6.14.3;

(d) enables industrial development to occur outside the Urban Limits where there is a need to locate in the rural area in close proximity to the primary product source;

(e) provides for new industrial development outside the strategic industrial nodes provided the scale or location does not undermine the role of any strategic industrial nodes as set out in Table 6-2;

(f) requires new industrial development outside the strategic industrial nodes to avoid, remedy or mitigate adverse effects on the arterial function of the road network and other infrastructure; and

(g) provides for alternative industrial and residential land release through district plan change and structure plan processes where consistency with the principles of the Future Proof land use pattern can be demonstrated.

57. The WRPS enables a district plan or structure plan to consider an alternative residential or industrial land release or timing of land release provided the criteria set out in Method 6.14.3 are met. I note that Policy 6.14(c) refers directly to Method 6.14.3 in relation to alternative industrial development and as such the criteria form part of the policy. However, Policy 6.14 (g) does not reference this method when considering alternative land release for development instead focusing on the principles of the Future Proof land use pattern. I therefore consider the criteria provide guidance for the assessment of alternative residential land release but that the focus is on the Future Proof principles.
58. Method 6.14.3 sets out four criteria for alternative land release. Criteria a – c focus on infrastructure servicing and maintaining benefits of regionally significant committed infrastructure investments to support identified greenfield areas or industrial nodes. Given that the Huntly Water and Wastewater Treatment Plants, The Lower Waikato-Waipā Flood Control Scheme, and the Waikato Expressway are all identified as regionally significant

infrastructure in the WRPS³, I consider these criteria to be of particular relevance to the submissions being considered in this report and therefore set them out below:

a) to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 6-1 and 6-2;

b) the total allocation identified in Table 6-2 for any one strategic industrial node should generally not be exceeded or an alternative timing of industrial land release allowed, unless justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence);

c) sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and

d) the effects of the change are consistent with the development principles set out in Section 6A.

59. Commercial development in the Future Proof area is addressed in Policy 6.16, which seeks to predominantly locate new commercial development in existing commercial centres as per Table 6-4. Although Ohinewai is not identified as a commercial centre in Table 6-4 it is acknowledged the policy does not envisage all commercial development occur in existing centres. The policy seeks to manage commercial development to support and sustain the vitality and viability of the existing commercial centres identified in Table 6-4. Specifically, Policy 6.16(g) provides for new commercial centres (outside those identified in Table 6-4) to be developed where they are consistent with criteria (a) to (f) and adverse effects are avoided.
60. I consider criteria (c) – (f) to be irrelevant because these relate to Hamilton Central Business District, sub-regional centres, and the maintenance of industrial zoned land for industrial uses. Therefore, the key criteria are (a) and (b), which aim to ensure development supports the vitality and viability of existing centres, including the infrastructure such as transport that supports them.
61. Policy 6.17 addresses the high demand for rural-residential development in the Future Proof area and seeks to manage potential adverse effects (including cumulative effects) such as additional demand for servicing and infrastructure. Rural residential development is also required to have regard to the principles in section 6A.
62. The development principles in section 6A are attached at Appendix 15.

4.3 Waikato Regional Land Transport Plan 2015-2045 (2018 update)

63. The Waikato Expressway / State Highway One through Ohinewai is part of a strategic transport corridor which has committed funding and is due for overall completion by late 2021. The Ohinewai section including interchange has been completed, with the Huntly section recently opened (9 March 2020). This project provides a high level of road connectivity from Ohinewai to Auckland and Hamilton and is a nationally significant transport corridor.

4.4 Iwi Management Plans

64. Section 74(2A) of the RMA requires a territorial authority to take into account any relevant planning document recognised by an iwi authority. The Waikato-Tainui Environmental Management Plan – Tai Tumu, Tari Pari, Tai Ao is identified as the relevant iwi management plan for this report. This plan sets out provisions to achieve the vision of Waikato-Tainui.

³ Waikato RPS Glossary – Regionally Significant Infrastructure, PG-9.

Section D addresses specific elements of natural resources and environment and requires assessment in conjunction with consultation with Waikato-Tainui.

4.5 Waikato District Long Term Plan 2018-2048

65. Ohinewai Village is currently not serviced by any reticulated water, wastewater or stormwater networks. The Long Term Plan 2018-2048 (LTP) includes the District's 30 year infrastructure strategy, which relies on the Future Proof settlement pattern to plan infrastructure funding and list infrastructure investment that has been budgeted for by the Council. The LTP recognises that if growth is permitted that is inconsistent with the agreed settlement pattern then the provision of infrastructure will be under pressure and costs could escalate.⁴
66. The strategy does not include any planned projects relating to servicing Ohinewai. In the vicinity, an upgraded Wastewater Treatment Plant for Huntly and Ngaruawahia (\$60.5 million) is planned in 2029-2033. Upgrades are also planned for the Te Kauwhata Water Treatment Plant (\$16 million) and Wastewater Treatment Plant (\$39.1 million) to support development at Lakeside, which will in part be funded through a \$38 million loan from the Housing Infrastructure Fund.

4.6 Other relevant strategies

67. A territorial authority is required to have regard to any management plans and strategies prepared under other Acts. The following discussion identifies key strategies relevant to this report.

4.6.1 Future Proof Sub-Regional Growth Strategy (2017)

68. The Future Proof Strategy is a 30-year sub-regional growth management and implementation plan for Hamilton City, Waipa and Waikato Districts identifying the settlement pattern to provide a blueprint for growth and development to achieve a more compact and concentrated urban form over time. Future Proof does not anticipate or support any growth in Ohinewai. Future Proof does however contain some flexibility to change to take advantage of opportunities and changed circumstances.⁵ Any new growth areas not within Future Proof are required to be assessed against the guiding principles set out in section 1.3.
69. A key principle of the Future Proof strategy is "*Diverse and vibrant metropolitan centre linked to thriving town and rural communities and place of choice – live, work, play, invest and visit*". Included within this principle is the desire to:
- Ensure that towns and villages retain their individual identities with thriving town centres that support people to live, work, play, invest and visit.
 - Encourage development to locate adjacent to existing urban settlements and nodes and that rural-residential development occurs in a sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.
 - Ensure commercial and industrial development is located in selected sub-regional areas.
70. Another key principle is to ensure affordable and sustainable infrastructure by seeking to align the staging and timing of the identified settlement pattern with longer term infrastructure strategies. This includes recognising links between land use and transport. It is therefore

⁴ LTP, page 52.

⁵ Section 7.5, A Responsive approach to development, Future Proof Strategy.

important to understand the infrastructure needs of growth areas and ensure that they can be met.

71. The strategy seeks that 80% of growth in the Waikato District is within identified areas, being the indicative limits around major townships and particular villages on the Hamilton City periphery.⁶ Indicative urban limits and indicative village limits are identified for towns and villages in the Waikato District⁷ on Map 1 – Settlement Pattern, and indicative village limits are identified. Ohinewai is not identified

4.6.2 Waikato District Development Strategy 2015

72. This growth and development strategy identifies ‘major moves’ and development areas for the district. Ohinewai is not identified as a development area, other than Map 7 showing a desire to ‘enhance east west connection’ eastwards from Ohinewai. Key urban outcomes of the strategy include to focus urban development in and around existing towns, and the use of structure plans to guide the provision of additional urban land and infrastructure.

4.7 Other statutory matters

73. The National Planning Standards (‘NPS’) seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt NPS approaches where possible during the current hearings. This report relies on the NPS defined terms (14 – Definitions) which have been addressed in Hearing 5.
74. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the Act, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. Section 32 reports were published when the PWDP was notified in 2018. This report updates that earlier analysis in the “section 32AA evaluations” where material changes to the plan are recommended.

4.8 Other key documents

75. This section identifies a number of other key documents that are not considered statutory requirements, the territorial authority does not have to have regard to them under the Act, but they are relevant because they illustrate a change to the agreed or approved growth strategy.

Waikato Blueprint 2019

76. The Waikato District Blueprint includes a Local Area Blueprint for Ohinewai that was developed through intensive community consultation. The document reflects community aspirations and is adopted as part of Waikato’s Strategic Planning Framework, which is intended to inform the District Plan, Long Term Plan and Annual Plan.
77. The document identifies mixed land use opportunities to the east of Ohinewai and State Highway One, including potential employment, showroom, residential and convenience retail. Proposed initiatives for growth include:
- *OH5.1- Investigate the potential for larger residential lots west of SH1, and a mix of larger and smaller lots (for affordability) east of SH1*
 - *OH5.2 – If development application progresses, then ensure possible expansion addresses its own impacts (such as traffic, noise, and visual). Ensure it contributes positively to the local*

⁶ Villages with indicative growth limits are listed in Section 6.4 (p33) of Future Proof Strategy.

⁷ Map 1 – Future Proof Settlement Pattern – Waikato and Waipa, and Map 2 – Future Proof Settlement Pattern: Hamilton City and surrounds, Future Proof Strategy.

community, e.g. by offering more convenience retail, improving housing affordability, new walking and cycling connections, improving the viability of the school etc.

78. Although the Blueprint was developed in consultation with the community it did not go through a formal submissions process. Further strategic planning is anticipated by the Blueprint to inform the District Development Strategy.

Waikato 2070 Draft Growth and Economic Development Strategy

79. Waikato 2070 Draft Growth and Economic Development Strategy (Waikato 2070) is a draft strategy that is currently being considered by the Council, it was publicly notified in November 2019 for submissions and hearings were held in February 2020. This strategy shows an Ohinewai South industrial cluster with a 3-10 year timeframe for development and an Ohinewai North industrial area with a 10-30 year timeframe for development. It is expected to be adopted by Council in April 2020. Once adopted it is understood to supercede the Waikato District Development Strategy 2015.
80. Whilst I acknowledge that Ohinewai is identified as an Industrial Cluster in the draft strategy, this cannot be considered more than an opportunity at this stage. The area identified is significant and structure planning has not been undertaken to determine the extent to which such an opportunity could be realised. It is early days in relation to this strategy and as such no weight can be given to it.

5 Large Scale Industrial, Business and Residential Rezoning Requests

5.1 Introduction

81. This section addresses the large scale industrial, business and residential rezoning proposals for Ohinewai. This includes the proposed Sleepyhead factory and associated development.

5.2 Submissions

5.2.1 Original submissions

82. Three original submissions are included in this section, being Ambury Properties Limited [764], Planning Focus [383] and Ohinewai Land Limited [428]. The rezonings sought have been summarised in section 3.1 above. While the OLL submission does not seek 'live' rezoning through the current PWDP process, it is included because it relies on the APL proposal going ahead and is intended to provide for a future large scale residential area. The Planning Focus submission relates to the APL land and also a second separate area of land on the western side of State Highway One.
83. A fuller explanation of the APL proposal is summarised in section 3.1.1 of their s32AA report and includes the following amendments to the PWDP:
- Amend Objective 4.1.2 and Policy 4.1.3 to refer to both existing and planned towns and villages
 - Amend Policy 4.1.9 to include Ohinewai in the list of locations for commercial and industrial development
 - Insert new Policy 4.1.19 specifically to guide the development of Ohinewai

- Insert Ohinewai Structure plan in Appendix 13
 - Insert Ohinewai Structure Plan road cross sections to Chapter 14 Infrastructure and Energy
 - Add building setback controls for the Ohinewai Structure Plan area to Chapter 16 Residential Zone
 - Add restrictions on retail/commercial services/offices, discount factory outlet offering requirements, landscape planting, daylight admission, building setback controls for the Ohinewai Structure Plan area to Chapter 17 Business Zone
 - Add landscape planting, height, daylight admission and building setback controls for the Ohinewai Structure Plan area to Chapter 20 Industrial Zone.
 - Such further relief and/or amendments as may be necessary.
84. Amendments to the PWDP sought by OLL are summarised in section 3.3 of their s32AA report as follows:
- Amend the proposed Policy 4.1.19 to delete reference to “commercial development” and address the interface to Tahuna Road;
 - Changes to the Ohinewai Structure Plan to include the OLL proposal; and
 - Any other additional or consequential relief as necessary.
85. No planning provisions are proposed by Planning Focus Ltd.
- 5.2.2 Further submissions**
86. 111 further submission points were made on the three original submissions from 33 further submitters.
87. There was more opposition than support for these rezonings. Reasons for support included:
- Support the further development of Ohinewai
 - Location has good access
 - Creation of employment opportunities / supply of industrial land
 - Social benefits.
88. Reasons for opposition to the proposals included:
- Insufficient information to understand effects
 - Effects on transport network and traffic safety
 - Adverse effects of industrial activities on rural / village / Country Living amenity and environment (including noise, traffic, light, air discharges)
 - Change in character of Ohinewai
 - Concerns about alternative outcomes to the Masterplan, for example if Sleepyhead shuts, or if there is insufficient market uptake for the medium density residential component
 - Flood hazard risks
 - Inconsistent with Future Proof and WRPS
 - Proximity to sensitive wetlands and Outstanding Natural Feature
 - Sterilisation of mineral rights held by Ralph Estates for the underlying land.
89. The further submissions included two by Ambury Properties Limited [FS/224]. As previously noted, these introduced extra material to that in the original APL submission, including a revised Ohinewai Structure Plan and new proposed plan provisions. All the information

associated with the APL proposal has been considered under its original submission reference [764] and its further submissions recommended to be accepted or rejected accordingly.

5.2.3 Planning and technical reports

90. APL and OLL both provided s32AA planning and technical reports to support the rezoning requests, as directed by the Hearing Panel. Both of the rezoning proposals, as contained in the reports, amended what was in the original submissions, as outlined in section 2.3 above.
91. OLL has not provided all technical reports that would be required to support a rezoning, as it is not seeking rezoning rather inclusion of its land within APL's structure plan. If successful, the land would still need to go through a future plan change to enable urban development.
92. No planning or technical reports were received from Planning Focus.
93. The table below contains a summary of the three submissions and the further submissions:

Submission point	Submitter	Decision requested
383.1	Planning Focus Limited	<p>Amend the zoning of the following properties in Ohinewai from Rural Zone to Industrial Zone:</p> <ul style="list-style-type: none"> • 52 Lumsden Road (Lot 3 Deposited Plan 474347) • 56 Lumsden Road (Lot 2 Deposited Plan 474347) • 58 Lumsden Road (Lot 1 Deposited Plan 474347) • 109 Tahuna Road (Part Allotment 436A Parish of Whangamarino) • 147 Ohinewai South Road (Lot 1-3 Deposited Plan 15270) • Ohinewai South Road; (Part Allotment 36 Parish of Taupiri) • 159 Ohinewai South Road; (Lot 1 Deposited Plan 63073) • 181 Ohinewai South Road; (Part Allotment 36 Parish of Taupiri) <p>See the map attached to the submission.</p>
<i>FS1224.12</i>	<i>Ambury Properties Limited</i>	<i>Oppose</i>
<i>FS 1207.2</i>	<i>Ohinewai Area Committee</i>	<i>Oppose</i>
<i>FS 1145.14</i>	<i>Ohinewai Area Committee</i>	<i>Oppose</i>
<i>FS 1293.24</i>	<i>Department of Conservation</i>	<i>Oppose</i>
<i>FS 1277.22</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS 1191.1</i>	<i>Shand Properties</i>	<i>Support</i>
<i>FS 108.165</i>	<i>Waikato-Tainui</i>	<i>Oppose</i>
<i>FS 1390.1</i>	<i>P Tubic and W Cooper</i>	<i>Oppose</i>
<i>FS 1400.1</i>	<i>D Dobbs</i>	<i>Support</i>

Submission point	Submitter	Decision requested
FS 1391.1	Konini Farms Ltd	Oppose
FS 1396.5	The Ralph Estates	Oppose
FS 1398.10	Future Proof Implementation Committee	Support in part
FS 1399.7	Auckland/Waikato Fish and Game Council	Oppose
FS 1045.20	Auckland/Waikato Fish and Game Council	Oppose
FS 1392.1	NZ Transport Agency	Oppose
FS 1393.1	M and S Keleher	Support
FS 1394.2	I and L Macdonald	Support in part
FS 1395.1	C Maher	Oppose
FS 1313.12	Perry Group Limited	Support
FS 1388.81	Mercury NZ Limited for Mercury E	Oppose
FS 1206.3	Ohinewai Land Limited	Support in part
764.1	Ambury Properties Limited	<p>Amend the zoning of the property at 231 Tahuna Road and 52, 56 and 58 Lumsden Road, Ohinewai from Rural Zone to Industrial, Business and Residential Zone as shown on the plan attached to the submission (see Attachment I of the submission). AND</p> <p>Add the Ohinewai Structure Plan attached to the original submission in a new 'Appendix 13' within the Proposed District Plan. AND</p> <p>Amend the Proposed District Plan as necessary to support the relief set out in the submission.</p>
FS 1277.51	Waikato Regional Council	Oppose
FS 1207.10	Ohinewai Area Committee	Neutral
FS 1145.22	Ohinewai Area Committee	Neutral
FS 1191.2	Shand Properties	Support
FS 1108.127	Waikato-Tainui	Oppose
FS 1387.1124	Mercury NZ Limited	Oppose
FS 1206.6	Ohinewai Land Limited	Support in part
FS 1202.123	NZ Transport Agency	Oppose
FS 1224.13	Ambury Properties Limited	Support
FS 1391.2	Konini Farms Ltd	Support

Submission point	Submitter	Decision requested
FS 1045.19	Auckland/Waikato Fish and Game Council	Oppose
FS 1399.1	Auckland/Waikato Fish and Game Council	Oppose
FS 1396.1	The Ralph Estates	Oppose
FS 1394.1	I and L Macdonald	Support
FS 1405.1	S Stow	Oppose
FS 1401.1	D and T Whyte	Not Stated
FS 1402.1	R and S Marsh	Oppose
FS 1403.1	B Holmes	Oppose
FS 1406.1	D and R Holmes	Oppose
FS 1398.1	Future Proof Implementation Committee	Support in part
764.5	Ambury Properties Limited	Amend objectives and policies to enable the subdivision, use and development of the property at 231 Tahuna Road, 52, 56 and 58 Lumsden Road, Ohinewai as sought within the submission. OR Add objectives and policies to enable the subdivision, use and development of the property at 231 Tahuna Road, 52, 56 and 58 Lumsden Road, Ohinewai as sought within the submission. AND Amend the Proposed District Plan as necessary to support the relief set out in the submission.
FS 1224.17	Ambury Properties Limited	Support
FS 1207.14	Ohinewai Area Committee	Neutral
FS 1191.6	Shand Properties	Support in part
FS 1387.1128	Mercury NZ	Oppose
FS 1396.3	The Ralph Estates	Oppose
FS 1401.5	D and T Whyte	Not Stated
FS 1402.5	R and S Marsh	Oppose
FS 1403.5	B Holmes	Oppose
FS 1399.5	Auckland/Waikato Fish and Game Council	Oppose
FS 1398.5	Future Proof Implementation Committee	Support in part
764.4	Ambury Properties Limited	Add a new policy for Ohinewai to provide a policy framework for the subdivision, use and development

Submission point	Submitter	Decision requested
		of the Industrial, Business and Residential zoned land at 231 Tahuna Road, 52, 56 and 58 Lumsden Road, Ohinewai, as sought in the submission. OR Amend Policy 4.1.13 Huntly to provide a policy framework for the subdivision, use and development of the Industrial, Business and Residential zoned land at 231 Tahuna Road, 52, 56 and 58 Lumsden Road, Ohinewai, as sought in the submission. AND Amend the Proposed District Plan as necessary to support the relief set out in the submission
FS 1224.16	Ambury Properties Limited	Support
FS 1207.13	Ohinewai Area Committee	Neutral
FS 1191.5	Shand Properties	Support in part
FS 1108.128	Waikato-Tainui	Oppose
FS 1202.46	New Zealand Transport Agency	Oppose
FS 1387.1127	Mercury NZ	Oppose
FS 1396.2	The Ralph Estates	Oppose
FS 1401.4	D and T Whyte	Not Stated
FS 1402.4	R and S Marsh	Oppose
FS 1403.4	B Holmes	Oppose
FS 1399.4	Auckland/Waikato Fish and Game Council	Oppose
FS 1398.4	Future Proof Implementation Committee	Support in part
764.2	Ambury Properties Limited	Amend Objective 4.1.2 Urban growth and development as follows: (a) Future settlement pattern is consolidated in and around existing <u>and planned</u> towns and villages in the district. AND Amend the Proposed District Plan as necessary to support the relief set out in the submission.
FS 1224.14	Ambury Properties Limited	Support
FS 1207.11	Ohinewai Area Committee	Neutral
FS 1191.3	Shand Properties	Support
FS 1206.7	Ohinewai Land Limited	Support

Submission point	Submitter	Decision requested
FS 1387.1125	Mercury NZ	Oppose
FS 1401.2	D and T Whyte	Not Stated
FS 1402.2	R and S Marsh	Oppose
FS 1403.2	B Holmes	Oppose
FS 1399.2	Auckland/Waikato Fish and Game Council	Oppose
FS 1398.2	Future Proof Implementation Committee	Support in part
764.3	Ambury Properties Limited	Amend Policy 4.1.3(a) Location of development as follows: (a) Subdivision and development of a residential, commercial and industrial nature is to occur within <u>existing and planned</u> towns and villages where infrastructure and services can be efficiently and economically provided for. AND Amend the Proposed District Plan as necessary to support the relief set out in the submission.
FS 1224.15	Ambury Properties Limited	Support
FS 1207.12	Ohinewai Area Committee	Neutral
FS 1191.4	Shand Properties	Support
FS 1206.8	Ohinewai Land Limited	Support
FS 1387.1126	Mercury NZ	Oppose
FS 1401.3	D and T Whyte	Not Stated
FS 1402.3	R and S Marsh	Oppose
FS 1403.3	B Holmes	Oppose
FS 1399.3	Auckland/Waikato Fish and Game Council	Oppose
FS 1398.3	Future Proof Implementation Committee	Support in part
764.6	Ambury Properties Limited	Add an Ohinewai Structure Plan such as Attachment 2 within the submission as a new Appendix 13 in Chapter 29 Appendices. AND Amend the Proposed District Plan as necessary to support the relief set out in the submission.
FS 1224.18	Ambury Properties Limited	Support
FS 1108.129	Waikato-Tainui	Oppose

Submission point	Submitter	Decision requested
FS 1387.1129	Mercury NZ	Oppose
FS 1202.95	NZ Transport Agency	Oppose
FS 1396.4	The Ralph Estates	Oppose
FS 1401.6	D and T Whyte	Not Stated
FS 1402.6	R and S Marsh	Oppose
FS 1403.6	B Holmes	Oppose
FS 1399.6	Auckland/Waikato Fish and Game Council	Oppose
FS 1398.6	Future Proof Implementation Committee	Support in part
FS 1206.9	Ohinewai Land Limited	Support in part
428.1	Ohinewai Land Limited	Amend the Proposed District Plan to include a growth area at Ohinewai in accordance with the plan attached to the submission.
FS 1277.27	Waikato Regional Council	Oppose
FS 1207.3	Ohinewai Area Committee	Oppose
FS 1145.16	Ohinewai Area Committee	Oppose
FS 1345.95	Genesis Energy Limited	Oppose
FS 1293.26	Department of Conservation	Oppose
FS 1224.10	Ambury Properties Limited	Support
FS 1191.7	Shand Properties	Support
FS 1108.164	Waikato-Tainui	Oppose
FS 1389.2	D and T Whyte	Oppose
FS 1331.3	D and T Whyte	Oppose
FS 1401.7	D and T Whyte	Not stated
FS 1395.2	C Maher	Neutral
FS 1399.8	Auckland/Waikato Fish and Game Council	Oppose
FS 1396.6	The Ralph Estates	Oppose
FS 1398.7	Future Proof Implementation Committee	Oppose in part
FS 1392.2	NZ Transport Agency	Oppose

94. The land the submissions refer to is mapped on Appendix 3 of this report.

5.3 Analysis

95. My analysis has considered the policy framework of the WRPS and the PWDP, as well as actual and potential adverse effects, to understand whether the land in question is feasible for urbanisation and whether the rezoning and plan provisions are the most appropriate to achieve the objectives. I have also considered further submitters and any issues they raise where relevant.
96. I have reviewed the technical documents provided by APL and the s32AA planning reports provided by both APL and OLL. Some of the technical reports have also undergone an independent peer review on behalf of the Council. Following the analysis of technical topics on an individual basis I have then formed an overall view of the proposals.
97. Generally the following discussion is focused on the APL proposal because of its scale and the technical information provided in support of the proposal. OLL seek that their land is identified as a potential growth area so as not to preclude future zoning. I have responded to the OLL and Planning Focus Ltd submissions where a specific issue is relevant to the relief sought.

5.3.1 Overview of plan provisions

98. The APL proposal is outlined above in section 5.2.1. The purpose of this section is to provide an overview of the changes proposed to the PWDP and how they would work. These changes include the zones, Ohinewai Structure Plan and specific plan provisions contained in Appendix D to APL's documentation.
99. APL have developed a Masterplan (Appendix A to their documentation) to achieve their aspirations and to facilitate and inform a suitable planning framework. The Masterplan is identified by APL to set out the "*conceptual development form*"⁸. This does not form part of the plan provisions.
100. As background to my analysis of the APL proposal, I note that many of the APL technical assessments have assessed the effects of the Masterplan, and in some cases assessed effects of APL's stated vision for the land which was described in their Masterplan and submission (for example, providing affordable housing for the Sleepyhead workforce). However, I am only able to consider the effects and outcomes that would be achieved by the PWDP. There is no mechanism to implement the Masterplan proposed to be included in the PWDP. Without this, the form of eventual development could be quite different.
101. The Ohinewai Structure Plan identified the key structural elements of the APL proposal including the open space network, vehicle entry locations, rail siding, road network, and recreational walking/cycling network. These are all identified as either 'indicative' or 'potential'.
102. Implementation of the proposed Ohinewai Structure Plan is achieved by the proposed new Policy 4.1.19, requiring development to be '*in general accordance with the Structure Plan*'. I note that Policy 4.7.14 in the PWDP also seeks to ensure that development and subdivision within approved structure or master plan areas is integrated with the development pattern and infrastructure requirements specified in an approved structure or master plan.
103. The APL proposal largely relies on the plan provisions in the PWDP zones. Several rules are proposed that establish requirements specific to development within the Ohinewai Structure Plan area as a permitted activity including, road cross sections, building setbacks, landscaping, and specific rules for office and retail gross leasable floor area. Where retail or office activities do not comply with permitted rules they are identified as a restricted discretionary activity, with discretion limited to the adverse economic impact on the Huntly town centre.

⁸ APL s32AA Report, section 1.3, page 10.

104. Generally the PWDP identifies that any permitted activity that does not meet one or more of the rules that manage effects or buildings or activity specific conditions is a discretionary activity. Subdivision is generally a restricted discretionary activity in the PWDP, the APL proposal does not seek to change this. Where subdivision is not able to be connected to a public water supply and wastewater it is a discretionary activity.
105. I do not consider the plan provisions proposed will achieve the implementation of the Ohinewai Structure Plan as per Policy 4.1.19 because generally activities are identified as permitted or restricted discretionary, with no discretion to consider this policy. I consider the policy framework to consider the Ohinewai Structure Plan would only apply where resource consent is required as a discretionary activity. Therefore there is limited ability to ensure the key elements of the structure plan are put in place, including the open space network.
106. If the APL proposal is accepted then I consider an area specific subsection within each of the proposed zones would be a more appropriate method to implement the Ohinewai Structure Plan. This approach is consistent with how the Te Kauwhata Structure Plan is dealt with in the PWDP. Area specific plan provisions would be clear, and provisions could be included to require development to be in accordance with the Ohinewai Structure Plan.

5.3.2 Economic Effects

107. An Economic Assessment by Property Economics Limited (APL Economic Assessment) is provided in Appendix Q to APL's s32AA report. The APL Economic Assessment assesses the economic effects of four components of the APL proposal – the industrial land, the discount factory outlet (DFO) retail, the convenience retail (e.g. dairies, bakeries, cafes), and the residential development, as well as construction spending and employment creation for the proposal as a whole. The APL Economic Assessment has been peer reviewed by Derek Kemp, with a focus on business and industrial land uses (**Appendix 6**), and by Dr Douglas Fairgray with a focus on residential land use (**Appendix 7**).
108. APL anticipates that the Ohinewai Structure Plan will provides for 900 – 1100 dwellings medium to high density (200m² – 350m²), resulting in an average density of about 20 dwelling per hectare and site sizes. The number of job anticipated to be provided by the Sleepyhead factor is up to 1,500⁹, with an additional 500 or so jobs provided in the general industrial area and business zone.

Residential

109. A residential zone is sought by APL 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” as articulated in section 7.1 of their s32AA report. In addition, the APL Economic Assessment states that the residential supply will help to meet an identified long-term shortfall for the district and a local long term shortfall for Huntly (2046).
110. I note that there was no overall short or medium term residential shortfall (to 2026) identified in the Market Economic Housing Development Capacity Assessment Report, and the long term shortfall has been addressed by recent plan changes and increased capacity enabled through the PWDP review process as discussed above in section 4.1 on the NPS for urban development capacity.

⁹ Property Economics Report identifies up to 1,500 jobs associated with the Sleepyhead factory (section 2), but for the purposes of the assessment of economic impacts reduces this to 1000 job to be conservative (section 10.2).

111. The APL Economic Assessment indicates that the Sleepyhead factory will attract a significant number of additional households to the area that would not have otherwise located there. This is based on assumptions that 100% of the Sleepyhead workers will live in the Waikato Region, with up to 70% living within the local catchment by 2031; and that no current workers reside within the region (apart from the few that are currently based in Auckland for work experience).¹⁰ The local catchment includes Huntly and Te Kauwhata as well as Ohinewai, requiring a total of 700 – 1,050 dwellings based on the estimated employees at the Sleepyhead factory (1,000 – 1,500).
112. Residential capacity is addressed in the peer review by Dr Fairgray (**Appendix 7**) in response to the long term shortfall in capacity of 587 dwellings in Huntly identified in the APL Economic Assessment. Dr Fairgray considers there is sufficient residential capacity available or planned within the local area of Huntly and Te Kauwhata subject to infrastructure constraints being addressed, which could serve employees at the Sleepyhead Factory.
113. Dr Fairgray's assessment identifies that the available dwelling capacity at Huntly is estimated to be 980 – 1,210 dwellings. However, this capacity was reduced to approximately 500 when infrastructure constraints were considered. Therefore, development capacity is sufficient in the short-medium term (2017-2024) to accommodate growth (demand) at Huntly. Once infrastructure constraints are addressed the remaining 700 or so dwellings would also be available under the PWDP zoning. Funding is identified in the LTP for upgrades to the Huntly Wastewater and Water Treatment Plants in 2029-2033 to service this growth.
114. I acknowledge that the APL proposal would contribute to both demand for housing and also supply of dwellings within the district. However, such development is constrained by a lack of infrastructure and therefore cannot be considered as being any more feasible than the capacity that exists at Huntly or Te Kauwhata. Therefore, I do not consider the residential component is needed to assist in meeting the requirements of the NPS-UDC, although I acknowledge that it would contribute to long term development capacity in the district assuming it delivers desirable housing stock at a suitable price point.
115. An objective of the proposal is to provide affordable housing options for the Sleepyhead staff. However, no plan provisions are proposed to achieve this objective and little information is provided to understand how this will be implemented. I understand from APL's AEE and subsequent information (email 3 March 2020) that APL is fully committed to providing affordable housing and is currently investigating a range of methods to assist Sleepyhead employees into home ownership. It appears that the medium density typology proposed is a key method to reduce the cost of the houses to make them more affordable.
116. Further submitters Ohinewai Area Committee [*FS1207*] and D & T Whyte [*FS1401*] have questioned the market demand for the typologies of housing proposed. I consider this relevant to the issue of feasibility as defined by the NPS-UDC. However, as there are no planning provisions proposed that would require a minimum density / number of dwellings or a certain typology of housing the developer would be free to meet market demand subject to any resource consent requirement under the standard Residential zone rules. I do not consider that the provisions currently proposed by APL would necessarily achieve the Masterplan vision.
117. An average price for housing is identified in the APL Economic Assessment to be around \$500,000, indicating that the residential component will be attractive to buyers in comparison to surrounding areas, as the houses will be new and at a competitive price point. Housing will be developed over a period of 7-10 years. The APL Economic Assessment assumes that 70%

¹⁰ Property Economics, Ohinewai Structure Plan Assessment of Economic Effects, section 10.2, page 50.

of the residential development will be absorbed by employees, leaving 30% for the open market.

118. Dr Fairgray's peer review comments on the rationale for developing residential capacity at Ohinewai, considering the workforce demand for housing, as well as whether dwellings would be affordable.
119. It is Dr Fairgray's view that the only real demand for housing at Ohinewai is generated by those employed at the Sleepyhead factory, the DFO and other industry activities within the structure plan area. Other factors that affect demand for housing include the dwelling price, price in relation to location, household's accessibility to goods and services, dwelling quality, land, and prospects for re-sale. Dr Fairgray's indicates that there are a number of trade-offs that would have to be made when deciding to live in Ohinewai. These include the increased travel costs to access goods and services, and to access employment if not employed within the structure plan area. These costs will affect housing affordability.
120. Dr Fairgray's review finds that the information on dwelling costs and prices suggest that based on average annual household incomes of \$45,000 – 46,000 per annum after tax, a dwelling of \$500,000 would not be affordable. I acknowledge that this is an average cost, and that smaller dwellings are likely to be more affordable. However, Dr Fairgray highlights that the cost of construction will be high at \$342,000.
121. I do not consider the reliance of the APL proposal on the attraction of households to Ohinewai for employment and affordable housing adequately justifies why residential land is needed to provide for 900 – 1,100 dwellings in this location. This appears to be based largely on the assumption that the entire workforce of the Sleepyhead factory does not currently live in the region and needs to be accommodated at Ohinewai. However, there is an existing workforce in the local area that would benefit from new employment opportunities and both Huntly and Te Kauwhata are only 10km or so away.
122. If the APL proposal proceeds, I recommend an objective (at least) be added to the plan provisions to require the provision of affordable housing in the structure plan area.

Industrial

123. The APL Economic Assessment outlines the qualities of the site which make it suitable for industrial land use, in particular for the Sleepyhead factory. Mr Kemp's peer review agrees that the land is suitable for industrial from a business perspective because of its locational attributes and the ability to provide large areas of flat land.
124. The peer review by Mr Kemp (Appendix 6) of industrial land needs, highlights the need to be able to supply 460ha of appropriately located and serviced industrial land in the Waikato District by 2047. It is Mr Kemp's view that the APL proposal represents 45% of the desirable short term provision of 140ha of general industry land in Ohinewai. This suggests that the industrial component of the rezoning sought by APL would assist to meet the requirements of the NPS-UDC in the short term.
125. Mr Kemp concurs with the APL Economic Assessment regarding the lack of suitable large sites with good expressway access across New Zealand. As discussed above, Mr Kemp considers the contribution of additional industrial land to be important, and raises the need to ensure that the industrial area is planned and integrated as part of a larger "integrated employment area".
126. Overall, there is agreement between experts that the proposed industrial land is suitably located from an economic viewpoint, is appropriately located, meets a market demand and

has economic benefits. However, I note that Dr Fairgray does not consider there to be sufficient information to justify substantial rezoning of rural land to enable urban uses.

127. In accordance with the WRPS, Policy 6.14(e) the key economic effects to consider are whether the proposed Industrial zone would undermine the role of other strategic industrial nodes. This is addressed in the APL Economic Assessment, identifying the Sleepyhead mega factory would not have been foreseen in any industrial land demand projections and therefore is additional to forecast demand. However, the assessment also acknowledges that not all the industrial activities would be additional.
128. I accept that the relocation of the Sleepyhead factory from outside the region is an additional demand that has not been included in land demand projections. I also acknowledge that there is limited availability of suitable sites that could accommodate the 100,000m² Sleepyhead factory. However, in addition to the land required for Sleepyhead there is approximately 26 hectares of industrial land proposed.
129. I note that the APL Economic Assessment indicates that the Comfort Group's desire to support their employees by building affordable housing has made it difficult to identify suitable sites within existing industrial hubs. APL considers that a significant industrial node at Ohinewai would provide different opportunities to those available at the much smaller node in Huntly, and that industrial businesses serving Hamilton would be unlikely to locate at Ohinewai.
130. The APL Economic Assessment considers the limited amount of developable and vacant industrial land at Huntly means that Ohinewai is the only practical location for additional industrial land in the Ohinewai/Huntly area. APL's Economic Assessment states:
- Overall, the industrial node within the OSP is likely to provide a net economic benefit to Huntly, Waikato District and the region without undermining existing strategic industrial nodes by generating a net increase in industrial employment and employment opportunities across the areas, increase business activity within the local, district, and regional economy and improve the economic wellbeing of the community.¹¹*
131. Mr Kemp's peer review does not raise any concerns regarding the assessment of impacts on existing strategic industrial nodes.
132. It is noted that further submitter I and L MacDonald [FS/394.1] supports the APL proposal provided their site at 58 Lumsden Road is included as light industrial, which is included in the rezoning sought by APL. The Future Proof Implementation Committee [FS/398.1] also generally supports the industrial component of the proposal as it provides employment opportunities and skills training, and there is a shortfall of serviced and developable employment land in Waikato district.
133. Further submitters that oppose the Industrial component are those located in close proximity to the site, at Lumsden Road, because they will be directly affected and have raised concerns about environmental effects. These effects are discussed further below.
134. The Industrial component of the APL proposal will make significant contribution to the supply of industrial / employment land required to meet demand in the long term and will have significant economic benefits to the region associated with the relocation of the Sleepyhead factory. I therefore support the proposed Industry zone.
- Business land*
135. APL proposed a Business zone over an area of 8.7ha and the focus of this zone is intended to be the Discount Factory Outlet (DFO) associated with the manufacturing activities of the

¹¹ Property Economics, Ohinewai Structure Plan Assessment of Economic Effects, Page 35.

industry zone), and convenience retail of up to 2,500m² to support the residents and employees. However, these are not the only activities that could occur in the Business zone.

136. The supporting documents identify the DFO retail activity is estimated to be approximately 40,000m² GFA. However, this is not reflected in the proposed plan provisions and there is no limit on GFA. APL have proposed the following limits on the DFO retail activity:
- Outlet and Discount Retail activities shall either:*
- (i) sell goods manufactured by a manufacturing activity located within the Ohinewai Structure Plan; or*
- (ii) must offer goods for sale where at least 50% of the stock must have a discount of at least 40% off the recommended retail price including clearance, damaged, seconds and/or end of line goods.*
137. APL's proposed plan provisions do not seek to restrict the types of activities that can locate in the Business zone, but rather focus on the scale of these activities. APL propose the following limits on activities on retail and offices floor area:
- Individual retail units no more than 400m² gross leasable floor area.
 - Stand alone office tenancies no more than 200m² gross leasable floor area.
 - Grocery store no more than 1,000m² gross floor area.
 - Total combined gross floor area of commercial / retail activities (including grocery store) and stand alone office activities must not exceed 2,500m².
138. The total combined GFA does not apply to commercial services, service stations or garden centres. I note that a service station is identified in the supporting documents, including the Masterplan, on the corner of Lumsden and Tahuna Roads. I also note that the APL Economic Assessment indicates that the anticipated population which would be enabled by the rezoning submission is not considered large enough to support a supermarket, although the plan provisions provide for grocery stores of up to 1000m².
139. Policy 4.5.8 of the PWDP establishes the role and function of the Business Zone to ensure that it is complementary to the Business Town Centre Zone. The provisions therefore enable a wide range of commercial activities including large format retail activities and discourage small scale retail activities, administration and commercial services. Permitted activities that could locate in the Business zone (Rule 17.1.2) include commercial activities, commercial services, community activities, residential activities (above ground floor level), education facilities, child care facilities, health facilities, and traveller's accommodation.
140. The proposed provisions would limit the ability for large format retail to locate because individual leasable units are limited to 400m². While APL has offered limits on what constitutes the DFO retail activity, these provisions do not override or exclude the general Business zone rules and therefore a much greater range of additional or alternative activities could also occur. The consideration of adverse economic impacts on the Huntly town centre would only become relevant for a restricted discretionary activity, where the permitted standards relating to GFA limits are exceeded or discounted sales cannot be met.
141. The extent of retail and office activities enabled by the proposed Business zone is not fully quantified in my view and as such the effects are uncertain. This issue is highlighted by the peer review of Mr Kemp.
142. Mr Kemp does agree that the level of convenience retail proposed (total 2,500m² GFA) would not be anticipated to threaten the viability of the Te Kauwhata or Huntly centres. However, Mr Kemp raises significant concerns with the DFO retail activity. Mr Kemp considers that for the DFO retail activity to be successful, it would have to draw the majority of its customers

from beyond the local area (a catchment from southern Auckland to Cambridge). Mr Kemp raises a concern that there is a substantial risk that the offering will not be good enough for customers to travel to Ohinewai from the required catchment and would fail. Although APL has stated that this is the developer's commercial risk, I consider the issue to be relevant because there is uncertainty around what activities would likely occur in the Business zone should the proposed DFO retail activity not occur.

143. Conversely, if the DFO retail activity was successful, Mr Kemp considers the retail and service sector functions of Huntly and Te Kauwhata would be negatively affected, as well as similar retail clusters further away (e.g. The Base, DressSmart).
144. I therefore disagree with APL that there will be no economic effect because the retail offering is different – this difference appears to be in the fact that it is discounted, which would unavoidably form a substitute for some of what is currently offered in surrounding centres.
145. Mr Kemp supports a cluster of retail for furniture and soft furnishings related to the Sleepyhead factory and suggests that this could be achieved by allowing retailing ancillary to any manufacturing on the site. In this respect, the industrial zone rules in the PWDP already provides for ancillary retail up to 10% GFA of all buildings on the site. An area specific rule providing for ancillary retail up to 20% GFA in the Ohinewai Structure Plan could provide a similar outcome to that sought by the APL proposal, but without the need for a Business zone. It would be helpful if APL could address this approach in their evidence, to understand whether such a provision would achieve the objective of the DFO.
146. I do not support the proposed Business zone or associated planning provisions. The DFO retail component would potentially have significant adverse effects on the vitality and vibrancy of Huntly, and if it fails there is a significant risk of blight. Whilst I acknowledge Mr Kemp also identifies potential opportunities for the proposed Business Zone in the form of a Business Park, I do not believe the outcomes discussed by Mr Kemp could be achieved without a specific policy framework and appropriate set of rules.
147. I note that if the APL rezoning proposal proceeds the Ohinewai-specific provisions for the Business zone will need to reflect the changes to definitions in Hearing 5, which removed the definition of 'commercial service' so the definitions no longer differentiate between commercial services, retail and other commercial activity.

5.3.3 Flooding

148. The APL, OLL and Planning Focus sites all contain land subject to flood risk. This includes both surface flooding from watercourses, and flooding in the event of failure of the Waikato River stopbanks.
149. Flooding identified on the subject sites is not identified as a significant hazard, although risks increase if the Waikato River stop bank is breached. The APL and OLL proposals have provided flood modelling demonstrating that future development could reasonably meet the objectives and policies for flood management and include consideration for climate change.
150. Some of the mitigation measures proposed include raising APL land above the floodplain to provide developable land. The consequential decrease in flood storage is being compensated by increased flood storage capacity in the open space/stormwater management area, as described in the APL Flooding Report (Appendix F to APL's documentation).
151. Flooding as a result of stopbank failure has been identified as only affecting the site of the proposed Sleepyhead factory, with flood depths in a catastrophic event (100 year + climate change) preventing employees from safely exiting the northern side of the site. An evacuation plan is therefore required to be prepared and implemented for the factory. APL has not

proposed any plan provisions to ensure that this document is prepared and approved by Council.

152. Stantec has peer reviewed the APL Flooding report (Appendix 8) and requested a copy of the peer review undertaken of APL's flood modelling by Tonkin & Taylor, to determine whether the model is appropriate. APL advise that the model has been peer reviewed, but a report is yet to be provided to confirm the details of this review. Stantec relies on this for the accuracy of the model, including effects on neighbouring properties. Therefore, Stantec has recommended an amended structure plan area policy to the effect that the APL development will not increase flood risk beyond the site. Such a policy would ensure that future development is required to undertake detailed modelling to demonstrate flooding effects off site can be avoided.
153. Stantec identify that existing capacity issues with the Tahuna Drain is a key issue, including the existing culvert under Tahuna Road. APL modelling does not include the culvert so the effects of blockage unknown. The culvert will need to be upgraded to manage flooding in the vicinity, but no solution has currently been confirmed. In response to Stantec's queries, APL's consultants provided design parameters that will be used, and stated that if detailed design finds that inundation cannot be avoided, residential lots will not be proposed in the affected area. However, the APL proposal seeks a Residential zone in the location of the Tahuna Drain.
154. In order to ensure that future subdivision adequately considers Tahuna Drain, I consider it necessary to identify it on the Structure Plan. I also agree with Stantec that a mechanism needs to be in place to prevent residential lots being created where there are unacceptable flood risks. As it is unclear to what extent Stage 2 of the district plan review will address this issue it needs to be addressed as part of the rezoning proposal. Stage 2 of the PWDP will unfortunately be publicly notified after publication of this report in mid April 2020, however I will re-evaluate the implications of Stage 2 provisions prior to the Ohinewai hearing.
155. From the information provided and the Stantec peer review, I am satisfied that flooding does not preclude the rezoning of the APL site as a whole.
156. If the APL rezoning proposal proceeds I would recommend the following changes to the plan provisions to address flooding issues:
- Amend the structure plan to identify the location of the Tahuna Drain.
 - Amend Policy 4.1.19 to be more specific about the need to manage flood risks.
 - Add an evacuation plan requirement for Sleepyhead factory site.
 - Add Ohinewai-specific subdivision criteria that no residential lots be created that would require a building platform within the 1% AEP floodplain.
 - Add Ohinewai-specific residential zone criteria that no residential development occur within the confirmed 1% AEP floodplain.
157. OLL has provided a high level assessment that concludes about 30% of the site is within the floodplain and earthworks to raise this land above the flood level could be hydraulically offset by increasing flood storage elsewhere on other land owned by OLL. From the information provided and the peer review, I am satisfied that flooding does not preclude the inclusion of this land on the Ohinewai Structure Plan. At the time of rezoning further analysis would be required to demonstrate management of flood risk.
158. Mercury NZ Limited [FS/397.1124 - 1129] opposes the APL proposal because at the time of making the further submission natural hazard flood provisions nor adequate flood maps were available to understand whether the proposed land use is appropriate from a risk exposure

perspective. Since the further submission, APL have provided additional technical information that assesses flood risk. Therefore, I consider this issue to have been addressed.

159. No flooding assessment was provided by Planning Focus for the area they sought to be Industrial zone on Ohinewai South Road although this area is subject to flooding. Consistent with the findings above, I expect that flooding issues could be adequately managed to enable industrial development.

5.3.4 Geotechnical

160. The Geotechnical Report in Appendix G to APL's documentation identifies that some areas of the APL site are inappropriate for any building development, due to highly compressible soils and settlement effects. These areas align for the most part with the open space area on the proposed Structure Plan.
161. The effects of natural hazards need to be considered for subdivision consents under s106 of the RMA. I would expect that this would mean the subdivision design could not include any residential sites wholly located on the highly compressible soils identified.
162. The Geotechnical Report also identifies that ground improvements and specific foundation design is required over the entire APL site due to liquefaction risk. Groundwater levels are identified as high, however a groundwater report has not been completed at the time of this s42A report.
163. It is unknown to what extent Stage 2 of the PWDP will address the specific geotechnical hazards for this site, as this document will be publicly notified in mid April 2020. If the APL rezoning proposal proceeds, I would recommend the following changes to the plan provisions to address geotechnical hazard issues (which could be amended through Stage 2 if there is duplication):
- Specific structure plan area provisions requiring detailed geotechnical reports, ground improvements and specific foundation design.
164. Overall, I consider that geotechnical matters do not preclude the rezoning sought by APL.
165. OLL has not undertaken geotechnical investigations and notes these are required to confirm the suitability of the land for development. Planning Focus has not undertaken geotechnical investigations.

5.3.5 Ecological

166. The Ecological Assessment in Appendix H to APL's documentation identifies that existing ecological values of the land are of poor to moderate quality. A desktop assessment has been undertaken of the entire site, including opportunities and constraints, and a detailed Ecological Impact Assessment prepared for Stage 1 development of the Sleepyhead Foam Factory.
167. A number of opportunities are identified including: restoration of the historic wetland within the eastern portion of the site expanding the habitat and adjacent Significant Natural Area of Lake Rotokawau; enhancement of native lizard habitat within open space areas; and mapping the entire area to enable accurate quantification of effects.
168. The existing farm drains across the site are classified as artificial but recognised to contain habitat or potential habitat. However, detailed surveys were not undertaken of all farm drains and the assessment recommended that detailed assessment and mapping of the farm drainage network would be required to better understand threatened or at-risk species. Whilst no mudfish were identified there is potential for the species to be found, it is anticipated that shortfin eel would be identified in the waterways.

169. Although vegetation across the site is generally identified to be of low quality, there is potential for bat habitat to be present and accordingly a high ecological risk associated with the removal of 18 trees identified within the Stage 1 development area. This is likely to be an issue across the site but has not been fully surveyed.
170. Mitigation measures are required for the development of the APL proposal as recommended by the Ecology Report. With these measures in place, I consider that ecological values do not preclude the rezoning of the land.
171. In terms of the concerns raised by Department of Conservation [FS1293] and Fish and Game [FS1399 and FS1045], the APL land is adjacent to the Lake Waikare ONF and upstream from the Whangamarino wetlands (an internationally significant RAMSAR site). I note that the urban development component of the APL proposal is separated from the ONF (by way of open space), and that offsite effects of any discharges, including on the identified features, would need to be avoided or mitigated through the consent processes for those discharges. I am satisfied that the proposal retains the two main drains for stormwater conveyance providing opportunity to maintain or enhance existing habitat.
172. If the APL rezoning proposal is successful I would recommend a Bat Management Plan for the construction phase be required for future consent applications through plan provisions in the PWDP. The other ecological mitigation measures identified, such as a Fish Management Plan, erosion and sediment control, and stormwater treatment will be able to be achieved through future regional consenting processes e.g. for earthworks, discharges and works in watercourses.

5.3.6 Stormwater Management

173. APL's Stormwater Management Plan (Appendix I) proposes a water sensitive design approach to the Ohinewai Structure Plan area, whereby stormwater quality and quantity will be managed in the proposed open space area (which includes wetlands). Eventual discharge from the wetlands will be to Lake Rotokawau (an Outstanding Natural Feature hydraulically connected to Lake Waikare). Therefore, actual and potential adverse effects would be mitigated.
174. The Stormwater Management Plan includes design criteria that are required to mitigate the stormwater effects from the development of APL land. These criteria are not contained in the proposed plan provisions or elsewhere in the PWDP. Increased stormwater runoff will result from the development of impervious surfaces, and land use consent provides opportunity to manage the effects from such development. Reliance on the regional consenting process will not provide sufficient certainty for the management of effects from the increase in impervious areas. Therefore, I recommend that specific provisions be included in the district plan if the APL proposal is successful.
175. The Stantec peer review of the Stormwater Management Plan (Appendix 8) has identified concerns around ecological effects of the proposed discharges to Lake Waikare / Rotokawau and the need to consult with Department of Conservation and Fish and Game. I expect that at the time of seeking regional consents for discharges and streamworks consultation with these parties would identify reasonable parameters for any discharge to meet, and a resolution could be found (noting that APL has included sufficient land area within the development for the treatment of stormwater). Both the Department of Conservation [FS1293] and Fish and Game [FS1045 and 1399] submitted in opposition on the basis of water quality concerns.
176. I note several technical stormwater management issues identified by Stantec remain unresolved, for example whether attenuation is required and the extent to which stormwater devices would be affected by local flooding. Further discussions with WRC are required to determine whether it is acceptable not to provide attenuation of peak flows and whether

devices must be out of the floodplain. It appears that the central area identified on the Structure Plan is entirely within the 1% AEP floodplain (Woods Flood Assessment, Appendix F) therefore devices (swales) would not be able to locate outside the floodplain without further works. Any devices on developable land would be outside the floodplain because it will be raised above the 8mRL flood level.

177. Watercare Waikato has raised concerns with Stantec regarding maintenance and the responsibility for management of devices. This is particularly an issue if devices are in the floodplain. I am uncertain as to the significance of this issue but agree with Stantec that it will need to be addressed to determine whether the stormwater management approach proposed is feasible.
178. There are several detailed technical issues that remain unresolved for the proposed stormwater management approach. It is my understanding that these issues could be resolved through further discussions with Watercare and Waikato Regional Council. I do not consider these issues to preclude rezoning of the land.
179. If the APL rezoning proposal is successful, I would recommend the following be added to the plan provisions applying to the Ohinewai structure plan area:
- Requirement for Low Impact Design devices - detention and either reuse or slow release of the 1/3 of 2 year ARI + Climate Change event be provided for all industrial, commercial and residential development.
 - Requirement for all roofing and cladding materials to be inert.
180. Other outstanding stormwater matters could be appropriately addressed through future stormwater discharge consents once design progresses, as I am satisfied that obtaining such consents appears to be feasible. I consider there to be sufficient space available as identified on the Structure Plan to provide a suitable stormwater management approach.

5.3.7 Acoustic

181. APL's Acoustic report (Appendix J to their documentation) and further correspondence with the authors (see memo dated 28 January 2020 from Marshall Day in Appendix 5) has established that the implementation of the general noise rules would be suitable to ensure any noise effects received at sensitive zones are acceptable. No special plan provisions are required. I am satisfied that acoustic issues do not preclude the APL rezoning.

5.3.8 Landscape and Visual

182. The Landscape and Visual Assessment provided as Appendix K to APL's documentation states that the landscape effects of the development can be mitigated, with the implementation of specific plan provisions relating to setbacks, landscaped planting buffers and height control planes. These provisions have been included in APL's proposed planning provisions. Landscape and visual effects of the OLL proposal are addressed in the Urban Design, Landscape and Visual Assessment (Appendix 3 to OLL's documentation).
183. The peer review by Matthew Jones, Isthmus (Appendix 9), agrees with the appropriateness of these provisions, except that in his opinion the width of the landscape buffer along Tahuna Road should be larger and include large scale trees. Mr Jones also agrees on the significant landscape benefits of the Central Park and wetland areas shown on the Masterplan, and that the APL proposal will not result in adverse effects on the two identified Outstanding Natural Features.
184. Mr Jones disagrees with the view that the rural character of the area is 'unaffected' by the APL proposal as seen from more distant viewpoints, as the proposal represents a fundamental

change to existing character. The OLL Landscape assessment in Appendix 3 of their s32AA report acknowledges a significant landscape change.

185. The fundamental change to the character of the landscape that the APL and OLL proposals represent cannot be fully mitigated, and as per Mr Jones' review, the question should be over whether the change is appropriate. In response to a request for further information on 'appropriateness' Mr Graham, Landscape Architect for APL states that:

"..due to the presence of existing land use pattern 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.."

186. Mr Jones considers that, when urban design, landscape and visual assessment matters are reviewed concurrently that the change from rural to urban character is appropriate given the sites' location; that the proposed design and layout respects underlying landscape values and integrates with existing landscape patterns; and that the large scale of the proposal has allowed for an integrated design of the growth area.
187. Should the APL proposal proceed, I recommend the size of the landscaped buffer on Tahuna Road be 5m width with a provision requiring large scale trees. I note that this buffer is partially opposite the OLL proposal so would need to be reconsidered if the OLL land was rezoned in the future. I also recommend provisions be added that would require planting to be provided generally consistent with the amount and location of planting shown on the Masterplan, at each stage of development.
188. Should the OLL proposal proceed, the fundamental change in landscape character will already have been made by the APL proposal. Any specific visual effects of the OLL proposal as viewed from nearby viewpoints could be mitigated through provisions in the future plan change that would be required, similar to the provisions proposed by APL.

5.3.9 Transport

189. APL's Integrated Transport Assessment (ITA) addresses the traffic generation anticipated by development of the proposed zones, transport upgrades that will be required including upgrades and new intersections; walking and cycling connections; as well as the form and function of proposed and upgraded roads. Tahuna, Lumsden and Balemi Roads would need to be upgraded. Relevant plan provisions include the Structure Plan, Policy 4.1.19 requiring development in general accordance with the Structure Plan, and a series of typical road cross sections for Ohinewai. A peer review of the ITA has been undertaken by Gray Matter (Appendix 10).
190. The ITA identifies several upgrades of existing intersections and roads that would be required in the short to long term should the APL site be fully developed. There are also five new intersections (two on Lumsden Road and three on Tahuna Road) required to access the APL structure plan area, which are identified on the Structure Plan. There are no rules proposed that require these upgrades and new intersections, that indicate timing or alignment with development stages, or who is responsible. Additionally, the ITA assumes no other property access is provided directly to Tahuna and Lumsden Roads, but there is no rule proposed preventing this. The detailed design and layout of the intersections would be a matter for later agreement between the roading authority and APL through the resource consent process.
191. I consider that the PWDP subdivision provisions would adequately implement three of the five access points, as these are shown on the Structure Plan proposed to be included in the

PWDP. Subdivision or resource consents for development of the adjacent business or residential land (as a discretionary activity) will need to provide the access points in general accordance with the Structure Plan in accordance with proposed Policy 6.19, with some flexibility to adjust their location following detailed design. However, I am concerned that resource consent may not trigger the need to be in accordance with the Structure Plan. I therefore consider plan provisions would be needed to ensure that all development within the structure plan area is required to be in accordance with the Structure Plan.

192. The ITA assessment recommends walking and cycling connections outside the structure plan area to connect with the existing village area and school on the western side of State Highway One, which Gray Matter agrees are necessary. Implementation of this connection will require third party approvals and there is no information provided to demonstrate how this will be delivered. Again, no plan provisions are included that require this connection to be provided before development can occur. I consider there to be a significant risk that a walking and cycling connection will not be provided in an appropriate timeframe to support development within the structure plan area affecting access to the primary school and existing bus stop. This will further increase the dependence of residents on private car trips.
193. A bus stop is identified on the Masterplan, which is supported. However, it is unclear whether the existing bus service would be able to be extended. The current bus service is understood to be one in the morning and one in the evening from a bus stop in the Ohinewai village west of State Highway One. WRC have advised that the existing bus service is unlikely to stop at the site, but that APL might be able to secure private bus operators. Therefore, the current bus service from Ohinewai east is the only public transport service that residents can access. It is acknowledged the Sleepyhead or other employers could operate a private bus service from nearby towns.
194. Should the APL proposal be accepted, I consider it important to include plan provisions that require the walking and cycling connection to Ohinewai east be provided prior to any residential development commencing to mitigate transport effects.
195. The ITA identifies that realignment of Lumsden Road is required to allow safe geometry for the proposed level crossing for the new rail siding into the Sleepyhead site. The peer review raises concerns that the level crossing design is inconsistent with PDWP policies 6.4.4 and 6.5.2 and recommends formal signoff be obtained from KiwiRail. I understand that Kiwirail agrees to the rail siding in principle, and that they would assist with future design matters. However, Kiwirail would not fund it and this would need to be paid for by APL. I note that agreement would also need to be reached with WDC regarding the realignment of Lumsden Road and establishing a level crossing would require either a designation or resource consents.
196. In the event that the rail siding cannot be provided by APL, the ITA has undertaken sensitivity testing indicating that additional heavy traffic can be adequately accommodated, and no further upgrades would be required. However as further discussed below, Gray Matter have concerns about the accuracy of the modelling and identified the risk that the potential traffic and capacity effects of the rezoning are underestimated.
197. Proposed cross sections for the roads within the structure plan area, as well as the surrounding existing roads once upgraded, are included in Appendix C of the ITA. Some of the cross sections are also proposed to be included in Chapter 14.12.5 Transportation tables and figures, although not Tahuna Road or Lumsden Road. Gray Matter assessed that these cross sections do not meet all the relevant standards, there are some inconsistencies, and disagrees with the type of cross section chosen to apply to some of the roads. It is unclear how the cross section for low traffic volume streets would be applied because there are no plan provisions limiting the number of lots that can be served. The ITA states that it would

serve up to 50 dwellings, which is inconsistent with NZS4404. Gray Matter recommends a maximum of 20 lots on the low traffic volume roads.

198. Gray Matter recommends that proposed road cross sections be amended to better align with NZS4404, with the District Plan requirements, or alternatively justification of the proposed approach to be agreed with WDC before the proposed cross sections can be included in the plan. It is my view that these issues can be resolved prior to the hearing.
199. A key concern raised by Gray Matter's peer review is that the potential trip generation appears to have been significantly underestimated by APL. Further information is required to better understand the appropriateness of the infrastructure improvements. Resource consent for traffic generation would be required at the time of subdivision or development where the permitted thresholds are exceeded.¹² Although this would provide an opportunity to further assess the traffic effects of individual proposals, it would not ensure that traffic effects are considered in an integrated way. I therefore consider further information is necessary to fully understand the scale of trip generation, the stages of development, and the timing of transport infrastructure upgrades to understand how adverse effects will be managed.
200. No transportation assessment was provided by OLL to support their proposal because it does not seek to rezone land. Gray Matter have considered the OLL s32AA Report, which identifies that upgrades will be required to provide safe pedestrian and cycle access across the Waikato Expressway and railway; and upgrades to Tahuna Road to provide access for vehicles, pedestrians and cyclists to development on both sides of the road. Based on the anticipated scale of residential development (235 dwellings) traffic generation could be 2,350 vehicles per day.
201. The OLL proposal seeks changes to the APL Structure Plan to change the Tahuna Road environment providing for development to front onto it along both sides, integrating the development areas. If the OLL proposal is accepted, then Gray Matter indicate that the cross section will need to be reviewed. However, given that OLL is not seeking rezoning and future development timing is unknown, further assessment is needed to understand how the two proposals could be integrated. This could affect staging of residential development within the APL land. Insufficient information is provided in support of the OLL proposal to understand effect on the transport network.
202. Also significant is the concern raised by Gray Matter that both the APL and OLL proposals will generate a high proportion of private vehicle travel, as the site is not located conveniently to existing services. Although some employment will be available from the Industrial and Business land uses proposed by APL, this would not meet the employment needs of all residents. This would result in an increase in short local trips on the Waikato Expressway, which is inconsistent with its function as a nationally significant transport corridor.
203. The peer review does not support the Industrial zone sought on the western side of State Highway One by Planning Focus [383.1], as it is inconsistent with Future Proof and PWDP Policy 6.4.4 as it introduces traffic to an existing rural residential environment and Ohinewai School frontage with no infrastructure upgrades.
204. Gray Matter has also made a number of recommendations should the APL rezoning proceed to which I agree, including the inclusion of plan provisions to address road and intersection upgrades requirements, and provisions preventing any other direct access to Tahuna and Lumsden Roads from the site. A staging plan showing the land use development and the

¹² Rule 14.12.1.4 Traffic Generation: Permitted activities – Residential and Country Living Zone max 100 vmpd; Business Zone max 300 vmpd; Industry Zone max 250 vmpd; and all allow for up to 15% heavy vehicle traffic.

corresponding upgrades to transport infrastructure is needed and should be provided by APL to enable rezoning. The staging plan could then trigger the need for an ITA(s), which would confirm the extent and form of intersections and upgrades.

205. Should the APL proposal be successful, I would recommend the following changes/additions to the planning provisions:
- Add requirements for staging development to align with required transport upgrades, to be provided by the developer, and subject to further agreement between parties on the nature of required upgrade and trigger.
 - Amend proposed cross sections in transport section as required, with Tahuna Road and Lumsden Road cross sections to be added (possible amendment to Tahuna Road depending on success of OLL proposal). Add text clarifying how many lots defines a 'low traffic volume street'.
 - Add rule preventing direct property access to Lumsden and Tahuna Roads.

5.3.10 Contamination

206. APL has provided a Preliminary Site Investigation which identified multiple discrete spots of potential contamination around farm buildings. This does not preclude the urban zoning of the site. Under the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, detailed investigation would be required before any subdivision or change in activity took place. There is no reason at this stage to believe the contamination cannot be adequately mitigated.

5.3.11 Archaeology and Historic Heritage

207. APL and OLL have both provided archaeological assessments, including historic heritage, which concluded there were no recorded archaeological sites or historic sites on the land in question, and nothing of archaeological interest identified from a site walkover.
208. The archaeological report identifies that a potential pā site may be located to the west of the OLL land south of Tahuna Road, as advised by local iwi. However, the subject area is entirely located within the Ohinewai Reserve.
209. From a review of the NZ Archaeological Association maps there are no recorded sites on the Planning Focus site either.
210. From the information provided I am satisfied that the presence of known or likely archaeological sites do not preclude the development of the APL, OLL or Planning Focus Ltd sites.

5.3.12 Cultural values

211. No assessment of cultural values has been provided by the submitters in support of the rezoning requests.
212. APL have indicated that a Cultural Values Assessment (CVA) is currently being prepared by tangata whenua and therefore it was not available at the time of writing this report. I understand it will not be available until May 2020, but that an initial assessment will be provided with APL's evidence to the panel.
213. Ongoing engagement is occurring with iwi through the Tangata Whenua Governance Group established to respond to the APL proposal and a letter from the Chair (Appendix P to the application documents) of this group confirms a proactive, positive and respectful relationship with iwi and mana whenua has been established.

214. The CVA will record the traditional, spiritual, historical, and cultural associations with the area, as well as outline the local expressions of the perspectives, interests and values described in Tai Tumu Tai Pari Ao: Waikato-Tainui Environmental Management Plan, Te Ture Whaimana o Te Awa o Waikato/Vision and Strategy for the Waikato River, and Whakaturanga 2050.
215. APL have provided an initial assessment of their proposal against the Tai Tumu Tai Pari Ao: Waikato-Tainui Environmental Management Plan, which is discussed later in my report in relation to statutory requirements (section 5.3.18).
216. OLL indicate that they have initiated engagement with the relevant iwi of the area and anticipate this will continue through the PWRPD process. An assessment is also provided against the Tai Tumu Tai Pari Ao: Waikato-Tainui Environmental Management Plan.
217. I consider there to be insufficient information provided to understand the effects of the APL proposal on cultural values.

5.3.13 Wastewater and Water Supply

218. None of the land subject to the three rezoning requests is serviced by reticulated wastewater or water.
219. The APL Water Supply and Wastewater reports prepared by Woods (Appendix O to APL's documentation) identify several interim and long term options for water supply and wastewater servicing for the APL site.
220. Stantec peer reviewed the Woods reports and raised concerns that whilst the water and wastewater options are technically feasible, they may not be viable. In response to these concerns, a draft memo update by GHD has been provided (dated 20 Feb, attached in Appendix 5). The GHD memo agreed that the options identified may not be feasible from a practical application perspective.
221. Securing new consents with new outfalls and/or take points is identified by GHD as being extremely unlikely, noting that WDC is already struggling with compliance with existing assets. New takes and discharges to or from the wider Waikato Catchment are likely to be strongly opposed by iwi. The Waikato River is almost fully allocated with a queue of pending applications, including WDC and Auckland Council. Securing water for non-municipal use is considered by GHD to be difficult and extremely unlikely. This memo also highlights the benefits of a Developer Agreement to address development contributions and funding of 3 waters infrastructure. The recommended approach from GHD aims to identify proposals that address compliance issues and quality of discharges, supports the targets within the Hamilton to Auckland Corridor, and supports the long term planning works being undertaken by WDC.
222. No budget is currently allocated in the current Long Term Plan for the extension of public networks and upgraded treatment plants required for the APL proposal to be reticulated. As discussed above in section 3.6 funding is identified for upgrades (but not extensions) to both the Te Kauwhata and Huntly water and wastewater plants.
223. A WDC/Watercare Services Mid Waikato Servicing Strategy study (mid-Waikato Study) is currently underway and expected to be completed in mid 2020. This study is looking into future servicing options for water and wastewater of the area between Meremere and Huntly, addressing significant issues with the current water and wastewater plants. It is expected to include options for upgrading existing plants as well as constructing a new centralised plant to service the area. It is understood that the scope of the study includes potential significant demands, such as the Sleepyhead proposal. However, at the time of writing this report the study is still in progress, so the options are unknown. What is clear is that there is no reticulated servicing available in the short term (at least 5 years). Therefore, interim options

will be required if the APL land is to be developed prior to municipal services for water and wastewater being available.

Water Supply

224. Stantec has peer reviewed the Water Servicing report prepared by Woods and has confirmed that the water supply options identified by Woods are all technically feasible. Whilst there are a number of technical requirements that would need to be met for the water supply, I consider the need to secure consented water takes and/or other secure water trading allocation agreements to be the most appropriate for the consideration of the proposed rezoning. This is consistent with the advice from GHD.
225. GHD recommend a preferred long-term option that relies on water supply from Huntly Water Treatment plant and wastewater treatment at the Huntly Wastewater Treatment Plant. Both preferred long-term options require mains extensions to Huntly from Ohinewai. APL advise that an updated memo or report will be prepared following consultation with Watercare Services, but this was not received at the time of writing this report. I understand that APL consider there to be several options available for water and wastewater servicing as presented in the Woods reports.
226. Stantec indicate that there is significant uncertainty around a long term water supply option at this time. However, it is anticipated that the mid-Waikato study will be able to address this issue. The Huntly water take is fully allocated for existing use and future growth in Ngaruawahia and Huntly. The Te Kauwhata water take consent is held by Te Kauwhata Water Association and is due to expire in 2024. Relying on the transferal of existing water allocation rights from an existing consent holder is also uncertain, because no evidence has been provided to demonstrate that such an agreement is in place.
227. Stantec conclude that there are a wide range of issues that still need addressing in determining the most appropriate interim and long term water servicing strategy for the APL proposal. In the event that rezoning is accepted a long term option for water supply (5-10 years) will be determined by the mid-Waikato study, but staging of the development and the availability of interim options to service development remain a key issue. I understand that APL is developing plan provisions to address staging and the timing of infrastructure provision to support its proposal. At the time of writing this report no such information was available.

Wastewater

228. In terms of wastewater options, Stantec agrees with the GHD assessment that there appears to be volume capacity available at the Huntly Wastewater Treatment Plant and that it would need to be upgraded to meet the quality parameters of its discharge consent. Watercare has indicated that this option is not opposed although they did raise significant concerns about the conveyance of raw sewage from the APL development due to septicity issues in the early stages of the project and would prefer the low flow scenario be avoided. Stantec indicates that it would be helpful if APL address these issues and whether an alternative interim solution would be required. I note that the mid-Waikato study will also address a potential centralised wastewater system and that until such time as development can connect to that, interim solutions would be required.
229. Stantec note that the 'on-site' interim options for wastewater servicing include conveyance, treatment and disposal/discharge off site. Where options are not managed within the APL structure plan area their feasibility is subject to third-party approval, in addition to resource consent approvals.

230. For interim wastewater options, it is noted that additional land outside the APL area and floodplain would be needed for applying treated wastewater to land. Again, the consenting/environmental feasibility is unclear, as no preferred interim option has been identified and no assessment of environmental effects has been provided of the options. Therefore, for the purposes of rezoning, although I accept that a long-term solution is likely there is insufficient certainty that a practical and consentable interim solution is available.

Wastewater and water conclusion

231. Policy 6.3(a)(iv) of the WRPS is clear that new development should not occur until provision for the necessary infrastructure is in place. I do not consider the water or wastewater infrastructure proposed by APL is appropriate or is sufficiently advanced as it is not readily available; will all require resource consents which are not straight forward and have unquantified environmental effects (interim solutions); and the long term options to provide reticulation require significant investment that is not yet funded. While I acknowledge there is work underway to provide servicing to Ohinewai in 5-10 years, at this time the proposal does not give effect to Objective 3.12(d) and Policy 6.3(a) of the WRPS.
232. I have considered whether a staged approach would be acceptable, ensuring that no development could occur until water and wastewater reticulation is provided. This would go some way to addressing the issues. However, no such information has been provided by the submitter at this time to demonstrate how this would occur. I understand that APL will address this matter further in their evidence. I note that the APL AEE indicates that residential will be delivered over a period of 7-10 years.¹³ WSL have indicated that it will be 5-10 years before sub-regional water and wastewater plants may be available.
233. One option that could be considered is deferring development until such time as water or wastewater is in place, or at least funding is committed in the LTP. This is to address the fact that development contributions cannot be gathered to fund infrastructure unless it is identified in the LTP. With the mid-Waikato servicing study not yet completed and a long-term option yet to be decided or identified in the LTP, there is a risk of development going ahead in the Ohinewai Structure Plan area without a sufficient mechanism to ensure appropriate contribution to the funding of infrastructure. I am not aware of any funding agreement discussions between APL and WDC at the time of writing this report.
234. Such provisions would essentially need to say that development is prohibited until reticulated water and wastewater was in place or consented. For any interim solutions the scale of development would also need to be restricted to ensure there is incentive to connect to and contribute to the funding the long-term solution. Of particular concern is the length of time before a long-term solution may be available and the period that APL are proposing to develop. I consider there to be a reasonable degree of uncertainty over a 'package' plant and therefore when a deferral could be lifted. Therefore, at this stage I am not confident that a deferred zone is the most appropriate tool to manage infrastructure.
235. Another issue raised by Stantec is the potential cumulative adverse effects of treated stormwater disposal and land disposal of treated wastewater from on-site systems. This is particularly relevant given the sensitive receiving environment.
236. Overall, Stantec consider there to be insufficient information provided by APL to consider the environmental effects of water and wastewater options – although it is acknowledged that further detail would be required at the consenting stage.

¹³ Section 5, pages 30-31

237. OLL's report identifies that, without reticulation, water and wastewater servicing options to the site are very limited and interim on-site solutions (such as those identified by APL) are uneconomic for this site. The OLL proposal therefore relies upon reticulation being provided before rezoning is sought, which is hoped to occur in the medium term (5-10 years).
238. If the APL rezoning was accepted, I agree with Stantec's recommendation that water supply and wastewater disposal be secured and consented in advance of development being permitted and that the proposed plan provisions be amended to this effect.
- Amend Policy 4.1.19 Ohinewai to address availability of water supply and a reticulated wastewater system.
 - Introduce staging rules identifying the need for water and wastewater reticulation to be in place prior to development, and/or limit development before a public reticulation system is available.

5.3.14 Urban Design

239. APL has provided an Urban Design Statement (Appendix R to APL's documentation) in support of the Masterplan. However, there are no planning mechanisms currently proposed that would secure most of the outcomes set out in APL's Urban Design Statement or Masterplan, including no controls over the specific activities that would occur within the various zones.
240. An Urban Design, Landscape and Visual Assessment (Appendix 3 to OLL's s32AA Report) is provided in support of the OLL proposal to identify land within the Ohinewai Structure Plan as future urban area. As no rezoning is sought, there are also no plan provisions proposed. This assessment focuses on the integration opportunities with the APL proposal to support changes to the structure plan.
241. The peer review by Matthew Jones, Isthmus (Appendix 9) considers both the APL and OLL proposals together. While agreeing that the location is generally suitable for urbanisation and the proposals are responsive to the underlying landscape values, Mr Jones expresses concerns about the settlement pattern created, as the proposals provide for development in a new location rather than complementing and expanding existing established settlements in the area (Huntly, Te Kauwhata). Due to the separation by the railway line and State Highway One, the proposals are not viewed as an extension of the existing Ohinewai settlement either. Mr Jones notes that best practice would be to prepare a Structure Plan for the whole of Ohinewai to avoid the area being developed in a piecemeal manner.
242. Mr Jones also considers that, at the proposed residential density, the new settlement area should be more self-sufficient rather than relying on adjacent towns. Potentially the community and commercial activities should be in the same area, rather than spread around as shown on the Masterplan, to help create a sense of community. The lack of a 'centre' will result in residents and workers having to travel outside the structure plan area for schools, supermarkets and other community facilities and infrastructure.
243. I note that the Business zone allows for a range of community activities and there is nothing in the planning provisions requiring the activities on the Masterplan to be in those specific locations (or be in Ohinewai at all). I understand that Mr Jones does not have particular issue with the layout of land uses proposed by APL, but that he does have significant issue with the lack of community and issues of connectivity because of its reliance on Huntly for everyday services.
244. Mr Jones recommends that if the APL proposal is accepted, that a design guide should be established to provide surety and control of the design quality of future built form and ensure

the vision of the APL proposal is upheld. As per the further information provided by APL (BBO Memo dated 21 Feb in Appendix 5), the Urban Design Guidelines in Appendix 3.4 of the PWDP would apply to multi-unit housing development and the submitter is also open to modifying plan provisions to apply urban design provisions and guidance to industrial and commercial development.

245. The OLL proposal relies on the success of the APL proposal, in which case it would form an extension to it. Mr Jones identifies the relationship between the OLL and APL proposals is critical and the developments should be integrated to ensure best practice urban design and landscape design. If the OLL proposal was accepted along with the APL proposal, then this would require amendments to the Ohinewai Structure Plan to provide suitable integration.
246. As discussed, in relation to Transport above, I understand that APL is concerned with the lack of certainty provided by the OLL proposal because it does not seek rezoning. In my view it would be possible to resolve issues of integration at the structure plan level. This has been demonstrated by the Urban Design Assessment provided by OLL.
247. Overall Mr Jones concludes that the proposal presents a unique opportunity for urban development within this part of the Waikato but that he does not support it because it establishes a new town that is disconnected and separate from Ohinewai village, establishes a community which is 'car centric', that doesn't have a community centre, the proposed density is inappropriate in the setting, and there is a lack of integration between the APL and OLL proposals.
248. The fundamental urban design issue as I understand it is the lack of connection and self-sufficiency that is created by the rezoning sought at Ohinewai by both APL and OLL. If the location is suitable for urbanisation, as indicated by the urban design experts, then a more comprehensive and integrated structure planning exercise is required for this to occur as stated by Mr Jones.
249. Of particular concern is the lack of integration with the existing Ohinewai village and surrounding land, and as such the opportunity and significant benefits that could potentially be achieved by urbanisation in this strategic location might be undermined if rezoning is approved before further investigation is undertaken. Examples of this issue include the lack of integration with the OLL proposal, and the lack of consideration for properties along the western side of Lumsden Road that will remain zoned Country Village and Rural but be sandwiched between the Industrial and Business precincts and the railway line.
250. Several further submissions raise concerns about alignment of the proposals with the Future Proof settlement strategy and the need to await the findings of the Hamilton to Auckland Corridor spatial planning including: Waikato Regional Council [FS1277.22], NZ Transport Agency [FS1392.1 and 1202.123] and Future Proof Implementation Committee [FS1398.1 and 10]. The further submission from OLL [FS1206.6] also suggests that a comprehensive structure planning exercise is required at Ohinewai to realise the future development potential. Their original submission has been reduced to a smaller area for future residential development and seeks to ensure that the APL proposal does not preclude their future development.
251. I agree that a more comprehensive and integrated structure planning exercise is required before rezoning rural land is approved. Spatial planning is currently being considered as part of the Hamilton to Auckland Corridor work, which is now being run through Future Proof. This process should be completed and a plan change progressed to implement its findings.
252. If the APL proposal is accepted then I support the recommendation of a design guide or similar to be added to the planning provisions and referred to in the policies and assessment criteria,

and I suggest that the submitter address this further. I also consider that the Structure Plan be amended to identify the OLL land for future urban development and identify how integration will be achieved.

5.3.16 Social Impacts

253. The Social Impact Assessment (SIA) provided by APL (Appendix S to APL's documentation) relies upon the Masterplan as the reference material for its assessment as well as the interviews undertaken with locals/stakeholders. The findings were primarily positive, particularly for employment creation, local business and affordable housing provision.
254. Beca has peer reviewed the SIA (Appendix I I). While the SIA of the Masterplan itself was considered generally appropriate, Beca noted that the delivery of the Masterplan outcomes is not assured, therefore the findings of the SIA have limitations.
255. Particular concerns regarding the lack of planning provisions to implement the Masterplan, or any evidence of formal arrangements to secure those outcomes at this time, include:
- employment of locals, and provision of training schemes;
 - provision of affordable housing;
 - water and wastewater reticulation provision, including to neighbouring activities like the school;
 - public transport connections, and walking and cycling connections to Huntly;
 - community services like community centre, emergency services centre, market gardens, beehives;
 - the specific types of activities that are going to establish within each zone, with the exception of some limitations on GFA in the business zone.
256. The peer review considered that given the uncertainty, more consideration was needed in the SIA of the alternative outcomes enabled by the zoning and other planning provisions. Additionally, many of the positive outcomes should be reframed, for example as 'potential' positives. However, Beca considered that the industrial component of the proposal, particularly Sleepyhead factory, was more certain and its social effects well understood. There may be an opportunity for this aspect to progress in advance of the other rezonings. For this to occur further information is required on the social costs and benefits of this aspect including consideration of the impacts on and opportunities for transport infrastructure provision to support the industrial zone (e.g. State Highway One or rail siding opportunities).
257. Beca recommended a number of additional social effects be considered or expanded upon, including the potential impacts of major businesses withdrawing from the development in the future, the social consequences of direct competition with Huntly services, business relocation to Ohinewai from other surrounding areas, and creation of a community in a rural area without existing services and amenities. I also note that the issue of potential negative effects on the countryside living and rural outlook of residents in the area has not adequately been addressed. The peer review identifies that although the SIA considers the way of life and aspirations of the future residents, it largely remains silent on the sense of place for the existing residents in the area.
258. Several further submissions from residents in Lumsden Road either oppose or seek further information in relation to the APL proposal because of proximity to their homes in relation to the Industrial zone, R and S March [FS1402.1], B Holmes [FS1403.1], D and R Holmes

[FS1406.1] and S Stow [FS1405.1]. Issues of concern raised include noise, traffic, rural aspect/outlook and amenities.

259. Overall, the peer review does not consider the SIA to have provided a complete assessment of the potential social costs and benefits of the APL proposal. While the Industry zone could be supported, it is recommended that APL provide further information through evidence to the panel to address the concerns raised by Beca. Key issues identified by Beca of the APL proposal include lack of certainty that:
- Employees will be locally sourced.
 - Local training and transitions schemes will be provided.
 - Local public transport can be relied on.
 - Provision of affordable housing.
 - Sustainability of industrial and business activities.
 - Provision of community services and public infrastructure.
 - Connection of the surrounding area including the school to sewerage and potable water.
260. Beca also consider there to be a lack of provisions to prevent the following potential outcomes which should be considered from a social perspective:
- Direct retail/business competition with the surrounding areas, particularly Huntly.
 - Relocation of local businesses to the development (withdrawing employment/benefits from the local area).
 - Withdrawal of major employers within the site and residents not having local employment.
 - Outsourcing of employees and bringing them all from Auckland or further afield to the local development.
261. In terms of mitigation measures, Beca suggested that physical infrastructure, social services and emergency services provision agreements be in place before any housing zones are released for development. In relation to housing supply, the number of houses / rezoning areas released could be made dependent on committed business/industrial development.
262. I agree with the findings of Beca's peer review in relation to the social impacts of the APL proposal. While there are a range of positive and potentially positive social effects, these are not as significant and definite as stated in the SIA. There are also a number of potential negative social impacts that need to be better understood; including those related to the form of the proposed development and relationships with surrounding centres – these are intrinsic to this proposal in its current form and unable to be mitigated.
263. The peer review also noted that the OLL proposal has not considered the social effects of their proposal. While the proposal does not seek rezoning, structure planning to identify the land as suitable for urbanisation should address social impacts, further considerations identified by Beca are:
- Sustainability of further residential development in relation to current employment issues in the region
 - Provision of housing that is not affordable to most within proposed industrial zone or surrounding townships

- Provision of infrastructure
 - Effect on local housing developments and residential areas
264. While I do not think it appropriate to require full implementation of the Masterplan through planning provisions, any benefits that are relied upon to justify the proposal should be secured in some manner. Therefore, if the APL proposal proceeds, I consider the following matters need to be addressed by appropriate plan provisions:
- Affordable housing provision.
 - Staging release of housing with the delivery of business/industrial development.
 - Require the establishment of community services and social services (i.e. emergency services infrastructure or formal arrangements, community centre, parks) before release of housing.
 - Require physical infrastructure (such as stormwater, walking and cycling provisions and bus connections) to be in place before housing is released.

5.3.17 Other Technical Matters

265. A range of additional matters have arisen from further submissions and review of the technical information that is addressed in this section of the report.

Minerals

266. Ralph Estates made further submissions opposing the submissions of APL [FS/396.1–4], OLL [FS/396.6] and Planning Focus Ltd [FS/396.5] because of the impact on their mineral rights.
267. APL has provided an initial response to the concerns raised by Ralph Estates via a memo (BerrySimons / BBO memo dated 24 Feb in Appendix 5). In summary, from a planning perspective APL assesses the likelihood of Ralph Estates obtaining consent to extract the mineral resource (coal) under the APL land is very low, due to a number of constraints and highly adverse effects.
268. Policy 5.4.2 of the PWDP protects access to and extraction of mineral resources by identifying lawfully established extractive industries in Aggregate Resource Area and Coal Mining Area on the planning maps. The focus is on protecting lawfully established extractive industries. I note that the area was previously identified in the Operative WDP as being within the Coal Mine Policy Area, but the PWDP maps do not identify it as such anymore. Regardless, land use consent would be required as a discretionary activity (Rule 22.1.5 Activity) to establish an extractive industry, and this would be assessed against the requirement in Policy 5.4.2 that adverse effects are avoided, remedied or mitigated.
269. Although the land is identified as being within the Coal Mine Policy area of the Operative WDP it is no longer identified as such in the PWDP, further more resource consent would be required as a discretionary activity. There is no evidence to suggest that the minerals are significant enough to preclude rezoning the land.

Open Space

270. The open space identified within the Ohinewai Structure Plan would have an underlying residential zone but would be created at the time of subdivision. Further information was sought from APL to understand the intention for open space ownership and management. APL provided a clarification memo from Bloxam Burnett and Olliver dated 21 February (Appendix 5) confirming that it will remain in private ownership and be managed and funded through a society comprised of Sleepyhead Estate landowners. Easements will provide for public access and use of this land. The stormwater treatment and disposal areas within the

open space will need to be controlled by council or Watercare, so will be vested in council once designed.

271. Advice from Joshua Cranshaw, Reserve Planner at the council (Appendix 12) confirms that APL's approach is agreed in principle conditional upon the fact that the position of staff may change if new information regarding the proposal becomes available.
272. I note that the OLL proposal is adjacent to the Ohinewai Reserve and future development could provide opportunities to enhance access to this reserve, which is currently limited. However, further investigation would occur at the time of structure planning when rezoning is sought. Similarly additional public open space land that is identified in the OLL proposal is only a concept and would need to be worked through at the time of rezoning, including whether the Council would accept it.

Air discharges

273. I have considered whether Ohinewai and the APL land is a suitable location for an industrial zone from an air discharges perspective, in response to further submitters' concerns about air pollution [FS1207 and FS1145], although I acknowledge that this is a Regional Council function and responsibility.
274. Ohinewai is not within a polluted airshed, and the National Environmental Standards for Air Quality are unlikely to preclude future discharges. In that respect I expect that air discharges from industrial activities would be consentable under the Waikato Regional Plan, with the appropriate mitigation in place. However, I do note that the combined air discharge effects of potential industrial uses on nearby sensitive receptors has not been assessed to date.

Hazardous substances

275. I have also considered whether Ohinewai and the APL land is a suitable location for an industrial zone from a hazardous substances perspective. APL has provided me with the draft report for a discretionary hazardous substances consent required for Stage 1 of the Sleepyhead factory. This has assessed the effects on the environment, health and safety of workers and surrounding sensitive land uses as able to be adequately mitigated through appropriate separation distances and site management measures, as well as adhering to other legislative requirements for hazardous facilities.
276. The hazardous substance report identifies the high sensitivity of the Lake Waikare and Whangamarino wetland catchment to discharges from the site. In this case, the factory is designed with secondary containment so that spills are prevented from entering the receiving environment. It is understood that any hazardous substances spills would be removed offsite by a disposal company.
277. Overall, I consider that additional information provided by APL demonstrates that adverse effects from hazardous substances in this location can be managed through the resource consent process under the current plan provisions. However, this does depend upon the hazardous substances rules retaining a discretionary activity classification for any new hazardous facilities.
278. I am aware that the hazardous substance provisions in the PWDP are subject to change, as the Hearings Panel has directed council staff provide further information on what provisions are required in the district plan. I therefore have some residual concerns on this issue.

High Class Soils

279. PWDP seeks protection of High Class Soils for productive rural activities, Objective 5.1.1 and Policy 5.2.2.

280. The land is identified as Class III and the low lying parts of the site are Class II on the Land Use Classification maps. High Class Soils are defined in the PWDP as:

'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'.

281. APL advise (email dated 11 March 2020 – Appendix 5) that the soils are Class IIw2, 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 and therefore soils are not considered to meet the definition of High Class Soils.

5.3.18 Statutory Assessment

282. The following assessment considers the rezoning requests against the policy framework discussed in section 4 above.

NPS for urban development capacity

283. APL provides an assessment of their proposal against the NPS-UDC in section 9.3 of the APL s32AA Report. This assessment identifies that as the district is identified as a high growth urban area, when considering the required 15-20% additional capacity required, that there is a shortfall in capacity in the short, medium and long term. APL considers Ohinewai to be well-placed to help meet this shortfall due to its proximity to Huntly and rather than directing all demand to Te Kauwhata which has a surplus of housing supply.
284. I acknowledge that the WRPS has not been updated to fully take into account the NPS-UDC, which came into effect after the WRPS was made operative in 2016. At this stage only minimum density targets have been included in the WRPS in response to the NPS-UDC. However, in my view the WRPS adequately provides for alternative land release to be considered in order to address such concerns.
285. The matters to be considered when approving rezoning do not simply rely on capacity at all costs. As discussed above in section 4.1, the NPS-UDC requires urban development to be feasible and to provide for the social, economic, cultural and economic wellbeing of people and communities and future generations. My earlier analysis identifies a number of concerns regarding feasibility in terms of demand and affordability of residential, uncertainty of infrastructure, and the adverse environmental and social effects of creating a car-based town.
286. I discuss the development capacity assessments above in section 5.3.2 and I do not consider there to be a short fall that warrants the residential rezoning sought by APL. Sufficient residential development capacity exists within Huntly and Te Kauwhata, each approximately 10 km away from Ohinewai, to meet the housing demands of employees in the proposed Industrial zone.

Waikato Regional Policy Statement

287. I have some concerns in relation to Objective 3.12(d), which seeks to ensure that sufficient water infrastructure is available to support planned growth. There is currently no water infrastructure available to support rezoning at Ohinewai. I acknowledge that the APL proposal is a response to 'changing land use pressures outside the Waikato region', which is anticipated by Objective 3.12(h). However, as discussed above there is significant uncertainty at this time that sufficient water infrastructure will be available to support the zoning in the short to medium term.

Waikato River – Vision and Strategy

288. APL's assessment of the vision and strategy for the Waikato River in section 10.1 of the s32AA Report identifies a number of strategies to meet the objectives, and identifies that the proposed rezoning supports and assists the objectives in the following ways:
- Reduction in nutrient runoff by retiring existing farm land use will avoid further degradation of the receiving environment;
 - Stormwater management framework, open space and ecological enhancement opportunities will restore and protect the health and wellbeing of the receiving environment;
 - Ongoing engagement with Mana Whenua provides for the exercise of mana Whakahaere and partnership opportunities in restoration and enhancement opportunities;
 - Integration of proposed development with the works programme outlined in the Lake Waikare and Whangamarino Wetland Catchment Management Plan can provide for whole of catchment improvements.
289. Proposed stormwater discharges to the Waikato River from the APL proposal are indirect only. Following on-site treatment, stormwater is proposed to discharge to Lake Rotokawau. This flows to Lake Waikare, which discharges to Whangamarino wetlands, which in turn discharges into the Waikato River.
290. There is insufficient information on the staging of development as discussed above to understand how the APL proposal would align with the Lake Waikare and Whangamarino Catchment Management Plan, although it is acknowledged that this should be achievable.
291. The discharge of treated wastewater from the APL proposal to the Waikato River is one of the wastewater options that is under consideration, along with others that do not require direct discharge to the Waikato River, but could require discharge to Lake Rotokawau or to land within the Waikato River catchment.
292. A CVA has not been prepared by iwi yet that considers the cultural effects of this wastewater option and the ability for the proposal restore and/or protect the relationships of iwi with the Waikato River. Accordingly, I do not consider that the APL proposal adequately addresses the requirements of the Waikato River – Vision and Strategy.

Development Principles

293. The APL proposal has undertaken an assessment against the development principles in Section 6A of the WRPS in section 10.2 of the s32AA report, and as such has had regard to them. In summary, APL indicate that their proposal has a high level of consistency with the development principles.
294. The OLL s32AA Report does not include an assessment against the development principles because rezoning is not sought.
295. The APL and OLL proposals will result in significant change to the existing Ohinewai Village, introducing a new built environment of an urban nature. When considered together all the submissions will have cumulative effects, including opening up potential for expansion in the future.
296. I have assessed the APL proposal against the development principles (Appendix 15) and I do not consider it to be consistent for the following reasons:
- It creates a new urban area that is not serviced by infrastructure, including a heavy reliance on Huntly for its key services such as supermarket, doctors, high school, additional employment resulting in a car-based community that is inconsistent with the concept of a compact urban form;

- Although it is anticipated that the mid-Waikato servicing study will conclude that the development can be serviced by water and wastewater in the long term, the study is yet to be completed and any solution is likely 5-10 years away. Furthermore, servicing infrastructure is yet to be identified in the LTP, so that development contributions can be levied.
- Insufficient information has been provided by APL to demonstrate infrastructure upgrades will be implemented, in particular relating to the staging of development and timing of infrastructure upgrades to manage actual and potential effects.
- Insufficient information has been provided to demonstrate how effects from industrial activities on the existing residents along Lumsden Road will be avoided, remedied or mitigated. Provisions requiring landscape buffers will address visual effects on nearby residents, but effects of increased traffic, change of character, future industrial discharges, noise have not been addressed.
- Stantec have raised concern regarding the effects of three waters not being considered in an integrated manner. Future development will have requirements for water takes, discharges of stormwater to lakes, and discharges of wastewater to land or water. Whilst these all require regional consents at the time of development, it is important to recognise the sensitivity of the receiving environment and constraints associated with flooding.
- I also do not consider the effects of traffic to have been adequately addressed, particularly with the need for increased short trips on the Waikato Expressway associated with daily activities to support households.

297. I therefore do not consider the APL proposal to have given sufficient regard to the development principles. Of particular concern is the establishment of a new urban area that lacks integration with the existing Ohinewai Village, will be heavily reliant on car-based travel resulting in transport and social effects, and lacks adequate water and wastewater servicing.

298. I accept that the APL documentation generally covers the information requirements identified in 6.1.8 of the WRPS. However, insufficient justification has been provided as highlighted in the peer review assessments in relation to infrastructure provision, social effects, economic effects and how tangata whenua values will be recognised and provided for. Key information that is not provided includes staging and trigger requirements, as well as the location, type, scale, funding and staging of infrastructure required to service the area.

Infrastructure and Growth

299. APL's assessment against Policy 6.3 states that rezoning has accounted for the coordinated provision of transport infrastructure, water supply and wastewater. Only minor upgrades are required to existing transport infrastructure and as development progresses, coordination with the relevant agencies will ensure adoption of an integrated approach.

300. In terms of water and wastewater a coordinated approach is required given the potential for a sub-regional servicing option. However, a series of package plants could be developed as private wastewater infrastructure as the development is implemented. APL consider there to be interim options for water and wastewater servicing to enable development on site to progress in a staged manner.

301. The APL proposal is not within an identified growth area and as such there is no infrastructure planned to service it. While this is acknowledged by APL, I have significant concerns as to whether the infrastructure required to service the APL proposal can be appropriately coordinated in accordance with Policy 6.3(a).

302. In addition, I do not consider the APL proposal to give effect to Policy 6.3(e) whereby new infrastructure provided by the private sector will not compromise the function of existing or planned infrastructure. These issues are discussed in further detail in section 5.3.12 above in

response to the Stantec Three Waters peer review. Of particular concern is the fact that APL could be fully developed before sub-regional water and wastewater servicing is in place, and their preference to continue to be self-reliant if they have had to invest in private infrastructure.

303. No information is provided regarding the funding and implementation of infrastructure, and no plan provisions are proposed to manage the staging and timing of development to align with the provision of infrastructure. Therefore I do not consider the APL proposal to give effect to Policy 6.3.

Future Proof and Alternative Land Release

304. The WRPS implements the Future Proof settlement pattern as discussed above in regards to Objectives 3.12 and Policies 6.14 to 6.17 as well as Objective 3.27 and Policy 6.15. Ohinewai is not identified as a growth area in Future Proof, nor is it identified in the Waikato Growth Strategy.

305. APL has assessed their proposal against the relevant WRPS policies and considers it to meet the criteria for alternative land release for the following reasons:

- Provides an opportunity to catalyse the development of a centralised treatment plant that is required to upgrade existing treatment plants and will cater for future growth in the area;
- Alternative feasible options are available for wastewater needs via a series of package plants that could be developed as private wastewater infrastructure
- The existing Ohinewai Interchange which is currently undertutilized can accommodate traffic from the proposal (provided upgrades are undertaken at certain stages of development)
- Industrial development is an unanticipated requirement for land that exceeds allocation for the Huntly Strategic Industrial Node.
- Proposal is consistent with the development principles in Section 6A with the exception of promoting greenfield development outside an identified urban limit and industrial node.

306. In terms of the criteria for alternative land release I have considered whether the Industrial component will give effect to the criteria for alternative land release. In terms of the Residential component I have considered whether it is consistent with the criteria, but focus my assessment on the Future Proof development principles as required by Policy 6.14(g).

307. Infrastructure servicing, particularly water and wastewater have been identified as a significant concern above in section 5.3.13. I acknowledge the issue of infrastructure servicing and funding can be somewhat of a chicken and egg scenario, in other words the rezoning would support the identification of appropriate servicing and funding.

308. However, while there is a study underway by Watercare and the Council on a centralised wastewater and water treatment plant to address requirements of Huntly, Te Kauwhata, and Meremere, there is not committed infrastructure investment for this as of yet. There is some funding identified for upgrade of the Te Kauwhata wastewater treatment plan to service the Lakeside subdivision, and funding identified for upgrades at Huntly, but there is no committed investment for water or wastewater upgrades that would facilitate development as proposed by APL. I do not consider the opportunity to catalyse the development of a centralised treatment plant to be a relevant consideration.

309. APL indicate that if significant sums are spent on stand-alone options (i.e. wastewater package plants) then the company's preference would be to continue to be self-reliant provided that appropriate environmental outcomes can be achieved. Given the timing of a centralised

treatment plant is identified to be 5-10 years away, and the APL proposal indicates full development within 10 years, there is a significant risk that the site would not connect to a centralised plant and that development contributions could not be sought to fund it.

310. Further information provided by APL in response to queries on the options for water and wastewater servicing has indicated that they plan to rely on capacity identified within the Huntly municipal water and wastewater treatment plants. This approach is directly contrary to the criteria for alternative land release that requires development to maintain or enhance the safe and efficient function of existing or planned infrastructure. Utilising existing capacity at Huntly for a new greenfield residential area will take away the capacity for identified growth areas, which would be inconsistent with criterion (a).
311. I understand that at least in the early stages of development, the water and wastewater servicing requirements for the Industrial zone could be appropriately achieved on-site. Subject to further information regarding staging I consider the Industrial zone to give effect to criterion (a).
312. The APL proposal would establish a new strategic industrial node larger than Huntly. However, I consider sufficient planning, economic and infrastructural/servicing evidence has been provided to support the proposed location for industrial activity, including the lack of suitable sites for the relocation of the Sleepyhead factory, and the locational attributes of Ohinewai to support a strategic industrial node. Therefore, the industrial component of the APL proposal would give effect to criterion (b). This criterion is not relevant to the residential component.
313. I accept the assessment of APL regarding criterion (c) in relation to the Industrial component being an unanticipated requirement for land. However, I do not consider this to be relevant to the Residential component as discussed above in 5.3.2.
314. As previously discussed above I do not consider the effects of the Residential component to be consistent with the development principles. However, I do consider the Industrial component to be consistent with the development principles because the relocation of the Sleepyhead factory is an unanticipated demand that cannot be met by existing strategic industrial nodes. Therefore the industrial component gives effect to criterion (d) but the residential component would be inconsistent.
315. The APL proposal for industry zoning is also considered to give effect to Policy 6.14(e) because, although it is outside an identified industrial node, development is not expected to undermine the role of other strategic industrial nodes as discussed in section 5.3.2 above.
316. In terms of Policy 6.14(g) and the requirement to be consistent with the Future Proof principles, the APL appears to rely on the view that the Future Proof settlement pattern is out of date. APL highlight that Future Proof allows for 20% of growth to occur outside urban limits, which the Ohinewai Structure Plan would contribute to.
317. I acknowledge that the Future Proof settlement pattern is undergoing review as part of a Phase 2 update, which will address the NPS-UDC requirements including responding to demand identified through assessment of development capacity. However, both the WRPS and Future Proof recognise and provide for alternative land use patterns and I therefore do not consider the principles of the Future Proof land use pattern to be out of date.
318. The key Future Proof principles are discussed above in section 4.6.1 and I do not consider the APL proposal to be consistent with these for the following reasons, and I therefore do not consider the Residential component to give effect to Policy 6.14(g):
- Commercial development would not be located in selected sub-regional areas with potentially significant adverse economic effects on the Huntly town centre.
 - Residential growth in a new greenfield area that is not adjacent to an existing settlement creating a new town.

- The site is not serviced and insufficient information has been provided to demonstrate that staging of development could be aligned with necessary infrastructure upgrades to support growth and ensure affordable and sustainable infrastructure.
319. I accept that the Industrial component is unanticipated and the proposed development, specially the Sleepyhead factory, cannot be easily located elsewhere in the district. The locational attributes of the site make it an appropriate location for industrial development, including the existing Ohinewai Interchange.
320. In addition to the growth pressures previously identified by Future Proof around Hamilton, Waikato is also experiencing significant demand for growth in the north due to its proximity to Auckland. The Hamilton to Auckland Corridor has been identified as strategically important for housing and employment growth under the Governments Growth Agenda. Spatially planning is underway through the Waikato Metro Spatial Plan and the River Communities Spatial Plan to address future growth demands. This spatial planning will inform the Future Development Strategy to meet the requirements of the NPS-UDC. I understand from discussions with WDC staff that the River Communities Spatial Plan includes Ohinewai and is generally reflected in the Waikato 2070.
321. Both APL and OLL refer to the Ohinewai Blueprint, Waikato 2070, and the Hamilton to Auckland Corridor, which identify the opportunity for urban growth at Ohinewai. However, while I accept that this signals a move toward urbanisation at Ohinewai I do not consider they are progressed sufficiently to determine whether rezoning at Ohinewai is appropriate now.
322. The AEE for OLL identifies the relevant WRPS policies and acknowledges the alternative land release criteria but does not consider them to be relevant because the proposal does not seek rezoning at this stage. I disagree with this approach because to include the OLL proposal within the Ohinewai Structure Plan would identify a new growth area that, like APL, is inconsistent with the agreed settlement pattern.

Commercial development

323. The APL assessment of Policy 6.16 focuses on the requirements for new commercial centres (g), considers the recommended plan provisions will ensure that the proposed commercial activities will not undermine the role and function of the Huntly and Te Kauwhata commercial centres. As discussed previously, the plan provisions limit the GFA of retail activities (including a grocery store) and offices, but there is no limit on the DFO retail activity other than the requirement for discounting merchandise.
324. As discussed above in section 4.2.3, I consider the relevant criteria for considering a new commercial centre at Ohinewai to be (a) and (b) requiring that development supports the vitality and viability of existing centres.
325. I have concerns around whether the proposed Business zone will negatively impact existing commercial centres protected by the WRPS, in particular Huntly and Te Kauwhata. As raised by Mr Kemp's peer review, the effects of the DFO retail activity will have potentially significant adverse effects on the vitality and viability of Huntly. I therefore do not consider the proposed Business zone and associated planning provisions to give effect to WRPS Policy 6.16.

Future Proof Strategy

326. The Future Proof Strategy and the settlement pattern is a key method of achieving the policy directives of the WRPS to ensure that growth is planned and coordinated with infrastructure.
327. I acknowledge that the both the strategy and the WRPS provide for alternative land release where it aligns with the principles of Future Proof. Whilst I acknowledge that there is a shift in the strategic planning approach in the sub-region, as discussed above, the investigations are yet to be completed and I do not consider it appropriate to pre-empt these investigations.

328. The Future Proof Implementation Committee [FS/398] made a further submission supporting the industrial component of APL's proposal because it would provide employment opportunities and skills training for the district. However, further evidence was sought to better understand how the proposal aligns with the Future Proof Strategy and the WRPS, and the impacts of proposed development. The further submitter does not support the residential component of the APL proposal because they are of the view that it is contrary to the Future Proof Strategy principles and the WRPS. In particular the further submitter raises concerns regarding the potential to undermine the growth and regeneration of Huntly.
329. Additional information submitted by APL addresses Future Proof and the WRPS. As discussed above in relation to the WRPS, I consider the industrial component to be consistent with Future Proof but not the establishment of a new urban growth area (specifically the residential and business components).

Iwi Management Plans

330. The proposals are required to be assessed against the Waikato-Tainui Environmental Plan – Tai Tumu, Tari Pari, Tai Ao. Both APL14 and OLL15 have provided a high-level assessment of their proposals against the Waikato-Tainui Environmental Management Plan.
331. APL's assessment focuses on Section D. However, I note that in Section C, Chapter 15 (Natural Heritage and Biosecurity) and Chapter 17 (Natural Hazards) are also relevant. In respect of Chapter 15, the nature of any planting and any management plans for pekapeka/long tailed bats and fish would be expected to be one of the matters for collaboration with the Tangata Whenua Governance Group set up by APL. In respect of Chapter 17, APL's proposal is generally designed to work within the existing natural hazard constraints applying to the area and risk management measures are also required to be put in place.
332. I consider the APL and OLL proposals to have had regard to the relevant iwi management plan, subject to the provision of a Cultural Values Assessment. I note that Waikato-Tainui are a further submitter [FS/108.108] opposing the APL proposal. APL advise that consultation with tangata whenua through the Tangata Whenua Governance Group provides ongoing engagement to work through issues. I consider this issue needs review once the Cultural Values Assessment is made available, which I understand will be with APL's evidence.

Waikato Regional Land Transport Plan

333. The new urban area at Ohinewai Village, as proposed by APL and OLL, will be largely car-based due to a lack of services, and will introduce a large number of short trips on the strategic transport network because there is no alternative local road network. Ohinewai is only connected to Huntly via the Waikato Expressway. The strategic transport network is not intended for short local trips such as the one from Ohinewai to Huntly. Therefore I do not consider the APL proposal to be consistent with the Waikato Regional Land Transport Plan.

5.3.19 Assessment against Part 2 of the Act

334. The APL s32AA Report provides an assessment against Part 2 of the Act in section 13. The relevant matters are identified. In summary, APL indicates the following:
- Engagement with Waikato-Tainui has identified initiatives and measures that recognise and provide for relationship of Māori with their ancestral land, water and other taonga (Section 6(e)); provide for the involvement of kaitiaki in the identification of cultural indicators, and development plans that will enable the tangible and meaningful excesses of kaitiakitanga (Section 7(a)); and the ongoing robust relationships signified by mutual

¹⁴ APL Section 32AA and AEE Report, section 12.1.

¹⁵ OLL Section 32AA Planning Report, section 5.2.5.

respect and active Māori involvement are consistent with the Treaty of Waitangi Principles (Section 8).

- The proposal recognises and provides for the preservation of the natural character of the adjacent wetlands and lakes and their margins (s6(a)).
 - Open space zoning proposed will create a buffer to the outstanding natural feature and significant indigenous vegetation along the margin of Lake Rotokawau ensuring these areas are protected from inappropriate subdivision, use and development (s6(b) and (c)).
 - The proposal provides an opportunity for greater iwi and public access to Lake Rotokawau (s6(d)).
 - The proposal will not increase flooding risks and residual flooding risks can be effectively managed, including flood levels associated with climate change, and will not increase risks from natural hazards (s6(h) and 7(i)).
 - Retiring land from dairy farming reflects a commitment to not only stewardship but betterment as contemplated by the Vision and Strategy (s7(a) and (aa)).
 - A very significant range of economic and social benefits would be delivered by the proposal representing efficient use and development of the site (s7(b)).
 - Amenity values will be preserved via visual mitigation measures including the use of landscaping, building setbacks, as well as restoration and wetland planting (s7(c) and (f)).
 - Existing environmental quality and diversity is low therefore the proposal is either neutral or positive in terms of ecosystem values (s7(d)).
335. APL conclude that if it is necessary to consider Part 2 then applying an overall broad judgement the proposed rezoning promotes the sustainable management of the natural and physical resource at Ohinewai and is consistent with or does not contravene any of the matters in ss6-8.
336. I consider Part 2 to be relevant for the consideration of the APL proposal because concerns are raised about whether the WRPS is out of date, and a change the PWDP is required to give effect to both the WRPS and the NPS-UDC. Therefore Part 2 can provide the overall broad judgement as identified by APL.
337. I concur with the with some of APL's assessment against the principles of Part 2 outlined above with the exception of the following:
- The principles of sections 6(e), 7(a) and 8 have been fully addressed because a CVA is yet to be completed. As discussed previously the initial CVA assessment will be addressed in the evidence of APL but the CVA is not anticipated to be completed until May 2020 nearer to the hearing.
 - I understand that increased risk from flooding is likely to be managed, but fully understanding this issue is subject to reviewed the Tonkin and Taylor peer review of the Ohinewai Flood Model. It is likely that the proposal recognises and provides for the management of significant risks from natural hazards in accordance with section 6(h), as well as particular regard to the effects of climate change in accordance with section 7(i).

- Assessment of the proposal has identified a range of economic and social costs that indicate that implementation of the Ohinewai Structure Plan, specifically residential and business components, does not represent efficient use and development of the site. Therefore, I do not consider the proposed Residential and Business zones to have had particular regard to section 7(b) efficient use and development. However, I do consider that the industrial component to meet section 7(b).

338. I consider Part 2 to be relevant for the consideration of the APL proposal because concerns are raised about whether the WRPS is out of date, and a change the PWDP is required to give effect to both the WRPS and the NPS-UDC. Therefore Part 2 can provide the overall broad judgement as identified by APL.
339. I do not consider the residential and business components of the APL proposal to achieve the purpose of sustainable management as required by section 5 of the Act because the adverse effects would not be adequately avoided, remedied or mitigated including significant economic and social effects due to its proximity to and reliance on Huntly. However, the industrial component of the APL proposal would achieve the purpose of sustainable management because it responds to an unanticipated demand for industrial land and will provide significant employment within the district which enables the community to provide for their social, economic, and cultural well-being.
340. The OLL s32AA Report provides an assessment against Part 2 of the Act. Rezoning is not sought but the assessment indicates that the proposed plan provisions will ensure the option for future expansion of Ohinewai is clearly signalled so that landowners, the community and infrastructure providers are aware of, and can plan for, that potential eventuality and respond to it.

5.3.20 Summary

341. I do not support the Business and Residential zones or the inclusion of the Ohinewai Structure Plan sought by the APL submission because the proposal establishes a new urban area that is not adjacent to an existing urban area and does not integrate with the existing Ohinewai village.
342. A Business zone in this location is not consistent with the policy framework of the PWDP, as it does not support a Business Town Centre, and therefore the types of activities that could locate within the zone have the potential to detract from existing centres. This is supported by the peer review of Mr Kemp, which indicates that the proposed DFO would have a potentially significant economic effect on Huntly.
343. The proposed settlement cannot be a 'self contained' settlement, it lacks size/critical mass to be a fully functioning 'town' and as such it poses significant social and transport issues. APL proposes a population of 2,500 - 3,000 people potentially which is a large settlement in the context of the district.
344. There is insufficient planning justification for establishing a Residential zone at Ohinewai, and to do so would not meet the principles of Future Proof or the development principles of the WRPS. The proposal will likely result in demands for the substantial expenditure of public funds on infrastructure, when those funds would be more efficiently used elsewhere, supporting more growth and wider outcomes, overall, such as addressing Huntly's infrastructure needs.
345. I also do not support the OLL submission for the same reasons and because the relief sought cannot be met if the APL is not supported.
346. I do however support the Industrial zone sought by the APL submission, including the site of the Sleepyhead factory, because of the scarce supply of large sites with suitable locational attributes to support industry (including proximity to an existing highway interchange and

potential rail siding). The economic benefits of the proposed Industry zone are significant to the district, providing employment that could be served by nearby towns.

347. I consider potential adverse effects on the environment from development of the Industry zone could be adequately mitigated if appropriate provisions/matters for discretion were added into the PWDP. In terms of water and wastewater servicing, I consider this to be more easily addressed on site because it would have limited demand compared to the wider Structure Plan proposal.
348. Overall urban development proposed by APL has been demonstrated to be technically feasible, though subject to multiple constraints. The biggest constraints are certainty that there is interim water and wastewater servicing options available until such time as a municipal service is available as well as risks associated with long term solutions which will not be available for 5-10 years.
349. The APL proposal seeks to largely rely on the existing PWDP zones and provisions, but, a limited number of structure plan specific rules are proposed throughout the zoning and District Wide provisions, for landscaping, setbacks, retail GFA restrictions, and road cross sections.
350. Notwithstanding APL's approach to utilise existing plan provisions with few modifications, I consider that opportunities for growth at Ohinewai would be best addressed with a comprehensive structure plan to determine the extent of the new urban area, the zones that would apply, the infrastructure required to support the area, and potentially a specific set of plan provisions to support the desired outcomes of a new town.
351. If the panel is minded to accept the APL proposal, revisions and additions would be needed to the proposed plan provisions to address the issues raised throughout the report. I understand that APL will address many of these issues in their evidence and will provide an updated set of plan provisions. Potentially a new section in the PWDP would be a better method, like those for Lakeside and Rangitahi, rather than amendments to standard zones.
352. I do not support the Planning Focus Ltd submission to rezone land on the western side of State Highway One due to unmitigated transport effects, effects on the existing country living environment, and potential effects resulting from proximity to the Waikato River which have not been adequately addressed. Insufficient information has been provided on other constraints applying to the land such as flooding.

5.4 Recommendations

353. For the reasons above I recommend:
- Accept in part the APL submission [764.1] to the extent that it seeks industrial rezoning of land on the eastern side of Lumsden Road and amendments to the district plan as necessary to support that relief.
 - Reject the APL submissions [764.2-6]
 - Includes the plan provisions introduced through further submission [FS1224] and Appendix D to s32AA and AEE report.
 - Reject the OLL submission [428.1]
 - Accept in part the Planning Focus Ltd submission [383.1] to the extent that it seeks industrial rezoning of the eastern side of Lumsden Road.

5.5 Recommended amendments

354. An amendment to the PWDP maps to zone the land shown on the figure in Appendix 13 is recommended. Although the proposed Industrial zone could rely largely on the existing

provisions of the PWDP, I consider additional plan provisions are required to address the following matters as discussed in section 5.3 above:

- Landscaping
- Building setbacks
- Height
- Daylight admission
- Evaluation plan
- Geotechnical design requirements
- Bat Management Plan
- Low impact stormwater design
- Staging and timing of transport upgrades
- Cross sections for industrial roads.

355. I recommend that APL prepare the plan provisions to the issues raised above.

356. Should the Hearings Panel decide to accept the submissions, I have identified additional planning provisions that would also need to be developed to manage effects across the Ohinewai Structure Plan area throughout the sections above.

5.6 Section 32AA evaluation

357. I rely on the s32AA evaluation prepared by APL in support of the proposed Industrial zone at Lumsden Road. However, I provide some further evaluation in accordance with s32AA to support my recommendation to rezone land Industrial zone.

358. I do not recommend any amendments to the plan provisions because I am relying on APL to develop an appropriate set of provisions for consideration as discussed above. Accordingly, no s32AA evaluation is required in relation to the plan provisions.

359. Objective 4.1.2 and Policy 4.1.3 of the PWDP seek to consolidate growth around existing towns and villages where infrastructure and services can be efficiently and economically provided, and to locate urban growth areas only where they are consistent with the Future Proof Strategy.

360. I note that both APL and OLL included a s32AA evaluation in support of their proposed zones and plan provisions. I have reviewed these assessments and generally do not consider that the proposals are the most appropriate methods for achieving the objectives of the PWDP and therefore the purpose of the Act.

5.7 Other reasonably-practicable options

361. The reasonable options I considered were to retain the Rural zone (as notified) or the Industry zone (as proposed). I note that the APL s32AA does consider these two options.

5.8 Effectiveness and efficiency

362. The recommended amendments to give effect to Policy 6.14(c), (f) and (g) for alternative land release and timing for industry development.

363. I consider the proposed provisions of the Industry zone, subject to the development of appropriate plan provisions discussed above, to be the most effective and efficient method of managing potential adverse effects on the environment.

5.9 Costs and Benefits

364. Industrial zoning along Lumsden Road would change the rural character significantly and will have adverse effects on the amenity of existing residents. Further submitters on Lumsden

Road [R & S Marsh FSI402.1; B Holmes FSI403.1; S Stow FSI405.1; D & R Holmes FSI406.1], do not support the proposal due to concerns about effects on rural lifestyles and amenities, and insufficient information to understand noise, traffic, water and wastewater. These effects would be mitigated to some extent by the requirement for landscaping that would screen industrial activities, as well as road setbacks. It is anticipated that plan provisions will be identified to trigger the upgrade to Tahuna Road and additional traffic would be experienced. These sites are already significantly impacted by the NIMT and State Highway One.

365. The social and economic benefits of the industrial zoning proposed has been identified as significant by the economic experts. Providing zoned land for large scale industrial activities (including the Sleepyhead factory) to locate in the district will provide significant employment opportunities with approximately 2,000 additional jobs. I rely on the peer review by Mr Kemp, whereby he indicates that the benefits from the proposed industrial land uses will still stand without the residential and business components.
366. Although the land is currently unserviced, it is anticipated that the scale of development could be managed on-site in the short-term until public reticulated system becomes available in 5-10 years. Regional consents would be required for water, wastewater and stormwater enabling effects to be adequately avoided, remedied or mitigated. The s42A Report for the Industry zone has included a subdivision provision requiring sites to be serviced, so this issue would be addressed as part of any future subdivision.

5.10 Risk of acting or not acting

367. The risk of not enabling the industrial zoning at Lumsden Road is that there is no alternative site suitable for the large-scale operations of the Sleepyhead factory, and the shortfall of industrial land needs in the future will not be addressed.
368. However, it is acknowledged that there is significant planning underway in the Hamilton to Auckland Corridor that is anticipated to address opportunities for urbanisation at Ohinewai. Industrial zoning could wait for this work to be completed; however, it is expected that the outcome will be unchanged.

5.11 Decision about most appropriate option

369. For the reasons above, the rezoning to Industrial is considered the most appropriate way to achieve the objectives of the PWDP including Objective 4.6.1 to support and strengthen economic growth in the district's industry zones, and Policy 4.6.3 to maintain a sufficient supply of industrial land to meet foreseeable future demands, and therefore the purpose of the Act.

6 Country Living rezonings

6.1 Introduction

370. This section relates to submissions seeking to rezone land at Ohinewai from Rural to Country Living to the west of State Highway One.

6.2 Submissions

371. Two original submissions were made, with 27 further submissions received from 20 further submitters. There was a mixture of support and opposition. Reasons for support included:
- Community desire for more rural-residential sections
 - Consistency of zoning with zoning of surrounding land
 - Rezoning would support the APL proposal and the overall development of Ohinewai as a mixed use village.
372. Reasons for opposition included:
- Strategically inappropriate / inconsistent with Future Proof and the WRPS

- Increased traffic and noise
- Flood hazards risk
- Sterilisation of mineral rights held by Ralph Estates for the underlying land [FS1396].

373. The submissions are summarised in the table below:

Submission point	Submitter	Decision requested
738.1	Shand Properties	Amend the zoning of approximately 61ha of land adjacent to Ohinewai North Road, as depicted in Appendix A of the submission, from Rural Zone to Country Living Zone.
FS 1387.823	Mercury NZ Limited	Oppose
FS 1398.8	Future Proof Implementation Committee	Oppose
FS 1395.3	C Maher	Support
FS 1293.44	Department of Conservation	Oppose
FS 1277.106	Waikato Regional Council	Oppose
FS 1224.11	Ambury Properties Limited	Support
FS 1207.9	Ohinewai Area Committee	Support
FS 1145.5	Ohinewai Area Committee	Support
FS 1108.45	Waikato-Tainui	Oppose
FS 1331.1	D and T Whyte	Support
FS 1389.3	D and T Whyte	Support
FS 1206.5	Ohinewai Land Limited	Support in part
FS 1349.4	Allen Fabrics Ltd	Support
FS 1139.139	Turangawaewae Trust Board	Oppose
FS 1397.1	Mercury NZ Limited	Oppose
FS 1202.122	NZ Transport Agency	Oppose
863.1	Ribbonwood Family Trust	Amend the zoning of the following properties at Ohinewai from Rural Zone to Country Living Zone bounded by Ohinewai South Road to the west and State Highway 1 (Waikato Expressway) to the east, including 53 Ohinewai South Road Ohinewai. (See map attached to submission).
FS 1277.155	Waikato Regional Council	Oppose
FS 1207.19	Ohinewai Area Committee	Support
FS 1145.8	Ohinewai Area Committee	Support

<i>FS 1179.1</i>	<i>Ribbonwood Family Trust</i>	<i>Support</i>
<i>FS 1331.2</i>	<i>D and T Whyte</i>	<i>Support</i>
<i>FS 1389.4</i>	<i>D and T Whyte</i>	<i>Support</i>
<i>FS 1206.10</i>	<i>Ohinewai Land Limited</i>	<i>Not Stated</i>
<i>FS 1398.9</i>	<i>Future Proof Implementation Committee</i>	<i>Oppose</i>
<i>FS 1391.4</i>	<i>Konini Farms Ltd</i>	<i>Support</i>
<i>FS 1395.12</i>	<i>C Maher</i>	<i>Support</i>
<i>FS 1396.7</i>	<i>The Ralph Estates</i>	<i>Oppose</i>

374. The land the submissions refer to is mapped in Appendix 3 of this report.

6.3 Analysis

375. Shand Properties [738] seeks rezoning of land on the western side of Ohinewai North Road (legal descriptions included in Appendix B to the planning report) from Rural to Country Living zone. The rezoning sought would enable approximately 100 dwellings. The submission includes a number of technical assessments supporting the suitability of the land for Country Living including:

- Planning
- Traffic
- Flooding
- Contaminated Land
- Geotechnical

376. The following provides a summary of the key technical findings:

- A preliminary flooding assessment for the Shand Properties proposal (Appendix D to the submission) considers flooding from both the Waikato River and the local catchment. Significant portions of the site (approximately 40%) are within the 1% AEP floodplain for surface flooding and the site also relies on the Waikato River stopbanks. In a failure or breach 100% of the site will be subject to flooding.
- A preliminary traffic assessment for the Shand Properties proposal (Appendix B to the submission) indicates that traffic from the new dwellings is expected to have imperceptible effects on the roading network and is unlikely to require any road infrastructure upgrades. However, rezoning would result in additional local trips on the Waikato Expressway as residents will need to travel to access employment and services. The transport assessment was peer reviewed by Gray Matter, identifying that upgrades would likely be required, but that overall, adverse transport effects would likely be able to be mitigated.
- Soil contamination is present from rural activities but does not preclude the zoning.
- There is liquefaction potential in a 500 year return period event, and groundwater levels are high. Overall the site is likely to be geotechnically suitable for residential development.

377. Ribbonwood Family Trust's original submission [863] seeks rezoning of sites on Ohinewai South Road to Country Living. The further submission from Ribbonwood Family Trust

[FS1179] amend the original zoning to seek a Residential zone, or alternatively the Country Living zone with an amended subdivision site size of 2,500m² be applied. No technical information was provided for the Ribbonwood Family Trust submission. The land is known to be flood prone and I have concerns about enabling additional houses to locate within a floodplain, especially so close to a major river where velocities could be high.

378. The key effects of a rezoning from Rural to Country Living zone include the additional subdivision enabled (5,000m² lot size compared to one additional lot per 20ha parent site under the PWDP provisions), changes to the dominant nature and character of activities, and (particularly where the rezoning area is of significant size) effects on the wider growth and development policies and strategies. I assess these policies / strategies below.
379. The Shand Properties planning report includes assessment of the proposal against the PWDP policy framework for Country Living, the requirements of the Act, growth strategies and the WRPS. It acknowledges the lack of infrastructure as a constraint to greater density in the Ohinewai village and identifies that mitigation will be required for flooding and geotechnical issues. The planning assessment has regard to the development principles of Section 6A of the WRPS including principles specific to rural-residential development.
380. Proposals for Country Living at Ohinewai would enable the peri-urbanisation of an area that is not considered to be an existing urban area. I do not consider the development principles to provide much guidance to this particular situation, but they do seek that such development be located near employment centres or future public transport routes. Ohinewai is not currently very near either, although it is acknowledged that if the APL proposal is accepted there would be employment nearby.
381. Conversion of Rural land to Country Living or urban zones would decrease non-point discharges from production activities thereby potentially improving the quality of the Waikato River in the long term.
382. Taking into account the above matters, and the fact that any wastewater and stormwater discharges from the proposals are required to obtain regional consent which will involve a detailed assessment, the rezoning proposals for Country Living are not considered to affect the PWDP's consistency with the Vision and Strategy for the Waikato River. Under Country Living zone policy, wastewater and stormwater discharges are to be managed onsite, so no direct discharge to the Waikato River would be anticipated.
383. Proposals for Country Living zones are located within the 1% AEP flood plain. The proposal relies on the stopbanks along the eastern side of the river. Although site works would address surface flooding from the local catchment it is unclear whether the residual risks of the stopbanks breaching could be adequately mitigated. I am therefore concerned that increasing residential intensity in this location would increase the risk to health and safety and impact on existing flooding infrastructure.
384. Policy 6.14(b) of the WRPS states that new residential (including rural-residential) development shall be managed in accordance with Table 6-1. There is some allowance in the table for "Waikato Rural" growth of roughly 2,000 people per 20 year period. This is considered a low growth rate and the allocation is understood to be met by existing zones.¹⁶ I have discussed the submissions with the author of the Country Living s42A report, and they have confirmed no additional Country Living zoned land is needed or desired within the district.
385. Policy 6.17 of the WRPS sets out that rural-residential development is to recognise and respond to pressure for such development. The Country Living land already provided does not appear to have been developed, suggesting that additional Country Living land at Ohinewai

¹⁶ E.g. current Country Living Zone has been calculated to have potential yield of 2,646 lots – Figure 19, page 156 Country Living s42A report

is not required to address development pressures. In light of my earlier recommendation on the APL and OLL proposals, no significant additional pressure is expected in the near future.

386. At district plan level, the overall strategic objective for rural environment (Objective 5.1.1 of the PWDP) is to protect high class soils, productive rural activities, and avoid urban subdivision/use/development. The majority of the sites subject to the submissions for rezoning are of a size where productive activities would be feasible, so the objective supports their continued rural zoning.
387. The Future Proof further submission [FSI 398.8-9] explains why the Country Living rezoning requests are considered to be inconsistent with the Future Proof settlement pattern and the WRPS; in particular being outside the indicative growth limits around town centres and villages on Map 6.2 and being contrary to the requirements of WRPS Policy 6.17. I generally agree with this assessment.
388. The Ohinewai Local Area Blueprint has recently been prepared, and I acknowledge that the proposals are in accordance with the community's wishes set out in the Blueprint. However, this document is not a statutory document that must be considered and accordingly has no weight.
389. In conclusion I consider that the Shand Properties rezoning proposal does not give effect to Policies 6.14 and 6.17 of the WRPS and is inconsistent with the PWDP objectives for the rural zone and the Future Proof settlement pattern. I therefore do not support the rezoning request.
390. In regard to Ribbonwood [863.1], while I agree the zoning pattern in this area looks illogical, I do not support the rezoning for the same strategic reasons referred to above, as well as potential flooding risk that has not been quantified. Consequentially, I also do not support the 2,500m² lot size or Residential zone sought by the further submission.

6.4 Recommendations

391. For the reasons above I recommend:

- Reject Shand Properties [738.1]
- Reject Ribbonwood Family Trust [863.1], including reject the 2,500m² site size or residential zone requested in [FSI 179]

6.5 Recommended amendments

392. No amendments are recommended.

6.6 Section 32AA evaluation

393. As there are no recommended amendments no s32AA evaluation is required to be undertaken.
394. I have considered the s32AA evaluation undertaken in the Planning Report for the Shand Properties proposal. In my opinion it does not sufficiently support the rezoning requested.

7 Miscellaneous

7.1 Introduction

395. This section addresses submissions relating to Ohinewai that do not fit under the above two categories.

7.2 Submissions

396. The following submissions and further submissions were made:

Submission point	Submitter	Decision requested
793.1	Ohinewai Area Committee	Amend the zoning of the properties 10, 12, 14, 16 and 18 Ohinewai North Road, Ohinewai from Business Zone to Residential Zone.
<i>FS 1395.11</i>	<i>Catherine Maher</i>	<i>Support</i>
<i>FS 1391.3</i>	<i>Konini Farms Ltd</i>	<i>Support</i>
<i>FS 1191.12</i>	<i>Shand Properties</i>	<i>Neutral</i>
804.2	PLB Construction	Amend the Proposed Waikato District Plan to explicitly indicate that land to the north of Huntly (in and surrounding the Ohinewai area) possesses suitable qualities for being rezoned to Industrial Zone (e.g. location to SH1 for transport purposes, flat and sparsely populated).
<i>FS 1277.54</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS 1207.16</i>	<i>Ohinewai Area Committee</i>	<i>Oppose</i>
<i>FS 1145.7</i>	<i>Ohinewai Area Committee</i>	<i>Oppose</i>
<i>FS 1191.8</i>	<i>Shand Properties</i>	<i>Support</i>
<i>FS 1108.189</i>	<i>Waikato-Tainui</i>	<i>Oppose</i>
<i>FS 1331.4</i>	<i>D and T Whyte</i>	<i>Oppose</i>
<i>FS 1389.1</i>	<i>D and T Whyte</i>	<i>Oppose</i>
<i>FS 1202.25</i>	<i>NZ Transport Agency</i>	<i>Oppose</i>
804.3	PLB Construction	Add a preamble to Section 4.6 Industrial and Heavy Industrial Zones to refer to rezoning land in the Ohinewai area to Industrial Zone.
<i>FS 1207.17</i>	<i>Ohinewai Area Committee</i>	<i>Oppose</i>
<i>FS 1145.11</i>	<i>Ohinewai Area Committee</i>	<i>Oppose</i>
<i>FS 1202.55</i>	<i>NZ Transport Agency</i>	<i>Oppose</i>
<i>FS 1387.1296</i>	<i>Mercury NZ</i>	<i>Oppose</i>

397. The land the Ohinewai Area Committee submission refers to is mapped in Appendix 3 of this report.

7.3 Analysis

398. Ohinewai Area Committee [793.1] seeks the rezoning of five smaller properties along Ohinewai North Road from Business to Residential in order to reflect their existing use, which has been residential in character and use for decades.

399. The subject land is in a prime location on the main street, and if Ohinewai was to develop in the future into more of an urban centre, this land might be best kept as a business zone. However, this is not consistent with the strategic approach in the WRPS and I am not currently recommending approval of the zone change requests on the eastern side of State

Highway One. Therefore, I agree that the use of these sites is likely to remain residential in the near future.

400. Further submitter Catherine Mayer [FS1398.11] supports the rezoning change to Country Residential to fit with the local area. Shand Properties [FS1191.12] appears to oppose the rezoning on the basis that a more comprehensive review of zoning in Ohinewai should be undertaken.
401. I support the rezoning sought by the Ohinewai Area Committee and consider the Village zone to be consistent with the existing environment as indicated by the further submission. A Village zone is considered to equally support the outcomes sought by the submitter and be consistent with the zoning of other residential sites in the vicinity, as the Village zone generally applies to unserviced residential land.
402. In relation to PLB Construction [804.2] I do not consider any explicit indication of Ohinewai's suitability for industrial zoning is required to be included in the PWDP. Suitability for industrial uses is most appropriately shown by the zoning maps. In relation to [804.3], preambles are not part of the format of chapter 4 and referring to Ohinewai rezoning within this chapter is considered unnecessary.

7.4 Recommendations

403. For the reasons above I recommend:
- Accept in part Ohinewai Area Committee [793.1] – rezone properties, but to Village zone, not Residential.
 - Reject PLB Construction [804.2 and 804.3]

7.5 Recommended amendments

404. The following amendments are recommended:
- Rezone sites at 10, 12, 14, 16 and 18 Ohinewai North Road, Ohinewai to Village Zone as illustrated in Appendix 13.

7.6 Section 32AA evaluation

405. The following points evaluate the recommended change under Section 32AA of the Act.

7.6.1 Other reasonably-practicable options

406. The reasonable options are Business zone (as notified), Residential zone (as requested) or Village zone.
407. I have reviewed the Council's s32 report for business which describes the zone as applying to town centres, retail areas, and areas of commercial activity, none of which apply to the land in question. The s32 report does not specifically mention Ohinewai and therefore it appears that the operative zoning was not re-evaluated as part of the PWDP. The Business zone does not support the existing land use or ongoing residential aspirations of the owners of these sites.
408. The Residential zone reflects the current residential use, and due to the size of the sites would enable some subdivision. However, the subject land is unserviced and therefore does not support the intensity of development enabled by the Residential Zone. I therefore do not consider the Residential zone to be appropriate.

7.6.2 Effectiveness and efficiency

409. The Village zone will enable the continued residential use of the sites, as sought by the submitter, while discouraging any further subdivision of the unserved land. It is the zone which has objectives, policies and rules that most closely match the current use of the sites, as well as the expected future use of the sites. It is therefore considered to be the most effective and efficient option in terms of the objectives of the PWDP.

7.6.3 Costs and benefits

410. There is a potential economic cost whereby the opportunity for businesses to locate within Ohinewai is lost. The rezoning reduces opportunities for economic growth, however any such opportunities are highly dependent upon the current landowners selling. Despite the land currently being zoned Business under the operative plan, no business development has occurred here.

411. There is a potential social and economic benefit to the owners, should they want to undertake various activities on their properties, as they are less likely to require consent under the Village zone rules which are far more suited towards the types of activities that are likely to occur.

412. No particular environmental costs or benefits have been identified.

7.6.4 Risk of acting or not acting

413. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment.

7.6.5 Decision about most appropriate option

414. For the reasons above, the rezoning is considered to be the most appropriate way to achieve the objectives of the PWDP, and therefore the purpose of the Act.

8 Conclusion

415. I have recommended that the submissions of APL and OLL seeking rezoning to business and residential be rejected within the Ohinewai Structure Plan area. I have considered these requests in detail throughout section 5.

416. The major change I have recommended is to rezone land on the eastern side of Lumsden Road from rural to industrial, to provide additional industrial land to meet the needs of the district in the short to medium term. I consider the PWDP Industry zone to be the most appropriate method to achieve the purpose of the Act, subject to the development of area specific plan provisions to mitigate adverse effects.

417. If the panel is minded to accept submissions seeking rezoning, I have made recommendations on the plan provisions throughout section 5 that I consider would be required (in addition to the provisions proposed by the submitters) to address various technical and strategic matters.

418. I have also recommended that submissions seeking to rezone five properties in Ohinewai (10, 12, 14, 16 and 18 Ohinewai North Road) from Business to a residential living zone be accepted, to better reflect their existing and anticipated future use.

419. I consider that the submissions on this topic should be accepted, accepted in part or rejected as set out in **Appendix I** for the reasons set out above.

420. **Appendix 2** contains the zoning map for Ohinewai from the PWDP and **Appendix 3** contains a map showing the land subject to the rezoning submissions.
421. **Appendix 4** contains the planning and technical reports provided by submitters to support their rezoning requests, as directed by the Hearings Panel.
422. **Appendix 5** contains further information received from submitters after the submissions period.
423. **Appendices 6-12** contain peer reviews of the technical reports provided.
424. **Appendix 13** contains recommended changes.
425. **Appendix 14** contains WRPS objectives and policies relevant to my assessment.
426. I consider that the amended provisions (Industrial zoning at eastern side of Lumsden Road; residential zoning at Ohinewai North Road) will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken and included in this report.

