IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission in respect of the Proposed Waikato

District Plan by Ohinewai Land Limited pursuant to

clause 6 of Schedule 1 to the Act

MEMORANDUM OF COUNSEL FOR OHINEWAI LAND LIMITED

Dated 14 August 2019

LACHLAN MULDOWNEY

BARRISTER

May it please the Hearing Panel:

- 1. This memorandum is filed on behalf of Ohinewai Land Ltd (**OLL**), submitter number 428 to the proposed Waikato District Plan (**PDP**).
- At paragraph 3.2 of the memorandum of counsel for Ambury Properties
 Ltd (APL) dated 12 August 2019, it was signalled that OLL would refine
 and clarify the nature of the relief set out in its primary submission which
 is broadly framed. This memorandum addresses that point.
- 3. OLL's primary submission is set out at **Attachment A** to this memorandum. It provides:

The decision I would like is:

The inclusion of a growth area at Ohinewai in accordance with the attached plan.

My reasons for the above are:

The growth area is in close proximity to Huntly (only separated by the Waikato Expressway) and could be connected to Council services. Ohinewai is centrally located between Auckland and Hamilton, and has an existing interchange on the Waikato Expressway. There is already Ohinewai school, and Living, Country Living and Business zoned land on the western side of the Waikato Expressway. Soil types in the area typically limit productive use during winter.

- 4. The plan which is attached to the primary submission identifies a significant area of land extending from Lake Kimihia in the south to Lake Waikare in the north, and from the Waikato River in the west to east of Gill Road. Included within the mapped area is the APL site.
- 5. The OLL primary submission was supplemented by its further submission which is set out at **Attachment B**. The further submission addressed the following original submissions;

- a) Hamilton City Council (support)
- b) Shand Properties Ltd (support in part)
- c) Ambury Properties Ltd (support in part)
- d) Ribbonwood Family Trust (support in part)
- 6. In respect of the APL primary submission seeking the rezoning of the property at 231 Tahuna Road and 52, 56 and 58 Lumsden Road from rural zone to industrial, business and residential zone, the OLL further submission supports the relief in part, and states;

The submission by Ohinewai Land Ltd identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. Factors such as industrial, business and residential demand, development density, natural hazards, transport connectivity and infrastructure servicing (amongst others) should be considered in determining the exact area to be rezoned within the 'Proposed Growth Area'. This should be the subject of a structure planning exercise for the 'Proposed Growth Area' to provide an overarching approach to land use planning in and around Ohinewai. I seek that the location, extent and type of zoning for urban growth at Ohinewai should be determined following structure planning of the entire Proposed Growth Area.

7. OLL wishes to better define the land within its control in the 'Proposed Growth Area' that it is seeking be urbanised. Attachment C to this memorandum is a map showing the areas of land within the 'Proposed Growth Area' which are owned and controlled by OLL which OLL seeks to be included in any structure planning exercise for Ohinewai. The areas outlined in purple are within OLL land holdings, while the area outlined in light blue is land controlled by APL. There is also an area of recreation reserve identified in green.

8. While OLL can signal a preference for residential land use within its land holdings, the exact land use within the 'Proposed Growth Area' will be determined following a structure planning exercise, as stated in the further submission filed by OLL.

9. OLL respectfully suggests that in the round of further public notification of the Ohinewai submissions, that the map currently attached to the OLL primary submission be supplemented with the map at Attachment C to this memorandum noting that it represents "The areas of land owned and controlled by OLL which it seeks be included in the structure planning exercise for Ohinewai".

Dated 14 August 2019

L F Muldowney
Counsel for Ohinewai Land Limited

ATTACHMENT A

OHINEWAI LAND LIMITED'S PRIMARY SUBMISSION



Proposed Waikato District Plan

Submission form

ECM Project: DPRPh5-03
ECM #
Submission #
Customer #
Property #

RMA Form 5

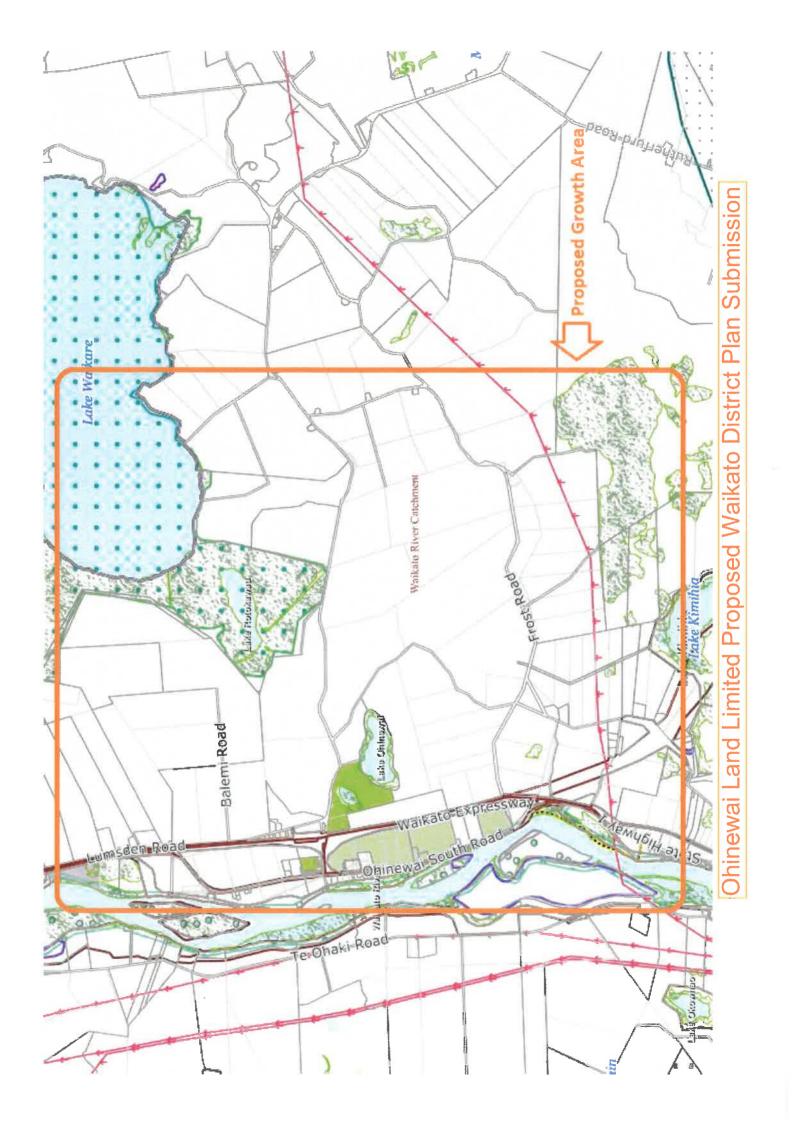
To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

Closing date for submissions: 5pm on Tuesday 9 October 2018

Submitter details: (please note that the (*) are required fields and must be completed) First name*: David Last name*: Peacocke Organisation: N/A On behalf of: Ohinewai Land Limited Postal address*: PO Box 9548 Town/City*: Hamilton Suburb: Postal code*: 3240 Country: Daytime phone: 07 839 7428 Mobile: 027 499 847 Email address:* taupiriholdings@gmail.com Please tick your preferred method of contact* **✓** Email Postal Correspondence to* Submitter Agent **Both** Trade competition and adverse effects:* I could ✓ I could not gain an advantage in trade competition through this submission. Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991. Would you like to present your submission in person at a hearing? ✓ Yes I do NOT wish to speak in support of my submission and ask that this submission be fully considered. If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). ✓ Yes No

Please complete the following for every submission point:							
Provision number (e.g. 22.4.1.2 P2(a)):							
Physical address of the property concerned (if relevant to your submission):							
Do you: Support Oppose Subject to the decision below							
The decision I would like is:							
The inclusion of a growth area at Ohinewai in accordance with the attached plan.							
My reasons for the above are:							
The growth area is in close proximity to Huntly (only separated by the Waikato							
Expressway) and could be connected to Council services.							
Ohinewai is centrally located between Auckland and Hamilton, and has an existing							
interchange on the Waikato Expressway.							
There is already Ohinewai School, and Living, Country Living and Business zoned land							
on the western side of the Waikato Expressway.							
Soil types in the area typically limit productive uses during winter.							
Please return this form no later than 5pm on 9 October 2018 to: Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waidc.govt.nz Signed:							

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.



ATTACHMENT B

OHINEWAI LAND LIMITED'S FURTHER SUBMISSION



Further Submission Form

In support of, or in opposition to, submission/s on notified:

ECM Project: DPRPh5-04
ECM #
FS #
Customer #
Property #

Proposed Waikato District Plan - Stage I

Clause 8 of Schedule 1, Resource Management Act 1991

Closing date for further submissions: 9am on Monday 27 May 2019

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

I. Further Submitter details: (mandatory information)							
Full name of individual/organisation making further submission:	Ohinewai Land Limited						
Contact person (if different from above)	C/- Michael Briggs, Harrison Grierson (Agent)						
Email address for service	M.Briggs@harrisongrierson.com						
Postal address for service	PO Box 1114						
	Hamilton Postcode: 3204						
Preferred method of contact	Email Post						
Phone numbers	Daytime:						
	Mobile:027 635 4030						
Correspondence to	Submitter Contact person Both						
2. Eligibility to make a further submission (for i	C						
I am:							
A person representing a relevant aspect of the In this case, also specify below the grounds for say	•						
A person who has an interest in the proposal g	greater than the interest that the general public has.						
In this case, also specify below the grounds for say My reasons for selecting the category ticked above as	· · · · · · · · · · · · · · · · · · ·						
The Submitter owns rural properties in Ohine							
submissions seeking rule changes and future. The Submitter has a significant interest in the	e urban development.						
The outstitue has a significant interest in the	e outcomes of those submissions.						
3. Request to be heard at a hearing							
Yes, I wish to be heard at the hearing in support	of my further submission: or						
No, I do not wish to be heard at the hearing in support of my further submission							
4. Joint submission							
If others make a similar submission, I will consider presenting a joint case with them at the hearing							
yes no							

5. Checklist fo	5. Checklist for further submission being made										
I have filled in the table on the next page with details of my further submission.											
I have added	$\boxed{\hspace{0.5cm}}$ I have added $\frac{6}{}$ further pages/sheets that form part of my further submission.										
	I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council.										
6. Signature of further submitter (a signature is not required if you make your submission by electronic means)											
Signature of further submitter (or person authorised to sign on their behalf)											
Signature:	Michael Briggs (Agent)	Date: 15 July 2019									
	(type name if submitting electronically)										

7. Return this form no later than 9am Monday 27 May 2019 by:

- Delivery to any Waikato District Council office or library
- Post to Waikato District Council, Private Bag 544, Ngaruawahia 3742
- Email to districtplan@waidc.govt.nz

8. Important notes to person making a further submission:

A. Content of further submission

A further submission must be limited to a matter in support of, or in opposition to, an original submission.

A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

B. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

C. Privacy Information

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.

OHINEWAI LAND LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

- 1. This further submission is made on behalf of Ohinewai Land Ltd. The Further Submitter (among others) is the owner of rural properties in excess of 750 hectares which have frontages to Tahuna, Balemi, Frost and Ralph Roads, Ohinewai.
- 2. The specific submissions on the Proposed Waikato District Plan that this further submission relates to are set out in the table below.

THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO:							
NAME OF ORIGINAL SUBMITTER	ADDRESS OF ORIGINAL SUBMITTER	ORIGINAL SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER/S	SUPPORT OR OPPOSE	REASONS FOR MY SUPPORT OR OPPOSITION ARE	I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED)	
Waikato Regional Council	C/- Lisette Balsom, Private Bag 3038, Waikato Mail Centre, Hamilton 3240	81	81.18	Support	Relief sought by original Submitter: Amend the Proposed District Plan provisions and maps to provide for outcomes identified in the Auckland-Hamilton Corridor Plan and Future Proof Strategy Phase 2 review. Further Submitter's reasons for support: The Hamilton-Auckland Corridor Plan has identified Ohinewai-Huntly as a "priority development area". This potential growth node will likely be the subject of further consideration through spatial planning and the Phase 2 review of the Future Proof strategy. The Further Submitter supports the Waikato Regional Council's submission point that considers that the Proposed District Plan provisions and maps should provide for the outcomes of these strategic planning initiatives.	I seek that the whole of the submission point be allowed.	
Auckland Council	Private Bag 92300, Victoria St West, Auckland 1142	372	372.3	Support	Relief sought by original Submitter: Amend Section 1.5 to provide for outcomes identified in the Hamilton-Auckland Corridor Plan, Interim Rail Business Case and Future Proof Strategy Phase 2 review AND	I seek that the whole of the submission point be allowed.	

NAME OF ORIGINAL SUBMITTER	ADDRESS OF ORIGINAL SUBMITTER	ORIGINAL SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER/S	SUPPORT OR OPPOSE	REASONS FOR MY SUPPORT OR OPPOSITION ARE	I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED)
					Amend maps to provide for outcomes identified in the Hamilton - Auckland Corridor Plan, Interim Rail Business Case and Future Proof Strategy Phase 2 review. Further Submitter's reasons for support: (a) The Hamilton-Auckland Corridor Plan has identified Ohinewai-Huntly, as a "priority development area". This potential growth node will likely be the subject of further consideration through spatial planning and the Phase 2 review of the Future Proof strategy. (b) The Further Submitter supports the Auckland Council's submission point that the Proposed District Plan planning maps should provide for the outcomes of the Hamilton-Auckland Corridor Plan, Interim Rail Business Case and the Future Proof Strategy (Stage 2) review.	
Planning Focus Limited	Paul Arnesen	383	383.1	Support in part	Relief sought by original Submitter: Amend the zoning of a number of properties in Ohinewai from Rural Zone and Country Living Zone to Industrial Zone Further Submitter's reasons for support in part: The submission by Ohinewai Land Ltd identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. Factors such as industrial demand, developable density, natural hazards, transport connectivity and infrastructure servicing (amongst others) should be considered in determining the exact area to be rezoned within the 'Proposed Growth Area'. This should be the subject of a structure planning exercise for the 'Proposed Growth Area' to provide an overarching approach to land use planning in and around Ohinewai.	I seek that the location, extent and type of zoning for urban growth at Ohinewai should be determined following structure planning of the entire Proposed Growth Area.

NAME OF ORIGINAL SUBMITTER	ADDRESS OF ORIGINAL SUBMITTER	ORIGINAL SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER/S	SUPPORT OR OPPOSE	REASONS FOR MY SUPPORT OR OPPOSITION ARE	I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED)
Hamilton City Council	Private Bag 3010, Hamilton 3240	535	535.5	Support	Relief sought by original Submitter: Amend Section 1.12.1 Strategic direction, to provide an understanding of the location and forms of development that are sought and how the district will accommodate the growth projected in the National Policy Statement - Urban Development Capacity. Further Submitter's reasons for support: The Proposed District Plan should confirm how and where growth is anticipated to accommodate the projections of the National Policy Statement - Urban Development Capacity.	I seek that the whole of the submission point be allowed.
Shand Properties Limited		738	738.1	Support in part	Relief sought by original Submitter: 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. Further Submitter's reasons for support in part: The submission by Ohinewai Land Ltd identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. Factors such as residential demand, developable density, natural hazards, transport connectivity and infrastructure servicing (amongst others) should be considered in determining the exact area to be rezoned within the 'Proposed Growth Area'. This should be the subject of a structure planning exercise for the 'Proposed Growth Area' to provide an overarching approach to land use planning in and around Ohinewai.	I seek that the location, extent and type of zoning for urban growth at Ohinewai should be determined following structure planning of the entire Proposed Growth Area.
Ambury Properties Limited		764	764.1	Support in part	Relief sought by original Submitter:	I seek that the location, extent and type of zoning for

NAME OF ORIGINAL SUBMITTER	ADDRESS OF ORIGINAL SUBMITTER	ORIGINAL SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER/S	SUPPORT OR OPPOSE	REASONS FOR MY SUPPORT OR OPPOSITION ARE	I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED)
					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 1 of the submission). AND	urban growth at Ohinewai should be determined following structure planning of the entire Proposed Growth Area.
					Add the Ohinewai Structure Plan attached to the original submission in a new 'Appendix 13' within the Proposed District Plan.	
					Further Submitter's reasons for support in part:	
					The submission by Ohinewai Land Ltd identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. Factors such as industrial, business and residential demand, developable density, natural hazards, transport connectivity and infrastructure servicing (amongst others) should be considered in determining the exact area to be rezoned within the 'Proposed Growth Area'. This should be the subject of a structure planning exercise for the 'Proposed Growth Area' to provide an overarching approach to land use planning in and around Ohinewai.	
Ambury Properties Limited		764	764.2	Support	Relief sought by original Submitter: Amend Objective 4.1.2 Urban growth and development as follows: (a) Future settlement pattern is consolidated in and around existing and planned towns and villages in the district.	I seek that the whole of the submission point be allowed.
					Further Submitter's reasons for support:	

NAME OF ORIGINAL SUBMITTER	ADDRESS OF ORIGINAL SUBMITTER	ORIGINAL SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER/S	SUPPORT OR OPPOSE	REASONS FOR MY SUPPORT OR OPPOSITION ARE	I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED)
					The future settlement patterns of the District should be consistent with the outcomes of the Auckland-Hamilton Corridor Plan, Future Proof Strategy Phase 2 review and relevant structure plans including existing and planned urban areas.	
					Relief sought by original Submitter:	I seek that the whole
					Amend Policy 4.1.3(a) Location of development as follows:	of the submission point be allowed.
Ambury Properties	764	764	764.3	Support	(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.	
Limited					Further Submitter's reasons for support:	
					Subdivision and development should be consistent with the outcomes of the Auckland-Hamilton Corridor Plan, Future Proof Strategy Phase 2 review and relevant structure plans, including existing and planned urban areas.	
					Relief sought by original Submitter:	I seek that the part of
Ambury Properties Limited				Add an Ohinewai Structure Plan such as Attachment 2 within the submission as a new Appendix 13 in Chapter 29 Appendices.	the submission point that seeks an Ohinewai Structure Plan be allowed but	
		764	764.6	Support in	Further Submitter's reasons for support in part:	that the extent of the structure plan be
	704 704.0 pa	part	The submission by Ohinewai Land Ltd identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. The entire 'Proposed Growth Area' should be the subject of a structure planning exercise to provide an overarching approach to land use planning in and around Ohinewai.	increased to the entire Proposed Growth Area rather than the Submitter's property alone.		

THE SPECIFIC	THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO:								
NAME OF ORIGINAL SUBMITTER	ADDRESS OF ORIGINAL SUBMITTER	ORIGINAL SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER/S	SUPPORT OR OPPOSE	REASONS FOR MY SUPPORT OR OPPOSITION ARE	I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED)			
Ribbonwood Family Trust	John Kirton	863	863.1	Support in part	Relief sought by original Submitter: 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). Further Submitter's reasons for support in part: The submission by Ohinewai Land Ltd identifies a 'Proposed Growth Area' around and east of the Waikato Expressway interchange at Ohinewai. Factors such as residential demand, developable density, natural hazards, transport connectivity and infrastructure servicing (amongst others) should be considered in determining the exact area to be rezoned and the staging and sequencing of development within the 'Proposed Growth Area'. This should be the subject of a structure planning exercise for the 'Proposed Growth Area' to provide an overarching approach to land use planning in and around Ohinewai.	I seek that the location, extent and type of zoning for urban growth at Ohinewai should be determined following structure planning of the entire Proposed Growth Area.			

ATTACHMENT C

