

Further Submission Form

In support of, or in opposition to,
submission/s seeking rezoning in
Ohinewai

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

Proposed Waikato District Plan – Stage 1

Clause 8 of Schedule 1, Resource Management Act 1991



Closing date for further submissions: Thursday 7 November 2019

*Note this form reflects the re-notification period of Further Submissions to the Proposed Waikato District Plan (Stage 1) seeking rezoning in Ohinewai

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

1. Further Submitter details: (mandatory information)	
Full name of individual/organisation making further submission:	Ambury Properties Limited
Contact person (if different from above)	John Olliver
Email address for service	jolliver@bbo.co.nz
Postal address for service	18 London Street PO Box 9041 Hamilton
	Postcode: 3204
Preferred method of contact	<input checked="" type="checkbox"/> Email <input type="checkbox"/> Post
Phone numbers	Daytime: 07 834 8520
	Mobile: 027 482 2637
Correspondence to	<input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Contact person <input type="checkbox"/> Both

2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8)
<p>I am:</p> <p><input checked="" type="checkbox"/> A person representing a relevant aspect of the public interest; <i>In this case, also specify below the grounds for saying that you come within this category; or</i></p> <p><input type="checkbox"/> A person who has an interest in the proposal greater than the interest that the general public has. <i>In this case, also specify below the grounds for saying that you come within this category; or</i></p>
<p>My reasons for selecting the category ticked above are:</p> <p>Ambury Properties Limited (APL) has lodged a comprehensive submission on the Proposed District plan and are seeking that the Rural Zoning of the site be changed to a mix of Industrial, Business and Residential, to authorise APL's proposed development. As the main proponent of the changes sought in Ohinewai APL clearly have a greater interest in the PDP than the general public.</p>

3. Request to be heard at a hearing
<p><input checked="" type="checkbox"/> Yes, I wish to be heard at the hearing in support of my further submission; or</p> <p><input type="checkbox"/></p>

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 for further submission being made

☒ I have filled in the table on the next page with details of my further submission.

☒ I have added 10 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: J Olliver Date: 7-11-2019
(type name if submitting electronically)

7. Return this form no later than 5pm Thursday 7 November 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.

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) Give precise details
<u>Example</u> John Smith	<u>Example</u> 15 Galileo St Ngaruawahia	<u>Example</u> 200	<u>Example</u> 200.1	<u>Example</u> Support	<u>Example</u> It is important that...	<u>Example</u> I seek that the whole of the submission be allowed.
Ambury Properties Limited	c/. Bloxam Burnett & Olliver PD Box 9041 Hamilton 3240 Attention: John Olliver	764		Support	Please see attached.	Allowed, with amendments as attached.

Use additional sheets if necessary.

Page ____ of ____

Further Submission in Support of Submission 764; Ambury Properties Ltd

This document forms an addendum to the further submission provided in support of Ambury Properties Limited (APL) original submission [No 764]. The original submission lodged by APL was broad in nature in that it sought industrial, business and residential zoning over its holdings located on Tahuna, Lumsden and Balemi Roads with the support of a Structure Plan embedded in the Waikato District Plan and further modification of the provisions to support these changes.

Specifically, APL sought the following:

- 1) Rezone the property from Rural to Industrial, Business and Residential as shown on the plan included as Attachment 1 to the submission.
- 2) Amend Objective 4.1.2(a) and Policy 4.1.3(a) to support the infrastructure, development and use of the Property as sought in the submission.
- 3) Include a new policy for Ohinewai to provide a policy framework for the subdivision, use and development of the industrial, business and residential areas of the properties.
- 4) Amendments to other objectives and policies, or inclusion of new objectives and policies as necessary to provide for the subdivision, use and development of the property.
- 5) To include an Ohinewai Structure Plan in Appendix 13 of the Proposed Plan.
- 6) Any further relief as may be necessary to support Ambury's relief.

In the first-round notification of submissions, a further submission was lodged in support of the original submission to refine the Zoning Plan and Framework Plan. That further submission was dated 16 July 2019. This further submission is an addendum to, and does not replace, that further submission. As the submissions for Ohinewai have been notified a second time and the nature of the original submission is broad, the purpose of this further submission addendum is to provide more detail on how the provisions of the plan are sought to be modified to provide for the proposed rezoning.

APL have been in discussion with Ohinewai Lands Ltd (OLL) who have sought rezoning of their land through Submission No 428. The land they are seeking to rezone for residential purposes adjoins APL land to the south, across Tahuna Rd. APL and OLL are cooperating in relation to investigations and assessments of their respective rezoning proposals. If the OLL rezoning is implemented there would be merit in adjusting the APL rezoning and the associated structure plan to reflect the urban development to the south of Tahuna Rd.

There may be other necessary consequential amendments to building setbacks and access arrangements on Tahuna Rd if the OLL rezoning is approved.

The following are the amendments to the text of the Proposed District Plan that are the detailed modifications to provide for the proposed rezoning. The amendments are shown as red ~~striketrough~~ for deletions and red underline for additions.

- 1) Amend Policy 4.1.6 as follows to enable industrial development in Ohinewai and recognise that the Ohinewai Structure Plan will support the growth of Huntly:

4.1.6 Policy – Commercial and industrial activities

- (a) Provide for commercial and industrial development in the following zones;
 - (i) Business Town Centre;
 - (ii) Business;
 - (iii) Industrial; and
 - (iv) Heavy Industrial.
 - (b) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of:
 - (i) Tuakau;
 - (ii) Pokeno;
 - (iii) Huntly/Ohinewai; and
 - (iv) Horotiu;
-
- 2) Add the following new policy after Policy 4.1.18 to provide direction for development in the Ohinewai Structure Plan.

4.1.19 Policy – Ohinewai

- a) Ohinewai is developed to ensure:
 - (i) It is in general accordance with the Ohinewai Structure Plan.
 - (ii) The Rural Residential Character of Ohinewai West is maintained.
 - (iii) Large scale industrial and commercial development is located to the east of State Highway 1 / Ohinewai East.
 - (iv) Commercial development in Ohinewai East provides for factory outlet retail and small scale convenience retail and community activities.
 - (v) Residential development provides for growth, achieves a compact urban form and creates a high-quality urban environment by:
 - A. Providing a range of housing typologies, including medium and higher density residential development.
 - B. Implementing a high standard of urban design through lot orientation, high quality streetscapes, a high level of connectivity and a well-connected green network.
 - (vi) Flood hazards and stormwater are managed to ensure that effects on sensitive land uses are mitigated.

Infrastructure

- 3) Amend the provisions of 14.12.5 Transportation Tables and figures to provide for indicative transport corridor cross-sections that have been developed for the Ohinewai Structure Plan. These have been designed to provide for a high-quality urban environment that focuses on an efficient use of land and the provision of walkable, pedestrian friendly streets.

Insert Cross Sections that have been included as Appendix A to this submission

Business Zone

- 4) Amend Rule 17.3.2 Daylight Admission as follows to manage amenity effects at the boundary of the Ohinewai Structure Plan:

17.3.2 Daylight admission

P1	(a) Any <u>building</u> must not protrude through a <u>height control plane</u> rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at the <u>site boundary</u> where it adjoins a: (i) Residential Zone; (ii) Village Zone; (iii) Country Living Zone; or (iv) Reserve Zone. <u>(b) Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Business Zone along Lumsden Road and Tahuna Road.</u>
RD1	(a) Any <u>building</u> that does not comply with Rule 17.3.2 P1. (b) The Council's discretion shall be limited to the following matters: (i) <u>Height of building;</u> (ii) <u>Design and location of the building;</u> (iii) <u>Level of shading on an adjoining site;</u> (iv) <u>Privacy on other site;</u> (v) <u>Amenity values of the locality.</u>

- 5) Amend Rule 17.3.4.1 Building Setbacks – Zone boundaries as follows to manage amenity effects at the boundary of the Ohinewai Structure Plan:

17.3.4.1 Building setbacks - Zone boundaries

P1	(a) Any <u>building</u> must be set back at least: (i) 7.5m from rear and side <u>boundaries</u> adjoining the: A. Residential Zone; B. Village Zone; C. Country Living Zone; or D. Reserve Zone; and (ii) 1.5m from rear and side <u>boundaries</u> adjoining the: A. Rural Zone; or B. Industrial Zone. <u>(iii) 15m from the road boundary on Lumsden Road.</u>
D1	Any <u>building</u> that does not comply with Rule 17.3.4.1 P1.

6) Add the following Landscape Planting Rule after Rule 17.2.9 to manage amenity effects at the boundary of the Ohinewai Structure Plan:

17.2.10 - Landscape Planting

<u>C1</u>	<p>(a) <u>Any activity on a lot that fronts Lumsden Road or Tahuna Road shall provide a 3m wide landscaped strip running parallel with the road boundary excluding access.</u></p> <p>(b) <u>Council's control is reserved over the following matters:</u></p> <p><u>(i) type, density and height of plantings conducive to the location;</u></p> <p><u>(ii) maintenance measures; and</u></p> <p><u>(iii) amenity values.</u></p>
<u>RD1</u>	<p>(a) <u>Any activity that does not comply with Rule 17.2.10 C1.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p><u>(i) adequacy of the width of landscaped strip;</u></p> <p><u>(ii) type, density and height of plantings conducive to the location;</u></p> <p><u>(iii) maintenance measures; and</u></p> <p><u>(iv) amenity values.</u></p>

7) Add the following rule after 17.5.9 to manage the size and typology of commercial activities in the Ohinewai Business Zone to ensure the development does not adversely affect the identified Huntly and Te Kauwhata commercial centres.

17.5.11 Ohinewai Structure Plan Business Zone – Office and Retail Gross Leasable Floor Area

<u>P1</u>	<p>(a) <u>Commercial/Retail activities shall meet the following:</u></p> <p><u>(i) Individual leasable retail units shall have a gross leasable floor area of no more than 400m².</u></p> <p><u>(ii) Any grocery store shall have a gross floor area of no more than 1,000m².</u></p>
<u>P2</u>	<p>(a) <u>Stand-alone Office tenancies shall have a gross leasable floor area of no more than 200m².</u></p>
<u>P3</u>	<p>(a) <u>The total combined gross floor area of commercial/retail activities (including any grocery store) and stand-alone office activities within the Ohinewai Structure Plan must not exceed 2,500m².</u></p> <p><u>Caps on the gross floor area of Commercial/Retail Activity and Office Activities in the Ohinewai Structure Plan Business Zone shall not apply to Commercial Services or Service Stations.</u></p>
<u>P4</u>	<p>(a) <u>Outlet and Discount Retail activities shall either:</u></p> <p><u>(i) sell goods manufactured by a manufacturing activity located within the Ohinewai Structure Plan; or</u></p>

	<p>(ii) <u>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.</u></p> <p><u>For clarity, there is no gross floor area cap on Outlet and Discount Retail activities in the Ohinewai Structure Plan Business Zone.</u></p>
<u>RD1</u>	<p>(a) <u>Retail or Office activities that do not comply with 17.5.10 P1, P2, P3 or P4.</u></p> <p>(b) <u>The Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>The adverse economic impact on the Huntly and Te Kauwhata town centres;</u></p>

Industrial Zone

- 8) Amend Rule 20.2.2 Landscape Planting as follows to require a landscaped buffer to manage amenity effects at the boundary of the Ohinewai Structure Plan:

Rule 20.2.2 Landscape Planting

C1	<p>(a) Any activity on a <u>lot</u> that has a side and/or rear <u>boundary</u> adjoining any Residential, Village, Country Living or Reserve Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear <u>boundary</u>; and</p> <p>(b) Any activity on a <u>lot</u> that contains, or is adjacent to, a river or a permanent or intermittent stream shall provide an 8m wide landscaped strip measured from the top edge of the closest <u>bank</u> and extending across the entire length of the watercourse.</p> <p><u>(c) In the Ohinewai Structure Plan area any activity on a lot that fronts Lumsden Road shall provide a 15m wide landscaped strip adjoining the road boundary, excluding accesses, and any activity that fronts Balemi Road shall provide an 8m wide landscaped strip adjoining the road boundary, excluding accesses. Planting shall include sufficient species capable of reaching a minimum height of 5m within 5 years, and be capable of substantially screening development.</u></p> <p>(ed) Council's control is reserved over the following matters:</p> <p>(i) the adequacy of the width of landscaping strip;</p> <p>(ii) type, density and height of plantings conducive to the location;</p> <p>(iii) maintenance measures;</p> <p>(iv) amenity values; and</p> <p>(v) natural character and cultural values of a river or stream.</p>
RD1	<p>(a) Any activity that does not comply with Rule 20.2.2 C1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) adequacy of the width of landscaped strip;</p> <p>(ii) type, density and height of plantings conducive to the location;</p> <p>(iii) maintenance measures;</p> <p>(iv) amenity values; and</p> <p>(v) natural character and cultural values of a river or stream.</p>

- 9) Amend Rule 20.3.1 as follows to provide sufficient height for the development of industrial activities in the Ohinewai Structure Plan:

20.3.1 Building Height

P1	(a) The maximum height of a <u>building</u> must not exceed: (i) 15m; or (ii) 10m if located on Tregoweth Lane and within 50m of the Residential Zone in Huntly. (iii) <u>17.5m if located within the Ohinewai Structure Plan area.</u>
RD1	(a) Any <u>building</u> that does not comply with Rule 20.3.1 P1. (b) Council's discretion is restricted to the following matter: (i) effects on amenity.

- 10) Amend Rule 20.3.4.1 Building Setbacks as follows to manage amenity effects at the boundary of the Ohinewai Structure Plan:

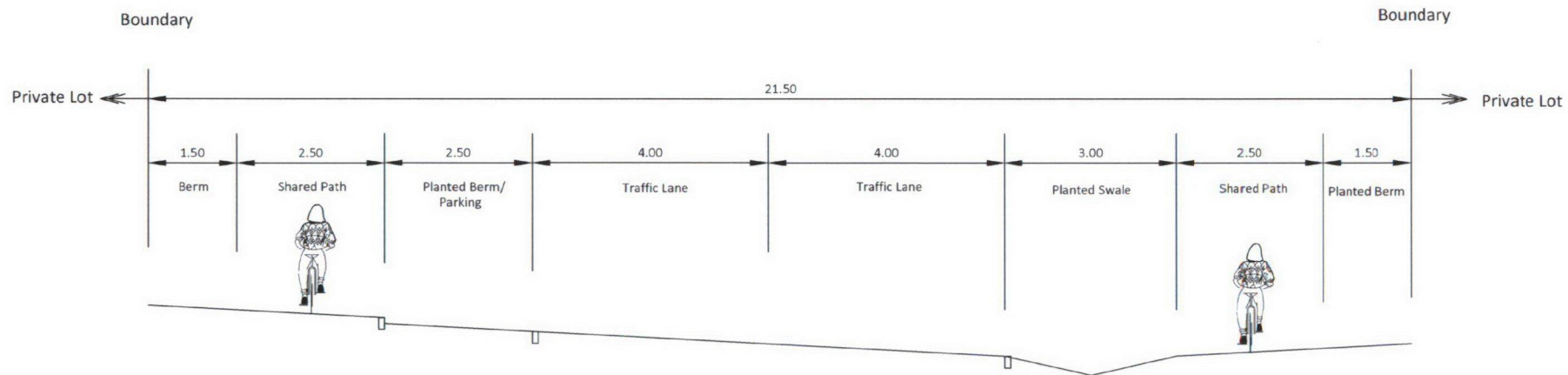
Rule 20.3.4.1 Building Setbacks

P1	(a) A <u>building</u> must be set back at least: (i) 5m from a road <u>boundary</u> ; (ii) 7.5m from any other <u>boundary</u> where the <u>site</u> adjoins another zone, other than the Heavy Industrial Zone; and (iii) 5m from the toe of the earth bund located on Lot 17 DP 494347 (53 Holmes Road, Horotiu). (iv) <u>15m from the road boundary on Lumsden Road.</u>
RD1	(a) A <u>building</u> that does not comply with Rule 20.3.4.1 P1. (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (i) effects on streetscape; (ii) traffic and road safety; and (iii) effects on the earth bund located on lot 17 DP 494347 (53 Holmes Road, Horotiu).

- 11) Any further or similar relief that has the same effect as the above.


APPENDIX A: PROPOSED INDICATIVE CROSS SECTIONS FOR THE OHINEWAI STRUCTURE PLAN

100mm
SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY
0
K:\145860\Drawings\Development\08 Sleepyhead Estate Rezoning\145860_08_0212 V1.dwg 27/11/2013 3:55 PM rchad



TYPICAL CROSS SECTION THROUGH AN INDUSTRIAL ROAD

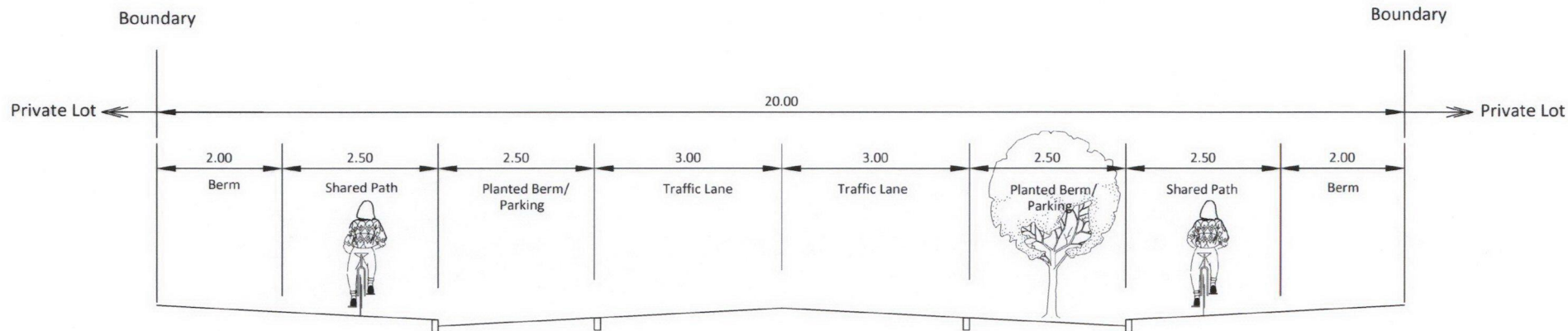
**DRAFT COPY
NOT APPROVED**

<table><tr><td>DESIGNED</td><td>CHECKED</td></tr><tr><td>RB</td><td>CI</td></tr><tr><td>DRAWN</td><td>APPROVED</td></tr><tr><td>RB</td><td>CI</td></tr><tr><td colspan="2">REV. NO. / REVISION</td></tr><tr><td>DATE</td><td>ISSUE/REVISION DETAILS</td></tr><tr><td>BY</td><td>CHK</td></tr><tr><td>APP</td><td></td></tr></table>				DESIGNED	CHECKED	RB	CI	DRAWN	APPROVED	RB	CI	REV. NO. / REVISION		DATE	ISSUE/REVISION DETAILS	BY	CHK	APP		 BLOXAM BURNETT OLLIVER Phone +64 7 838 0144, Fax +64 7 839 0433		CLIENT Ambury Properties Limited		PROJECT Ohinewai Development Sleepyhead Estate Rezoning		DRAWING Typical Road Cross Section Proposed Industrial Roads		STATUS DRAFT COPY NOT APPROVED PRELIMINARY	
DESIGNED	CHECKED																												
RB	CI																												
DRAWN	APPROVED																												
RB	CI																												
REV. NO. / REVISION																													
DATE	ISSUE/REVISION DETAILS																												
BY	CHK																												
APP																													
<table><tr><td colspan="2">DRAWING NUMBER</td><td colspan="2">REVISION</td></tr><tr><td colspan="2">145860_08_0212 V1</td><td colspan="2"></td></tr></table>				DRAWING NUMBER		REVISION		145860_08_0212 V1																					
DRAWING NUMBER		REVISION																											
145860_08_0212 V1																													

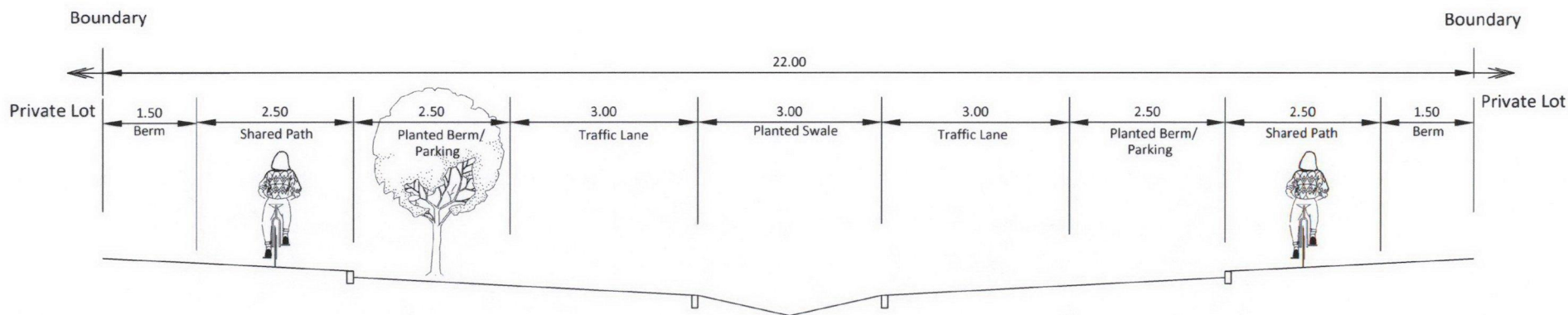
100mm

SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY


0



TYPICAL CROSS SECTION THROUGH PRIMARY RESIDENTIAL ROAD
(COLLECTOR ROAD)



TYPICAL CROSS SECTION THROUGH PRIMARY RESIDENTIAL ROAD WITH CENTRAL SWALE
(COLLECTOR ROAD WITH CENTRAL SWALE)

<div>Version 3.0 - September 2017</div>										<div>DESIGNED RB CI</div>		<div>CHECKED CI</div>		<div><div>BLOXAM BURNETT OLLIVER</div><div>Phone +64 7 838 0346, Fax +64 7 839 0435</div></div>		<div>CLIENT Ambury Properties Limited</div>		<div>PROJECT Ohinewai Development Sleepyhead Estate Rezoning</div>		<div>DRAWING Typical Road Cross Section Proposed Primary Residential Road</div>		<div>STATUS PRELIMINARY</div>	
<div>DATE</div>										<div>ISSUE/REVISION DETAIL</div>		<div>BY</div>		<div>CHK</div>		<div>APPX</div>		<div>DATE</div>		<div>SCALE (ORIGINAL SIZE A3)</div>			
																		<div>DRAWING NUMBER 145860_08_0213</div>		<div>REVISION</div>			
																				<div>-</div>			

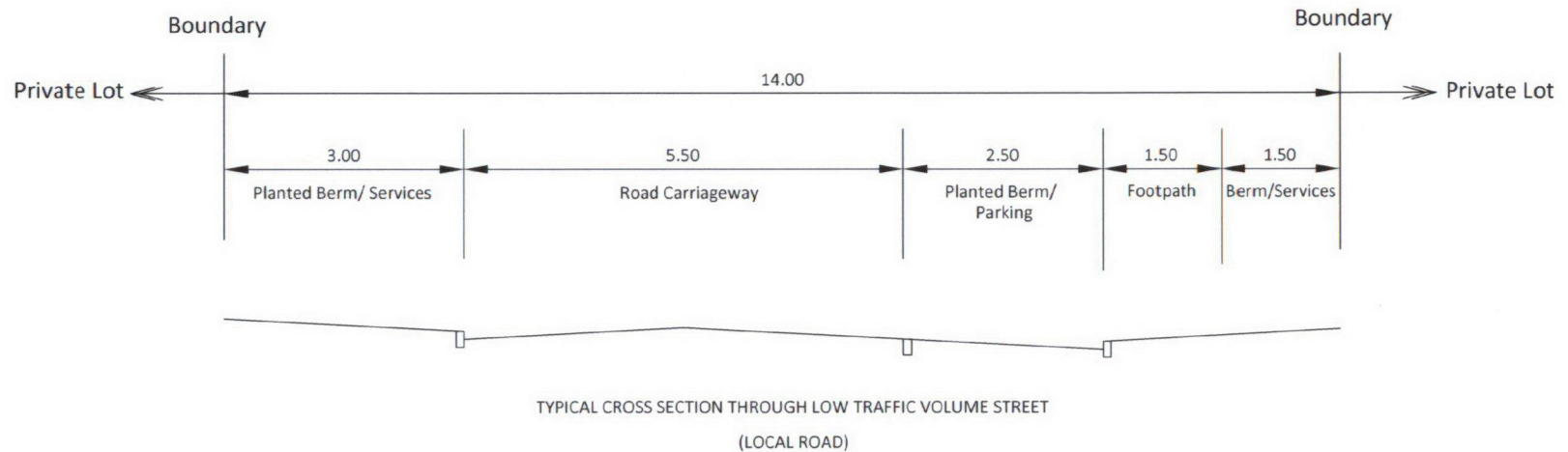
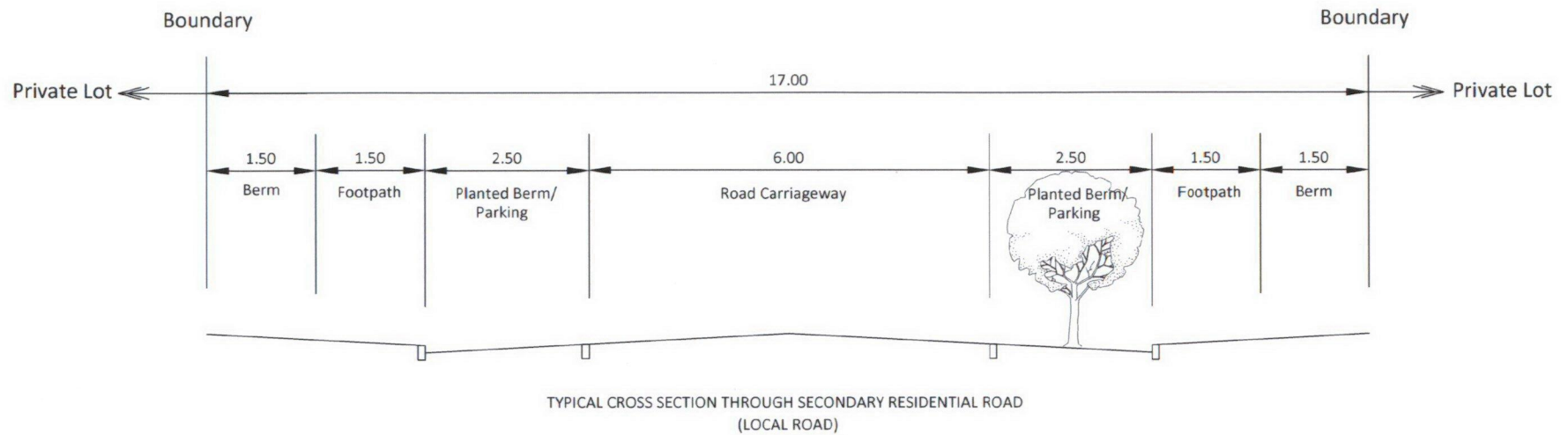
©copyright

100mm

SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

0

K:\AMMO (Zoning Development)\08 Sleepyhead Estate Rezoning (A3)\Drawings\AMMO_08_0214.dwg 12/12/2018 10:02 AM dholley



DATE	ISSUE/REVISION DETAILS	BY	CHK	APPR



CLIENT
Ambury Properties Limited

PROJECT
Ohinewai Development
Sleepyhead Estate Rezoning

DRAWING
**Typical Road Cross Section
Proposed Local Residential Roads**

STATUS	
PRELIMINARY	
DATE	SCALE (ORIGINAL SIZE A3)
DRAWING NUMBER	REVISION
145860_08_0214	-

Version 1.0 - September 2017

©copyright