
Agenda for an extraordinary meeting of the Waikato District Council to be held via Audio Visual Conference on **TUESDAY, 22 MARCH 2022** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute Council's decision or policy until considered.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

Members have a responsibility to disclose if they have an interest in any items on the agenda at the outset of the meeting.

4. REPORTS

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GJ Ion
CHIEF EXECUTIVE

TERMS OF REFERENCE AND DELEGATION

Chairperson:	His Worship the Mayor
Deputy Chairperson:	Deputy Mayor
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly – or as required
Quorum:	Half of the members (including vacancies)

Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
 - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
 - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body, and appoint elected members as representatives on such committees or bodies.

12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
 - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
 - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
 - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve any additional funding decisions required for the Watercare Services contract.
11. To receive six-monthly reports from each Community Board on its activities and projects.

To	Waikato District Council
Report title	Ohinewai Section of the Proposed District Plan - Operative Declaration

1. Purpose of the report

Te Take moo te puurongo

To seek approval from Council to approve the Ohinewai provisions to the Proposed Waikato District Plan (PDP) as operative, as the Environment Court issued its determination on the appeal on 23 February 2022, and to recommend to that Council approves the affixing of the Council seal to the operative statement of the above-mentioned provisions.

2. Executive summary

Whakaraapopotanga matua

The PDP was notified in July 2018 and received over 1000 submissions and 300 further submissions. A submission from Ambury Properties Limited (APL) was lodged requesting the inclusion of the Sleepyhead site as part of the PDP.

APL requested through the hearing panel an early hearing and decision on their submission. Their request was accepted by the hearing panel and the hearing was held on 14 - 16 September 2020 with decisions released on 24 May 2021.

Four appeals were received. The parties undertook direct negotiations without the need to engage in Court-assisted mediation and agreement was reached in early December which resolved all appeals in full.

A consent memorandum was filed with the Environment Court on 7 February 2022. On 23 February 2022, the Environment Court made orders, by consent, allowing the appeals subject to the amendments as agreed by the parties. As such, the provisions relating to the Ohinewai Section of the PDP can now become operative.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT Council approves the affixing of the Council seal to the Operative Statement in accordance with Schedule 1, clause 17 of the Resource Management Act 1991.

4. Background

Koorero whaimaarama

The PDP was notified on 18 July 2018 and Council received over 1000 submissions in total. APL made a single submission proposing to rezone 178ha of rural land at Ohinewai to establish a mixed-use industrial, commercial and residential development.

The objective of the proposal was to enable the Sleepyhead group of companies to relocate their manufacturing facilities from Auckland to Ohinewai to consolidate their operations and to provide up to 1,100 houses for its workers and others to live at Ohinewai.

The proposal has the potential to provide over 2,600 jobs to the Waikato district, to provide affordable housing to the local workforce and to contribute an estimated \$200 million per annum into the local economy. The rezoning could enable up to 2,500 - 3,000 people to live and work at Ohinewai.

Seven submissions (including the APL submission) addressing the zoning at Ohinewai were received, with one submitter withdrawing their submission.

The hearing of the rezoning proposal was held from 14 - 16 September 2020 via Zoom, with the decision of the hearing panel released on 24 May 2021.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

A proposal of the nature of the Sleepyhead Estate would normally be the subject of a private plan change. However, given that the PDP had already been notified, APL was required to make a submission on the PDP.

APL made a submission on the PDP seeking to:

- a) Rezone land at Ohinewai ("the Site") from Rural to a mix of Industrial, Business and Residential zones; and
- b) Include an Ohinewai Structure Plan in the PDP.

The WDC decision:

- a) Rezoned the Site in accordance with APL's submission; and
- b) Established a "stand alone" set of provisions for a new Ohinewai Zone.

Three substantive appeals and four section 274 notices were filed as a result of the decision. All those matters were settled following discussions between the parties which resulted in agreed amendments to the provisions of the PDP.

Consent orders were filed with the Environment Court on 7 February 2022 with orders being made on 23 February 2022. Therefore, the relevant provisions of this section are now able to become operative.

Schedule 1, clause 17(2) of the Resource Management Act 1991 (**RMA**) requires approval of plan amendments to be affected by the affixing of the seal to the proposed plan.

5.1 Options

Ngaa koowhiringa

There are no options available for consideration as the RMA allows for Council to approve the plan when all submissions or appeals relating to that part have been disposed of, with such approval being effected by affixing the seal to the proposed plan.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Council's legal team have reviewed this report and the recommendations and confirm that they comply with Council's legal and policy requirements.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

The hearing panel addressed cultural matters through the objectives regarding the Te Turi Whaimana.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for Council.

5.7 Risks

Tuuraru

The decisions recommend by this report are low to no risk

6. Significance and engagement assessment Aromatawai paahekoheko

6.1 Significance Te Hiranga

The decisions and matters of this specific report are assessed as of low significance in accordance with Council's [Significance and Engagement Policy](#). However, this report is part of a broader project or process (the District Plan) that is assessed as of moderate/high significance.

6.2 Engagement Te Whakatuutakitaki

Appropriate engagement through the Proposed District Plan process was undertaken.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	✓	✓	✓	✓	✓
<p><i>Engagement with the wide community was given so they were made aware of the proposed development and were given an opportunity to comment. Engagement and consultation using the Schedule 1 process of the RMA was undertaken.</i></p>					

The following stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	✓	Community Boards / Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	✓	Waikato-Tainui / Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	✓	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	✓	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps Ahu whakamua

Pursuant to Clause 20(1)(2) in Schedule 1 of the RMA, Council must publicly notify the date on which the Plan Change becomes operative at least five working days before that date. Council must affix its seal to the operative statement (attached), and staff will then publish the operative provisions in the PDP on Council's website.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Terms of Reference and Confirmed Delegations.

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (*Section 5.1*). Confirmed

Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). Low

The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (*Section 6.2*). Confirmed

The report considers impact on Maaori (*Section 5.5*) Confirmed

The report and recommendations are consistent with Council's plans and policies (*Section 5.4*). Confirmed

The report and recommendations comply with Council's legal duties and responsibilities (*Section 5.3*). Confirmed

9. Attachments

Ngaa taapirihanga

1. A Copy of the Public Notice
2. Ohinewai Sealed Operative Statement

Date:	22 March 2022
Report Author:	Sandra Kelly Acting Resource Management Team Leader
Authorised by:	Clive Morgan General Manager Community Growth



Public Notice

Ohinewai Chapters of the Proposed Waikato District Plan Decisions Version to become Operative

The Waikato District Council gives notice pursuant to clause 20 of Schedule 1 of the Resource Management Act 1991 (RMA) that it has resolved, pursuant to clause 17(2) of Schedule 1 of the RMA, to make operative all the provisions in the Ohinewai chapters of the Proposed Waikato District Plan Decisions Version, being Chapters OHI Ohinewai Zone, OHI-DEF Definitions, OHI-EIT Infrastructure and energy, OHI-HR hazards and risks, OHI-CL Contaminated land, OHI-NH Natural hazards, PREC-1 Ohinewai medium density residential precinct, PREC-2 Ohinewai business precinct PREC-3 Ohinewai industrial precinct (“the Ohinewai Chapters”).

The Ohinewai Chapters will become operative on 31 March 2022.

This public notice is made on 24 March 2022 pursuant to Clause 20 of Schedule 1 to the Resource Management Act 1991.

G J Ion
CHIEF EXECUTIVE

Proposed Waikato District Plan – Decisions version

Ohinewai Section

Pursuant to Clause 17(2) and (3) of the Resource Management Act 1991, the Waikato District Council has resolved to make operative all the provisions in the Ohinewai chapters: OHI Ohinewai Zone, OHI-DEF Definitions, OHI-EIT Infrastructure and energy, OHI-HR hazards and risks, OHI-CL Contaminated land, OHI-NH Natural hazards, PREC-1 Ohinewai medium density residential precinct, PREC-2 Ohinewai business precinct and PREC-3 Ohinewai industrial precinct (“the Ohinewai Chapters”), and the associated zoning on the planning maps.

The Ohinewai Chapters and associated zoning shall become operative on 31 March 2022.

THE COMMON SEAL of the WAIKATO DISTRICT COUNCIL
is affixed hereto in the presence of:

..... Mayor

..... Chief Executive

Dated at Ngaruawahia this

