

SECTION 42A REPORT

Rebuttal Evidence

Hearing 19: Ohinewai Rezoning and Development

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Date: 7 September 2020



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I Introduction

I.1 Background

1. My full name is Chloe Astra Trenouth.
2. I am the author of the original Section 42A Report (s42A report) for Hearing 19: Ohinewai Rezoning and Development.
3. In the interests of succinctness, I do not repeat the information contained in section I.1 to I.4 of that s42A report and request that the Hearings Panel take this as read.
4. No recommended amendments to plan text were made in the s42A report. Recommendations from this report are shown in blue text (with blue underline for new text and ~~strikethrough~~ for deleted text)]

2 Purpose of the Report

2.1 Matters addressed by this report

5. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:

If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.

6. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters along with the evidence of further submitters and provide rebuttal evidence to the commissioners. I do not address every point raised in evidence. I respond only to the points where I consider it is necessary to clarify an aspect of my earlier s42A report, or where I am persuaded to change my recommendation. In all other cases, I respectfully disagree with the evidence, and affirm the recommendations and reasoning in my s42A report.
7. Evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel:
 - a. Ambury Properties Ltd (“APL”) [764; FS1224] – 23 topics – including one statement filed late from Glen Tupuhi as Chair of the Sleepyhead Estate Tangata Whenua Governance Group
 - b. Ohinewai Lands Limited (OLL) [428; FS1206] – filed late.
8. Evidence was also filed by the following further submitters:
 - a. Auckland/Waikato Fish and Game Council [FS1045 and FS1399]
 - b. Waikato Regional Council (WRC) [FS1277]
 - c. Mercury NZ Limited [FS1397]/ Mercury NZ Limited for Mercury D [FS1387] / Mercury NZ Limited for Mercury E [FS1388]
 - d. NZTA (Waka Kotahi) [FS1202 and FS1392]
 - e. Future Proof Implementation Committee [FS1398]
 - f. Waikato-Tainui [FS1108] – filed late.

9. 14 pieces of rebuttal evidence were then filed by APL in response including updated planning provisions.
10. In preparing this rebuttal report the following technical experts who provided assessments to inform the original s42A report have prepared updated addendums, which are attached in Appendix 2:
 - a. Dr Douglas Fairgray (Economic – Residential)
 - b. Mr Matthew Jones (Landscape and Urban Design)
 - c. Ms Naomi McMinn (Transport)
 - d. Mr Jim Bradley (Water and Wastewater)
 - e. Ms Jo Healy (Social Impact).

2.2 Procedural matters

11. Expert conferencing took place between parties in June 2020 and joint witness statements (JWS) were prepared to record the areas of agreement and disagreement on each topic.
12. Post expert conferencing and evidence being filed by APL, an amended rezoning proposal was received from APL on 28 July 2020 which removes the 5.5ha Discount Factory Outlet component of the business zone. The amended proposal reduces the scale of the business zone, increases the industrial zone, and amends the associated planning provisions accordingly. The original submission is treated as amended to match the latest proposal, as the changes are within the scope of APL's original submission.
13. In summary the APL proposal now being assessed includes:
 - Introduction of urban zones, an Ohinewai Structure Plan (OSP) and customised plan provisions applying to Ohinewai (with further provisions added/amended since the original s42A report was prepared);
 - Industrial zone (73.5ha) including Sleepyhead factory (37ha)
 - Business zone (7.5ha) including service station and neighbourhood centre
 - Residential zone (107ha), including 900-1100 medium density houses (52ha) and open space (55ha).
14. A new staging plan (dated 11 August 2020)/staging provisions set out the following general order of development:
 - Year 2/Stage 1: Sleepyhead factory stage F1 (25,000m² GFA)
 - Year 3/Stage 2: 25,000m² business GFA (service station, part of neighbourhood centre), 124,500m² industrial GFA, approx. 150 residential lots, interim bus stop, walking/cycling linkage across NIMT and Waikato Expressway
 - Year 4/Stage 3: Sleepyhead factory stage F2 (estimated at 15,000m²), 116,000m² industrial GFA, 1,000m² business GFA (associated with shop and café in residential zone), approx. 210 residential lots
 - Year 5/Stage 4: approx. 240 residential lots, community centre, sports fields
 - Year 6/Stage 5: Sleepyhead factory stage F3 (estimated at 25,000m²), rail siding & stormwater wetlands associated with Balemi Drain, 74,000m² industrial GFA, 4,000m²

business GFA (rest of neighbourhood centre), approx. 75 residential lots, Central Park wetland/open space

- Year 7/Stage 6: approx. 160 residential lots, wetland park
- Year 8/Stage 7: approx. 150 residential lots, shared recreational paths, market gardens
- Year 9/Stage 8: Sleepyhead factory stage F4 (estimated at 40-45,000m²), approx. 110 residential lots, orchard/beeives.

3 Consideration of evidence received

3.1 Topics addressed in submitter evidence

15. The main topics raised in evidence from submitters and further submitters that have been addressed in this rebuttal evidence are specific to the APL proposal and include:
 - a. Environmental effects – including economic, flooding, geotechnical, ecological, stormwater management, acoustic, landscape and visual, transport, cultural values, water supply and wastewater, urban design, social impacts, mineral resources
 - b. Alignment with the strategic framework, including NPS, WRPS, Future Proof Growth Strategy, non-RMA documents
 - c. Statutory framework – including Part 2, s32AA, s75 of the Resource Management Act 1991 (RMA)
 - d. Proposed plan provisions including zoning maps, structure plan and text changes
16. Evidence was filed on behalf of OLL by Mr McLauchlin, a representative of the company. Although technical reports were submitted by OLL in support of its submission no expert evidence was filed. No evidence was filed by the five other parties originally seeking rezoning and development within Ohinewai. Having reviewed the OLL evidence, my recommendations in the original s42A report in respect of any land not within the APL site remain. I also note that Planning Focus Limited submission 383 was withdrawn in full in March 2020.
17. I have structured this report in the order of topics above. I have only addressed those topics where I consider additional comment is required from my original s42A report.

4 Environmental Effects

4.1 Economic Effects

Industrial

18. I supported the industrial component of the APL proposal in my original s42A report. This area has now expanded by 5.5 ha to a total area of 73.5 ha. I do not consider the additional industrial area to have any additional adverse economic effects. I acknowledge the significant economic benefits described in APL's evidence including about \$60 million per annum injection into the Waikato regional economy from the industrial component and 1,000 jobs associated with the Sleepyhead factory alone.
19. Dr Fairgray provides an updated peer review (Appendix 2) that questions the validity of the APL's evidence outlining economic benefits and he considers that Dr Wheeler has overstated

these. However, Dr Fairgray accepts that economic growth is generally seen as positive for the community.

20. I rely on Mr Kemp's peer review attached to the original s42A report to support the economic benefits of industrial development at Ohinewai.
21. APL have stated in their evidence that as an integrated proposal it is not possible to approve only the industrial component, in other words it is all or nothing. While I acknowledge this point, I continue to support the revised industrial component and do not consider APL to have adequately justified why it cannot proceed without the residential component.

Residential

22. With regard to the economic effects of the residential rezoning, my original s42A report was based on 900 – 1100 dwellings of medium to high density with average site sizes of 200-350m². A density rule has now been added to the proposed planning provisions requiring at least 25 units per hectare of net developable land (i.e. excluding roads and reserves).
23. I had previously recommended that if the proposal proceeds that an objective (at least) be added to the plan provisions to require the provision of affordable housing in the structure plan area. This recommendation is not included in the proposed plan provisions.
24. At the time of preparing the s42A report it remained unclear how APL's affordable housing objective for the residential component was to be implemented. A memo on the design approach to affordable housing prepared by Jonathan Broekhuysen for APL was received on 10 March 2020 that was not addressed in the s42A report due to timing. Having now considered this memo alongside the evidence of Mr Broekhuysen and John Olliver, I agree that the housing approach proposed does not lend itself to plan provisions for affordable housing.
25. The proposed density rule appears to be the method proposed to achieve more affordable dwellings, resulting in smaller dwellings to reduce construction and land costs. However, this is not discussed in evidence. As I understand it, the intention of The Comfort Group is to assist employees into home ownership.
26. In my opinion, whether the OSP delivers affordable housing is relevant because the key justification for establishing housing at Ohinewai is to provide housing for employees of the industrial estate. I accept that the OSP provides the opportunity to deliver housing that is accessible to employees and acknowledge that APL also seek to enable opportunities for papakainga in discussions with hapuu. However, the proposed plan provisions do not ensure an affordable housing outcome and there appears to be no relationship between the number of dwellings anticipated and the demand for housing created by the industrial estate.
27. The evidence from Mr Turner and Mr Gaze on behalf of APL sets out a strong desire to provide housing for the employees of the industrial land and build a community where people can eat, sleep, live, work and play. However, although the proposal is promoted as an integrated package it remains unclear why the industrial component cannot proceed without the residential development or why the scale of residential development (900 – 1100) is needed.
28. Although the economic experts agreed that the Sleepyhead Factory would result in additional housing demand, they disagreed that the residential proposed in the OSP is required to address a shortfall in residential capacity in the area. Both Dr Fairgray and Mr Keenan for WRC state that there is no residential shortfall to support residential development at Ohinewai. Therefore, justification for residential at Ohinewai is heavily reliant on the provision of affordable housing.
29. Dr Fairgray considers that demand for housing in Ohinewai derives predominantly from the business development within the OSP, especially in relation to work opportunity and affordable housing. Dr Fairgray concludes that there is no clear evidence that shows the

proposed development would contribute materially to affordability. If the housing is not affordable then it is unlikely that many of the workforce could afford to live there based on the likely cost of housing and incomes.

30. In response to statements by Mr Heath and Mr Osborne that the factory development will not proceed unless the whole new town development is able to proceed, Dr Fairgray raises the question of whether the proposed development is primarily about developing housing rather than manufacturing capacity. It is Dr Fairgray concern that given the lack of specificity about how affordable housing would be implemented, what the nexus would be between workers at OSP and dwellings, the number of dwellings released to the open market rather than being affordable dwellings available to workers, it is difficult to be confident about the likelihood of a whole new town development proceeding.
31. I therefore consider the residential component in terms of the environmental effects that it would generate as a result of its location beyond an existing urban area or an identified growth area. Given that a large proportion of the residential development is intended to be made available for the open market these residents may or may not have any relationship to the industrial estate therefore negating the benefits espoused of work, live, play as residents commute to other locations for work.

Business

32. My original s42A report did not support the proposed Business Zone including Discount Factory Outlets. This component of the proposal has now been removed, which I support. I was also concerned about the lack of restrictions on the types of activities that could occur in the Business Zone within the OSP.
33. The OSP now proposes an area of 7.5 ha as business zone to provide for a service centre and a neighbourhood centre in two separate locations. Proposed plan provisions specifically limit business activities as set out in Rule 17.6 and require consent as a restricted discretionary activity. I note that a service station is most likely to be a restricted discretionary activity in the Industrial Zone under the recommended amendments to Chapter 20, accordingly whether the area is Business or Industrial zone may be of little consequence.
34. Convenience retail of up to 2,500m² provided for in the neighbourhood centre was supported in the peer review by Mr Kemp and was discussed in the s42A report. As such I do not discuss this matter further in terms of economic effects.
35. The proposed plan provisions provide for up to 800m² of commercial development in the Residential Zone to enable a shop and café as a discretionary activity in accordance with the OSP. This is additional to the other commercial activities provided for in the Business Zone and has not previously been assessed and does not appear to be addressed in the APL evidence from an economic perspective (only at a high level by Mr Broekhuysen in terms of the Masterplan). While the evidence of Mr Health for APL states that the OSP development can support convenience retail and commercial services of around 2,500m², the proposal now seeks to provide for 3,300m² GFA. I do not consider that providing for additional commercial activities as a discretionary activity will have adverse economic impacts because any such effects could be adequately addressed through the resource consent process.
36. Given the reduced scale of the Business Zone as a result of removing the Discount Factory Outlets, I no longer consider the proposal to have significant adverse economic effects on the vitality and vibrancy of Huntly.

Economy impact

37. Dr Fairgray addresses the economy impacts in terms of the scale of proposed activities including residential to determine whether Ohinewai is an appropriate location for the APL proposal. The proposal is significant in the local economy, being of city-scale and Dr Fairgray raises a number of concerns.

38. The labour force requirements are larger than the local economy would sustain, and may generate substantial workforce flows from Hamilton and South Auckland. The proposal would generate significant household travel, including journey to work flows into Ohinewai, as well as from Ohinewai. Dr Fairgray does not agree with the evidence of Mr Heath in relation to the proximity of Ohinewai to Huntly and the positive impacts of the proposal on social (and economic) cohesion. Specifically, Dr Fairgray is concerned about the focus on positive economic effects without considering the potential adverse effects, including ability to secure a local workforce and workforce travel implications, as well as limited access to services at Ohinewai.
39. Dr Fairgray indicates that the economic opportunity cost of not proceeding with the APL proposal is limited to the proposed Sleepyhead Factory development and not to all the business activity indicated in by Mr Osborne's evidence. I understand this to relate to the fact that experts agree the Sleepyhead Factory is unanticipated and additional growth. However, the additional industrial land could be provided elsewhere.
40. I rely on the peer review of Mr Kemp regarding the opportunities for industrial development at Ohinewai and therefore the economic benefits that this activity would create for the district. However, I agree with Dr Fairgray that the economic assessment provided in support of the overall APL proposal does not demonstrate that Ohinewai is an appropriate location for this scale of development.

4.2 Flooding

41. I retain my view that flooding does not preclude the rezoning of the APL site as a whole.
42. In my original s42A report I had recommended changes to the plan provisions to address flooding issues if the APL rezoning proposal proceeded. Following expert conferencing and updated information received, including the latest planning provisions, it is my view that no flooding issues remain left to be addressed for the rezoning request.
43. I note that recently notified Stage 2 of the PWDP addresses natural hazards. The notified Stage 2 PWDP maps do not apply any hazards overlays to the APL site, therefore it is my understanding that no flooding-related rules would apply. Notwithstanding that, APL has undertaken detailed flood modelling which identifies that there are currently floodplains across the site.
44. The land is proposed to be raised for development to a minimum ground level of 8m RL and the post-development floodplain has been modelled on that basis. I support the proposed planning provisions requiring both minimum ground levels (8.0m RL) and various minimum finished floor levels for different types of development (8.5m RL for residential, 8.2m RL for non-habitable residential, and 8.3m RL for industrial and business) to ensure that the post-development flood risk is acceptable. This approach is generally consistent with the recommendations of Mr Basheer for WRC. However, there are a couple of discrepancies:
- proposed plan provisions require a minimum finished floor levels at 8.2m RL for non-habitable residential compared to 8.3 RL for commercial and industrial buildings; and
 - ability to review the minimum flood height of 8.0m RL at the time of subdivision/development subject to a more detailed assessment of the 100 year + climate change flood heights (noting that this could be higher or lower).
45. In response to the evidence from WRC I recommend that the proposed plan provisions be refined to provide a consistent minimum floor level for non-habitable buildings (8.3m RL) and a matter of discretion included for subdivision to ensure flooding effects can be reviewed.

4.3 Geotechnical

46. I retain my view that geotechnical matters do not preclude the rezoning of the APL site.

47. In my original s42A report I had recommended changes to the plan provisions to address geotechnical issues if the APL rezoning proposal proceeded. Following updated planning provisions, it is my view that no geotechnical issues remain left to be addressed for the rezoning request (subject to the fine-tuning of the planning provisions including the addition of matters of restricted discretion, addressing liquefaction and settlement risks – see section 7).
48. Due to high groundwater levels, APL's groundwater evidence by Mr Stafford recommends either infiltration for recharge of peat soils or geotechnical ground-conditioning prior to construction and this should be reflected in the provisions. This should be included as a matter of discretion for development, and could be associated with the proposed geotechnical assessment rule.

4.4 Ecological

49. I retain my view that ecological values do not preclude the rezoning of the APL site. This was subject to recommended ecological mitigation measures being implemented, and noting that regional consents are required in future for any works in watercourses.
50. It is my view, and also that of further submitters, that APL's latest proposed planning provisions do not yet adequately address ecological mitigation measures. However for the most part, it is possible to redraft the planning provisions so that they do require the appropriate ecological mitigation measures to occur. The exception being that the APL proposal is unable to avoid modification/reclamation of some of the artificial watercourses through the site, so there may be some effects on potential black mudfish habitat that cannot be fully mitigated (as translocation of mudfish is unlikely to succeed).
51. Relying upon the ecology evidence, I do not consider potential impacts on mudfish are of enough significance under the applicable policy framework to preclude the rezoning. Rather this residual potential unmitigated effect needs to be part of the overall consideration of the rezoning request. I do note that there are also positive ecological effects from the APL proposal to be considered.
52. To implement the ecological mitigation measures, the latest planning provisions include an Ecological Rehabilitation and Management Plan (ERMP) triggered by bulk earthworks. I am not satisfied that an ERMP at the time of earthworks is sufficient to manage ecological effects on an ongoing basis. While this may address initial concerns at the time of development through bulk earthworks, ongoing protection should be afforded to ecology in the event of future development and this would better be achieved through also placing ecological requirements on the subdivision rules. Such requirements should include ongoing predator control plan and protection of bat habitat trees. I also consider the ERMP rule needs re-drafting to be more certain and clear.
53. I note that having an ERMP triggered by bulk earthworks applications will potentially limit the ecological rehabilitation and management to the site of the earthworks consent application. There is residual uncertainty about some of the larger ecological areas (Central Wetland, Wetland Park) being restored, as these are identified as later stages in the staging plan, and may not ever occur (particularly large areas of Wetland Park which are not an integral part of the stormwater management solution). While I recognise the intent of APL to undertake this work, based solely on the planning provisions these do not give sufficient certainty that the benefits of this ecological restoration can be relied upon until Stage 6/7, Years 7/8.
54. The ecology experts appear to agree that most watercourses on the site are classified as artificial but disagree on at least one being artificial or modified. After reviewing the Waikato Regional Plan, it appears that artificial watercourses can potentially be diverted as a permitted activity under Rule 3.6.4.8, and reclaimed as a permitted activity under Rule 4.3.4.4 as they are not defined as a 'river'. Therefore I am no longer confident that the stream values would be accounted for in future regional consenting. I support the requirement for indigenous fish

management plans as part of the ERMP as necessary to protect indigenous fish as much as possible, consistent with the policies of the Waikato RPS on significant habitats of indigenous fauna.

4.5 Stormwater

55. I retain my view that stormwater issues do not preclude the rezoning of the APL site and that there is sufficient information to show that detailed design of stormwater management would be able to be appropriately addressed through future stormwater discharge consents.
56. I previously recommended provisions be included requiring Low Impact Design devices be provided and roofing and cladding materials be inert. The latest planning provisions include requirements for Low Impact Design devices for all sites, and for all subdivision applications to include a stormwater management report and plans addressing a range of matters.
57. From expert conferencing and evidence, I understand that inert materials are not compulsory to achieve the required discharge standards, and a higher capacity of treatment in the treatment train could substitute for this. I therefore no longer consider that specific planning provisions on inert materials are required. Quality issues would be addressed at the time of discharge consent under the regional plan.
58. Rainwater re-use tanks are also understood to be not required to meet stormwater discharge standards, but are supported by Mana Whenua. Not including these as a requirement may have an impact on consistency with the Vision and Strategy for the Waikato River in the WRPS.

4.6 Acoustic

59. I retain my view that acoustic issues do not preclude the APL rezoning.
60. My original s42A report also stated that no special plan provisions were required to address acoustic issues. Subsequently, additional acoustic issues were identified relating to existing rural dwellings within the proposed industrial area that are not yet acquired by APL, and noise levels received at proposed new dwellings facing Lake Rotokawau during recreational shooting season (as per APL evidence – Mr Lawrence).
61. Controls have now been added to the planning provisions to address these matters, and I support these. Industrial activities must meet noise standards at the notional boundaries (20m from the external wall of a dwelling or the site boundary if this is closer) of the dwellings on Lots 1-3 DP 4743475 consistent with the residential zone requirements. A no-complaints covenant is also proposed on the residential sites in relation to shooting. The evidence of Auckland/Waikato Fish and Game states that a third party agreement has been signed to require this.

4.7 Landscape and Visual

62. My original section 42A report stated that the APL proposal represented a fundamental change to the character of the landscape that cannot be fully mitigated, however the change was considered appropriate. I recommended the landscaped buffer on Tahuna Road be increased to 5m width with a provision requiring large scale trees. APL is still proposing a 3m landscaped buffer for the Business and Industrial zones only, and not the residential zone adjoining Tahuna Road. I also recommended 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.
63. The latest planning provisions require a Landscape Concept Plan for all subdivision applications that includes a range of details. As currently drafted it is a list of information requirements, and no matters for discretion are included in the residential chapter, so I consider the rule needs re-drafting.

64. The Masterplan is not proposed to be included as part of the district plan. I consider the Landscape Concept Plan rule would need to be reworded to retain suitable discretion over the quantity/nature of planting provided, in order to ensure the landscape benefits illustrated on the Masterplan are delivered. Matters of discretion should refer to effects on landscape, visual values as well as amenity.
65. I did not previously address potential adverse visual effects on existing residential development within the proposed Industrial Zone of industrial development on adjacent sites. The proposed plan provisions require buffers and landscape along Lumsden Road to screen residential sites not currently addressed by the plan provisions. Similar landscaping requirements should be required along the boundaries of Lots 1-3 DP 4743475 if residential activities remain at the time of subdivision and could be included as a matter of discretion.
66. The minimum requirement of 5m landscaped buffer along Tahuna Road should be added to the residential zone. In relation to existing dwellings within the proposed industrial zone, which are not currently in APL ownership, visual screening of industrial activities should also be required if these dwellings remain.
67. Overall, I am of the view that landscape and visual effects do not preclude the development.

4.8 Transport

68. The latest planning provisions (subject to fine-tuning – see section 7) address several of the transport concerns outlined in my original s42A report:
- Staging provisions require transport upgrades to be provided at specified stages of development, including a walking and cycling connection to Ohinewai east and a bus stop established prior to any residential development; the four access points to the structure plan internal roading network being constructed; upgrades to existing roads and intersections; realignment of Lumsden Road for the railway level crossing before rail siding is provided.
 - All subdivision and development not in accordance with the Ohinewai Structure Plan and/or the Staging Plan is a Discretionary Activity. Proposed policy 4.1.20 seeks development is staged to match the staged availability and upgrading of transport infrastructure.
 - All industrial zone developments, the neighbourhood centre, the service centre, multi unit developments, retirement villages, Marae complex and papakaainga housing developments are required to prepare an Integrated Transport Assessment (ITA). This provides a mechanism for the reassessment of transport modelling and required mitigation in future. The transport experts identified that such a mechanism would address the identified risk of the modelled traffic volumes being underestimated. The Provision with the requirement for an ITA in the plan provisions should require further assessment to ensure additional transport upgrades are identified to be provided in addition to those listed in the staging table if necessary.
 - A rule is added restricting any direct vehicle access from private properties onto Tahuna Road from the residential zone. In the business zone, there is one potential access from Tahuna Road to the service station, and RD criteria have been added to require an assessment of safety and efficiency. Now that there is Industrial zone adjacent to Tahuna Road, an access restriction will also be required to apply to the industrial zone. The transport experts agreed that a similar restriction for Lumsden Road was not required, so long as vehicle crossings were assessed on their merits at resource consent stage. I note that the planning provisions have not included matters of discretion addressing this matter, and these would need to be added.
69. In my assessment, and relying on the advice of Ms McMinn (Appendix 3) for WDC, the key outstanding issues that remain in regards to transport effects are as follows:

- The site is not located conveniently to existing services and the lack of alternatives for travel will result in a high proportion of travel by private vehicle representing poor land use and transport integration.
 - There is an existing safety deficiency, where left turning large trucks at the SH1 southbound off-ramp track over the centre line into the oncoming lane, heading across the NIMT overbridge. This will be exacerbated by the additional trucks related to this proposal (potentially 29 additional trucks per hour in PM peak). Collision risk is increased with oncoming vehicles and cyclists; there is no shoulder space on the NIMT overbridge for cyclists. Widening the overbridge does not appear to be practicable. Ms McMinn suggests a separate parallel structure for walking and cycling would address risk to cyclists, while Mr Inder for APL suggests an electronic warning system. Proposed plan provisions should include reference to these upgrades in the staging provisions.
 - Uncertainty remains regarding the subdivision consenting process in the event that transport upgrades are not able to be delivered in accordance with staging. Although subdivision becomes a discretionary activity if transport upgrades are not implemented, the current policy framework is not sufficiently clear regarding how such development would be considered. Changes to policy are required to address this issue, potentially a non-complying status for out-of-stage development would be more appropriate.
 - The practicality of the ITA provisions – currently an ITA is required for most individual ‘developments’ except for single dwellings, and a relatively small development may trigger a major upgrade. The ITA would be better linked to staged subdivision provisions so that the traffic generation can be reassessed at each stage, and the required upgrades done by the developer of the whole stage. Include requirement to consider development anticipated by the entire stage as part of an ITA to determine appropriate upgrades, staging and timing.
 - The appropriateness of a new level rail crossing instead of grade separated, as it introduces new safety risk to road users. While a letter has been provided from KiwiRail’s National Manager in support of the proposed rail siding, no review by a KiwiRail safety engineer has been done supporting the at-grade crossing from an operations and safety perspective (letter pending – as per Mr Inder’s evidence).
70. There are also a number of other transport effects identified by Ms McMinn that are not sufficiently addressed but could be mitigated with appropriate planning provisions:
- The custom road cross sections should be amended and added to as identified in the attached memo by Ms McMinn. Alternatively, it may be more appropriate to rely on the standard WDC typologies and seek variation to these at the time of subdivision.
 - There is a potential safety issue with the proposed realignment of Lumsden Road to facilitate the rail siding. Provisions for sightline protection at Balemi Road intersection with Lumsden Road are required (including on land outside the OSP) and not yet included.
 - The proposed walking and cycling bridge and path connection does not cater for all desire lines, and safe walking and cycling links should also be provided along Tahuna Road across the NIMT and SH1 overbridges).
 - At the SH1 southbound off-ramp, the sight distance is restricted to the west with a crash history of vehicles not stopping at the stop control. The bridge barrier on the NIMT overbridge is not an accepted barrier with a risk of a vehicle passing through. These existing issues would be exacerbated by the increased traffic resulting from the

APL proposal, however improvements could be made. Any improvements needed would be identified at the time of development through the required ITA.

- There is a concern that Stage 2 residential development will use Access 1 to Tahuna Road to exit the site, which is planned to be a 'left in left out', so vehicles may make unsafe right turning manoeuvres. This issue would remain until Stage 4 when Access 2 roundabout is to be constructed but could be resolved through amendment to the staging provisions. This issue could also be addressed at the time of development through the required ITA.

71. The evidence of both Mr Swears for Waka Kotahi and Ms Loynes for WRC raises issues that the APL proposal represents poor land use and transport integration, will undermine the strategic function of the Waikato Expressway, and the need for potentially complex upgrade works to address effects on the Ohinewai interchange.
72. I consider the lack of land use and transport integration to be a significant transport effect that is not mitigated by relocating the bus stop and provision of walking and cycling linkages. Mr Swears indicates that the distances associated with active mode journeys beyond the site make them less likely to be used. While I acknowledge and support the provision for active modes by APL, I agree with Mr Swears and do not consider effects to be mitigated. Provision for public transport is supported, but the service would be limited to peak times and therefore would not reduce trips overall.
73. I acknowledge that trips on Waikato Expressway is a strategic matter as set out by Waka Kotahi. However, I agree with Mr Olliver that any effects on the expressway from the additional short trips between OSP and Huntly would not be significant because there is existing capacity.
74. Although local road upgrades could be achieved to mitigate some transport effects, in addition to the requirement for ITAs at the time of subdivision/development, there appears to be no way of mitigating the safety hazard from trucks crossing the centreline on the NIMT overbridge short of widening which is very expensive. I rely on the evidence of Mr Swears for Waka Kotahi in relation to the inadequacy of the NIMT overbridge and consider that due to the increased volume of traffic there would be significant adverse transport effects.

4.9 Cultural Values

75. A Cultural Values Assessment was unavailable at the time of writing the original s42A report and there was insufficient information provided to understand the effects of the APL proposal on cultural values.
76. A Kaitiaki Environmental Values Assessment (KEVA) report has since been provided, prepared on behalf of Waahi Whaanui Trust, Nga Muka Development Trust, Te Riu o Waikato Trust and Waikato-Tainui. While the KEVA is not a cultural impact assessment, it provides a baseline for future cultural impact statements and indicates that cultural values do not preclude the rezoning proposal.
77. Cultural effects are for tangata whenua to determine, and from the KEVA, do not appear to preclude the rezoning. However, it is my view that if certain aspects of the APL proposal are relied upon as key mitigations for cultural effects, these need to be embedded in planning provisions (or legal agreements) in a way which ensures they are achieved. For example:
- some of the mechanisms to address the KEVA matters fall outside of the district planning process;
 - I have identified various disconnects between the Masterplan and vision for the APL proposal and what is actually implemented by the planning provisions;
 - there appears to be no guarantee that the later stages of the development including wetland park restoration will be completed.

78. I support the changes made to proposed planning provisions to address cultural effects such as Policy 4.1.20 now including reference to cultural values being upheld, the restoration of the whenua and the Vision and Strategy.
79. I also note Waikato-Tainui evidence has been received on wastewater and water supply issues which is covered in the next section, as well as Mr Tupuhi the Chair of the Sleepyhead Estate Tangata Whenua Governance Group supporting the proposal.

4.10 Wastewater and Water Supply

80. The lack of certainty around water and wastewater servicing was a significant concern in my original s42A report.
81. From the expert JWS and evidence, it is confirmed that suitable short-term options for wastewater and water supply servicing are available (years 0-2).
82. The proposal relies upon the Mid-Waikato Servicing Strategy (MWSS) to provide the wastewater and water supply servicing for the development in the long term (year 7+). Further information on the MWSS has recently been released since the expert conferencing took place, confirming a commitment to service Ohinewai. I understand that funding to implement the strategy will be secured by including the MWSS infrastructure into the next Long Term Plan (2021).
83. Mr Bradley's memo in Appendix 4 has assessed the long term servicing proposals as technically feasible, and notes that they are dependent on securing resource consents. Mr Bradley identifies that this will not be a straight forward matter, especially given the MWSS preferred options involve a new water intake point from the Waikato River and a new discharge to the Waikato River.
84. My previous position was that there was insufficient certainty that a practical and consentable interim (medium term) solution was available until such time as the infrastructure identified in the MWSS is constructed and operational.
85. Since the original s42A report, planning provisions have been added by APL that address staging and timing of infrastructure provision. These require that bulk main connections are provided to Huntly Wastewater Treatment Plant (WWTP) and Huntly Water Treatment Plant (WTP) in Stage 2/Year 3. Any subdivision and development not in accordance with this staging is a discretionary activity. Policy 4.1.19 seeks all residential and commercial development is connected to a reticulated public water supply and wastewater system, and that development is staged to match the availability and upgrading of water and wastewater infrastructure.
86. I have reviewed the evidence of Mr Donald for Waikato-Tainui and agree that the MWSS is high level and does not identify performance criteria that would give reassurance on the nature of the effects. However, given the time available to resolve the issues and obtain consents, I continue to hold the view that a long term solution is likely. I therefore focus my assessment on the medium term solutions.
- Wastewater (medium term)*
87. The Huntly WWTP consent expires in 2029, and the plant is currently non-compliant with its consent conditions. The water/wastewater experts agree that the plant needs to be made compliant before receiving any discharge from the OSP area. The JWS sets out that the use of this WWTP and its upgrade to meet its consent conditions is technically feasible, and sufficient volume is available within the WWTP consent to cater for the APL proposal.
88. I understand that funding for upgrades to the Huntly WWTP are currently budgeted for in the current Long Term Plan, initial works required to make the existing plant compliant (around 2021) as well as more extensive upgrades to increase capacity (2029-2033).

89. Discussions have taken place between APL and WDC, and a Memorandum of Understanding (MOU) is included in Mr Gaze's rebuttal evidence for APL. Commitment to a funding contribution to the Huntly WWTP upgrade by APL has been signalled (Mr Gaze's evidence for APL, section 8) although this is not explicitly included in the principles within the MOU. However, I understand that WDC has agreed to assist in finding a servicing solution should the rezoning be approved to enable the necessary upgrades to be brought forward. In addition, the next Long Term Plan will make decisions in relation to the options identified by the MWSS.
90. The proposed staging provisions do not include a requirement that the Huntly WWTP be compliant with its consent conditions prior to the development connecting to it. I accept that this will need to be addressed through an appropriate funding agreement between APL and WDC, but still consider greater certainty could be provided by the plan provisions. Along with bulk main connections, reference to the upgrade of the Huntly WWTP should be added into the staging provisions at Stage 2/Year 3. The updated memo from Mr Bradley (Appendix 2) supports this approach.

Water Supply (medium term)

91. The Huntly WTP is proposed to be used to service the site in the medium term (years 3-6). However there remains uncertainty over whether sufficient volumes will be available within the consented allocation for the plant. Growth in Ngauruawahia in combination with the APL proposal may cause the consented volume to be exceeded before the long term MWSS solution is in place.
92. APL also has an agreement with the Te Kauwhata Water Association (Schedule F of Mr Gaze's evidence) to use 4,300m³ of its allocation per day for 10 years. However, the Association's consent needs renewal in 2024. As set out in Mr Bradley's memo (Appendix 2) there is no certainty that the Association will be able to secure the same volume given it is not a municipal supplier.

Summary

93. Overall, it is my view that some uncertainty remains regarding the ability to service the site in the medium to long term, although I acknowledge that the proposed staging provisions would limit development without the provision of water and wastewater services. Of particular concern is security of water supply in the medium term.
94. Proposed Policy 4.1.20 for Ohinewai states that development must match the staged availability and upgrading of water supply and wastewater providing some guidance on the need for upgrades. When considering a consent application as a discretionary activity because it does not comply with the staging provisions this policy would apply alongside Policy 6.4.3 (district wide infrastructure) and Policy 4.7.5 (urban environment). The policy framework therefore requires that infrastructure be provided that is appropriate and sufficient to provide for anticipated activities. However, I continue to have some concern that a development could proceed on an incremental basis without the wider catchment-based infrastructure in place. Therefore, I am more comfortable with a non-complying activity status for such development.
95. Mr Bradley identifies that clarification is required from APL regarding the implications for water supply and wastewater servicing associated with the additional 5.5ha of industrial zoning. Whilst I agree that this should be clarified, I do not consider this issue to preclude rezoning.

4.11 Urban Design

96. My original s42A report identified fundamental concerns with the lack of connection and self-sufficiency for the 'new town' created by the APL proposal. Concerns included that the new town is disconnected from Ohinewai village, 'car centric', lacking a community centre and has inappropriate density for the setting. It was my view that a more comprehensive and integrated structure planning exercise for the location was required before rezoning the land.

97. I also supported a design guide or similar be referred to in the policies and rules to ensure good design outcomes for medium density housing. Ohinewai-specific design assessment criteria are proposed within the Residential Zone (16.6.3 RD8) and the Industrial Zone (20.6.3 RD5) as well as policy requiring a high standard of urban design. I support the intent of this, although have identified implementation issues that would need to be resolved.
98. Evidence on behalf of OLL seeks amendment to the OSP structure plan to identify the two road connections to the north (labelled 15 on the Masterplan) so as not to preclude future expansion. I support this amendment given the identification of the broader area in Waikato 2070 as an employment growth area.
99. As previously discussed, the net density of the residential component (33 units per hectare) is integral to the affordable housing goal. The updated urban design review by Mr Jones (Appendix 5) considers this density to be inappropriate in this setting, as it is more suited to an urban setting around a town centre which has a central community focus and associated commercial services.
100. I do not consider that the adverse urban form and function effects associated with not achieving a compact urban form have been adequately addressed. I acknowledge that the structure plan mechanism and plan provisions can manage site specific urban design impacts, including residential dwelling design quality. However, the proposal results in a new urban area including medium density housing that will be heavily reliant on cars to access services and amenities resulting in significant effects in relation to urban form.
101. If the form and function urban design effects directly related to the location and density of the APL proposal were considered acceptable, the memo by Mr Jones sets out a number of effects that are able to be mitigated through revised structure plan and plan provisions. These include the number of vehicle connections / intersections into the site on Tahuna Road (also of interest to OLL as per Mr McLauchlin's evidence), the location of the neighbourhood centre and the allowance for any future development on the OLL site. Mr Jones is also of the opinion that community infrastructure should be required at an earlier stage than currently identified in the staging provisions, to assist in creating a community heart.

4.12 Social Impacts

102. My original s42A report identified that many of the social benefits attributed to the APL proposal were not certain to be delivered. I considered that benefits relied upon to justify the proposal should be secured in some manner, and that the following matters should be addressed by appropriate plan provisions to obtain that certainty:
- 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) in conjunction with release of housing.
 - Require physical infrastructure (such as stormwater, walking and cycling provisions and bus connections) to be in place before housing is released.
103. The proposed plan provisions have now been updated to address several of these matters:
- Housing affordability is to be achieved by requiring a minimum density of 25 dwellings per hectare enabling small lots and medium/high density units.
 - A staging plan has been provided which sequences residential with business/industrial development.

- Community infrastructure is to be provided as per staging provisions, starting at year 5 for a community centre and sports fields, about halfway through the residential development component.
 - Reticulated water and wastewater servicing is to be provided before residential and commercial development occurs.
 - A walking/cycle connection to Ohinewai West and interim bus stop are to be provided upon the first stage of residential development. Further walking and cycling connections are to be provided in later stages.
- I04. The revised provisions provide some improved certainty that these benefits will be achieved.
- I05. I also identified that some potential social effects were not considered or expanded upon enough. One of these was potential negative impacts from competition with Huntly businesses, which is now reduced with the removal of the DFO component from the proposal.
- I06. The social effects that are still of concern are set out in the memo of Ms Healy (Appendix 6) and include:
- The employment opportunities created by the proposal are potentially positive, however there is a lack of certainty over the scale of this positive impact. There is also incomplete identification of potential social costs;
 - Lack of certainty that employees will be locally sourced and local training and transition schemes will be provided;
 - Remaining uncertainty that affordable housing will be achieved, as this will not be ensured by density alone;
 - Lack of certainty that the entire masterplan will be implemented as opposed to partially implemented. For example, the community infrastructure and its benefits are only secured in years 5-9 (about 360 residential lots would be complete before year 5). This risks the achievement of the goal to be able to live, work and play on site;
 - Although the staging provisions require social and other infrastructure in conjunction with residential development, not complying with this is a discretionary activity leaving some opportunity for out-of-stage development to occur.
- I07. Overall, I acknowledge the potential for the proposal to have positive social impacts, particularly if implemented in accordance with the Masterplan including the full range of community infrastructure, and if APL's vision is realised (helping employees into home ownership and providing employment and training to locals). Some of these positive outcomes are more assured as a result of the amended planning provisions.
- I08. Ms Hacknell for WRC provides evidence on social impacts raising concerns that the APL evidence does not consider alternative scenarios, focusing on the Masterplan as the most likely outcome of proposed zoning. Ms Hacknell sets out some reasonably foreseeable outcomes where the full Masterplan is not implemented, which are consistent with those also identified by Ms Healy. Therefore both Ms Hacknell and Ms Healy consider to be potential adverse effects that have not been adequately identified and assessed.
- I09. I agree with Ms Hacknell that the APL proposal risks becoming a dormitory town. While I acknowledge that employment is provided as part of the OSP there is no requirement for workers to live there, and lack of certainty around affordable housing as previously discussed does not provide certainty that workers could afford to live there. Ms Hacknell highlights that dormitory towns are associated with car dependence and increased GHG emissions because residents must travel to access services and employment (if not employed within OSP). This

can result in social isolation, financial stress and decreased health due to car dependent lifestyles.

- I10. Insufficient evidence is provided by APL to determine that the overall social impacts will be positive. I continue to rely on Ms Healy's earlier review, which identified in addition to positive social effects there are a range of potential negative social impacts that have not been adequately addressed. For example, creating a community in a rural area without existing services and amenities and impacts on countryside living and rural outlook of existing residents.
- I11. Overall, I remain concerned that the Masterplan would not adequately mitigate the potential social impacts of developing at Ohinewai, because it would establish a dormitory town. However, there is also considerable risk that the limited local amenities proposed may be inadequate if the Masterplan is only partially implemented.

4.13 Minerals

- I12. Evidence has been received on behalf of the Ralph Estates, whose further submission opposed the rezoning on the basis of sterilisation of mineral rights held by Ralph Estates for coal deposits under the land. The market value of the coal that will be sterilised is estimated by Ralph Estates to be \$4-7 million. Extracting the coal is assessed to be technically feasible, however discretionary resource consents would be required with adverse effects to be appropriately mitigated.
- I13. APL primary and rebuttal evidence states that successfully obtaining resource consents to extract the coal is a very unlikely proposition due to major dewatering and settlement effects. As noted in my original s42A report, the land is not identified as being in the Aggregate Resource Area and Coal Mining Area on the PWDP maps, where lawfully established extractive industries are protected. The extent of any sterilisation effect depends upon consentability. From my perspective this effect does not preclude the rezoning of the land and is a matter to be balanced in the consideration of the proposal.

4.14 Summary

- I14. The assessment of environmental effects determines that many but not all adverse effects can be mitigated by the proposed plan provisions.
- I15. Proposed plan provisions (subject to fine-tuning) could address adverse effects associated with:
- Flooding
 - Geotechnical
 - Ecological
 - Stormwater
 - Acoustic
 - Landscape and visual
 - Transport in terms of local road upgrades
 - Wastewater and water supply in the short term
 - Cultural values.
- I16. I consider the following adverse effects however would not be mitigated by the proposed plan provisions and therefore are significant:
- Safety effects associated with the NIMT overbridge being inadequate to accommodate trucks turning without crossing the centreline.

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

5 Statutory Assessment

117. In this section I set out where the strategic framework has changed since my original s42A report and assess the proposal against the statutory tests.

5.1 National Policy Statement on Urban Development

118. As of 20 August 2020, the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) is no longer in effect and is replaced by the National Policy Statement on Urban Development 2020 (NPS-UD). The timeframes for implementation of the NPS-UD are as soon as practicable, and the housing development capacity assessment is to be done by 31 July 2021.

119. I note that Mr Mayhew for WRC and Waka Kotahi does not consider the OSP area to qualify as an “urban environment” and therefore the NPS-UD doesn’t apply. I disagree because the Waikato District is specifically identified as comprising part of the Hamilton urban environment, which is identified as a Tier 1 urban environment. This reflects the relationship between the towns and villages of the Waikato District and Hamilton, whereby the towns and villages form part of the same housing and labour market.

120. The statutory assessment is whether the APL proposal, essentially a plan change, gives effect to the NPS-UD.

121. Objective 1 and Policy 1 seek to achieve well-functioning urban environments and establishes what this entails. In addition to providing a variety of homes, other important factors include good accessibility and supporting reductions in greenhouse gas emissions. I acknowledge that the APL proposal would facilitate housing in proximity to employment, but do not consider it to provide a well-functioning urban environment because it is heavily reliant on private cars to access services in Huntly and the wider area. Policy 1 lists a set of minimum criteria to be met as a well-functioning urban environment and therefore if any one of these are not met the policy is not met. I concur with Mr Mayhew’s assessment of this policy.

122. Objective 2 and Policy 2 essentially requires sufficient development capacity to support a competitive land and development market that improves housing affordability. Development capacity must be plan-enabled, infrastructure-ready, feasible and reasonably expected to be realised, and meet the expected demand plus a competitiveness margin of 15-20%.

123. I continue to be of the view that the proposed residential zoning is not required under the NPS-UD to meet a short fall in residential capacity in Huntly, but I acknowledge that it would provide additional capacity that would contribute to the district’s overall capacity. Dr Fairgray’s position on development capacity remains unchanged and is further supported by the evidence of Mr Keenan for WRC.

124. Objective 3 sets out that urban environments should enable growth where one or more of the following apply: *the area is in or near a centre zone or other area with many employment opportunities; the area is well-serviced by existing or planned public transport; there is high demand*

for housing or for business land in the area, relative to other areas within the urban environment. I agree with Mr Mayhew's assessment of Objective 3 (although I note he incorrectly refers to it as Objective 2), that the APL proposal does not meet these criteria.

- 125. Objective 6 along with Policies 8 and 10 require local authorities to be responsive to plan changes that are unanticipated or out-of-sequence where they would add significantly to development capacity and contribute to well-functioning urban environments, and achieve integrated land use and infrastructure planning.
- 126. In terms of integrated land use and infrastructure required under Policy 10 I acknowledge the work that APL have undertaken to address infrastructure issues, particularly water and wastewater servicing and the staging provisions proposed to align development with infrastructure.
- 127. Objective 8 requires that urban environments support reductions in greenhouse gas emissions and are resilient to climate change effects. Given that the APL proposal relies on private vehicles it does not achieve Objective 8. This objective is achieved by the provision of a well-functioning urban environment.
- 128. In summary, I continue to have similar concerns to those I had previously on NPS-UDC. The NPS-UD better articulates the expectations for urban development, and I do not consider that the APL proposal would achieve a well-functioning urban environment in accordance with Objective 1 and Policy 1. Therefore, although the NPS-UD requires local authorities to be responsive to plan changes that are unanticipated where they provide for significant development capacity this is only where they contribute to a well-functioning urban environment. Therefore, the proposal does not give effect to Objectives 1, 6 and 8, and Policies 1 and 8.

5.2 National Policy Statement on Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater 2020 (Freshwater NES)

- 129. The NPS-FM and Freshwater NES were gazetted in August 2020 and come into force in early September 2020. These would be primarily relevant to the assessment of future resource consent applications.
- 130. Under the Freshwater NES a prohibited activity status generally applies to activities within a natural wetland that result in the drainage of natural wetlands. APL's November 2019 ecology report identified a modified, degraded wetland in the south western corner of the site (in the proposed service centre location). From the description provided, this does not appear to meet the definition of 'natural wetland' as set out in the NPS-FM, as it is an area of improved pasture dominated by exotic pasture species. Based on this, the prohibited activity status would not appear to affect APL's proposal.
- 131. The Freshwater NES could result in some other consenting requirements for the APL proposal, none of which would preclude rezoning. I note the Freshwater NES contains a discretionary activity status for reclamation of a river, which does not include artificial watercourses, and does not affect my comments in section 4.4 above.

5.3 Regional Policy Statement

- 132. Through the planning expert conferencing the key objectives and policies of the WRPS have been identified. The following discussion focuses on those objectives and policies that I consider to be critical in consideration of the APL proposal to determine whether it gives effect to the WRPS. I acknowledge that there are other objectives and policies that are relevant and that the proposal may be consistent with these.

Te Ture Whaimana o te Awa / Vision and Strategy (chapter 2, 8, 10, objective 3.4)

133. The KEVA acknowledges that APL has been considering the Vision and Strategy and states that Mana Whenua wish to provide further guidance to APL on the interpretation and application of the Vision and Strategy. Upon the suggestion in the KEVA, APL has added restoration of the whenua and accordance with the Vision and Strategy into the proposed policy for Ohinewai.
134. I agree that the APL proposal creates opportunities to work towards restoring and protecting the Waikato River providing some improvements to water quality associated with the retirement of dairy farm use, stormwater treatment, removal of contaminated soil, ecological enhancement, potential for improved public access to Waikato River through stopbank walkway/cycleway. Many of these outcomes have been better secured by the latest planning provisions. I also acknowledge that the objectives in section 2.5.2 are wider than just water quality improvements.
135. I agree with Mr Mayhew that the primary outcome sought for the Vision and Strategy objectives is the restoration and protection of the Waikato River, which is clearly articulated in Objective 3.4. Therefore, management of three waters are most relevant to the consideration of whether the APL proposal.
136. In the MWSS, the preferred option (and the other shortlisted options) for wastewater involves discharge of treated wastewater to the Waikato River. The preferred option for water supply involves a new intake from the Waikato River, with some of the existing municipal allocations being brought within this. The cultural effects of these options have not yet been assessed. Any consents granted for the new water and wastewater infrastructure set out in the MWSS would need to be able to meet the Vision and Strategy. At this stage in the process it is still difficult to determine if that can be achieved.
137. The evidence of Mr Donald for Waikato-Tainui highlights that the iwi remains concerned about water and wastewater treatment and effects on the Waikato River. Mr Donald is concerned about reliance on the poorly performing Huntly WWTP and expectation that to meet the objectives of the Vision and Strategy the performance of the plant would need to be improved. Security of water supply is also raised by Mr Donald as a concern in terms of meeting the Vision and Strategy given the Waikato River will be overallocated post 2035. The ongoing lack of certainty regarding actual water and wastewater solutions continues to be a concern for Waikato-Tainui.
138. In my view, until the water and wastewater effects are clarified it is not possible to determine whether the Vision and Strategy for the Waikato River will be met. The RPS takes a holistic and precautionary approach to decisions that may result in significant adverse effects on the Waikato River. The issue of three waters should be considered comprehensively in terms of potential impacts on the Waikato River.

Objective 3.12

139. My s42a report set out that the key elements of Objective 3.12 relevant to the consideration of rezoning at Ohinewai are (c), (d), (g), and (h). I noted particular concern in relation to Objective 3.12(d), stating there was significant uncertainty at that time that sufficient water infrastructure will be available to support the zoning in the short to medium term. Since then, much more information has been provided.
140. Having considered the evidence, I also consider objective 3.12(c) – integration of land use and infrastructure planning to be an issue because the proposal establishes a car-based urban area that is not supported by public transport.
141. Objective 3.12 sets out a list (not exclusive) of elements demonstrating what constitutes “integrated, sustainable and planned...which enables positive environments, social, cultural and economic outcomes.” While the APL proposal does enable some positive outcomes, it does not achieve integrated land use and infrastructure planning in terms of transport and water.

Policy 6.1

142. In my s42A report I did not consider the APL proposal to be consistent with the development principles in Section 6A of the WRPS as required by Policy 6.1. Now that the DFO is removed and the staging provisions have been provided, my remaining concerns continue to be:
- 6A (a) (b) and (c) - The proposal is segregated from the existing Ohinewai village by the Waikato Expressway and NIMT with limited opportunity to integrate so it cannot be considered an expansion of the village. Therefore, the proposal establishes a new urban area that is not adjacent to an existing settlement, creating a new town.
 - 6A (i) - The proposal does not represent a compact urban form because it would be predominantly car based as it is reliant on Huntly for services and amenities. Although employment opportunities would be provided within the OSP area, residents are not required to work there and could work elsewhere. Limited access to public transport would be provided at peak times and a more efficient and effective public transport service is unlikely to be viable because the scale of Ohinewai is not sufficient to support a more frequent service.
 - 6A (d) (e) and (f) - Some uncertainty remains around the funding of necessary infrastructure upgrades and the medium term servicing.
143. I acknowledge Policy 6.1 is not directive and there is no requirement to meet all the development principles. The explanation to the policy identifies that the principles are not absolutes and that certain principles may need to be traded off against others. I consider the principles identified above to be of critical importance to ensuring that the built environment occurs in a planned and coordinated way and cannot be traded off with the principles that can be met by the proposal. I therefore continue to be of the opinion that the proposal has not had sufficient regard to the development principles to give effect Policy 6.1

Policy 6.3

144. Previously, I did not consider the APL proposal to give effect to Policy 6.3 regarding co-ordinating growth and infrastructure. The latest staging provisions and the MWSS go some way to addressing my concerns.
145. Some feasibility (where third parties and new consents are required) and funding uncertainty remains for the required infrastructure upgrades, noting Mr Gaze's evidence that some funding discussions are in progress, but agreements are yet to be reached. However, the staging provisions and proposed Policy 4.1.20 require development to be co-ordinated with infrastructure provision, so if the upgrades cannot be achieved, the APL development is impeded.
146. Policy 6.3 is directive in my view because it requires management of the built environment to ensure coordination of growth and infrastructure including timing, staging and sequencing of infrastructure provision. I remain concerned that providing for development and subdivision as a discretionary activity where it does not align with the staging conditions may not be tight enough to guarantee coordination. However, I acknowledge that this is the intention of the plan provisions.
147. Mr Harty for APL recommends a Private Developer Agreement to address contributions towards water and wastewater infrastructure. Options identified include the developer constructing infrastructure and handing over to WDC, amongst other options.
148. I accept that the MOU between APL and WDC sets out an intent to work collaboratively to deliver infrastructure and that this cannot be progressed until the rezoning is approved. Utilising existing infrastructure such as the Huntly WWTP and contributing to the necessary upgrades is a positive outcome and is consistent with Policy 6.3(a)(ii). Although the MOU does not commit APL to funding water and wastewater infrastructure it does state that growth funds growth.

149. Waka Kotahi does not consider the proposal to protect the investment in the Waikato Expressway required under Policy 6.3(a)(iii). I defer to Waka Kotahi in this regard given it is their asset. I agree that the expressway was not designed to accommodate short trips but this appears to be within the existing capacity. Provision of a rail siding would also contribute to the reduction of heavy freight on the expressway, which I consider would be beneficial.
150. Issues remain regarding the need for upgrading the NIMT overbridge in terms of traffic safety, and this matter is not addressed by proposed staging provisions. I understand the design of the NIMT overbridge is not appropriate to service the proposed development and an upgrade would potentially be cost prohibitive. Without an upgrade to the NIMT overbridge the APL proposal would be contrary to Policy 6.3(a)(iv), which requires the provision of infrastructure to be appropriate and in place to service new development.
151. Proposed plan provisions seek to ensure that development is coordinated with the provision of infrastructure - identifying specific upgrades and timing. I agree that many of the infrastructure requirements relating to local road upgrades and wastewater can be achieved through the staging provisions. However, some uncertainties remain regarding the security of water supply in the medium term and there is no provision to upgrade the NIMT overbridge to address transport safety effects from development. I therefore do not consider the proposal to give effect to Policy 6.3.

Policy 6.14

152. Policy 6.14 is a critical policy because it addresses the Future Proof land use pattern setting out the growth management strategy in the WRPS and provides for alternative land release to be considered. The planning experts agreed that all clauses of the policy are relevant other than (a), (d) and (h).
153. In terms of clause (a), I agree that it is not relevant because the APL proposal is not within urban limits. However, it remains relevant in terms of the fact that it establishes the growth strategy or requirement to accommodate new urban development within the established urban limits. The language of clause (a) is very strong that new urban development “shall occur” within the urban limits.
154. The planners agreed that Policy 6.14 provides enough flexibility through the provisions for alternative land release for the APL proposal to be considered. I agree with Mr Mayhew that this flexibility is in terms of location and timing. This flexibility is set out in clauses (c), (e), and (f) in terms of industrial development; and (g) in terms of residential development. Greater guidance is provided in the policy on when alternative industrial development is acceptable, and I consider this to reflect that the RPS anticipated greater flexibility in terms of industrial growth.
155. My position has not changed since my original s42A report regarding the industrial component, and I continue to consider that it will give effect to Policy 6.14 (c), (e), and (f). However, when considering the overall proposal, it must achieve all the requirements in Policy 6.14 as they are set out as an inclusive list. The policy does not indicate that one or some of these requirements must be achieved in the Future Proof area.
156. Policy 6.14(g) enables the APL proposal to be considered as a structure plan process that identifies industrial and residential land that is inconsistent with the Future Proof land use pattern. The planning experts all agree that the proposal must be consistent with the Future Proof Guiding Principles as well as the Development Principles in Section 6A in order to comply with the criteria set out in Method 6.14.3 and Policy 6.14(g). I previously did not assess the residential component against Method 6.14.3 because Policy 6.14(g) only specifies the need for consistency with the principles of the Future Proof land use pattern.
157. I previously considered the commercial/residential component of the APL proposal did not give effect to Policy 6.14(g) as it is not consistent with the Future Proof principles. Now that the DFO has been removed and further servicing information is known, the remaining issue is

the residential growth in a new greenfield area that is not adjacent to an existing settlement creating a new town.

158. Method 6.14.3 sets out the criteria that must be met in order for alternative residential or industrial land release in a district plan to be considered. The method is directive given the wording “*can only consider...provided that*” and then sets out the inclusive list of criteria. Therefore, all criteria must be met in order for an alternative land use pattern to be considered, in this regard it is like a gateway test. Reference to the method in Policy 6.14(c) means that the criteria forms part of the policy, whereby alternative land release for industrial development is required to meet the criteria in Method 6.14.3.
159. The following assessment responds to each criterion.14.3.
160. Criterion (a) reflects that a key purpose of the growth strategy is to integrate land use and infrastructure. By requiring alternative land use patterns to maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the adopted growth strategy this means there should be no impacts on infrastructure. As previously discussed, there are ongoing concerns about security of water supply in the medium term because of the need for new water take consents in the overallocated Waikato River catchment. Significant safety concerns are identified at the Ohinewai Interchange that cannot be mitigated, and Waka Kotahi has ongoing concerns about impacts on the Waikato Expressway.
161. I agree with Mr Olliver’s assessment in relation to criteria (b) and (c) for the industrial development. In terms of criterion (c) the intention is to ensure that alternative residential or industrial land does not undermine commitments to regionally significant infrastructure investments. Although the MWSS identifies water and wastewater servicing solutions that provide for the APL proposal, uncertainty remains around water supply given that capacity within the Huntly WTP is allocated to growth at Ngaaruawahia. I also acknowledge the concerns that of WRC that growth at Ohinewai undermines the investment already made into the Waikato Expressway.
162. Under criterion (d) industrial and residential development is required to demonstrate that the effects of change are consistent with the development principles set out in Section 6A. This criterion has a stronger requirement to be “consistent” with the development principles compared to the Policy 6.1 that requires regard to be had to them. I agree with Mr Olliver’s assessment of the term “consistent” to mean that it must not be contrary.
163. The following assessment expands on my previous assessment against the development principles reflecting on the evidence provided by both APL and WRC.
164. I agree with Mr Mayhew that the proposal is not consistent with development principle (a) because it will create a new urban settlement distances from existing urban areas. I do not agree with Mr Olliver that the proposal will support the existing urban area of Huntly, although the new settlement will be reliant on Huntly for many services and amenities it remains separated from it.
165. I disagree with Mr Olliver that development principle (c) is not relevant because the proposal is a greenfields development. To the contrary, this principle reflects a key tenet of the growth strategy which is to encourage urban intensification and redevelopment to reduce urban development in greenfield areas. Therefore, the APL proposal is contrary to this principle.
166. Additional information provided since my earlier assessment against development principle (d) addresses staging and coordination of growth with infrastructure upgrades. However, as discussed above in relation to Method 6.14.3(a) there will be impacts on the Huntly WTP and the Ohinewai Interchange. This same issue arises in relation to development principle (e), although I acknowledge that it is technically feasible for the APL proposal to connect to the Huntly WWTP and WTP.
167. Principle (f) requires that water is available at the volumes required. Staging provisions will prevent development where water is not available and the MWSS now confirms that the OSP

can be serviced in the long term for water. However, I do not consider this issue to be fully resolved as discussed previously. Overallocation of the Waikato River water catchment remains a significant issue and although potential solutions are identified by the MWSS there is no committed funding or adopted delivery programme.

168. Principle (g) requires development to be planned and designed to achieve efficient use of water. Mr Olliver states in his evidence that the APL proposal incorporates water reuse in accordance with plan provisions. However, there is no plan provision requiring reuse tanks in the latest version of the plan provisions. If there were then I would agree that the proposal is consistent with this principle.
169. I accept with Mr Olliver's assessment that the APL proposal is consistent with principle (h) regarding significant mineral resources and natural hazard areas. However, I also agree with Mr Mayhew that as a principle development should be directed away from natural hazard areas. While the flooding effects can be mitigated, development has not been directed away from the flood hazard.
170. I disagree with Mr Olliver that the APL proposal represents a compact urban form consistent with principle (i). While I acknowledge that some opportunities are provided for people to live and work at Ohinewai this would not mitigate the fact that residents will be reliant on Huntly for most services as well as the likelihood that residents will access work and education in other locations. The provision of public transport in the weekday peak is not in my view consistent with being "served efficiently by public transport". I agree with the evidence of WRC that the APL proposal could become a dormitory town.
171. In relation to development principle (m) I agree with Mr Mayhew that the starting point for low impact urban design is working with and minimising the impact on natural hydrological processes. The APL proposal by locating in a flood plain and requiring significant land modification is contrary to this principle.
172. I agree with Mr Olliver's assessment that the APL proposal is consistent with principles (j), (k), (n), (o), (p), (q), and (t) based on the proposed plan provisions [subject to refinement] as discussed earlier in relation to ecology, stormwater, landscape, flooding, and cultural values effects.
173. I disagree with Mr Olliver that *"little weight can be placed on principles that intend that the development should be contained in an existing urban area given that it is an unanticipated development, outside the scope of the predicted Future Proof land use pattern."* While Policy 6.14 enables consideration of alternative land use patterns this needs to be considered within the context of the growth strategy that seeks to minimise the need for urban development in greenfield areas.
174. I agree with Mr Mayhew that although there is no stated hierarchy within the development principles, that some are more strategic and therefore relevant when considering rezoning. In summary, I consider the APL proposal to be contrary to many of the development principles as outlined above. Accordingly, the APL proposal does not pass the threshold for being considered as set out by the Method 6.14.3(d).
175. I rely on my previous assessment of the proposal against the principles of the Future Proof land use pattern as required under Policy 6.14(g). I remain of the opinion that the APL proposal is contrary to those guiding principles of Future Proof for the reasons discussed above regarding the Development Principles. I note that Mr Tremaine on behalf of the Future Proof Implementation Committee as well as Mr Mayhew for WRC reach this same conclusion. Mr Tremaine is of the view that the residential component of the OSP has the potential to undermine the regeneration of Huntly by establishing a competing settlement, and reducing the critical mass required to support efficient public transport.

176. Having considered the criteria set out in Method 6.14.3, the Development Principles and the guiding principles of the Future Proof land use pattern, I do not consider the APL proposal to give effect to Policy 6.14.

Policy 6.16

177. I previously assessed that the proposed Business Zone did not give effect to Policy 6.16. Now that the large business zone area containing the DFO is removed from the proposal, the potential effects on existing commercial centres are no longer a concern and I now consider that Policy 6.16 is given effect to.

Summary

178. My overall assessment is that the APL proposal does not give effect to the WRPS because it does not give effect to Objectives 3.4 and 3.12, and Policies 6.1, 6.3 and 6.14. As an alternative land use pattern seeking to establish a new growth area these provisions are fundamental, and therefore the proposal cannot be considered to give effect to the WRPS on the whole.

5.4 Non-RMA documents

Future Proof strategy

179. Future Proof is a matter to which regard must be had under section 74(2)(b) of the RMA, but it is also embedded in the WRPS and these aspects must be given effect to.
180. Future Proof provides for flexibility but that does not mean that the APL proposal is highly consistent with it. I am concerned that the proposal pre-empts ongoing investigation into the appropriate settlement pattern for the sub-region particularly in relation to residential development. The residential component of the proposal is contrary to the Future Proof principles because it establishes a new urban growth area that has the potential to undermine the growth and regeneration of Huntly. Furthermore, not all infrastructure servicing issues have been resolved.
181. I still consider that the residential component of the proposal does not meet the Future Proof development principles. Future Proof 2017 specifically acknowledges the need to respond to development with significant economic, social and cultural benefits, and I previously considered the potential adverse effects of the residential and business components to outweigh the economic benefits. Now that the DFO is removed I do not consider the commercial activities that may occur in the Business Zone to have adverse economic effects.
182. Although the APL proposal is an integrated package, I continue to convey my support for the industrial component. I acknowledge the economic and social benefits of providing additional employment in the district. The APL proposal is not adjacent to an existing urban settlement and I do not consider Ohinewai's proximity to Huntly's urban limit will deliver a more compact and concentrated urban form consistent with Future Proof. This is consistent with the view of both Mr Tremaine and Mr Mayhew.

Waikato 2070

183. This strategy has been finalised since my previous s42A report. As well as the industrial cluster previously shown at Ohinewai East, a residential cluster is now identified.
184. In my opinion this document now has more weight than previously assessed because it has been adopted but does not have significant weight. Waikato 2070 is not a statutory plan prepared under the Resource Management Act 1991 but it is a matter to which regard must be had under section 74(2)(b) of the RMA.
185. I understand that Waikato 2070 will form the basis of the Stage 2 update to the Future Proof Settlement Pattern, as it represents current thinking on growth within the district. I accept the APL proposal is consistent with Waikato 2070 and that it identifies potential growth opportunity at Ohinewai subject to further investigations.

186. I agree with Mr Olliver that the APL proposal is consistent with Waikato 2070. However, I do not agree that significant weight can be afforded to this when considering the proposal because the development pattern is still subject to investigation. I agree that Future Proof is more significant because it is embedded in the RPS.

Iwi Management Plans

187. The Waikato-Tainui Environmental Plan is an iwi management plan that must be taken into account under section 74(2A) of the RMA. The KEVA that has been provided contextualises the contents of the Waikato-Tainui Environmental Plan to the Ohinewai catchment area and in responding to the KEVA and accordingly I now consider the iwi management plan to have been taken into account in accordance with RMA s74(2A). This is further supported by the evidence of Glen Tupuhi for the Tangata Whenua Governance Group which supports the APL proposal.

Waikato Regional Land Transport Plan and Waikato Regional Public Transport Plan

188. I continue to be of the view that the APL proposal is not consistent with the Waikato Regional Land Transport Plan. I note that this is consistent with WRC evidence. I had not previously assessed the Waikato Regional Public Transport Plan but agree that regard must be had to both of these plans under RMA s74(2)(b).
189. The evidence of Mr Kuo for WRC outlines that the policy framework of the RLTP and the RPTP seeks to 'enable a supportive land use pattern or urban form that can maximise the usage and uptake of public transport to encourage modal shift.' I agree with Mr Kuo's assessment that the APL proposal is contrary to this policy framework because it does not support the concept of compact urban form and will result in high-dependency on private vehicles with a lack of alternative transport options.

Non-statutory documents

190. I do not consider the Waikato Area Blueprint and Hamilton to Auckland Corridor Plan to have any statutory weight because they are non-statutory documents and therefore are not matter to which regard must be had under RMA s74(2)(b).

5.5 Assessment against Part 2 of the Act

191. Since my original s42A report the principles of RMA sections 6(e), 7(a) and 8 have now been addressed through the completion of the KEVA.
192. From the latest information, the proposal recognises and provides for the management of significant risks from natural hazards in accordance with section 6(h) and has particular regard to the effects of climate change in accordance with section 7(i).
193. I stated that the residential and business component of the proposal did not represent efficient use and development of the site in accordance with section 7(b) due to the economic and social costs identified. I continue to be of this view in relation to the residential component, but given the removal of the DFO I am satisfied that the remaining business component is consistent.
194. I stated the residential and business components did not achieve the section 5 purpose of sustainable management because the adverse effects, including significant social and economic effects due to proximity to and reliance on Huntly, would not be adequately avoided, remedied or mitigated.
195. The adverse social and economic effects have been reduced in the latest form of the APL proposal, as discussed in this report. I agree with Mr Olliver that the focus of the assessment of Part 2 should be on section 5.
196. I accept that the APL proposal will deliver economic and social benefits in terms of jobs and also increased access to housing and potentially home ownership. The evidence of Mr Tupuhi

supports the proposal and on this basis, I accept that the proposal will support local iwi by providing for their social, economic and cultural well-being. However, I remain concerned that the scale of residential development has not been adequately justified and that the adverse effects associated with the lack of land use and transport integration will have long term impacts.

197. The proposal is urban in form and character, with a minimum density of 25 dwellings per hectare, but without the physical and social infrastructure to support such densities. While smaller dwellings on smaller lots will be more affordable there will be potentially compounding adverse amenity and social effects that would normally be offset by having increased access to amenities and services that do not exist at Ohinewai. While the open space amenity provided by the wetland park will mitigate the lack of on-site space to some extent, I do not consider this to be sufficient to mitigate the adverse amenity and social effects.
198. I do not consider the residential component of the APL proposal to achieve the sustainable management and therefore the proposal as a whole does not achieve the purpose of the Part 2.

6 Conclusion

199. I previously supported the industrial component and recommended that the APL submission be accepted in part in my original s42A report. APL have since confirmed that the industrial, residential and business components of the proposal cannot be considered separately. Therefore, in this report I have considered the APL proposal as an integrated package.
200. I have changed my position regarding APL submission [764.1]. While I continue to support the industrial component, I do not support the APL proposal as a whole because it establishes a new urban area that is not adjacent to an existing urban area and does not achieve the integration of land use and transport. There is insufficient justification for establishing a residential community (900 – 1100 houses) at Ohinewai with poor accessibility to services and amenities. The proposal would be heavily car dependent with inadequate alternative transport modes and does not achieve a compact urban form.
201. My assessment of environment effects (section 4) identifies that there would be positive economic effects from industrial development in terms of both jobs and the local economy. Although many minor adverse environment effects can be adequately mitigated by plan provisions (subject to fine-tuning) a number of significant adverse effects have either not been adequately addressed or cannot be including:
- Safety effects associated with the NIMT overbridge being inadequate to accommodate trucks turning without crossing the centreline.
 - Uncertainty remains regarding servicing the site in the medium to long term, particularly security of water supply.
 - Poor integration of land use and transport resulting in car-centric development and a dormitory town.
 - Density of residential development is not supported by adequate amenity.
 - Social impacts on countryside living and rural outlook of existing residents, from uncertainty that affordable housing will be provided, and creating a community in a rural area without existing services and amenities.
202. I have assessed APLs proposal against the relevant statutory tests of the RMA in section 5 of this report and in my opinion it:

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

203. I have not changed my position on the other submissions considered under this topic and rely on my original s42A report. An updated table of submissions points is set out in **Appendix I**.

204. **Appendix 2** contains the technical memos updating the previous reports by technical experts on behalf of the Council, following expert conferencing and evidence.

205. In the event that the Hearings Panel accept the rezoning proposal by APL I have identified a list of amendments to the plan provisions in **Section 7** that I consider would be necessary to address gaps identified in the assessment of environmental effects. I consider that the amendments would be more efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

6.1 Overall recommendation

206. For the reasons above I recommend:

- Reject APL submissions [764.1-6] including the revised proposal as presented by the Ohinewai Structure Plan (Rev J dated 23 July 2020) and Zoning Plan (Rev E dated 22 July 2020) and amended plan provisions attached to Mr Olliver’s rebuttal planning evidence (dated 24 August 2020).

207. In the event that the Hearings Panel accept the rezoning proposed by APL I have identified a range of refinements to the plan provisions in section 7 that I consider to be necessary to address gaps identified in the assessment of environmental effects.

7 Proposed Plan Provisions

7.1 General comments

208. This section contains comments and recommended amendments to APL’s proposed plan provisions should the Panel not accept my recommendation in section 6 above. This is in acknowledgement that many but not all of the environmental effects of the APL proposal are able to be mitigated with the appropriate provisions in place.

209. I have indicated in the Environmental Effects section above that the proposed plan provisions would require fine-tuning so that they achieve their intended outcomes.

210. It is also my opinion that the provisions relating to Ohinewai are best structured as a separate precinct section in the PWDP rather than making modifications to standard zones. The

relationship between the Ohinewai-specific rules and some of the standard zone rules which also apply can be difficult to understand. I am concerned this may result in additional activities that are not anticipated by the Ohinewai Masterplan. Splitting the plan provisions across multiple chapters also makes it difficult to ensure integrated outcomes are achieved, this is particularly evidenced regarding the staging provisions. However, I have based my comments on the structure presented in APL evidence.

211. Mr Olliver's memo (dated 27 July 2020) provided updated structure plan, zoning plan, business structure plan and masterplan reflecting the amended proposal. However, these plans have not been incorporated into the proposed plan provisions and it is not entirely clear how they are intended to be. These should be included as precinct plans and greater clarity is needed to enable these to be read together. For example, the staging plan does not have a legend making it confusing and difficult to read alongside the structure plan and naming conventions for roads should be consistent.
212. I previously did not support identifying activities as permitted within the OSP and note that these have been changed to restricted discretionary.
213. I had identified a lack of certainty in drafting – for example missing matters for restricted discretion, and rules reading as if they were assessment criteria, consent conditions or information requirements. There has been some improvements made, but many issues remain.
214. Any reference to delivery of affordable housing has now been fully removed from the provisions, and density is the only factor relied upon in the PWDP, with other affordable housing schemes proposed outside the plan.

6.2 Recommended amendments

215. The following amendments are generally recommended if the rezoning is accepted (where applicable, references made to attached technical memos where further detail can be found):

Section 4 – Urban Environment (attachment A1 to Mr Olliver's rebuttal)

216. If out-of-stage development (including development not connected to reticulation) remains discretionary (I have recommended non-complying), 4.1.20(a)(ix) and (x) to be refined to give guidance on how to assess such consents.
217. Make additions to Policy 4.1.20(a)(vii) to set out the vision of a high quality urban environment providing policy that seeks to achieve the APL objective of the ability to work, live and play in the area (Ms Healy):
- Delivery of development that promotes and supports the development of a defined community with an appropriate range of accessible, walkable and conveniently-located services and community facilities that serve the day-to-day needs of those people living in the Ohinewai Plan Change area.
 - Provide for the co-ordinated upgrade of confirmed social infrastructure within the area so that such upgrades occur either before or concurrent with development.

Section 14 – Infrastructure and Energy (attachment A2 to Mr Olliver's rebuttal)

218. Make amendments to road cross sections as per attachment A to Ms McMinn's transport memo (or remove custom cross sections entirely and rely upon standard WDC typologies with variations approved through subdivision consent).
219. Modify design speed limits for Ohinewai Structure Plan in Table 14.12.5.14 to 30-60km/h max (Ms McMinn).

Geotechnical rules in Sections 16, 17 and 20

220. Geotechnical matters of discretion need to be added for all development, which address liquefaction and settlement risks, adequacy of proposed ground improvements, and adequate infiltration for recharge of peat soils.
Ecological Restoration and Management Plan (ERMP) rules in Sections 16, 17 and 20
221. Add matter of discretion for ERMP referring to the manner and extent to which any ongoing mitigation measures required post earthworks will be achieved.
Integrated Transport Assessment (ITA) rules in Sections 16, 17 and 20
222. An ITA should also be required to consider the scale of development anticipated within the current stage to confirm adequacy of mitigation prior to further development, confirming the upgrade as well as the staging and timing (Ms McMinn). Include matters of discretion to allow for additional transport upgrades to be provided to those listed in the staging table, should these be shown to be necessary. For the industrial and business zones, retain discretion over the need for, location of and design of vehicle accesses.
Landscape Concept Plan rules in Sections 16, 17 and 20
223. Matters of discretion should refer to effects on landscape and visual values as well as amenity values. Add a new matter of discretion over the quantity/nature of planting proposed, in order to ensure the landscape benefits illustrated on the Masterplan are delivered. Convert/replicate other 'information requirements' listed into matters of discretion, for example 'adequacy of maintenance plans'; 'security of public access'; 'inclusion of cultural elements'.
Infrastructure Staging Provisions in Sections 16, 17 and 20
224. Bring forward the delivery of central park as it is required for stormwater management from most of the development area.
225. Bring forward the delivery of part of wetland park to ensure ecological benefits are achieved in earlier stages of the development / if structure plan is only partially implemented.
226. Bring forward the delivery of the community infrastructure to an earlier stage of the development to ensure availability for earlier residents and if structure plan is only partially implemented (Mr Jones, Ms Healy).
227. Bring forward the construction of Access 2 to Year 3 to allow early residents to turn right safely when exiting to Tahuna Road (Ms McMinn).
228. Add in requirement for widening Tahuna Road overbridge across the NIMT in general accordance with the relevant PDP requirements as a required infrastructure upgrade (Ms McMinn).
229. Add to (k) a requirement for sightline protection to be secured at relocated Balemi Rd/Lumsden Road intersection (Ms McMinn).
230. Add upgrade of Huntly WWTP to (b) in Water & Wastewater. It is agreed that this infrastructure upgrade needs to occur in order for the proposal to utilise the WWTP (Mr Bradley).
231. Remove references to length of roads in the table and rely on the structure plan (Ms McMinn).
232. Refer to applicable custom road cross-sections in Chapter 14 within the table (Ms McMinn).
Other - Chapter 16 Residential Zone (attachment A4 to Mr Olliver's rebuttal)
233. Rule 16.6.2 RD1 – Retirement villages should be Discretionary, as they are not anticipated to be included in the development under the current assessments. No justification is provided in support of retirement villages in this location.

234. Rule 16.6.3 RD1 – I previously supported a minimum density rule being included in order to support the achievement of the masterplan densities. However, I continue to be concerned about the amenity effects of the proposed density of housing in this location. To enable flexibility and further detailed assessment at the time of development, I now support the densities of housing being left to the standard residential zone consent process and RD1 being removed.
235. 16.6.3 RD2, RD3, RD4 and RD6, need matters of discretion added relevant to the issue of control. Ideally, restructure so that ‘residential activity’ and ‘multi unit development’ are restricted discretionary activities in OSP when they comply with ‘activity specific conditions’ (similar to 16.1.3 RD1 Multi Unit development in the standard residential zone provisions), and add the matters of discretion to that.
236. 16.6.3 RD8 - If custom urban design assessment criteria are to apply, use specific quantitative measures to provide surety on design quality (Mr Jones).
237. 16.6.4 Land Use – Building RD1, RD2, RD3 – Restructure to match the 16.3 Land Use – Building controls i.e. with a Permitted activity first, then a Restricted discretionary activity for non-compliance with the Permitted standard, and add relevant matters of restricted discretion for all.
238. Rule 16.6.4 RD3 change 8.2mRL to 8.3mRL.
239. Add additional Land use – Building rule to 16.6.4 requiring a landscaped buffer of 5m, including large scale trees, along Tahuna Road edge.
240. 16.6.5 Subdivision – matters of discretion are missing for most RD activities. Ideally combine RD1-RD7 into RD1 stating ‘(a) In addition to the conditions in rules 16.4.1 and 16.4.4, subdivision must comply with all of the following conditions: (i) Be in accordance with the Ohinewai Structure Plan (ii) All lots must have building platforms...’ etc. ‘In addition to the matters of discretion in rules 16.4.1 and 16.4.4 Council’s discretion shall be restricted to the following matters: (add matters of discretion related to each of the conditions). Include discretion to ensure flooding effects can be reviewed.
241. Move table in 16.6.6 to site after 16.6.2 consistent with the normal structure of the residential zone rules to make it clear what happens when restricted discretionary activities do not comply with the conditions. D2 should be changed to non-complying, to reflect the significant adverse effects of residential development proceeding without reticulated water and wastewater and certain transport upgrades as well as the identified community infrastructure being in place.
- Other - Section 17 Business Zone (attachment A4 to Mr Olliver’s rebuttal)*
242. 17.6.3 Land use - effects RD1 – RD3 – restructure to match the 17.2 Land Use – effects controls i.e. with a Permitted activity first, then a Restricted discretionary activity for non-compliance with the Permitted standard, and add relevant matters of restricted discretion for all.
243. Rule 17.6.3 RD3 Increase 3m wide landscaped strip to 5m (Mr Jones)
244. 17.6.4 Land use – building RD1-RD3 – restructure to match the 17.3 Land Use – building controls i.e. with a Permitted activity first, then a Restricted discretionary activity for non-compliance with the Permitted standard, and add relevant matters of restricted discretion for all.
245. 17.6.5 Subdivision – matters of discretion are missing for most RD activities. Ideally combine RD1-RD6 into RD1 stating ‘(a) In addition to the conditions in rule 17.4.1 and 17.4.1.1,

subdivision must comply with all of the following conditions: (i) Be in accordance with the Ohinewai Structure Plan (ii) All lots must have building platforms...' etc. 'In addition to the matters of discretion in rules 17.4.1 and 17.4.1.1 Council's discretion shall be restricted to the following matters: (add matters of discretion related to each of the conditions). Include discretion to ensure flooding effects can be reviewed.

Other - Section 20 Industrial Zone (attachment A5 to Mr Olliver's rebuttal)

246. Rule 20.6.1 add matters of discretion for each of these activities from 20.1.1 PI-P6 that have been made restricted discretionary.
247. Move 20.6.4 RD5 (urban design matters of discretion) to apply to all industrial activities in 20.6.1, as these are not clearly associated with a specified activity yet. Also add to RD5 a matter of discretion relating to visual screening of existing dwellings within the industrial zone.
248. 20.6.2 Land use - effects RD1 – RD7 – restructure to match the 20.2 Land Use – effects controls i.e. with a Permitted activity first, then a Restricted discretionary activity for non-compliance with the Permitted standard, and add relevant matters of restricted discretion for all (currently missing for RD1-RD4 and RD7).
249. 20.6.2 amend to match the requirement applying to residential zone adjacent to Tahuna Road, Land use effects section add another land use - effects rule that there must be no direct vehicle access from any property onto Tahuna Rd.
250. 20.6.2 - if ITA requirement is removed from individual developments as recommended above, include a provision requiring any vehicle crossings from industrial sites to Lumsden Road to be assessed on their merits at resource consent stage.
251. Rule 20.6.2 RD4 matters of discretion should include over species, spacings and heights (Mr Jones).
252. 20.6.3 Land use – building – restructure to match the 20.3 Land Use – building controls i.e. with a Permitted activity first, then a Restricted discretionary activity for non-compliance with the Permitted standard, and add relevant matters of restricted discretion for all.
253. 20.6.4 Subdivision – matters of discretion are missing for most RD activities. Ideally combine RD1-RD6 into RD1 stating '(a) In addition to the conditions in rule 20.4.1, subdivision must comply with all of the following conditions: (i) Be in accordance with the Ohinewai Structure Plan (ii) All lots must have building platforms...' etc. 'In addition to the matters of discretion in rule 20.4.1 Council's discretion shall be restricted to the following matters: (add matters of discretion related to each of the conditions). Include discretion to ensure flooding effects can be reviewed.
254. 20.6.4 RD6(a) should refer to all areas of public and private open space (Mr Jones).

Structure Plan

255. Show the connections north to that are labelled 15 on the masterplan (Ohinewai Lands Limited)
256. Add in additional eastern intersection on Tahuna Road to the residential area as shown on previous version of Structure Plan (Mr Jones, Ohinewai Lands Limited) and also add this into the staging provisions.
257. Relocate the neighbourhood centre further east and within the residential area of the proposal (Mr Jones) (noting transport implications not assessed).
258. Ensure shared path consistently shown (Ms McMinn).

259. Ensure consistent references to road typologies (Ms McMinn).

7.3 Section 32AA evaluation

260. As I do not support the rezoning and associated plan provisions, I have not provided a section 32AA evaluation. I note that the original AEE prepared by APL included a s32AA and further revaluation is provided in Mr Olliver's planning evidence (9 July 2020). Other than the objective and policy this evaluation focuses on the appropriateness of proposal and does not address the plan provisions in any detail.

