IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission in respect of the **PROPOSED WAIKATO DISTRICT PLAN** by **AMBURY PROPERTIES LIMITED** pursuant to Clause 6 of Schedule 1 of the Act to rezone 178ha of land at Ohinewai

STATEMENT OF REBUTTAL EVIDENCE OF JOHN BLAIR OLLIVER

1. INTRODUCTION

1.1 My name is John Blair Olliver. I am a planning consultant and director of Bloxam Burnett and Olliver.

1.2 I am acting for Ambury Properties Limited ("APL") in support of that company's submission seeking a rezoning of land at Ohinewai.

1.3 I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief (**"**EIC**"**).

1.4 I have read the statements of evidence of all the following witnesses:

(a) Ian Mayhew for Waikato Regional Council ("WRC") and Waka Kotahi NZ Transport Agency ("NZTA").

(b) Sarah Loynes for NZTA.

(c) Ken Tremaine for Future Proof Implementation Committee ("FP").

(d) David Klee for Auckland Waikato Fish and Game Council.

(e) Ghassan Basheer for WRC.

(f) Gavin Donald for Waikato Tainui.

1.5 I have also read the statements of evidence prepared by Thomas Wilding, Melissa Hackell, Vincent Kuo and Bair Keenan (WRC) and Robert Swears (NZTA).

Purpose and scope of rebuttal evidence

1.6 This statement of rebuttal evidence addresses planning issues. It does not restate matters addressed in my EIC but addresses new issues raised in the evidence of other submitters.

1.7 Specifically, I address the following:

(a) Cumulative effects of development and strategic fit (Section 3);

(b) The National Policy Statement-Urban Development 2020 (Section 4);

(c) Water and wastewater provision (Section 5);

(d) Ecology (Section 6);

(e) Potential reverse sensitivity effects (Section 7); and

(f) Updated plan provisions (Section 8).

2. CUMULATIVE EFFECTS OF DEVELOPMENT AND STRATEGIC FIT

2.1 Mr Mayhew considers that the requisite strategic planning and good practice urban planning, including consideration of cumulative effects of multiple developments, is absent from Waikato 2070 and the APL Ohinewai Structure Plan ("OSP") proposal.[1]

2.2 I do not agree. From the outset, APL has endeavoured to take a strategic approach to Ohinewai, taking into account the other rezoning proposals and assessing them collectively within the well-established strategic framework of Future Proof and the Waikato Regional Policy Statement ("RPS"). However, the other rezoning submitters have not progressed their proposals and there has therefore been a lack of evidence to rely on. APL has had to proceed based on limited information from them. However, I consider that sufficient strategic analysis has been undertaken to be satisfied that the OSP does not preclude other development plans in Ohinewai East in the future,

[1] Statement of evidence of Ian Mayhew paragraph 7.8.

with particular reference to Ohinewai Lands Ltd ("OLL") and land to the north of Balemi Road identified in Waikato 2070.

2.3 The OSP is being advanced in the context of a District Plan review and submission process which is, in and of itself, a relatively high level 'strategic' process incorporating consideration of a wide range of land use options in the context of the RPS and Future Proof strategic framework. It has been, and is, subject to rigorous independent review through a contestable RMA process.

2.4 Mr Mayhew says the 'extent of the requested departure from the settlement pattern' requires a more strategic approach.[2] As agreed in the Planning JWS, the OSP (including its industrial, business and residential components) is within the scope of the flexibility criteria and guidelines embedded in the RPS[3] which are designed to address departures from the settlement pattern. If it was so extensive that it required a 'more strategic approach' it would not fall within the scope of the flexibility criteria. I therefore do not accept that it is not sufficiently strategic. What that would effectively mean is some form of wider investigation of issues and options for development in the mid-Waikato area. This is not consistent with the view that the RPS and Future Proof are sufficiently responsive to consider this proposal.

2.5 Ms Loynes has a particular concern about the strategic alignment of the OSP with Objective 3.12 (e) and Policy 6.3 of the RPS which refer to 'protecting' infrastructure. She specifically refers to the Waikato Expressway in this context.[4] I interpret the term 'protect' to mean to keep safe from harm or to maintain the integrity of something. It does not mean to preserve in its current state. In my opinion the significant employment and industrial base of the OSP is very consistent with the key strategic outcomes of the Network Plan quoted in paragraph 8.2. Using an existing underutilised interchange 'protects investment in existing infrastructure' as otherwise those connections may need to be built somewhere else to accommodate the development. It is also consistent with the 'efficient and affordable provision of the development' in accordance with RPS Policy 6.3 i). That strategic alignment is not undermined by the use of a short section of the Expressway for the limited number of short trips outlined in the ITA and the EIC of Mr Inder, as they demonstrate that there are no adverse effects on its operation. If there are no adverse traffic impacts then the Expressway is protected.

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2 Statement of evidence of Ian Mayhew paragraph 7.10.
3 Planning JWS, paragraph 9.19.
4 Statement of evidence of Sarah Loynes, paragraphs 9.5,9.11.

2.6 Mr Mayhew and Ms Loynes also criticise Waikato 2070 and the weight that I have accorded to it.[5] I accept that Waikato 2070 is not perfect and does not please everyone. But it represents the latest thinking in strategic planning for the District (and therefore the Region) and is a step forward insofar as it documents a strategy that is based on the information available, rather than spending years planning and strategising.

2.7 Waikato 2070 also partially fills a void left by the failure to complete Phase 2 of the Future Proof update, including preparation of a Future Development Strategy, together with a consequential change to the RPS. The need for these was signalled back in 2016 with the release of the National Policy Statement-Urban Development Capacity (NPS-UDC). Similarly, there have been ongoing delays in advancing the Hamilton to Auckland Corridor Study. Given the lack of progress on those strategic level documents, and the rapidly changing economic and development environment that Waikato District is experiencing, I consider that Waikato 2070 should be given considerable weight.

2.8 In terms of section 32 of the RMA, Mr Mayhew's approach is to 'not act'. That section requires that the risk of acting be weighed up against the risk of not acting. In my opinion, the risk of not acting on the basis that a "more strategic" analysis is required would result in a lengthy delay, and the opportunity of enabling the development and its benefits will be lost. As set out in my EIC, I consider that the risks associated with acting are small and are heavily outweighed by the wider benefits.

2.9 Mr Tremaine raises concerns about alignment with the Future Proof Strategy in relation to the residential component, but supports the industrial element[6]. That position overlooks the underpinning philosophy that the OSP represents a "total package" by which housing and related amenities (such as significant open space and recreational opportunities) provides a community of people who can live, work and play at a single location rather than another industrial development that workers are required to drive to.

2.10 The Future Proof principles promote the sub-region as a place to Live, Work, Play, Invest and Visit, but inexplicably Mr Tremaine places emphasis only on the 'Invest' element.[7] In my opinion, consistency with all the relevant principles is important. In many ways, Pokeno is demonstrating how successful that model can be, with the introduction of significant employment

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5 Statement of evidence of Ian Mayhew paragraph 7.3, Statement of evidence of Sarah Loynes , paragraph 11.2

6 Statement of evidence of Ken Tremaine paragraph 6.3.

7 *Ibid* paragraph 6.3.

to support the residential development, and that it is time for Future Proof to catch up.

2.11 In section 7, Mr Tremaine raises concerns about the impact of the residential component on Huntly, saying that planned investment in Huntly will not be sustained because of the OSP.[8] But he also refers to the Future Proof growth policy for Huntly which is for 'economic development interventions aimed at stimulating positive economic and social outcomes'[9]. However, the examples of current investment he refers to are infrastructure upgrades and a community centre;[10] they are not investments in employment, housing or economic growth. In my EIC, I referred to Kainga Ora's redevelopment objectives for Huntly and concluded that they were unfunded, long-term and focussed on social housing.[11] There is currently declining employment growth at Huntly[12]. Relying on the economic EIC and rebuttal of Mr Heath and Mr Osborne, my opinion is that the OSP will create additional demand and provide support for the regeneration of Huntly across all sectors, and therefore provides a real and practical means of contributing to achievement of the Future Proof growth vision for Huntly.

3. NATIONAL POLICY STATEMENT-URBAN DEVELOPMENT

3.1 The National Policy Statement-Urban Development (NPS-UD) came into force on 20 August 2020 so was not addressed in my EIC. Mr Mayhew discusses it in section 8 of his EIC. In this section, I address some of Mr Mayhew's conclusions, but where necessary also add my own evaluation of the NPS.

3.2 Mr Mayhew concludes that the OSP is unlikely to meet the definition of an 'urban environment', but that, if it does, it does not give effect to its objectives and policies.[13]

3.3 The interpretation section of the NPS-UD states that:

> *"urban environment means any area of land (regardless of site and irrespective of local capacity or statistical boundaries) that:*

8 Statement of evidence of Ken Tremaine paragraph 7.8.
9 *Ibid*, paragraph 6.2.
10 *Ibid*, footnote 24.
11 Statement of evidence of John Olliver, paragraph 8.29.
12 Tim Heath rebuttal, paragraph 3.4.
13 Statement of evidence of Ian Mayhew paragraph 8.18.

(a) is, or is intended to be, predominantly urban in character; and

(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people."

3.4 This definition is very broad insofar as it is not limited by geographic size, jurisdictional or other boundaries. It captures the situation of the OSP which is 2.5km from the urban limits of Huntly. Both the OSP and Huntly are 'urban in character' as they comprise residential development ranging from single dwellings to medium density, to be connected to urban infrastructure services, including commercial / industrial development and with community services and amenities. Together, they will be predominantly urban in character. While there is an undeveloped gap between then of approximately 2.5km, that distance is not significant in the context of Huntly township which extends along the Waikato River for a distance of some 8km. As planned for, Huntly's industrial growth will be towards Ohinewai.

3.5 In this case, Huntly is clearly urban and Ohinewai is 'intended to' form part of a predominantly urban area. Identification of the OSP in Waikato 2070 and in the information supporting the APL rezoning submission indicates that it is 'intended to be' urban. Therefore, in my opinion it satisfies subsection (a) of the above definition.

3.6 In terms of subclause (b) of the definition of "urban environment", the term 'housing and labour market' is not defined in the NPS-UD. The evidence of Blair Keenan for WRC confirms that, based on the existing Huntly population, the 10,000 figure would be satisfied in terms of housing market[14]. However, this is based on the current population, not the 'intended to be' population which would include the OSP population of approximately 2970. This is also consistent with the future population of 13,500 identified for Huntly in Waikato 2070.

3.7 Mr Mayhew and Mr Keenan interpret subclause (b) as requiring separate housing and labour markets, each of 10,000 people[15]. I do not agree. In my opinion, housing and labour should be read together and mean an urban area where there are housing and labour markets operating in a population of at least 10,000 people. Separating them out is illogical as a labour market will always be a much smaller subset of a housing market. If for the purposes of the NPS-UD the labour market itself (ie. people working or looking for work) had to be a minimum of 10,000 people, the minimum population would

14 Statement of evidence of Blair Keenan paragraph 10.7.
15 Statement of evidence of Ian Mayhew paragraph 8.3.

need to be much larger; in the order of 20,000. In any case, it would be anomalous for Waikato District's largest town not to be considered 'urban'.

3.8 My less conservative interpretation is reinforced by reference to the Ministry for the Environment's Regulatory Impact Assessment for the NPS-UD which states: [16]

> *'The NPS-UD applies to all urban environments of more than 10,000 people, which are then categorised into three tiers'.*

3.9 Therefore, in my opinion the OSP is captured by the definition and the NPS-UD applies.

3.10 The NPS-UD supersedes the NPS-UDC. It carries over some of the features of the NPS-UDC such as the obligations on councils to provide sufficient development capacity and monitoring and reporting of capacity. However, it introduces a number of new objectives and policies that must be given effect to. Mr Mayhew addresses them in sections 8.5 to 8.17 of his EIC. In the following paragraphs I comment on those aspects of Mr Mayhew's evidence that I disagree with.

Objective 1 and Policy 1

3.11 I consider that the OSP will create a 'well-functioning urban environment' as it will enable a variety of homes. It will include approximately two-thirds of the yield as medium density terrace houses and duplex typologies which are quite different from the typologies in Huntly, increasing variety and choice. They will be modern, healthy homes in comparison to the Huntly housing stock which largely comprises dated single family dwellings. There is little new construction in Huntly.

3.12 The higher density of the residential housing proposed for Ohinewai will enable lower price points and, as described in the EIC of Mr Turner and Mr Gaze, a portion will be offered to Sleepyhead workers factory, which will be an entirely different part of the housing market. The housing will enable Maori to express their cultural traditions and norms, firstly by incorporating cultural narratives and symbols in the OSP design. Secondly there is agreement with Mana Whenua that a proportion will be made available for papakainga development.

3.13 The OSP has good accessibility. It will locate housing directly adjacent to industrial employment, enabling a completely different approach to home-

[16] Regulatory Impact Assessment, footnote 9.

work trips. There will be alternative modes available and only short distances between work and home.

3.14 I accept that Huntly will provide a majority of wider social and community services, but accessibility to and from Huntly will also be good, with provision of an off-road cycle connection and public transport. APL proposes to fund public transport initially and its ongoing operation is the subject of an MOU with Waikato District Council ("WDC").

3.15 In my opinion, there is a low risk of Ohinewai becoming a dormitory town as it is a combined residential / employment area. A dormitory town is one where there is insufficient employment so residents have to travel to work. Because they travel to work they tend to connect socially with the location of their workplace rather than their home; Te Kauwhata is an example. That is not to say some people will not choose to live at Ohinewai and travel somewhere else to work, but the development is planned to enable and encourage the opposite approach.

3.16 For the above reasons, I do not see Ohinewai as significantly increasing greenhouse gas emissions. The home-work trip will be short and the OSP will be self-sufficient in terms of recreational open space and convenience shopping. It is only for trips for other services that travel to Huntly will be needed.

3.17 Policy 8 of the NPS-UD is relevant insofar as it states:

> *'Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*
>
> *(a) unanticipated by RMA planning documents, or*
>
> *(b) out of sequence with planned land release.'*

3.18 The OSP is unanticipated and it will add significantly to development capacity as it will supply 67ha of industrial land and 52ha of residential land. It will contribute to a well-functioning urban environment in accordance with my assessment of Policy 1. Policy 8 is particularly apposite as it clearly directs that adding capacity is more important (subject to some provisos) than inflexible adherence to planning documents.

3.19 Mr Mayhew considers that Policy 8 does not apply because it refers to 'plan changes', not rezoning submissions on District Plans.[17] I do not agree with this interpretation, as the wording needs to be read in context and take into account the purpose of the NPS as a whole. Clause 3.8 in the implementation section is of limited help. However, in my opinion it would be anomalous for Policy 8 to not apply to District Plan reviews. By their nature they have a wider ranging impact on development capacity than plan changes. In any case plan changes can only be made to operative plans, again illogically excluding Proposed Plans from the direction of Policy 8.

3.20 It would not be consistent with the overall intent of the NPS-UD to limit the responsiveness policy in this way. This view is supported by the background information provided on the Ministry for the Environment (MfE) website. In terms of "what it requires", the MfE website says:

> *"The NPS-UD 2020 requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations*
>
> *This includes:*
>
> - *ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi)*
> - *ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth*
> - *developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions*
> - *aligning and coordinating planning across urban areas.*
>
> *The NPS-UD 2020 contains objectives and policies that councils must give effect to in their resource management decisions."*

3.21 My view that the NPS-UD is applicable is reinforced by reading the document as a whole and taking into account its key purposes as reflected in the objectives which direct urban environments to be 'well-functioning', to 'support competitive land and development markets', meet 'changing needs of people and communities', are 'integrated with infrastructure planning and funding', are strategic and are responsive.

[17] Statement of evidence of Ian Mayhew, paragraph 8.15.

4. WATER AND WASTEWATER PROVISION

4.1 Mr Mayhew raises concerns about the lack of certainty of water and wastewater solutions and particularly whether they will give effect to the Vision and Strategy[18]. He refers to the Mid-Waikato Servicing Strategy ("MWSS") as not providing sufficient certainty. The MWSS is addressed in more detail in Mr White's statement of rebuttal evidence. By way of summary, it identifies preferred options for water and wastewater as:

(a) Water supply - a centralised scheme for Mid Waikato, with a new water intake and treatment plant at Te Kauwhata, and Ohinewai being serviced initially from Huntly and then from Te Kauwhata. It is proposed to continue to source water from the Waikato River and for Huntly to continue to be supplied from the Huntly WTP.

(b) Wastewater - a centralised WWTP for the Huntly and Ohinewai catchments located in Huntly, and a stand-alone WWTP in Te Kauwhata for that catchment. Both WWTPs are proposed to discharge to the Waikato River.

4.1 The MWSS includes conceptual layouts of these options and high level cost estimates.

4.2 Mr Mayhew is critical of the MWSS because it is not strategic enough and because it takes into account the OSP.[19] I disagree. It is efficient and effective to consider all of the issues together, including existing non-compliances, and a 'live' proposal such as Ohinewai, because that recognises the reality of the situation we are facing. Otherwise, again, the analysis and decision-making will be further drawn out, compliance costs will increase and opportunities will be lost. The preferred options in the MWSS will now be subject to further work, including additional stakeholder engagement and consideration of funding and timing. The MOU with WDC included with Mr Gaze's rebuttal evidence provides further certainty and detail on how this work will be advanced.

4.3 That MOU is an important step towards a development agreement between APL and WDC that will formalise the funding arrangements between the parties for all infrastructure, but particularly water and wastewater services.

4.4 In terms of water supply, Mr Mayhew raises a concern that the lower Waikato Catchment is over-allocated. However, as explained in Mr White's EIC and

[18] Statement of evidence of Ian Mayhew paragraph 7.27.
[19] Statement of evidence of Ian Mayhew paragraph 7.30.

rebuttal, the OSP can be serviced utilising WDC's existing allocations plus, if necessary, the transfer of other existing allocations, such as that held by the Te Kauwhata Water Association. Any consenting should be limited to renewals when consents such as the Te Kauwhata water take expires. Therefore, new consents for allocations are not needed, the allocation 'queue' can be avoided and in my opinion renewals are feasible and consentable.

4.5 By adopting the MWSS preferred options and working alongside WDC I consider that the objectives of the Vision and Strategy will be achieved. If any new consents, renewals or changes to existing consents are required they will be subject to the Vision and Strategy and be assessed by reference to it. The same applies to all elements of the MWSS. I am also guided by the position of Mana Whenua who, through the Tangata Whenua Governance Group, have expressed support for the OSP, taking into account the preferred water and wastewater options in the MWSS. I therefore have a high level of confidence that the Vision and Strategy will be delivered on and consider that Mr Mayhew's concerns are without foundation.

4.6 Gavin Donald raises concerns that the MWSS and the OSP include proposals to connect to the Huntly WWTP although it is currently non-compliant with some of its consent conditions[20]. I agree with Mr Donald that non-compliance of that WWTP conflicts with the Vision and Strategy for the Waikato River. APL understands that and has stated in the evidence of Robert White that the OSP would not connect to it if it was non-compliant[21]. However, compliance is not an issue that APL or the OSP can control; that is a separate matter of enforcement involving WDC, WRC and other interested parties under the Resource Management Act. It would not be appropriate for a plan rule to attempt to enforce a provision on a discharge that is outside the jurisdiction of a District Plan. However, in my opinion the investment APL is proposing in infrastructure and it's MOU with WDC that records that the parties will work together to resolve infrastructure issues, gives me confidence that the discharge issue will be resolved.

4.7 Mr Donald is also concerned with the long term certainty of the water supply sources as described in the MWSS[22]. I have addressed that issue in paragraph 4.4 above.

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20 Statement of evidence of Gavin Donald, paragraph 6.7.
21 Statement of evidence of Robert White, paragraph 2.36.
22 Statement of evidence of Gavin Donald, paragraph 6.17.

5. ECOLOGY

5.1 David Klee has raised concerns that the proposed plan provisions do not adequately address ecological effects[23]. Mr Croft has addressed ecological effects in his rebuttal evidence, but I comment on the relevant plan provisions.

5.2 The intention is that ecological effects are addressed holistically, early in the development process for the OSP, and are not left until later individual industrial or residential building takes place. That is because ecological values, constraints and opportunities extend across the entire site, and potentially onto neighbouring land. The trigger for a restricted discretionary activity consent is earthworks,[24] which is likely to cover large areas, generally aligned with development stages on the Staging Plan. The earthworks rule requires preparation of an Ecological Rehabilitation and Management Plan (ERMP) which is the trigger for a detailed site-specific assessment of ecological effects. The assessment of ecological effects is required to include a predator control programme.

5.3 Mr Croft has developed a preliminary predator control programme (attached as Attachment A to his rebuttal evidence) and has discussed it with Fish and Game. However, Mr Klee does not consider it is adequate[25]. In my opinion, the preliminary programme provides a good basis on which to draft plan rules, but the detail of the scope of the predator control programme should be left to the consenting process I have discussed above. At that time, it will be based on additional design work and a more detailed ecological assessment. It can then form the basis for consent conditions.

5.4 Mr Klee refers to the example of the Amberfield subdivision in Hamilton[26]. However, those examples are resource consent conditions, not plan provisions. At this zoning stage the purpose is to establish the plan rules that provide for a process of future assessment, that would then lead to imposition of conditions. In my opinion, Rule 16.6.3 RD5 (and the equivalent Business and Industrial zone rules) does this and there is no need to delve into it more deeply.

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23 Statement of evidence of David Klee, paragraph 5.22.
24 For example, Rule 16.6.3 RD5 in the Residential Zone.
25 Statement of evidence of David Klee, paragraph 5.19.
26 Ibid, paragraph 5.24.

6. POTENTIAL REVERSE SENSITIVITY EFFECTS

6.1 Mr Mayhew considers that reverse sensitivity effects have not been substantially addressed in the s42A report and, in particular, that the interface between the proposed residential zone and the industrial zone of the OSP could give rise to conflicts between residential and industrial land use.[27]

6.2 It is my opinion that reverse sensitivity has been adequately considered by APL in the development of the Masterplan for the development and the proposed zones as set out in the OSP and Zoning Plan.

6.3 Mr Lawrence and Mr Graham have provided specialist advice on noise and amenity effects at the interfaces between the zones and consider that the potential for reverse sensitivity effects has been appropriately avoided or minimised through proposed rules and specific design. Mr Lawrence[28] indicates that there may be some specific noise mitigation measures required at the resource consent stage to address noise from activities that may establish and operate at night at the eastern and western extents of the industrial zone.

6.4 Mr Graham[29] has advised that building setbacks and a landscape buffer on Lumsden Road are appropriate to manage the interface of the industrial zone and the existing residential (Village zone) on the western side of the OSP. Mr Graham considers that the eastern residential areas are appropriately separated from the Industrial zone by the Open Space areas[30].

6.5 The green space as a buffer suggested by Mr Mayhew[31] is in fact a feature of the OSP as there is open space between the Residential zone and the Industrial zone and is acknowledged by Mr Graham as providing a suitable separation distance.

6.6 With respect to Mr Mayhew's comments regarding the establishment of a Major Hazard Facility (MHF) within the OSP area (the Sleepyhead Factory) and the potential risks, I agree that those risks and the management of those risks are a valid concern and are to be addressed through plan provisions once a sufficient level of detail is available regarding the MHF operations.

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27 Statement of evidence of Ian Mayhew, paragraph 11.20.
28 Statement of evidence of Ben Lawrence, section 7.
29 Statement of evidence of Michael Graham, paragraph 4.4.
30 Statement of evidence of Michael Graham, paragraph 4.13.
31 Statement of evidence of Ian Mayhew, paragraph 11.23.

6.7 As it happens, APL has been progressing resource consent applications for Stage 1 and 2 of the Sleepyhead Factory (the Foam Factory) and these were lodged with the WDC and WRC on 20 August 2020. Those applications have included extensive design, investigations and reporting on the operation of the facility and include technical reports that assess the effects of the plant on the receiving environment and both the existing adjacent land use and proposed residential zoning.

6.8 In summary, the assessments have confirmed that the operations of the MHF can be managed appropriately. In particular, air discharges are managed by a high efficiency world-leading carbon filter, spill management has been a particular focus, and no off-site effects as a result of emergencies are expected to require evacuation. Emergency fire management has also been a particular focus.

6.9 It is worth noting that as the activity is classified as a MHF, the activity is subject to obligations under the Health and Safety at Work Act 2015, and in particular the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 and Health and Safety at Work (Hazardous Substances) Regulations 2017. The development of operating procedures of the factory and development has been guided by these stringent requirements. We also acknowledge the guidance of the Commissioners with respect to proposed rules relating to hazardous substances in Hearing 8A.

6.10 It is my opinion that the establishment of industrial activities within the proposed Industrial zone, including a MHF, can be adequately managed by existing (and proposed) District Plan provisions and that the OSP has adequately considered potential reverse sensitivity effects of industrial activities on surrounding land uses.

7. PLAN PROVISIONS

7.1 In this section I briefly summarise amendments to the plan provisions that have been made as a result of ongoing engagement with other parties and the exchange of EIC. Copies of the updated plan provisions are attached as **Attachment A**.

7.2 In response to the evidence of Mr Mayhew and Mr Wilding, the rules requiring an indigenous fish management plan as part of the Ecological Rehabilitation and Management Plan have been amended as recommended by Mr Wilding[32]

[32] Statement of evidence of Thomas Wilding, paragraphs 9.6-9.8.

to better accommodate the risk that black mudfish may be found in the future.

7.3 As outlined in paragraph 6.3 of this rebuttal statement, further details of a predator control programme have been added to the ERMP rule, reflecting discussions between APL's and Fish and Game's experts.

7.4 Mr Mayhew raises a concern that the plan provisions do not include an obligation to construct the rail siding.[33] The plan provisions are enabling of development and the siding is an integral part of Stage 5 of the development as shown on the Staging Plan. It is intended to construct it as part of that stage. Therefore, it is different to the infrastructure upgrades contained in Table 20.4.6.1, which are required to address the effects of development as triggered by each stage. There is still a high level of certainty over the siding as it is included in the Structure Plan and the rules require that all subdivision and development be in accordance with the Structure Plan.

7.5 Ms Loynes refers to the proposed northbound link to connect Great South Road to Ohinewai South Road and states that the plan provisions do not require it to be built.[34] That is not correct. It is listed in the Infrastructure Upgrade tables as 'Construction of new low speed slip lane from Great South Road to Ohinewai South Road' which must be built at Stages F3 and 5B in Year 6.

7.6 In the same paragraph Ms Loynes states that the only plausible users of this link would be northbound trips from Huntly to visit the school or residential area in Ohinewai. In my opinion it is a useful addition to the connectivity of the locality taking into account planned growth in Ohinewai West as well as the OSP, and provides an alternative shorter route to the school for people returning to Ohinewai from Huntly.

[33] Statement of evidence of Ian Mayhew, paragraph 11.40.
[34] Statement of evidence of Sarah Loynes, paragraph 9.39.

7.7 The removal of the Discount Factory Outlet from the project only led to minor amendments to the plan provisions and policy wording as the site was changed from Business Zone to Industrial. One consequence is that the Tahuna Road/Lumsden Road intersection upgrade has been removed from the Infrastructure Upgrade tables, as the transport assessment included in the memorandum from Cameron Inder and Rhulani Baloyi dated 7 August 2020 (attached as Attachment A to Mr Inder's rebuttal evidence) concluded that the traffic effects no longer required it.

John Blair Olliver

24 August 2020

ATTACHMENT A

UPDATED PLAN PROVISIONS