

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

IN THE MATTER Of the Resource Management Act
1991 (the Act)
AND

IN THE MATTER OF Of hearing submissions and further
submissions on the Proposed Waikato
District Plan

SUBMITTER Ohinewai Lands Limited

Submitter [No. 428]

**MEMORANDUM OF COUNSEL OF OHINEWAI LANDS LIMITED IN
RESPONSE TO PANEL DIRECTIONS DATED 14 OCTOBER 2020**

Dated: 13 November 2020

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MAY IT PLEASE THE COMMISSIONERS

- 1 Counsel acts for Ohinewai Lands Limited (*OLL*), a submitter and further submitter on the Ohinewai topic of the Proposed Waikato District Plan (*pWDP*).
- 2 This memorandum is filed on behalf of OLL in accordance with paragraph 8 of the Panel's directions dated 14 October 2020 (*the Directions*), which state:
 7. *Ambury is to provide the parties referred to in paragraph 6 and the Hearings Administrator with a revised version of the Ohinewai provisions ("revised version") by 5pm on Friday 30 October 2020. The extent of the amendments to be made is at Ambury's discretion, but must, as a minimum, address the matters set out in paragraph 4 above.*
 8. *Any party referred to in paragraph 6 above that wishes to propose amendments to the revised version is to provide a redlined/strikeout version to Ambury and the hearings administrator no later than 5pm on Friday 13 November 2020.*
- 3 OLL was provided with the revised provisions by Ambury Properties Limited (*Ambury*) on Thursday 22 October 2020 in accordance with Paragraph 7 of the Directions. OLL's planning consultant Mr Ben Inger subsequently entered into discussions with Ambury and a number of other parties in respect of the proposed provisions.
- 4 The purpose of this memorandum is to set out OLL's position for the Panel following those discussions. All comments are based on the Chapter 29 Ohinewai-Specific Provisions FINAL document filed with the Panel on 30 October 2020 (*the Ohinewai Provisions*). As an amendment is only sought to one of the Ohinewai Provisions, OLL has only included a redline/strike out of that relevant section at Appendix A to this memorandum.
- 5 OLL has also included an updated Ohinewai Structure Plan (*OSP*) at Appendix B.

Ohinewai-Specific Objective and Policies

- 6 OLL supports **Objective 29A.1.10** and **Policy 29A.1.11** as contained in the Ohinewai Provisions.

Ohinewai-Specific Rules - Residential

- 7 OLL supports the inclusion of **Rule 29C(3)** confirming the meaning of 'in accordance with the Ohinewai Structure Plan', subject to correction of a numbering error in the Ohinewai Provisions where the Rule should read 29C(4) and be subject to the following additional change:

(a) That the location and function of access points to the ~~existing road network~~ Tahuna Road and Lumsden Road must be complied with.

OLL considers it is less ambiguous to specify the two roads where access locations are identified on the OSP.

- 8 As one of its key areas of concern¹ OLL supports provisions relating to the Tahuna Road interface to prevent development turning its back on Tahuna Road, providing a better urban design outcome.² The specific provisions supported by OLL include:

- (a) The assessment criteria for **Rule 29C.1.2** for multi-unit development, particularly criterion **(m)**: "*fences and walls along any road or public open space boundary are avoided or limited in height*"; and criterion **(o)**: "*soft landscaping is concentrated along public open space boundaries, with species selected to maintain views between residential units and public open space*".
- (b) **Rule 29C3.4** Fences or walls – Road boundaries, which establishes controls for fencing, including along Tahuna Road.
- (c) **Rule 29C4.6** Subdivision – Landscape Concept, including **RD1(k)**: "*details of fencing and landscape treatment of the land along the Tahuna Road frontage, to create an attractive and*

¹ Paragraph 2.2 of the Ohinewai Lands Limited Legal Submissions dated 8 September 2020.

² Page 8 of the Urban Design, Landscape and Visual Assessment from Boffa Miskell attached as Appendix 3 to the Ohinewai Lands Limited's Section 32AA Report.

open interface to Tahuna Road"; the assessment criterion **(viii)**: *"the extent to which fencing and landscaping proposals will create an attractive and open interface with Tahuna Road"*; and the Discretionary Activity status in **D1** for subdivision applications which do not meet the Landscape Concept Plan requirements.

Civil Works Staging Plan

- 9 OLL notes that the Staging Plan is missing a label for Stage 2A.

Ohinewai Structure Plan

- 10 The OSP did not form part of the discussions referred to in paragraph 3 between Ambury, OLL and the other party representatives, as the focus was on the wording of the Provisions. However, the Directions have recommendations that relate to the OSP and APL has proposed changes to the OSP in the final document filed on 30 October 2020. As a result, OLL records its position in respect of the OSP below.
- 11 OLL supports the identification of the Ohinewai Reserve in the OSP as it recognises that it will form an important part of the surrounding landscape for both the Ambury and OLL developments in future and because part of the reserve will be used for the indicative shared path network which is identified on the OSP.
- 12 OLL seeks the following additional changes to the OSP (as set out on Appendix B):
- (a) Identify locations on the OSP to provide potential future connections to OLL's land north of the OSP area. This is in accordance with Ambury's Master Plan³ (locations marked 15) and was a change recommended in the section 42A Report Rebuttal Evidence prepared by Chloe Trenouth.⁴ This OLL land is located between the APL site and Balemi Road and is part of the Ohinewai South Industrial Cluster (1-10 years) which is identified on the Huntly and Ohinewai Development Plan in the Waikato Growth and Economic Development Strategy 2070

³ Attachment A to the evidence of Jonathan Broekhuysen, dated 9 July 2020.

⁴ Paragraph 98 of Section 42A Rebuttal Report, dated 7 September 2020 and prepared by Chloe Trenouth.

(Waikato 2070). Ambury's Master Plan will not be included in the pWDP, therefore it is critical to include the potential future connections to land identified in Waikato 2070 on the OSP to ensure they are provided for in the future.

- (b) Include the easternmost intersection originally proposed along Tahuna Road to provide an additional option for access to OLL's land south of Tahuna Road in future.⁵ The provision of the easternmost intersection is supported in the Council's Landscape, Visual and Urban Design Peer Review Rebuttal.⁶ Alternatively, options for future pedestrian and cyclist connections between the APL and OLL sites at this location should be preserved as a minimum. This could occur through identification on the OSP of the 'indicative shared path network' within the Ambury site extending to Tahuna Road opposite the OLL site. This OLL land⁷ is on the opposite side of Tahuna Road from the Ambury site and is part of the Residential Activity Zone (1-10 years) which is identified on the Huntly and Ohinewai Development Plan in Waikato 2070.
- (c) Identify a 'potential future residential growth area including open space' over OLL's site south of Tahuna Road and a 'potential future industrial area' over OLL's land north of the Ambury site in accordance with the locations identified for those purposes in Waikato 2070. This will ensure any interim development is undertaken in a manner which recognises those possibilities and does not preclude them. In relation to the northern area, it will provide important context for the potential future road connections referred to in (a) above and for why the OSP shows the rail siding extending to the OLL boundary.

⁵ As shown on Figure 4 and Attachment 2 of the Evidence of Tony McLauchlan, dated 21 August 2020.

⁶ Paragraphs 2.3 and 2.4 of Appendix 5 to the Section 42A Rebuttal Report, dated 7 September 2020.

⁷ As shown on Figure 4 and Attachment 2 of the Evidence of Tony McLauchlan, dated 21 August 2020.

Conclusion

- 13 As set out at the hearing, OLL remains supportive overall of Ambury's proposal and has welcomed the opportunity to continue to work collaboratively with Ambury to progress provisions that seek to enable outcomes for both parties.

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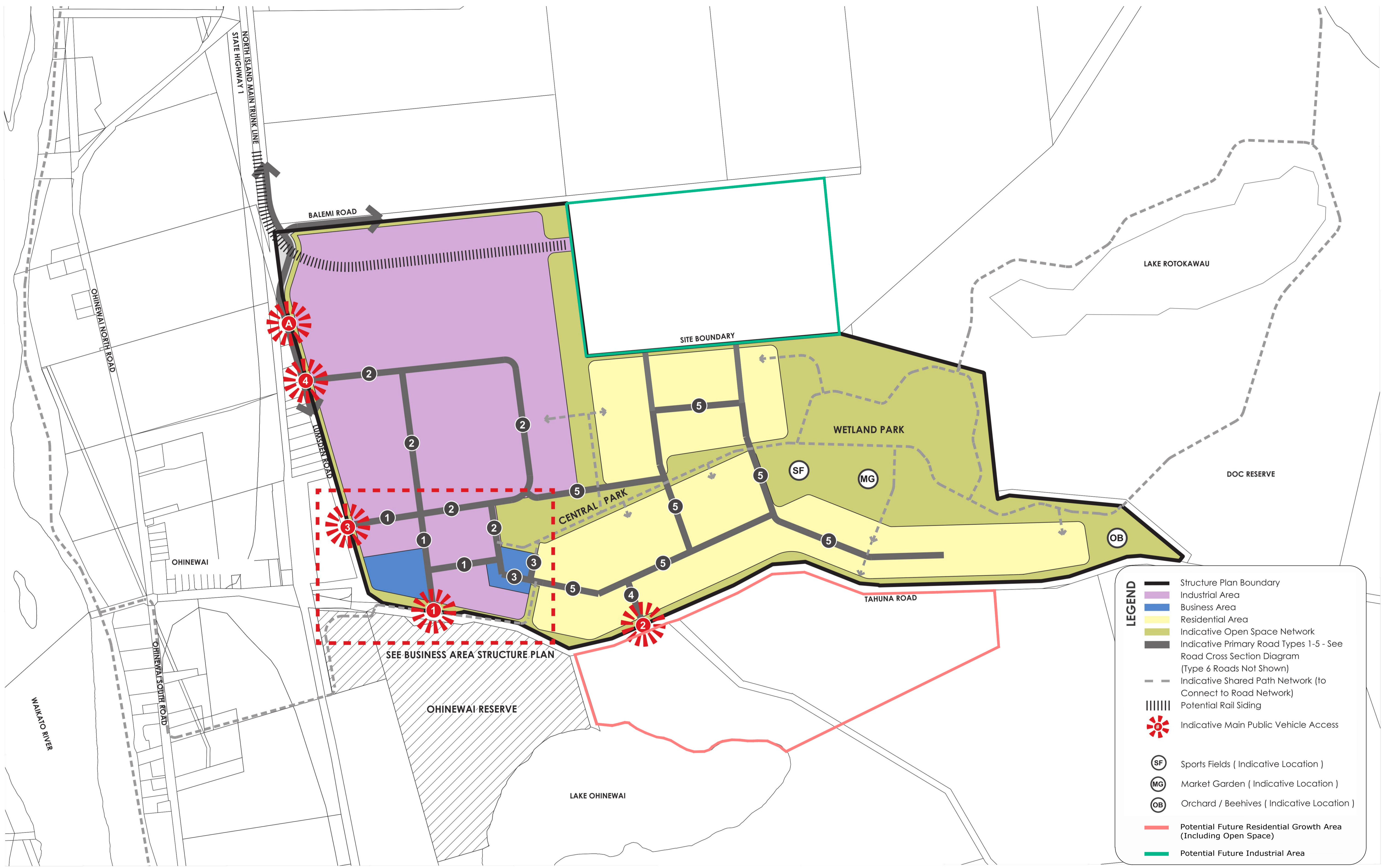
Sam Hutchings
Counsel for Ohinewai Lands Limited
13 November 2020

Appendix A – OLL redline/strike out

29C Ohinewai Precinct Residential Zone

- (1) The rules that apply to activities in the [Ohinewai Precinct Residential Zone](#) are contained in [Rule 29C.1](#) Land Use – Activities, [Rule 29C.2](#) Land Use – Effects and [Rule 29C.3](#) Land Use – Building.
- (2) The rules that apply to subdivision in the [Ohinewai Precinct Residential Zone](#) are contained in [Rule 29C.4](#).
- (3) The activity status tables and standards in the following chapter also apply to activities in the [Ohinewai Precinct Residential Zone](#):
 - [29B](#) Infrastructure and Energy.
- (4) In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805 012a Rev K) and the Business Area Structure Plan (1805 012b Trev F), and means;
 - (a) That the location and function of access points to ~~the existing road network~~ [Tahuna Road and Lumsden Road](#) must be complied with.
 - (b) Strict compliance with the location of the internal road network and shared path network is not required, provided the functions of the networks are complied with.
 - (c) Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative.
 - (d) The areas of open space must be provided but their boundaries are indicative.
- (5) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity

Appendix B – OLL updated Ohinewai Structure Plan



LEGEND

- Structure Plan Boundary
- Industrial Area
- Business Area
- Residential Area
- Indicative Open Space Network
- Indicative Primary Road Types 1-5 - See Road Cross Section Diagram (Type 6 Roads Not Shown)
- Indicative Shared Path Network (to Connect to Road Network)
- Potential Rail Siding
- Indicative Main Public Vehicle Access
- Sports Fields (Indicative Location)
- Market Garden (Indicative Location)
- Orchard / Beehives (Indicative Location)
- Potential Future Residential Growth Area (Including Open Space)
- Potential Future Industrial Area