

Operative Waikato District Plan – Objectives & Policies Assessment

Objectives	Policies
<p>Waikato District Growth Strategy</p>	
<p><i>1A.2.1 Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.</i></p>	<p><i>1A.2.2 Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.</i></p> <p><i>1A.2.2A Industrial and commercial activities that do not have a genuine functional connection with the rural land or soil resource and that do not require a rural setting should not locate in rural areas.</i></p>
<p>Comment</p> <p>This Objective and relevant Policies relate to the Waikato District Growth Strategy that was updated by Waikato District Council on 19 May 2020. Waikato 2070 outlines that the Ohinewai area is identified for industrial and residential growth in the next 10 years. Ohinewai is identified as a village in the WDP and the Foam Factory site is across Lumsden Rd from land zoned Village. Therefore the Foam Factory development as proposed has been anticipated by the Growth Strategy and while rezoning of the site is subject to a parallel planning process, it is considered that the proposal is consistent with the intent of these Objectives and Policies relating to the Waikato District’s Growth Strategy aspirations for development in this location.</p>	
<p><i>1A.2.9 Rural areas are maintained as a resource for productive rural activities and lawfully established rural-based activities.</i></p>	<p><i>1A.2.12 Subdivision, use and development that is not directly associated with productive rural activities should occur in towns, villages and other defined growth areas.</i></p> <p><i>1A.2.13 The potential for reverse sensitivity effects on productive rural activities and lawfully established rural-based activities should be avoided.</i></p>

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Comment

The proposed factory development is located in an area of Rural land adjacent to the existing Ohinewai Village and close to the township of Huntly. Therefore, the proposal is consistent with Policy 1A.2.12 as the area has been identified as a defined growth area in Waikato 2070.

Reverse sensitivity effects have been addressed through building setbacks, design and landscaping with respect to the existing residential enclave on Lumsden Road and the surrounding farming operations. The site is located adjacent to SH1 and the NIMT and is not inconsistent with those activities and associated noise and vibration.

<p><i>1A.6.1</i></p> <p><i>The capacity of rural areas to support productive rural activities and lawfully established rural-based activities is maintained.</i></p>	<p><i>1A.6.2</i></p> <p><i>Rural resources should be managed so that opportunities to use them for productive rural activities or lawfully established rural-based activities are retained.</i></p> <p><i>1A.6.3</i></p> <p><i>Activities that are not related to productive rural activities should not locate in rural areas unless there is a demonstrable functional need and they will not constrain existing lawfully established productive rural activities, lawfully established rural-based activities or compromise access to and the extraction of mineral resources from Coal Mining Policy Areas.</i></p> <p><i>1A6.7</i></p> <p><i>Mineral extraction activities are of a different scale and intensity, and where appropriate should be accommodated.</i></p>
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Comment

The proposed factory can co-exist with the surrounding land uses. Farming activities continue on the closest property (owned by the Applicant) and are not constrained by the proposed factory development. The small scale of the Foam Factory does not compromise the extraction of mineral resources that may exist underground.

<p><i>1A.8.1</i></p> <p><i>Landscape, character and amenity values of rural areas are maintained.</i></p>	<p><i>1A.8.5</i></p> <p><i>Subdivision, use and development in rural areas should be managed so that a range of lifestyle choices is available while ensuring that rural landscapes and rural character are retained.</i></p>
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Objectives	Policies
	<p><i>1A.8.6</i></p> <p><i>Subdivision, use and development in rural areas that have been modified through development should be managed to ensure that cumulative adverse effects do not compromise rural landscapes and rural character.</i></p>
<p>Comment</p> <p>The proposal does create some adverse effects on landscape character and amenity values experienced from those in close proximity to the site (within 1-1.5km). Extensive mitigation plantings are proposed, however may not fully screen the proposed activity for those residents in the immediate area. Existing character and amenity in the area includes nearby industrial and commercial activities on Lumsden Rd, the State Highway and the NIMT Railway. The Foam Factory will use approximately 20ha on the corner of Lumsden and Balemi Roads, but the balance of the 178 ha property owned by APL will remain in farming use. Therefore, much of the rural character will remain.</p>	
<p>Natural Resources</p>	
<p><i>4.5A.1</i></p> <p><i>Minerals are available for extraction.</i></p>	<p><i>4.5A.2</i></p> <p><i>Nationally and regionally significant mineral resources should be recognised for their actual or potential contribution to social and economic wellbeing.</i></p> <p><i>4.5A.2A</i></p> <p><i>Subdivision and development should be located and designed so that opportunities to access aggregate resources are retained where</i></p> <ul style="list-style-type: none"> <i>a) There is a substantial volume of high grade aggregate resource, particularly where the resource is in close proximity to significant markets, and</i> <i>b) The transport network provides a convenient and direct route from the resource area to major markets, and</i> <i>c) Large land holdings predominate, and</i> <i>d) Current development does not unduly constrain access to or transportation of aggregate, and</i> <i>e) Aggregate extraction would not compromise matters identified as being of national importance under section 6 of the Act.</i>

Objectives	Policies
	<p>4.5A.3 <i>Access to and extraction of mineral resources from specific areas identified as Coal Mine Policy Areas and Aggregate Extraction Policy Areas on the planning maps should not be compromised by new use or development in areas on or close to those areas.</i></p> <p>4.5A.4 <i>Activities that are sensitive to the effects of mining or associated mineral haulage should be located and designed to avoid, remedy or mitigate adverse effects on the utilisation of actively exploited mineral resources or for which resource consent to extract has been obtained, so that resource utilisation is not constrained.</i></p>
<p>Comment</p> <p>The proposed factory does not preclude the availability of the site for extractive industries. Any minerals located under the ground can still be accessed from the remainder of the 178ha site owned by APL.</p>	
<p>Natural Hazards</p>	
<p>5.2.1 <i>Risks from natural hazards to health, safety and property, resulting from use, development or protection of land, are minimised.</i></p>	<p>5.2.2 <i>Use or development of land subject to significant natural hazards should be avoided.</i></p> <p>5.2.2A <i>Use or development of other land subject to natural hazards should be required to mitigate the related risks to health, safety and property.</i></p> <p>5.2.3 <i>Use, development or protection of land should not increase the adverse effects of natural hazards, or compromise natural processes.</i></p> <p>5.2.5 <i>Development should minimise impervious surfaces, provide adequate stormwater drainage, and mitigate the off-site effects of stormwater drained from the site.</i></p>

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	<p>5.2.7 <i>Dwellings should be located where they will not be at abnormal risk from fire.</i></p> <p>5.2.9 <i>Development should be designed and located to avoid or mitigate the predicted effects of global climate change on natural hazards, especially increased flooding, erosion, fire, and storms. Where there is incomplete information, a precautionary approach should be taken.</i></p>
<p>Comment</p> <p>The proposal is located on a site that has adequately addressed the risk of flooding. Extensive modelling has been undertaken to provide for suitable building platforms in order to avoid flooding. Emergency planning for the site has also accounted for the unlikely Waikato River stop bank breach scenario, and the investigations found that in such an event, the factory is not subject to flooding.</p> <p>Stormwater management provisions have been formulated in line with best practice and after taking into account regional council input and Mana Whenua engagement. There will not be any upstream or downstream effects as a result of the development.</p> <p>The site layout has specifically accounted for fire risk and there is appropriate separation of buildings and management of hazardous materials has incorporated specific fire management and runoff scenarios.</p>	
<p>Built Environment</p>	
<p>6.2.1 <i>Development that is connected or grouped around infrastructure.</i></p>	<p>6.2.3 <i>Residential and business development should occur in current towns and villages in preference to isolated rural locations.</i></p> <p>6.2.5 <i>Industry should be grouped:</i></p> <ul style="list-style-type: none"> <i>a) in a suitably defined area within towns and villages, or</i> <i>b) near a national or regional arterial route, or</i> <i>c) near the North Island main trunk railway, or</i>

Objectives	Policies
	<p><i>d) where it can link to existing infrastructure or associated industries, or manage its effects on site.</i></p> <p>6.2.6 <i>Business and industrial activities should be separated from residential activities.</i></p>
<p>Comment</p> <p>The proposed foam factory is located close to an existing village as well as nearby industrial activities. The site has been specifically chosen as being suitable for the proposed activity due to the location adjacent to key transport infrastructure, including SH1 Ohinewai Interchange and the NIMT. Extensive investigations, reporting and design has accounted for the potential adverse effects of the activity, on nearby residential activities and adverse effects are generally able to be mitigated (with the exception of landscape character and amenity effects in close proximity to the site).</p>	
<p>Contaminated land</p>	
<p>9.2.1 <i>Human health or the environment is not harmed by the use or development of contaminated land.</i></p>	<p>9.2.3 <i>Prior to a change of use or redevelopment of contaminated land, remediation to make the site suitable for the proposed use or redevelopment must be undertaken.</i></p> <p>9.2.4 <i>Remediation of contaminated land should not pose a more significant risk to human health or the environment than if remediation had not occurred.</i></p> <p>9.2.5 <i>Material removed from contaminated land should be disposed of in a manner that avoids further adverse effects on human health or on the environment.</i></p> <p>9.2.6 <i>Use or development of contaminated land that has been remediated must not damage or destroy any contaminant containment works, unless comparable or better containment is provided.</i></p>

Objectives	Policies
	<p>9.2.7</p> <p><i>Development or use of land known to have been occupied by a potentially contaminating activity should not occur until any risk to human health or the environment has been investigated.</i></p>
<p>Comment</p> <p>The site has a minor amount of contaminated soil located on site. Subject to a contaminated soils management plan and remedial action plan being implemented on site, the proposed earthworks operation will provide for the remediation of any contaminated material.</p>	
<p>Social, Cultural and Economic Wellbeing</p>	
<p>11.4.1</p> <p><i>Cultural practices and beliefs of tangata whenua are respected.</i></p>	<p>11.4.2</p> <p><i>Subdivision, use and development should not compromise the cultural and spiritual significance of areas, including waahi tapu, urupa, maunga and other landforms, mahinga kai, and indigenous flora and fauna.</i></p> <p>11.4.3</p> <p><i>The cultural significance of the Waikato River, Raglan Harbour (Whaingaroa), coastal areas, wetlands and other water bodies should be recognised and maintained.</i></p>
<p>Comment</p> <p>APL has engaged with the Mana Whenua and have entered into a memorandum of understanding to provide for matters of interest to Tangata Whenua. Early engagement has confirmed that there are no sites of cultural significance on the site, and erosion and sediment control measures, stormwater management and air discharges will be managed in such a way that will ensure that the cultural significance of the downstream receiving environment and ultimately the Waikato River is not adversely affected.</p>	

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Amenity Values

<p><i>13.2.1</i> Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised.</p>	<p><i>13.2.3</i> Adverse effects associated with offensive or objectionable dust, smoke and odour should be contained within the site where they are generated.</p> <p><i>13.2.4</i> Adverse effects that cannot be contained on the site where they are generated must be remedied or mitigated.</p> <p><i>13.2.5</i> Amenity values, health and safety should be protected from adverse traffic effects including:</p> <ul style="list-style-type: none"> <i>a) noise, vibration, dust, lighting and glare</i> <i>b) vehicle emissions</i> <i>c) accelerated or contaminated stormwater runoff</i> <i>d) visual effects of parking and loading areas</i> <i>e) traffic safety and congestion.</i>
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Comment

Air discharge effects are the subject of comprehensive conditions imposed on the air discharge permit that has been issued by WRC. However the scale of the building form will create some adverse amenity effects on residents within close proximity to the building.

Dust management will be undertaken during the works to ensure that there are no adverse effects generated on adjacent property owners in accordance with conditions on the earthworks consents already granted for part of the site by WRC and WDC. Noise will be generated from activities on site, however will be compliant with the relevant NZ construction noise standard and a Construction Noise and Vibration Management Plan will be formulated for the project.

A Construction Management Plan will account for a number of environmental factors that can influence amenity. The CMP will be implemented on site and monitored throughout the works period.

Extensive landscape plantings are proposed to mitigate the scale of the building.

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Hazardous substances

<p><i>14.2.1</i> <i>Environment, people and property are protected from the adverse effects of hazardous substances.</i></p>	<p><i>14.2.2</i> <i>Activities that use, store, transport and dispose of hazardous substances should avoid risk to the environment, human health, safety and property by:</i></p> <ul style="list-style-type: none"> <i>a) being separated from sensitive natural environments, schools, recreational venues and residential areas</i> <i>b) being located away from incompatible activities</i> <i>c) being designed and constructed to contain any hazardous substances that may be accidentally released</i> <i>d) disposing of hazardous substances in an environmentally safe manner</i> <i>e) not causing contamination of land, its soil resource, or bio-accumulation of toxic substances in plants, animals and ecosystems</i> <i>f) containing all accidental or uncontrolled releases of hazardous substances on-site</i> <i>g) having procedures for storing and handling hazardous substances</i> <i>h) having a hazardous substances management plan to deal with accidental or uncontrolled releases</i> <i>i) using non-hazardous substances and technologies where possible.</i>
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Comment

The proposed foam factory has addressed the use and storage of hazardous materials as part of its operations and emergency planning, spill management and operational procedures. In the unlikely event of a spill events, there are no off-site effects and the operation is located sufficient distance from the residential enclave located on Lumsden Road.

Stormwater management procedures are in place to ensure any emergency scenarios do not result in the release of contaminants to downstream environments and extensive monitoring is proposed for the operational stormwater management. Air quality management is proposed for the site that is world best practice using the highest standard of technology possible, and in accordance with the air discharge permit already issued by WRC.

Proposed District Plan – Objectives & Policies Assessment (as notified, subject to change as a result of decisions on submissions)

Objectives	Policies
Tangata Whenua	
<p><i>2.11 Strategic Objective – Tautoko te Whakatipuranga</i></p> <p><i>a) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people.</i></p>	<p><i>2.12.1 Policy- Whanaungatanga (relationship to nature)</i></p> <p><i>a) Recognise the relationship of Tangata Whenua with areas of significance, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora through provisions which may include:</i></p> <ul style="list-style-type: none"> <i>i. Cultural value assessments and/or cultural impact assessments;</i> <i>ii. Accidental discovery protocols;</i> <i>iii. Use of traditional place names;</i> <i>iv. Protection, enhancement and restoration of mauri;</i> <i>v. Use of appropriate plant species;</i> <i>vi. Use of archaeological information; and</i> <i>vii. Incorporation of traditional or sympathetic design elements.</i>
<p><i>2.12 Objective -Whakapapa (connection to nature)</i></p> <p><i>Relationships with ancestral lands, water, sites, waahi tapu and other taonga are protected and enhanced.</i></p>	
<p><i>2.14 Objective –Kaitiaki (steward/guardian)</i></p> <p><i>The role of Tangata Whenua as kaitiaki is recognised and maintained.</i></p>	<p><i>2.14.1 Policy Kaitiakitanga (stewardship/guardianship)</i></p> <p><i>a) Consult with Tangata Whenua where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga and which may include:</i></p> <ul style="list-style-type: none"> <i>i. Establishing who should be consulted;</i> <i>ii. Establishing formal arrangements such as joint management agreements or memoranda of understanding;</i> <i>iii. Tangata Whenua involvement with consent processes and representation on hearings;</i> <i>iv. Supporting the creation of Iwi and hapuu management plans; and</i> <i>v. The exercising of kaitiakitanga or stewardship.</i> <i>vi.</i>

Objectives	Policies
<p>Comment</p> <p>APL have developed an enduring relationship with the Mana Whenua of the area and the provision of employment opportunities as a result of the proposal has been well received and supports the aspirations of the Tangata Whenua.</p> <p>APL understand that the site does not contain areas of significance and a Memorandum of Understanding is in place between the Applicant and the Mana Whenua that is expected to provide for whanaungatanga for the long term development of the site.</p> <p>The participation of Mana Whenua as kaitiaki has been recognized as part of the proposal’s development and will be maintained via proposed monitoring of construction earthworks and being a party to proposed stormwater and air discharge monitoring from the site.</p>	
<p>Rural Environment</p>	
<p><i>5.1.1 Objective – The rural environment</i></p> <p><i>Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.</i></p> <p><i>(a) Subdivision, use and development within the rural environment where:</i></p> <p><i>(i) high class soils are protected for productive rural activities;</i></p> <p><i>(ii) productive rural activities are supported, while maintaining or enhancing the rural environment;</i></p> <p><i>(iii) urban subdivision, use and development in the rural environment is avoided.</i></p>	
<p>Comment</p> <p>The proposal does not affect the productive nature of the adjacent rural activities and there are no reverse sensitivity concerns. There are amenity and character effects on adjacent properties in the immediate proximity, however that results from residential/ village type land use within the existing residential enclave of Lumsden Road and existing Village. Extensive mitigation plantings are proposed. The site is not high class soils.</p>	
<p><i>5.3.1 Objective - Rural character and amenity</i></p>	<p><i>5.3.3 Policy – Industrial and commercial activities</i></p> <p><i>a) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.</i></p>

Objectives	Policies
	<p><i>5.3.9 Policy - Non-rural activities</i></p> <ul style="list-style-type: none"> <i>a) Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values.</i> <i>b) Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies.</i> <p><i>5.3.14 Policy - Signs</i></p> <ul style="list-style-type: none"> <i>a) The scale, location, appearance and number of signs are managed to ensure they do not detract from the visual amenity of the rural environment.</i> <i>b) Ensure signage directed at traffic does not distract, confuse or obstruct motorists, pedestrians and other road users.</i>
<p>Comment</p> <p>The location of the industrial activity has been placed in this location to be consistent with the Waikato 2070 Growth Strategy and while the activity does not have a functional connection to the rural land, the site is appropriate for its location adjacent to key transport infrastructure such as SH1 and the NIMT.</p> <p>The proposed factory is subject to extensive mitigation plantings in order to screen the buildings from the immediate neighbours. The landscape and visual assessment has found that effects from the wider rural views are in keeping with the rural character and amenity. The buildings are screened from adjacent properties and should not dominate adjoining properties.</p> <p>The proposed signage will not detract from the visual amenity of the area. Existing views in the vicinity comprise SH1 and the NIMT, and the proposed signage will integrate with the proposed factory. The sign is of a scale to be easily legible to passing motorists and not be distractive or confusing.</p>	
<p><i>5.4 Minerals and Extractive Industries</i></p> <p><i>5.4.1 Objective – Minerals and extractive industries</i></p> <p><i>a) Mineral resource use provides economic, social and</i></p>	<p><i>5.4.2 Policy – Access to minerals and extractive industries</i></p> <ul style="list-style-type: none"> <i>(a) Enable extractive industries provided that adverse effects are avoided, remedied or mitigated.</i> <i>(b) Protect access to, and extraction of, mineral resources by:</i> <ul style="list-style-type: none"> <i>(i) Identifying lawfully established extractive industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps;</i> <i>(ii) Identifying the site of a potential extractive industry within an Aggregate Resource Area on planning maps;</i>

Objectives	Policies
<p><i>environmental benefits to the district.</i></p>	<p><i>(c)Ensure that lawfully established extractive industries are not compromised by new subdivision, use or development;</i> <i>(d)Avoid the location of any sensitive land use within specified buffer areas which otherwise risks the effective operation of a lawfully established extractive industry.</i></p>
<p>Comment The site is not located within an <i>Aggregate Resource Area</i> as per the planning maps.</p>	
<p>Hazardous Substances and Contaminated Land It is noted that this Chapter has progressed past the Hearing phase of the Plan Change process and the provisions are likely to be significantly amended from those notified.</p>	
<p><i>10.1 Hazardous Substances</i> <i>10.1.1 Objective – Effects of hazardous substances</i> a) <i>Residual risk associated with the storage, use, or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities using hazardous substances.</i></p>	<p><i>10.1.2 Policy – Location of new hazardous facilities</i> a) <i>New hazardous facilities minimise the risk to the environment (including people and property) to acceptable levels by:</i> i. <i>Siting new hazardous facilities in appropriate locations that are separated from incompatible activities and environment;</i> ii. <i>Avoid locating near to sensitive land use activities and infrastructure</i> iii. <i>Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and</i> iv. <i>Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place.</i> <i>10.1.3 Policy – Residual risks of hazardous substances</i> a) <i>Facilities for the use, storage or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment.</i></p>

Objectives	Policies
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Comment

The proposed factory has been subject to extensive design and reporting to ensure the management of hazardous materials has been adequately considered in the site’s operations. The reporting has confirmed that the site can be considered appropriate for the activity given there are expected to be no off-site effects as a result of day to day operations or emergency events. Spill plumes are well contained within the boundaries of the site and air discharges are managed utilizing the best technology available at present. The site does not produce hazardous waste.

Monitoring of stormwater and air discharges are proposed to monitor the factory’s impact on the receiving environment.

<p><i>10.2.1 Objective – Contaminated land</i> <i>The subdivision, use and development of contaminated land is managed to protect human health and the environment.</i></p>	<p><i>10.2.2 Policy – Managing the use of contaminated land</i></p> <ul style="list-style-type: none"> <i>a) Contaminated land is managed or remediated to ensure that contaminants are at a level acceptable for the proposed land use.</i> <i>b) Disposal of contaminated soil must be carried out in a manner that avoids further adverse effects on human health or on the environment.</i>
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Comment

The site has a minor amount of contaminated material present that can be readily remediated.

Natural Hazards and Climate Change (Stage 2)

<p><i>Objective 15.2.1 - Resilience to natural hazard risk</i></p>	<p><i>Policy 15.2.1.1 - New development in areas at significant risk from natural hazards</i> <i>Policy 15.2.1.6 - Managing natural hazard risk generally</i> <i>Policy 15.2.1.10 – Areas defended by stopbanks adjacent to the Waikato River</i> <i>Policy 15.2.1.13 - Control filling of land within the 1% AEP floodplain and flood ponding areas</i> <i>Policy 15.2.1.14 – Hazardous substances located within floodplain and flood ponding areas</i> <i>Policy 15.2.1.22 - Liquefaction-prone land risk assessment</i></p>
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Objectives	Policies
<p>Comment</p> <p>Extensive investigations have been undertaken to understand the risk to the wider development site as a result of flooding and a stop bank breach of the Waikato River. While it is noted the Proposed District Plan maps do not note the site as being subject to flooding (High Risk Flood Area) or within the Defended Area, reporting has confirmed that the factory site is not at risk of flooding.</p> <p>The existing site, if not remediated, is subject to liquefaction risk. The proposal includes extensive earthworks and geotechnical remediation in order for the site to be suitable for the proposed building work.</p>	