



Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Application number:

Date received:

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in the approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry:

Email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track consenting guidance](#) to help applicants prepare applications for projects to be referred.

Applications must be submitted to the Minister via email: fasttrackconsenting@mfe.govt.nz

To complete this form, please scroll down and click in the appropriate field.

Part I: Applicant

Applicant details

Person or entity making the request: Ambury Properties Limited

Contact person: David Gaze

Job title: Executive Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address: PO Box 758, Shortland Street, Auckland 1140

Address for service (if different from above)

Organisation: Bloxam, Burnett & Olliver

Contact person: Stuart Penfold

Job title: Senior Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address: PO Box 9041, Hamilton 3240

Part II: Project location

The application (click to place an "X" in the relevant box):

- ☒ does not relate to the coastal marine area
- ☐ relates partly to the coastal marine area
- ☐ relates wholly to the coastal marine area.

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

88 Lumsden Road, 109 Tahuna Road & 52 Lumsden Road, Ohinewai.

See Figure 3.1 of the AEE provided in support of this application.

A cadastral map and/or aerial imagery to clearly show the project location will help.

Legal description(s):

Allotment 405 Parish of Whangamarino (CFR SA42D/983); Lot 3 DP 474347 (CFR 650547); Lot 2 DPS 29288 (CFR SA26D/299).

Records of title are included as Appendix B to the AEE provided in support of this application.

A current copy of the relevant Record(s) of Title will help.

Registered legal land owner(s):

Ambury Properties Limited; Bruce Alexander Holmes, Juedi Anne Shirley Holmes, Evans Bailey Trustees 2017 Limited.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

[Click here to enter text.](#)

APL is both the Applicant and the owner of all of the subject land, except for the land to be used for the temporary haul road at 52 Lumsden Road.

There is an existing lease arrangement with the current occupier of the land for farming operations at 88 Lumsden Road and 109-231 Tahuna Road. This lease agreement does not restrict the ability of APL to complete the work that is required for the project.

The Haul Road for the earthworks phase of the project traverses property not owned by the Applicant (52 Lumsden Road). The owner of that property has provided their written approval to the project, including use of 52 Lumsden Road as a haul road.

Part III: Project details

Description

Project name: **New Zealand Comfort Group – Ohinewai Foam Factory**

Project description:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The project proposed by APL is the construction and operation of a foam factory and associated rail siding (providing connection to the North Island Main Trunk rail line ("NIMT") at 88 Lumsden Road, Ohinewai. This represents Stages 1 and 2 of APL's overall proposed development at Ohinewai, which in addition to the foam factory, comprises additional factory stages, as well as other industrial and residential zoned land.

The works associated with the project are comprised in three parts, preparatory earthworks, factory construction and rail siding construction. We provide further details on each as follows.

To prepare the site for the construction of the factory and to construct stormwater treatment wetlands and sprinkler runoff infrastructure, extensive earthworks over an area of approximately 27ha. is required on the site. The importation of approximately 380,000m³ of cleanfill is required and geotechnical remedial works will consist of pre-loading or dynamic compaction.

The foam factory comprises a foam manufacturing plant, foam store, carpet underlay plant, foam conversion and bean plant. There are five separate buildings included in the complex and the total gross floor area of the factory is approximately 23,710m². The factory development also includes temporary site sheds, rainwater re-use water tanks, a pump house for water supply and three water tanks for fire-fighting purposes.

In summary the rail siding works include:

- **Earthworks to provide for suitable grades for the rail spur, the siding within the site and integration with Balemi Road.**
- **Re-alignment of Lumsden Road and Balemi Road to provide for acceptable road geometry for speed**

and safety.

- Construction of the rail line and connection to the NIMT.
- Stormwater infrastructure located at the eastern extent of the works to account for the rail siding apron.

Further detail regarding the proposal is provided in Section 4 of the AEE provided in support of this application.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

APL has funding in place for the Project and is ready to commence construction as soon as the necessary approvals are in place.

Preliminary design to suit resource consent is completed and earthworks to prepare the site can commence summer 2020/2021 (as early as January 2021 if approvals are obtained).

The earthworks and geotechnical remediation required for Stages 1 and 2 of the foam factory and rail siding will take approximately three earthworks seasons and will be completed in stages.

Building consent for Stage 1 of the factory is expected to be lodged in late 2020. Factory construction is expected to commence 2021. Stages 1 and 2 of the foam factory can be operational by late 2022.

Earthworks for the rail siding will be completed within the earthworks phase of the project, and the rail siding is currently programmed to be operational in 2026. However, this can be operational as early as 2023/ 2024 if demand from is sufficient from existing development and proposed development within the wider Ohinewai Structure Plan area.

Consents / approvals required

Relevant local authorities: **Waikato District Council and Waikato Regional Council**

Resource consent(s) / Designation required (click to place an "X" in the relevant box/s):

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Land-use consent | <input type="checkbox"/> Subdivision consent | <input type="checkbox"/> Coastal permit |
| <input type="checkbox"/> Water permit | <input checked="" type="checkbox"/> Discharge permit | <input type="checkbox"/> Designation |
| <input type="checkbox"/> Alteration to designation | | |

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not** include an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	Rule 25.10.2	The factory is an Industrial activity in the Rural zone.	Discretionary	
	Rule 25.15.2	The site entrance at Lumsden Road does not comply with the sight distance requirements.	Discretionary	
	Rule 25.16.2	Traffic movements associated with earthworks are likely to exceed 200 vehicle movements per day.	Discretionary	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Waikato District Plan	Rule 25.25.2	Earthworks on site exceed 1000m ² in a single calendar year	Discretionary	Within the subject site
	Rule 25.27.1	Earthworks filling greater than 200m ³ in volume and 1m depth.	Discretionary	
	Rule 25.31.2	The factory involves the storage and use of hazardous materials in quantities in excess of those outlined in Appendix H of the WDP.	Discretionary	
	Rule 25.39.3	The proposed signage in the western elevation of the factory exceeds the size set out as Permitted or Restricted Discretionary in the WDP.	Discretionary	
	Rule 25.49	The proposed factory has a maximum of height of 17m. This exceeds the permitted height limit in the Rural Zone of 10m.	Discretionary	
	Rule 25.51.2	The proposed factory covers approximately 6.1% of the total site area and greater than 500m ² .	Discretionary	
	Rule 25.52.2	The proposed factory exceeds the gross floor area limit of 500m ² .	Discretionary	
Waikato Regional Plan	Rule 3.3.4.24	The project includes excavations that may encounter groundwater and require pumping of greater than 15m ³ per day.	Discretionary	Within the subject site
	Rule 3.5.11.4	The project includes the discharge of stormwater runoff from impermeable surfaces that may not comply with the conditions of Rule 3.5.11.4 at all times.	Discretionary	
	Rule 5.1.4.13	The project includes soil disturbance that may not be able to comply with the permitted activity standards of Rule 5.1.4.11 and conditions of 5.1.5 at all times.	Discretionary	
	Rule 5.2.5.5	The project includes the importation of approximately 380,000m ³ of fills and aggregate to provide for the material needed for pre-loading existing ground.	Controlled	
	Rule 6.1.9.2	The factory manufactures foam-based products using di-isocyanates at a rate exceeding eight litres per day.	Discretionary	

No designations are required for this proposal. The proposal does not involve any prohibited activities.

[Click here to enter text.](#)

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the Act details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991 in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

An application for bulk earthworks over the subject site and factory development was lodged with both the Waikato District Council and Waikato Regional Council on 20 August 2020. If the project is successful in being referred to an expert consenting panel, that application will be withdrawn.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

To connect to the NIMT, the proposal requires works to be undertaken with the New Zealand Railways Corporation designation. The details of the statutory approvals (if any) required for the tie-in works (e.g., the filing of an outline plan of works) will be confirmed with KiwiRail in advance of construction.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

The development does not require additional approvals or legal authorisations (other than contractual) in order for it to commence, including (but not limited to) approvals under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, when do you anticipate construction activities will begin, and be completed?

Please provide a high level timeline outlining key milestones, eg, detailed design, procurement, funding, site works commencement and completion.

Funding is available.

Preliminary design to suit resource consent stage is completed.

Building consent for Stage 1 of factory to be lodged late 2020.

Earthworks to prepare the site can commence summer 2020/2021 (as early as January 2020).

Earthworks and geotechnical remediation works duration approximately three earthworks seasons.

Factory construction expected to commence late 2021

Factory operational 2022.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

Sara Clarke from the MfE was consulted on 27 July 2020 to introduce the project and discuss the lodgement of the project via the fast track process.

Department of Conservation staff (Andrew Styche and Maggie Burns) were consulted on 25 August 2020.

Local authorities

Detail all consultation undertaken with relevant local authorities:

Waikato Regional Council staff have been consulted throughout the development of the project. Most recent consultation was on 4 August 2020 with Jorge Rodriguez.

Waikato District Council have been consulted throughout the development of the project. Most recent consultation was on 3 August 2020 with Wade Hill and Ella Makin.

If required, further detail regarding that consultation is set out in Sections 5.1 and 5.2 of the AEE provided in support of this application.

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Landscape and visual assessment reporting has assessed that the proposal leads to adverse character and amenity effects on residents in close proximity to the factory.

Detail all consultation undertaken with the above persons or parties:

The Lumsden Road property owners have been met with in early 2020.

If required, further detail regarding the consultation undertaken with all relevant parties is set out in Section 5 and Appendix D of the AEE provided in support of this application.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Waikato Tainui	Various hui via a Project Tangata Whenua Governance Group (TWGG). Written support for the project has been provided by the TWGG – see Appendix D of the AEE provided in support of this application.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Waikato Tainui	As above

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The land is not subject to a current treaty settlement process. However, it is subject to a statutory acknowledgement area in so far as set out in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the River Act).

The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations. The River Act also sets out the 'Vision and Strategy' for the Waikato River, 'Te Ture Whaimana'.

APL has engaged extensively with the Tangata Whenua regarding development on site and the project has accounted for the Vision and Strategy of the Waikato River in many areas of the proposal. This has been acknowledged in the letter of support from the TWGG that is included in this application.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The proposal is not located in the coastal marine area, so this is not applicable.

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The proposal is not located in the coastal marine area, so this is not applicable.

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

An outline of the various expert assessments that have been undertaken regarding the proposal's potential environmental effects is provided in Section 7 of the AEE provided in support of this application. Those assessments have addressed the following:

- Erosion and sediment control;
- Stormwater management;
- Flooding;
- Archaeological effects;
- Ecological effects;
- Noise and vibration effects (construction and operational);
- Landscape and visual effects;
- Transportation effects (construction and operational); and
- Hazardous materials management.

Overall, the respective assessments have found that any potential effects from the proposal can be appropriately avoided, remedied or mitigated.

The only exception to this is with respect to landscape and visual effects. In this regard, the assessment has shown that due to the bulk of the proposed factory and having regard to its existing rural zoning, it

will have more than minor adverse effects on rural character and amenity values when viewed within close proximity of the site, even following mitigation planting.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

National Policy Statements

The only National Policy Statement relevant to the consideration of this application is the National Policy Statement for Freshwater Management 2020 (NPSFM), which takes effect on 3 September 2020.

It is considered that the proposal is not inconsistent with the NPSFM for the following reasons:

- Tangata whenua values and interests have been considered in the proposal via the TWGG. Particular consideration has been given to maintaining appropriate water quality, as a result of the proposed stormwater and wastewater management on site. A letter of support from the Mana Whenua is provided in support of the application.
- The proposal has safeguarded freshwater's life-supporting capacity, ecosystem processes, and indigenous species via the implementation of fish management plan to manage the potential effects on the aquatic environment.
- The proposal includes the remediation of an area of contaminated soil, stormwater management and the use of best practice erosion and sediment control measures during construction. Collectively, those measures will lead to the maintenance or improvement of the overall quality of freshwater.
- The proposal recognises the downstream receiving environment of Lake Rotokawau, Lake Waikare and ultimately the Whangamarino Wetland.

National Environmental Standards

It is considered that the National Environmental Standards that are relevant in respect of APL's proposed activity are as follows:

- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
- Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ).

In respect of each, we note as follows.

NES – CS

Preliminary and detailed site investigations have been completed for the proposed site and activity and have confirmed minor contaminated soils can be remediated as a permitted activity under the NES-CS.

NES – AQ

A technical assessment of air quality requirements of the site has been completed. That assessment has shown that the proposal is compliant with the standards set out in the NES-AQ, in particular for particulate matter for minor combustion sources associated with the manufacturing processes.

Part IX: Purpose of the Act

Your application must be supported by an explanation of how the project will help to achieve the purpose of the Act, being to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The proposal will provide for much needed positive economic benefits in the wake of COVID-19, as outlined in the economic assessment completed by Property Economics included in Appendix E of the AEE provided in support of this application. This will primarily be through the level of investment and job creation that it will entail. Importantly, the job creation will be in manufacturing and construction, both sectors which have become increasingly critical to the economic wellbeing of the Waikato region over the last decade.

The project is anticipated to provide for a capital investment of \$118m with an economic impact of \$152m, along with a 5-year total approximate employment count of 2100 jobs as a result of the project construction and operations. The economic assessment also outlines other benefits as a result of the project, including:

- **Opportunity and Equity – the development has the potential to increase the competitive profile of the local and regional economy, with the result of population growth and greater economies of scale.**
- **Operational Efficiencies and increase competitiveness – The development of the rail siding provides increased efficiencies and competitive opportunities for the wider Waikato region and local economy.**
- **Sector specific growth - the development facilitates a transition from a predominantly primary agricultural sector to both secondary and tertiary business sectors through both a competitive location and the introduction of unique manufacturing activities to support employment and business growth.**

The foam factory is also the “catalyst” or first step in creating longer term and substantial job creation associated with the Ohinewai Structure Plan (OSP) area proposed over the Applicant’s wider landholdings of 178ha (described in further detail at Section 2 of the AEE provided in support of the Application). The foam factory comprises Stages 1 and 2 of the larger “anchor” factory (of approximately 100,000m²) within the proposed mixed-use development of industrial, commercial and residential land use.

Project’s effects on the social and cultural wellbeing of current and future generations:

Overall, the proposal results in potential social and cultural wellbeing effects for people in Ohinewai, Te Kauwhata and Huntly that are positive and substantial, as outlined in the assessment completed by Quigley and Associates (see Appendix E of the AEE provided in support of this application). This is based on the following.

- **Employment projected from factory construction is substantial, with a five-year construction employee count of over 2,100. While such jobs are temporary, they support the pipeline of work which exists in the construction industry.**

- The proposal provides for an additional 50 permanent (post-construction) jobs for the local communities of Ohinewai and Huntly, with employment opportunities being a key criteria in providing for health and wellbeing.
- The project provides for specific cultural wellbeing of the local tangata whenua by encouraging local employment via partnerships with educational facilities and Waikato-Tainui. The importance of this partnership is acknowledged by the Tangata Whenua in their letters of support of the proposal.
- The project has the opportunity to provide for positive outcomes for other employers in the area from the establishment of a School of Secondary Tertiary Studies that look to provide for transformative vocation-based learning.
- The assessment has outlined that these positive effects are highly likely to be inter-generational because of the nature of outcomes arising from employment, the targeting of school students and the strong relationship with local Maori.

The environment is also a key determinant of wellbeing. In this regard, the proposals' effects have been assessed to be neutral, based on the following:

- While the existing Lumsden Road residents will experience social effects arising from the change of their rural outlook (to the east only) to massed plantings and factory buildings, the wider community of Ohinewai, there are several medium and large employers (and their factories) in the surrounding area already (Max Birt Sawmill, Lumbercorp, Ceracell, Compac Homes). The presence of another 50-staff business is in keeping with the existing environment.
- APL has sought to enhance the existing environment by remediating an area of historic site contamination, retiring a portion of the existing dairy farming operation and providing enhancement plantings surrounding stormwater wetlands.
- APL has worked with the local property owners and tangata whenua groups to address effects of the development such as noise and vibration, traffic effects, monitoring of earthworks by kaitiaki and installing world class air quality filters at the factory. Wastewater and stormwater management will also provide for best practice treatment measures to ensure effects on the downstream Lake Rotokawau, Lake Rotokawau and Whangamarino wetland are negligible. Together these mitigate any potential environmental effects of the proposal.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

We understand that MfE's current "best case" assessment is that proposals will take a total of seven months to progress through the fast-track process under the Act. This comprises three months for the grant of Ministerial approval to the referral, and a further four months for the expert consenting panel process.

By contrast, progressing the same application via WRC and WDC under the normal RMA process would take at least 12 months (and more likely 18 months-2 years, before appeals), based on previous experience and their current workloads.

Overall timeframes are likely to be further reduced, given that appeal rights are restricted to points of law only under the Act, as opposed to the merits appeal to the Environment Court that is available under the RMA.

Further, the greater certainty of timeframes and outcomes provided by using the fast-track process means that APL will have confidence to make investment decisions regarding detailed design and factory establishment, while the project progresses through the expert consenting phase.

Overall, use of the fast-track process means the proposal is likely to be under construction a minimum of two years than if following the standard RMA consenting process.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The proposal provides for a 5 year total approximate employment count of 2100 jobs as a result of project construction and operations.

There may be additional employment opportunities beyond Sleepyhead as a result of the rail siding via increased efficiencies and competitive opportunities for the Region and local economy. One existing employer in Ohinewai has expressed a willingness to access the rail siding and NIMT for their operations with associated job creation of between 2-5 full time positions.

Housing supply:

N/A – the proposal does not provide for additional housing.

Contributing to well-functioning urban environments:

The proposed factory is not located within an existing urban environment, however the employment opportunities provided by the factory leads to positive outcomes in the Huntly and Te Kauwhata urban areas via the employment opportunities offered.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

Rail infrastructure is proposed to provide access to the Tauranga and Auckland Ports, via the NIMT for the factory and other existing and proposed industrial activities proposed within the wider Ohinewai area. This infrastructure provides for opportunities for increased productivity due to easier access to import and export facilities.

As Stages 1 and 2 of APL's overall proposed development at Ohinewai, the foam factory is self-sufficient in terms of wastewater and water supply infrastructure. The factory investment itself also provides the built environment for future economic benefits and productivity gains.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The proposal will lead to the retirement of approximately 40ha of the existing dairy farm with anticipated reduction in nutrient runoff and improvements in water quality.

The proposal includes best practice stormwater management.

The stormwater wetlands and landscape plantings around the site provide opportunities for the enhancement of indigenous biodiversity in the area.

Minimising waste:

Consolidation of APL's foam plant operations in a modern, purpose built facility will allow it to retire its existing operations in Avondale and Otahuhu. In doing so, it will be able to employ new technologies and efficiencies that will result in significant opportunities for waste minimisation.

Further, the manufacturing facility utilises the use of foam off-cuts part of manufacturing process.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The foam factory location has been chosen due to its proximity to the NIMT, and via that its access to both the Auckland and Tauranga Ports. The consolidation of APL's foam factory operations on to one site will also eliminate the current need for truck transport between its existing Otahuhu and Avondale plants (which are often delayed due to the level of congestion on Auckland roads).

The proposal is expected to reduce the number of trucks on the road as a result of APL's operations by approximately 40% - 50% for Stages 1 and 2. The rail siding is also anticipated to act as a catalyst for existing manufacturing and processing activities nearby, thereby further providing for opportunities to reduce industry's reliance on the network and expected reduction in greenhouse gas emissions.

Promoting the protection of historic heritage:

The site holds no particular values with respect to historic heritage.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

Any flood risk as a result of the development has been managed and the project is not at risk from a stop bank breach of the Waikato River.

The proposed rail siding is anticipated to lead to lower carbon emissions for operations of the foam factory and other industries nearby.

Other public benefit:

N/A

Whether there is potential for the project to have significant adverse environmental effects:

Overall, it is not considered that project will result in any significant adverse environmental effects.

The proposed factory is likely to have adverse effects on amenity values of the existing rural environment when viewed in close proximity (within 1-1.5km). However, that is in the context of the site's present rural zoning, rather than its proposed industrial zoning as sought by APL's submission on the PWDP. When viewed from further afield, the effects of the proposed factory are considered to be appropriate.

It is not considered that the proposed foam factory will have adverse effects on greenhouse gas emissions, due to the factory's relatively low fossil fuel use. The hazardous substances used in foam production are not considered to be key greenhouse gases. In any case, the proposed rail siding and access to the NIMT will overall create positive effects in terms of greenhouse gas emissions, due to reduced truck movements.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

Climate change has been accounted for in the investigation, design and reporting on the project. The flood modelling and stormwater concept design have in particular taken into account climate change.

Detailed modelling has shown that the site is not subject to inundation from a stop bank breach of the Waikato River.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/enforcement action and outcome
Neither APL nor its associated entity, New Zealand Comfort Group have been the subject of compliance or enforcement actions taken by a local authority under the Resource Management Act 1991.	

Part XII: Declaration

By typing your name in the space provided, you are electronically signing this application form and certifying the information given in this application is true and correct.

David Gaze

Signature of person or entity making the request

31 August 2020

Date

Important notes:

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Information presented to the Minister for the Environment and/or Minister of Conservation (and the respective agencies) is subject to disclosure under the Official Information Act 1982 (OIA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA. Further information on the OIA is available at www.ombudsmen.parliament.nz.

Information held by the Minister(s) and the agencies may have to be released under the OIA in response to a request from a member of the public (or any other body) for that information unless there are grounds for withholding that information. The grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information.

Checklist

Where relevant to your application, please provide a copy of the following information (click to place an "X" in each box to confirm):

- ☒ Correspondence from the registered legal land owner(s)
- ☐ Correspondence from persons or parties you consider are likely to be affected by the project

- ☐ Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
- ☐ Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
- ☐ Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.

Released under the provision of
the Official Information Act 1982