

1 October 2020

Job No. 145860-17
MfE Ref No. 2020-B-07137

Liz Moncrieff
Ministry for the Environment
P.O Box 10362
Wellington 6143

Via Email to:

s 9(2)(a)

fasttrackconsenting@mfe.govt.nz

Dear Liz.

**COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020 – OHINEWAI FOAM FACTORY
REQUEST FOR FURTHER INFORMATION**

Thank you for the request for further information received by Ambury Properties Limited on 16 September 2020. The information below responds to each of the queries.

1. Confirm the basis for the estimate of 2,100 jobs during construction and indicate what portion of these jobs can be filled by unskilled workers.

The basis of the estimate of 2,100 jobs from construction and operation of the Ohinewai Foam Factory (including the associated rail siding) is the assessment by APL's economics specialists, Property Economics. A memorandum summarising that assessment is included in Appendix E of APL's Fast Track application.

In response to MfE's request for further information, Property Economics have further advised that the 2,100 jobs relate to the direct, indirect, and induced employment resulting from the construction and operation of the project. The data on which this estimate has been provided includes:

1. The construction phase and timeframes (breakdown of costings) provided by APL;
2. Statistics NZ employment count and Input/Output data (nationally);
3. The employment multipliers generated for the region;
4. Regional employment retention rates (locational quotients); and
5. Assumptions around application of costings by industry classification.

The question of skilled to unskilled labour is a difficult one to estimate in the current market as the potential impact of Covid-19 in other markets may result in greater access to unskilled labour (while still perpetuating the skilled labour shortage in this sector). Coupled with this, the nature of the proposed development makes it difficult to estimate a proportional split. That said, based on its experience in and knowledge of such sectors, APL has estimated that the following represents a realistic split across the various components of the project:

- Project design and construction supervision process including specialist inputs and project management – approx. 100% skilled.

- Earthworks phase and civil construction – approx. 15% skilled vs 85% unskilled.
- Factory and rail siding construction phase, including fit out/ commissioning – approx. 30% skilled vs 70% unskilled.

Further, APL is committed to providing opportunities for its staff and the local workforce to upskill, by gaining relevant experience and training. This is reflected (for example) in aspects of the MoU that has been signed with the Tangata Whenua Governance Group (TWGG), as detailed in response to Question 5 below.

In addition during the construction phase the employment and upskilling opportunities will also be significant and are particularly relevant in this area of high deprivation (as noted in the evidence of Mr Glen Tupuhi at the recent Committee hearing of APL's rezoning submission in relation to the District Plan).

As noted in response to Question 5 below, as part of this initiative there is current employment of Mana Whenua workers from Huntly at the Otahuhu factory, these employees bus daily from Huntly, have gained experience and training, and are valued employees. In this regard, Mr Tupuhi also noted in his evidence that "TCG's commitment to the north Waikato is clear and has already been demonstrated through training and employment initiatives that are underway...This, coupled with their proposed investment in jobs, training and infrastructure in a deprived area of the Waikato means the TWGG strongly supports the development."

2. Confirm if the 50 jobs created during the operation of the factory will be in addition to your existing staffing levels or involve the relocation or loss of jobs at your Auckland sites.

APL have advised that once the Foam Factory is operational, there will be jobs relocated from Auckland. It is estimated that approximately 1/3rd of Auckland staff (or approximately 17 jobs) will elect to relocate, while 2/3rds (or approximately 33 jobs) will be new staff.

3. Describe the impacts the proposed rezoning in Ohinewai will have on the project if it is zoned industrial or maintains its current rural zone.

A. Impacts of the proposed rezoning at Ohinewai – Consenting requirements

If the proposed rezoning is successful, the implications for the Foam Factory's consenting requirements are as follows:

- The factory as an industrial activity, associated bulk and location and proposed signage becomes a Restricted Discretionary activity under the proposed District Plan provisions.
- The potential adverse landscape and visual effects of the foam factory will be set in the context of an extensive Industrial zone as opposed to the existing Rural zone. The presence of the industrial activity (Foam Factory) at the subject site will therefore be considered acceptable from a landscape character and visual amenity perspective as a result, as it is an activity envisaged for the zone.
- Restricted Discretionary resource consents would also still be required for the bulk earthworks construction phase (e.g. truck movements and earthworks) and traffic sight distance improvements.
- There are minor implications with respect to the quantities of certain hazardous materials permitted on site. However, overall, the management of hazardous substances remains a Discretionary activity under the District Plan if the site is rezoned. The relevant management plans regarding hazardous materials are not affected to a significant degree and resource consents under the Regional Plan and requirements as per Health and Safety at Work Act 2015, the Health and Safety at Work (Major Hazard Facilities) Regulations

2016 and Health and Safety at Work (Hazardous Substances) Regulations 2017 generally remain unchanged.

- The resource consent requirements under the Regional Plan would remain unchanged.

If the proposed rezoning is not successful, the Foam Factory's consenting requirements are as described in APL's Fast Track application.

B. Impacts of the proposed rezoning at Ohinewai – Project feasibility

As was explained to the Committee hearing APL's rezoning submission (by Mr Turner, one of APL's directors), APL "will go to Ohinewai in some way, shape or form", even if the rezoning is unsuccessful. In short, APL needs to expand and/or relocate its operations (starting with the Foam Factory), and the Ohinewai site represents one of very few opportunities (if not the only one) for it to do so within New Zealand.

In that regard, traffic congestion and a lack of suitably large sites in Auckland mean that there is essentially no possibility of APL establishing a consolidated, purpose-built facility in the city.

Moving north of Auckland would only be viable for APL if the city's port is relocated to Whangarei. However, it is clear that is not going to happen for at least 30 years, if at all. The only remaining alternative for APL is therefore to move south, to a location that is highly accessible to the strategic road and rail network. The road connection is required primarily for transporting freight, staff and supporting services.. The rail connection is required to provide accessibility for raw materials and finished product to both Auckland and Tauranga ports.

To date, APL has not been able to locate any other available sites outside of Auckland, which both meet all of its requirements and can feasibly accommodate a development such as the Foam Factory, other than at Ohinewai. Thus, APL must relocate at least some of its operations in the near future, and it has not found anywhere else suitable to go other than Ohinewai.

The upshot of the above, as Mr Turner has confirmed, is that APL will likely proceed with at least the initial stages of its development at Ohinewai, even if the rezoning is unsuccessful.

4. Clarify what works constitute this project and how they related to the wider development.

The works that constitute the Foam Factory proposal were outlined in the AEE lodged in support of APL's Fast Track application (at page 1) as follows:

"The Project includes the construction and operation of Stages 1 and 2 of the Ohinewai Sleepyhead Factory (the Factory) and Rail Siding and connection to the North Island Main Trunk Railway (NIMT)...

The project includes Stages 1 and 2 of the Factory, which include the 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 and pump house for water supply and three water tanks for fire-fighting purposes.

Associated with the operation of the factory are the management of hazardous materials and air quality systems to account for air discharges. Stormwater management wetlands are also proposed to manage stormwater flows from the impermeable surfaces and a fire sprinkler runoff pond is integrated into the site layout.

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

Tahuna Road will be established to the site for the heavy vehicles transporting fill so as to avoid large numbers of heavy vehicles on Lumsden Road”.

To elaborate, the Foam Factory which is the subject of APL’s fast track application comprises Stages 1 and 2 of the larger “anchor” factory (of approximately 100,000m²), which will form the main component of APL’s Ohinewai development. The latter is a mixed-use development comprising industrial, residential and commercial components, which will be developed in nine stages over approximately 10 years, on APL’s wider landholdings of 178ha at Ohinewai.

The rail siding is a key piece of infrastructure for APL’s proposal, but also provides for opportunities for existing businesses on Lumsden Road to access the NIMT.

We are happy to elaborate further on any specific element of the Foam Factory proposal and/or how that relates to the wider Ohinewai development, as required.

5. Advise how you intend to implement the actions outlined in your Memorandum of Understanding with Waikato Tainui.

To clarify, the MoU that APL has entered into is not solely with Waikato Tainui, but is with the following four entities:

- Waahi Whaanui Trust, representing hapuu/marae/whanau within the Raahui Pookeka (Huntly/Ohinewai area).
- Te Riu o Waikato Ltd, which is a mandated company of Te Whakakitenga o Waikato overseeing 15 Marae and over 16,500 beneficiaries.
- The Nga Muka Development Trust, which represents five marae spread between Rangiriri and the northern boundary of Lake Waikere.
- Te Whakakitenga o Waikato incorporated, which is the Waikato Tainui post settlement governance group consisting of 68 marae and 33 hapuu.

The following actions are being implemented with respect to the Foam Factory proposal, as a result of engagement with Tangata Whenua, including as provided for in the MoU:

- Providing for cultural monitors as kaitiaki on site during initial earthworks activities (topsoil scraping).
- Monitoring the performance of the carbon filter (used as the primary mitigation for the factory’s air discharge effects) and stormwater management measures.
- Providing detail on the existing wastewater treatment plant to be used for the factory, including maintenance plans.
- Engaging Canterbury University to undertake an independent peer review of the air discharge assessment and adopting the recommendations of that review.
- Including cultural narratives and symbolism into the detailed urban design of the development.
- Offering land packages to Mana Whenua for papakainga development.
- Currently employing Mana Whenua workers at the Otahuhu factory and bussing them daily from Huntly so they gain experience and training.
- Setting up a training academy in conjunction with Wintec and Waikato Tainui to provide support and training for teenagers.

Importantly, the MoU also established the TWGG, which comprises the four entities outlined above. A letter of support for the project from the TWGG was included in APL’s Fast Track application and is **enclosed** again,

for ease of reference. The letter of support reflects the ongoing relationship between APL and the TWGG, and the commitment to the project by the parties to the MoU.

6. Provide further information on how earthworks and other construction activities will be managed during construction, and how their adverse effects will be avoided, remedied, and mitigated.

There has been extensive expert reporting undertaken on the proposal and its potential effects, including the associated construction activities. This includes erosion and sediment control, stormwater management, archaeology, ecology, noise and vibration and traffic management matters.

The AEE lodged in support of APL's Fast Track application provided a summary of each of these matters and how all relevant effects were to be appropriately avoided, remedied or mitigated. In summary, and bearing in mind these matters will be addressed by comprehensive technical reports provided to the Expert Consenting Panel if APL's Fast Track application is approved, the following sets out the key management tools proposed by APL:

- Erosion and sediment control plans and works methodology (ESCP) have been prepared. These set out appropriate management of the earthworks activities including sediment retention ponds and other methods. The ESCP has been completed in line with the appropriate Regional Council technical guidelines and industry best-practice.
- Stormwater management reporting has been completed and has had input and review from the Regional Council and Tangata Whenua. It is considered that the proposed framework is appropriate and suitably manages the proposed activity via a 'treatment train' and with specific measures to address the potential for spills and emergency events.
- Archaeological investigations and reporting has confirmed that there are no known archaeological sites affected by the proposal. Accidental discovery protocols will in place to manage any disturbance of unknown site discovered during site works. Tangata whenua have requested that kaitiaki are present on site during initial stages of earthworks (topsoil scraping) and APL has committed to this monitoring being in place at the site.
- Ecological assessments have been completed for the project and outlines that appropriate mitigation will be undertaken to avoid and mitigate the potential ecological effects of the proposal. Mitigation includes the formulation of an Ecological Management Plan that includes specific management measures relating to fish management, lizard management, bird management and bat management.
- Noise and vibration assessments have been completed and it is proposed to implement a construction noise and vibration management plan to manage the potential effects as a result of the construction activities.
- For the proposed construction earthworks, the volume and frequency of heavy commercial vehicles on the Ohinewai Interchange ramps and Tahuna Road has the potential to increase the risk of safety impacts on road users. To address the potential safety effects, the following measures are proposed:
 - A Construction Traffic Management Plan (to be submitted to the Waikato District Council and Waka Kotahi for approval prior to works commencing), will identify:
 - the transport related risks for workers and the public and methods to mitigate those risks.
 - the proposed site access points and formation requirements to comply with WDC standards.

- the arrival and departure routes for light and heavy vehicles to minimise conflict points and mitigate risk of collisions.
 - temporary traffic management plans on affected public roads adjacent to the site.
- Temporary traffic management will be in place prior to and during the works. This will include appropriate warning signs and temporary speed limits where appropriate.
 - Road widening is required on Tahuna Road to provide sufficient road space to allow left-turning heavy vehicles to enter the haul road access without crossing the road centreline.
 - Enhancing the visibility of the Stop signs and advanced warning signs on the southbound off-ramp of the Interchange, and installing cyclists warning signs (subject to Waka Kotahi approval).
 - Removing overgrown vegetation at the top of the southbound off-ramp to improve sightlines (looking both east and west).
 - Installing temporary speed limits of 50 kph on Tahuna Road and Lumsden Road from the interchange to the site accesses.
 - APL will work with the Waikato District Council and Waka Kotahi to confirm the detailed design of the proposed measures prior to construction.

7. Provide information on any transmission lines running through, or near to, the site.

There are no electricity transmission lines running through or near the site. There are also no natural gas transmission lines near the site.

8. Advise what consents and works Kiwirail will have to carry out for the construction of the rail siding. Please outline what discussions you have had with them to date.

The rail siding itself is a permitted activity (as a 'network utility') under both the operative and proposed District Plans. Resource consents for the earthworks required to construct the rail siding and connect to the NIMT are included in APL's Fast Track application. The rail siding will be a private asset likely to be owned by APL (or a related interest) and maintenance and operations of the siding are likely to be subject to agreements with KiwiRail.

There are ongoing discussions with Kiwirail regarding the project and recent conversations have confirmed that the level of support for the project is high. With respect to planning approvals, KiwiRail have advised that it is likely that written approvals under s176(1)(b) of the Resource Management Act 1991 can be sought from KiwiRail (as the requiring authority responsible for the NIMT designation) for any works required to connect the siding to it. Any engineering and safety related approvals will progress with KiwiRail as detailed design of the proposal progresses.

9. Advise what consents and works Waka Kotahi NZ Transport Agency will have to carry out to roading as a result of the project works. Please outline what discussions you have had with them to date.

There are no consents required from Waka Kotahi for the Foam Factory, with the exception of temporary traffic management approvals associated with construction traffic operations. The Traffic Impact Assessment completed for the project has indicated that it would be beneficial for cyclist's safety to provide additional warning signs on the Interchange off-ramps to highlight the potential presence of cyclists given the narrow rail overbridge and increase of heavy vehicle movements while the project is under construction (and to a lesser extent once the Foam Factory is operational). Minor vegetation removal is needed for sightline improvements on the Ohinewai interchange south-bound off-ramp.



It is envisaged that further details of the temporary traffic management and signage requirements can be addressed at the detailed design stage. Hence, no specific discussions have been undertaken to date with Waka Kotahi on the Fast-Track proposal (discussions have been undertaken with respect to the wider development, which includes the location of the foam plant, as per the rezoning).

In summary, Waka Kotahi will not have to carry out any roading works as a result of APL's Fast-Track proposal.

I trust the above information is helpful. Please contact me as per my details below if I can be of further assistance.

Yours sincerely

Bloxam Burnett & Olliver



Stuart Penfold
Senior Planner

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the Official Information Act 1982





NGA MUKA
DEVELOPMENT TRUST



17 August 2020

Bloxam Burnett & Olliver

P.O Box 9041

Hamilton 3240

Attention: Stuart Penfold and John Olliver

Cc: David Gaze of Gaze Holdings Ltd

**Re: Sleepyhead Foam Factory, Rail Siding and Earthworks, Ohinewai
COVID-19 Recovery Fast-Track Consent – Application to the Minister for the Environment**

E ngā rangatira, tēnā kōrua ko John ko Stuart

In the spirit of the relationship between iwi and mana whenua of Ohinewai with Ambury Properties Ltd (APL) and New Zealand Comfort Group (NZCG), this letter is an acknowledgement that engagement has been undertaken prior to the lodgement of an application to the Minister for the Environment for referral to an expert consenting panel for the Sleepyhead Foam Factory, Rail Siding and associated earthworks at Ohinewai.

To facilitate the effectiveness and efficiency of iwi and mana whenua involvement in the Sleepyhead Estate development, the Tangata Whenua Governance Group (TWGG) was established. The representative and mandated iwi and mana whenua organisations on the TWGG are:

- Nga Muka Development
- Waahi Whānui Trust
- Te Riu o Waikato, and
- Waikato-Tainui (Te Whakakitenga o Waikato)

In varying capacities, the TWGG perform the role, and carry the responsibilities, of kaitiaki in the Ohinewai area, and address the different needs and aspirations of our members/beneficiaries, whilst also provide representation for them as mana whenua in these resource management systems. Our cultural and environmental values are extensive across the site and is interconnected with other sites, nodes and prominent features within the catchment.

Over the course of 12 months, APL has been sharing information to the TWGG about the overall Sleepyhead Estate development and the initial resource consent applications that will be lodged with the local Councils. APL now seek approval via the Fast-Track process. As a group, the TWGG acknowledge that APL and their agents are accommodating iwi and mana whenua concerns in the following areas:

1. Earthworks

The TWGG shared concerns to APL and sought:

- Measures and practices to protect water-bodies from erosion and sediment and any contaminants, and
- The protection and preservation of taonga, cultural/customary practices, and sites and activities of significance to Mana Whenua.

TWGG are of the view that the information and content in the fast-track application demonstrates that these concerns are addressed as well as providing mana whenua the ability to monitor the earthworks activities on the site.

2. Establishing Foam Factory and Rail Siding

The TWGG shared concerns to APL and sought the following:

- Measures and practices to protect water-bodies from erosion and sediment and any contaminants,
- Protect and preserve taonga, cultural/customary practices, and sites and activities of significance to Mana Whenua,
- The planting indigenous vegetation, and if possible, locally sourced,
- By incorporating in the design, the inclusion of an area of land/wetland (e.g constructed wetlands) towards the restoration of taonga,
- The prevention and/or mitigation of potential contaminants in run-off water from impervious surfaces (paved areas), reaching open water bodies (drains, streams etc)
- The recognition and enhancement of the relationship between Waikato-Tainui and the Waikato River, its flood plains, and the shallow riverine lakes,
- Protection of water-bodies (river, lakes, wetlands, streams/tributaries), from the negative impacts of land use,
- Continued, and/or enhanced, access to traditional areas for customary and cultural activities,
- Consider beneficial re-use and on-site management of stormwater and wastewater,
- With air/airspace, Mana Whenua would like to avoid any new discharges to air that compromises human health and amenity values enjoyed by Mana Whenua, and
- Environmental enhancement actions/activities pertaining to restoring mauri of taonga (land, water, lakes, sites of significance, and wetlands).



TWGG are of the view that the information and content in the fast-track application for establishing and operating the proposed Foam Factory in Ohinewai demonstrates that these concerns are addressed, specifically;

- Stormwater management - TWGG support the methodology of onsite management of stormwater via roof top collection and detention ponds and constructed wetland,
- Wastewater management - TWGG support the methodology of an onsite wastewater plant and disposal field, and the provision for TWGG to view and provide feedback on the details of the wastewater treatment plant,
- Water supply - TWGG support the methodology of water capture and storage via primary use of water tanks and acknowledge the second supply via on-site bore supply, and
- Air discharge - The installation of carbon filter and discharge stack, and the provision for TWGG to monitor the performance of the carbon filter and stormwater management measures.

The TWGG believe we are able to address any actual and potential cultural and environmental impacts associated with the proposed earthworks, foam factory and rail siding activities in partnership with APL. Accordingly, should the Ministry for the Environment determine to accept this proposal for Referral, **the TWGG do not believe a cultural impact assessment report is necessary from tangata/mana whenua.**

However, members within the TWGG reserve the right to participate in the secondary processes of the expert consenting panel decision making to ensure they represent the concerns/views of their members/beneficiaries appropriately should any new information be presented.

We trust this letter finds you well, and we look forward to the ongoing engagement.

Ngā mihi

Glen Tupuhi

Chairperson

Tangata Whenua Governance Group