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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Waikato Regional Council
Contact person (if follow-up is required)	Miffy Foley
	Senior Policy Advisor
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Ohinewai Foam Factory
General comment – potential benefits	The proposal has potential to generate positive economic effects for the district and the region through the provision of jobs for the construction of the factory and rail siding, and through relocation of the Sleepyhead factories in South Auckland to a consolidated factory at Ohinewai.
General comment – significant issues	<p>The following issues are significant to WRC and should be addressed through the application:</p> <ul style="list-style-type: none"> • Located in a floodplain and in an area defended by a Waikato Regional Council (WRC) stopbank • Access is via a nationally and regional significant Waikato Expressway. • Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River) and the management of discharges to water from the site. • Discharges to air from the manufacture of foam.
Is Fast-track appropriate?	<p>The Regional Council is not opposed to fast-tracking this proposal. However, we consider the following considerations relevant given the limited appeal rights under the COVID-19 Recovery (Fast-track Consenting) Act 2020:</p> <ul style="list-style-type: none"> - The proposal is for a large industrial use located in the Rural Zone and is able to be considered by way of resource consent under the operative Waikato District and Waikato Regional Plans. - We understand a resource consent for the land use has been received by Waikato District Council. - The resource consents required for discharges to air, land and water have been received by the Regional Council and are currently being processed. - Under normal RMA processes the application would be considered against the objective and policies of the Waikato District Plan and Waikato Regional Plan. - Under the COVID-19 Recovery (Fast-track Consenting) Act 2020, the panel can only decline an application if inconsistent with any national policy statement, including a New Zealand coastal policy statement, or if the panel considers

	<p>that granting a resource consent would be inconsistent with section 6 (Treaty of Waitangi).</p> <ul style="list-style-type: none"> - If the matter is fast-tracked, it will be important to work closely with the Waikato Regional Council to ensure that the allocation of resources through this process does not negatively impact on access to resources required to enable other activities and so have unintended negative economic, social or environmental consequences. - In respect of discharges to water, Te Ture Whaimana o Te Awa o Waikato, as having an equivalent (and if in conflict primary) weight to a National Policy Statement under the RMA remains a relevant matter. The Regional Council has developed considerable expertise in managing water resources under this policy framework. - Through the current Waikato District Plan review process the zoning of the subject land is being considered. While the industrial activities have given rise to fewer concerns, residential activities that form part of the proposed rezoning have been contentious and are opposed by several parties including the Waikato Regional Council, Waka Kotahi and others. - This could give rise to concerns from parties to those proceedings that they have been 'cut out' by use of the fast-track process. It will be important to seek to understand the issues raised through the Waikato District Plan review process that are relevant to this proposal and see that they are appropriately addressed.
Environmental compliance history	<p>Sleepyhead currently operate outside of the Waikato region. WRC not aware of any environmental compliance or enforcement history.</p> <p>This information will be held by Auckland Council.</p>
Iwi and iwi authorities	<ul style="list-style-type: none"> • Nga Muka Development • Waahi Whaanui Trust • Te Riu o Waikato • Waikato-Tainui (Te Whakakitenga o Waikato) <p>As above. The Applicant has been in consultation with local iwi for some time on this development including establishment of a Tangata Whenua Working Group for the project made up of the above groups. These parties have confirmed that they are aware of the activities proposed and where concerns have been raised, they are comfortable that they have been adequately addressed by the Applicant. There are no outstanding cultural issues raised that WRC consider warrant further consultation with these parties and the letter confirms that no cultural impact assessment is considered necessary.</p>
Relationship agreements under the RMA	<p>Waikato Raupatu River Trust (Waikato-Tainui) and Waikato Regional Council (Co-management Agreement for Waikato River Related Lands)</p> <p>https://waikatoregion.govt.nz/assets/PageFiles/15805/JMAs/2276497%20Tainui.pdf</p>

Insert responses to other specific requests in the Minister's letter (if applicable)

1. *Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through Resource Management Act 1991 consenting processes rather than the processes in the Act?*

See response above.

2. *How does this project align with the Waikato District Plan, Waikato 2070 – Growth and Economic Strategy and any other plans/strategies for the Waikato region?*

This project aligns with Waikato District Council's Waikato 2070 – Growth and Economic Strategy. However, WRC raised concerns about the extent to which Waikato 2070 appears to diverge from other relevant strategies and plans that have been subject to more robust analysis and that hold greater legal weight. They include:

- Future Proof sub-regional growth strategy.
- Waikato Regional Policy Statement (WRPS) that the district plan is required to *give effect to*.
- He Awarua Ki Te Oranga: The Hamilton to Auckland Corridor Statement of Shared Spatial Intent, that received Cabinet endorsement earlier this year.

3. *How will this project impact Waikato River, and its catchment?*

We note that Te Ture Whaimana o Te Awa of Waikato requires the proposal to achieve betterment for the river, rather than the management of adverse effects.

WRC understands that this stage of the factory development has access to adequate water through existing consents and can be self-contained in terms of wastewater. There will potentially be contaminant reductions at the proposed site; provided that earthworks and stormwater management can be implemented in a way that contributes a net benefit where compared to its existing rural land use.

We note that as a large industrial activity located in an area of flood hazard (albeit protected by stop-banks) risks, including residual risks, from unintentional discharge of contaminants from the site will require ongoing management.

There is no certainty as to water and wastewater servicing for any development beyond Stage 1 that would give effect to the Vision and Strategy for the River, this information is required.

4. *Would you like to provide further commentary on the concerns you raised in your submissions to Waikato District Council on the proposed rezoning in Ohinewai?*

The rezoning request at Ohinewai is seeking the urban zoning of rural land at Ohinewai for:

- 73.5 ha of industrial zoned land, including 37ha for the Sleepyhead Factory;
- 7.5 ha of business / commercial zoned land for a service station, community facilities and a small amount of convenience retail;
- 52ha of residential land for up to 1100 homes, with the majority for sale on the open market and a number for Sleepyhead employees; and
- 55ha of public open space including stormwater management areas, recreational facilities, ecological enhancement areas and other community areas.

WRC's view, consistent with the evidence presented by its experts at the recent hearing on the rezoning, is that the majority of potential benefits of the proposal arise from the employment opportunities created by the establishment of industrial activities, while the majority of potential for adverse effects arise from the residential activities.

The concerns raised by Council relating to the rezoning as a whole were:

- a The lack of consideration of the potential cumulative effects of the proposal and other potential development, and the potential requirements for upgrading of transport and other infrastructure.
- b A limited assessment of alternatives in respect of s32AA of the Act. WRC considered that the extent of the departure from the established and planned growth pattern, the potential public funding implications to support the proposal and the wider implications of the proposal are such that alternative options should be comprehensively assessed.
- c The suitability of the site for development, particularly in respect of the residential component. This includes matters such as exacerbating the severance of Ohinewai across the Expressway, limited multi-modal transport links to and from the site, and public transport that is unlikely to be viable, development within a flood plain requiring substantial filling and a range of compromises in respect of managing transportation effects. Some of these matters require significant mitigation that may affect the 'affordable housing' aim of the Ohinewai Structure Plan.
- d Effects on the transportation network, in particular the Expressway which is a road of national significance designed to facilitate inter-regional travel and the movement of freight, and whether the proposal 'protects the value and long term benefits of regionally significant infrastructure' as directed by the WRPS.
- e Whether water and wastewater servicing is sufficiently certain that this matter can be addressed through staging requirements in the proposed plan provisions. WRC considers that the assessment has not progressed to a stage where this is the case, particularly given the objectives of the Vision and Strategy for the Waikato River, the water allocation status of the catchment, and substantial queue for resource consents.
- f The certainty of whether The Comfort Group's vision and benefits of the proposed masterplan will occur, as a number of important aims of the proposal are not easily ensured through plan provisions.

For more information, please see WRC's Legal submissions and planning evidence:

Legal Submissions

https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-18-ohinewai-rezoning/legal-submissions/hearing-19---ohinewai---waikato-regional-council---opening-legal-submissions.pdf?sfvrsn=190b8ac9_2

Planning evidence

https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-18-ohinewai-rezoning/waikato-regional-council-and-waka-kotahi-nzta-submitter-evidence/hearing-19-ohinewai---i-mayhew---evidence-for-waka-kotahi-and-wrc--planning.pdf?sfvrsn=a7788ac9_2

5. *Does the applicant, or a company owned by the applicant, have any past or current breaches/notices or litigation related to environmental regulatory compliance that you are aware of?*

WRC is not aware of any such proceedings.

6. *Have any directors of the applicant or a company owned by the applicant (in their capacity as an individual or a director of any company) ever been subject to proceedings concerning breaches/notices or litigation related to environmental regulatory compliance that you are aware of?*

WRC is not aware of any such proceedings.

7. *If the project progresses to the expert consenting panel, are there any technical reports that you would request the applicant provide in their consent application?*

The applicant has submitted the following assessment reports in support of the current resource consent applications with WRC and Waikato District Council:

- Traffic Impact
- Geotechnical
- Ecological
- Archaeological
- Soil contamination
- Earthworks methodology
- Noise and vibration
- Traffic management plan
- Landscape and visual
- Hazardous substances risk

	<ul style="list-style-type: none"> • Emergency plan • Air quality • Waikato District Plan and Proposed District Plan Objectives and Policies • Waikato Regional Plan Objectives and Policies <p>Additionally, the Council would recommend.</p> <ul style="list-style-type: none"> - That the Traffic Impact assessment is expanded to an Integrated Transport Assessment. - An assessment against the Waikato Regional Policy Statement. - Comparative assessment of alternative sites for the proposal. <p>8. <i>If the project progresses to the expert consenting panel, are there any groups that the expert consenting panel should invite to provide comments on the application?</i></p> <p>Department of Conservation as the site adjoins a DoC reserve.</p> <p>The other parties who participated in the rezoning hearing, which includes:</p> <ul style="list-style-type: none"> • Waka Kotahi New Zealand Transport Agency • Ohinewai Area Committee (residents' committee) • Ohinewai Lands Limited (adjoining landowner) • The Ralph Estates (holder of mineral rights over the site) • Auckland and Waikato Fish and Game Council • Waikato-Tainui • Catherine Maher (resident) • David Whyte (resident)
Other considerations	<p>WRC received a resource consent application in relation to this proposal on 21 August 2020 for earthworks, discharge to air, and stormwater discharge. This application is significantly progressed and is expected to be completed in the coming months provided the applicant provides the further information requested under s92(1) RMA. The current resource consent application does not include the works required for the railway siding.</p>

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Your Ref

In reply please quote

If calling, please ask for
AnaMaria d'Aubert



25 September 2020

Liz Moncrieff
Acting Director, Natural and Built Systems
Ministry for the Environment
fasttrackconsenting@mfe.govt.nz

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Dear Ms Moncrieff

RE: COMMENT ON FAST TRACK APPLICATION - OHINEWAI FOAM FACTORY

Thank you for the invitation to comment on the application to refer Ambury Properties Limited's Ohinewai Foam Factory to an expert consenting panel under the Covid-19 (Fast-track Consenting) Act 2020.

You are no doubt aware that Waikato District Council has had significant involvement in the Ambury project – both in our role as advocate of economic and community development, and also as the land use regulator. From an economic development perspective, the project and the wider site development at Ohinewai is considered to have significant economic benefits for the Waikato district and region. Our Mayor wrote to the independent district plan hearing panel to express the local political support for the wider Sleepyhead development. That letter can be found [here](#).

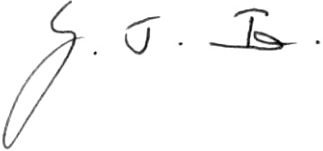
One potential issue worth noting, I believe, is that an application for this project (without the rail siding) has been lodged with Waikato District Council. That land use consent, and this fast track application, have both been lodged ahead of Ambury receiving a decision on its submission to rezone the land through the Proposed Waikato District Plan. The hearing for the Ohinewai rezonings has been completed but a decision has not yet been released.

Waikato District Council has a high-level Memorandum of Understanding with Ambury (although there is no development agreement in place). The publicly accessible version of the Memorandum can be found on Attachment B of [this document](#). This is highlighted for your information only, as it is unlikely to be relevant to the small stage of the project that Ambury is seeking be considered for fast tracking.

From a customer and economic development perspective, if Ambury believe this process will deliver a satisfactory outcome for them then Waikato District Council would support that view.

Please find attached our response to the questions you have set out. I trust the information contained in this response is adequate for your current purposes. Please do not hesitate to contact either myself or AnaMaria d'Aubert if you have any further questions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G. J. B.' with a large, stylized initial 'G'.

Gavin Ion
CHIEF EXECUTIVE

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Local authority providing comment	Waikato District Council
Application	Ohinewai Foam Factory
Contact person (if follow-up is required)	AnaMaria d'Aubert
	Consents Manager
	s 9(2)(a)

1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the Act?

Waikato District Council is supportive of the application being processed as a fast track consent. As a community- and customer-focused organisation, Council want to ensure the community's wishes are upheld and that developers such as Ambury have a satisfying customer experience.

2. How this project aligns with the Waikato District Plan, Waikato 2070 – Growth and Economic Strategy and any other plans/strategies for the Waikato district?

Operative Waikato District Plan

The project is for a substantial industrial development within the Rural Zone. In the Operative Waikato District Plan, *Chapter 1A Waikato District Growth Strategy* provides clear Objectives and Policies with regard to the Rural Zone and the types of activities that should establish there. Included below are some Objectives and Policies that the proposal does not appear to align with. Note, this is a high level indication, a full assessment of the proposal has not yet been completed. Once a full assessment is completed, it may be found that the proposal is in alignment with these and other Objectives and Policies of the Waikato District Plan.

Objective 1A.2.1	<i>Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.</i>
Policy 1A.2.2A	<i>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>
Objective 1A.2.9	<i>Rural areas are maintained as a resource for productive rural activities and lawfully established rural-based activities.</i>
Policy 1A.2.12	<i>Subdivision use and development that is not directly associated with productive rural activities should occur in towns, villages and other defined growth areas.</i>
Objective 1A.6.1	<i>The capacity of rural areas to support productive rural activities and lawfully established rural-based activities is maintained.</i>
Policy 1A.6.2	<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>

<i>Policy 1A.6.3</i>	<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>
<i>Objective 1A.8.1</i>	<i>Landscape, character and amenity values of rural areas are maintained.</i>
<i>Policy 1A.8.2</i>	<i>Activities that do not have a functional need to establish in rural areas should be accommodated in towns, villages and defined growth areas.</i>

A full assessment of the proposal has not yet been completed, however below is an outline of some relevant Objectives and Policies of the Waikato District Plan that the proposal appears to align with.

<i>Policy 6.2.5</i>	<i>Industry should be grouped:</i> <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> <i>(d) where it can link to existing infrastructure or associated industries, or manage its effects on site.</i>
<i>Objective 6.6.1</i>	<i>Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications.</i>
<i>Policy 6.6.2</i>	<i>Where land is subdivided or its use intensified, then adequate water supply, wastewater treatment, and land and stormwater drainage must be provided to each allotment, by connection to available reticulated services, or by on-site facilities where reticulated services are not available.</i>
<i>11.6.1</i>	<i>People and communities are able to access resources so that they can provide for their economic wellbeing.</i>
<i>11.6.2</i>	<i>Community economic wellbeing should be enabled through activities that use and develop natural and physical resources without adverse effects on the local environment.</i> <i>Note, a determination on the adverse effects of the proposal has not yet been made.</i>

Other strategies

The Ambury project aligns with **Waikato 2070** – refer section 3.1 Grow Our Communities, 3.2 Build Our Businesses, and section 4.7 Huntly & Ohinewai Development Plan. Waikato 2070 has been through the LGA special consultative process.

Watercare (Waikato) is developing a **Mid-Waikato Water and Wastewater Servicing Strategy**. The strategy considered servicing Ohinewai because it is identified as a growth node in Waikato 2070 (subject to district plan review hearings). The strategy is still in draft and is currently out for consultation with key stakeholders. The strategy is due to be received and considered by the Waters Governance Board in late 2020. Work is already underway in the draft Asset Management Plans to accommodate the findings of the strategy.

The Ambury project was not anticipated by the **Future Proof** plans and strategies.

The **Hamilton to Auckland Corridor** work understands that the proposed Ohinewai development is subject to the outcomes of the district plan review hearings.

Waikato District Council undertook a community planning process (**Blueprints**) in 2018 to identify and prioritise aspirations. That process resulted in what is known as a District Wide Blueprint and a number of Local Area Blueprints including [one](#) for the Ohinewai community. Blueprints have not been through the LGA special consultative process. The top priorities for the Ohinewai Local Area Blueprint were identified in 2018 as:

- Build a strong identity based on a village community, river corridor, and the unique qualities of the local area. Consider the ferry landing.
- If development application progresses, then ensure possible expansion addresses its own impacts (such as traffic, noise, and visual). Ensure it contributes positively to the local community, e.g. by offering more convenience retail, improving housing affordability, new walking and cycling connections, improving the viability of the school etc.
- Clarify the future of the reserve.

3. How the current plan change process, including the rezoning in Ohinewai, requested by Ambury Properties Limited will affect the project?

Decisions on the Proposed Waikato District Plan are not due until September 2021. Ambury requested an early hearing and an early decision on its submission to rezone land at Ohinewai. Notes from the independent hearing panel on the Ohinewai rezoning process are available [here](#) under Hearing Panel directions, minutes and responses.

The land proposed for this development is currently zoned rural in the Operative Waikato District Plan. The land is proposed to remain zoned rural in the notified version of the Proposed Waikato District Plan but is subject to the Ambury submission requesting rezoning.

If Ambury's rezoning submission on the Proposed Waikato District Plan is accepted, and those changes made operative, the land would change zone to one much more consistent with the development being proposed. The project may well still require resource consent under an industrial zone, however it would be a much simpler consent process with a much higher chance of a non-notified grant.

As at the date of this response, the independent hearing panel considering submissions on the Proposed Waikato District Plan had not reached a decision on the Ambury submission. A date for the decision on the rezoning request is not yet known.

4. Provide any existing s32 report, or any other information you may have on the impacts of rezoning the area from rural to industrial?

All documentation pertaining to the Proposed Waikato District Plan rezoning submission for Ambury can be found on Council's website. The rezoning request came in via a submission so there is no s32 evaluation. A s32AA report and other information including an assessment of environmental effects is available on Council's website. There is a significant amount of information on the website from Ambury, the Council, and further submitters to the rezoning request. The s32AA and AEE is [here](#). All documents are available [here](#). A recording of the hearing is also available.

5. Does the applicant, or a company owned by the applicant, have any past or current breaches/notices or litigation related to environmental regulatory compliance that you are aware of?

Waikato District Council is not aware of the applicant or company owned by the applicant as having any past or current breaches/notices or litigation related to environmental regulatory compliance. However, it is noted that the applicant has only recently purchased this property in Waikato district. The applicant's current operation is being undertaken within the Auckland City territory and offshore.

6. Have any directors of the applicant or a company owned by the applicant (in their capacity as an individual or a director of any company) ever been subject to proceedings concerning breaches/notices or litigation related to environmental regulatory compliance that you are aware of?

Waikato District Council is not aware of any directors of the applicant or company owned by the applicant as having ever been subject to proceedings concerning breaches/notices or litigation related to environmental regulatory compliance. However, it is noted that the applicant has only recently purchased this property in Waikato district. The applicant's current operation is being undertaken within the Auckland City territory and offshore.

7. If the project progresses to the expert consenting panel, are there any technical reports that you would request the applicant provide in their consent application?

An application for this consent (without the rail siding) has been lodged with Waikato District Council, and it includes a number of technical reports, which Waikato District Council would suggest should be included in the application to the expert consenting panel, these include:

- Traffic Impact Assessment
- Geotechnical Assessment Report
- Ecological Report
- Archaeological Report
- PSI / DSI / CSMP & RAP
- Earthworks Methodology Report
- Noise and Vibration Assessment
- Draft Construction Traffic Management Plan
- Hazardous Substances Qualitative Risk Assessment
- Landscape and Visual Assessment
- Hazardous Substances Risk Assessment
- Emergency Plan
- Air Quality Report

8. If the project progresses to the expert consenting panel, are there any groups that the expert consenting panel should invite to provide comments on the application?

A Tangata Whenua Governance Group (TWGG) was established to consult with Ambury Developments on this proposal. It includes Nga Muka Development, Waahi Whaanui Trust, Te Riu o Waikato and Waikato-Tainui (Te Whakakitenga o Waikato).

Another list of parties that you may consider are those who further submitted to the Ambury submission on the Proposed Waikato District Plan. This is:

- Ambury Properties Limited
- Ohinewai Land Limited
- NZ Transport Agency
- Ohinewai Area Committee
- Waikato Regional Council
- Shand Properties
- Mercury NZ Limited
- Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)
- Iain and Luressa Macdonald
- Konini Farms Ltd
- The Ralph Estates
- Suzanne Stow
- David and Tiffany Whyte
- Richard and Shanette Marsh
- Bruce Holmes
- Daniel and Rebekah Holmes
- Auckland/Waikato Fish and Game Council
- Future Proof Implementation Committee

9. Are there any transmission lines that will be impacted by this project?

The site does not contain any transmission lines, nor are there any transmissions lines in close proximity to the site.

10. Relationship agreements under the RMA

Waikato District Council has one Joint Management Agreement that is relevant to the Ohinewai Area – this is the JMA with Waikato Tainui.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for Ministers of the Crown to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Minister or agency providing comment	Waka Kotahi- New Zealand Transport Agency
Contact person (if follow-up is required)	

Comment form

Please use the table below to comment on the application.

Project name	Ohinewai Foam Factory
General comment	<p><u>Background</u></p> <p>Ambury Properties Limited (APL) submitted to the Proposed Waikato District Plan seeking rezoning of rural land at Ohinewai for 73ha industrial land, 7.5ha business/service centre land (this element later withdrawn) and 52 ha residential land (approx. 1100 households). Waka Kotahi further submitted and jointly attended the hearing with Waikato Regional Council in opposition to the proposal.</p> <p>There is a high level of interest in the wider proposal and parties have invested considerably in the current RMA process, with the hearing now concluded. Progressing the foam factory via an alternative process could be seen to undermine the public process.</p> <p>Waka Kotahi has concerns in relation to the wider proposal (industrial plus residential) that centre around the lack of integration with existing and planned land use patterns – the proposal would establish a new developed area that is not adjacent to an existing urban area and would not achieve the integration of land use and transport. The proposal would be heavily private vehicle dependent with inadequate alternatives for public transport and walking/cycling routes, resulting in an increase in private trips on the Waikato expressway and increase in greenhouse emissions.</p> <p>There has been no demonstration of any consideration and assessment of alternative locations and cumulative effects on the transport network. Additionally, the Ohinewai interchange was not designed for the proposed high level of use and substantial improvements will be required (at a high cost) to address safety concerns.</p> <p>The increase in private vehicles undertaking local trips on the expressway undermines the strategic function of the Waikato Expressway - to connect large populations centres (through interregional travel) and deliver efficient routes for large freight volumes.</p> <p>The development of this proposal has been an iterative process, and up until hearing the applicant's position was that the residential, business and industrial zoning needed to occur as a package for the development to be successful. During the hearing the prospect of only the industrial zoning being approved was mooted and was tested with some submitters. Waka Kotahi has not seen any analysis of the industrial land use on its own and therefore was unable to form a position on this, however, did indicate that while the proposed industrial rezoning appears to better meet the strategic function of the Waikato Expressway network plan (being for freight vehicle movements), further analysis and evidence would need to be provided to make a full assessment.</p> <p><u>Current proposal</u></p> <p>Overall, while Waka Kotahi is less opposed to the industrial component of the wider APL proposal, there is a risk that fast-tracking the factory would be seen to disregard the concerns of submitters raised through the RMA process and negate the considerable investment made by them.</p>
Other considerations	

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Agency providing comment	KiwiRail Holdings Ltd
Contact person (if follow-up is required)	Rebecca Beals
	RMA Team Leader
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	New Zealand Comfort Group – Ohinewai Foam Factory
General comment	KiwiRail are very supportive of the proposal including the creation of a siding to facilitate freight movement on the rail corridor for the industrial activity (foam factory) as proposed. In particular KiwiRail specifically note and support that safe access to the rail corridor can be achieved.
Other considerations	Ambury Properties Ltd have been working closely with KiwiRail for an extended period of time while this project has been developed. High level support for the industrial foam factory proposal has already been given, including to the establishment and use of a siding to enable the movement of freight on the rail network. As the design progresses the two companies will continue to work together to construct and operate a safe siding that connects with the NIMT. KiwiRail are strongly supportive of activities that increase the use of the rail network for the movement of freight to support sustainable transport outcomes.
[Insert specific requests for comment]	