

Further submission on Ruakura Variation to the Proposed Hamilton District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

Ruakura Residents Group – Further Submission

To: Hamilton City Council

This is a further submission in support or opposition of submission(s) on the proposed Ruakura Variation to the Proposed Hamilton District Plan (“the Ruakura Variation”) as listed in the attached schedule. The reasons for support or opposition, and the decisions sought from Council are set out in the attached schedule.

Ruakura Residents Group is a person who has an interest in the proposal that is greater than the interest the general public. Ruakura Residents Group represents landowners in the Ryburn / Percival Road countryside living area.

Ruakura Residents Group could not gain an advantage in trade competition through this submission. In any event, Ruakura Residents Group is directly affected by effects of the subject matter of the submission.

Ruakura Residents Group wishes to be heard in support of this submission. Ruakura Residents Group will consider presenting a joint case with other similar submitters at the hearing.



Nick Roberts, Barker & Associates Ltd

(Person authorised to sign on behalf of submitter)

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Ruakura Residents Group
C/- Barker & Associates Ltd
PO Box 1986
Shortland Street
AUCKLAND 1140
Attn: Nick Roberts
DDI: (09) 375 0999

Mobile: 029 666 8330 Email: nickr@barker.co.nz

Submitter	No.	Particular Parts Supported or Opposed	Reasons	Relief Sought
Waikato Regional Council	21.21	<ul style="list-style-type: none"> Support: <i>3.7.3.2.3 Notification Rule - Amend the Rule 3.7.3.2.3 to require affected party approval from the NZ Transport Agency, Waikato Regional Council and the Waikato District Council for all Land Development Plan applications.</i> 	An integrated approach to transportation is required for any road upgrades in the area, including consideration of the alternative access to the Percival / Ryburn Road community. To ensure an integrated approach, the key transportation authorities should be involved in the assessment of Land Development Plans.	Support amendment to 3.7.3.2.3 Notification Rule.
Future Proof Implementation Committee	28.11	<ul style="list-style-type: none"> Oppose: <i>Retain Planning Map 40A which identifies a Large Lot Residential Zoning in the shorter term, with the long term use being Logistics.</i> 	As set out in the Ruakura Residents Group primary submission, the section 32 analysis does not sufficiently analyse the costs and benefits of indicating a future logistics zoning for the submitters' site at this time.	Delete reference to long term use of the land being Logistics on Planning Map 40A.
Hamilton City Council	32.03	<ul style="list-style-type: none"> Oppose: <i>3.7.1.6 Residential Zones - Amend cross references. Amend to refer to development being unlikely to be required during the current planning period in the Large Lot Residential Zone.</i> 	Ongoing use and development of the sites for residential purposes should be enabled by the Plan. The plan should not reference potential future development of the site for Logistics purposes, for the reasons set out in the primary position.	Do not accept proposed amendments.
Chedworth Properties Limited	33.20	<ul style="list-style-type: none"> Oppose: <i>Objective 3.7.2.2 - Amend Objective 3.7.2.2 by deleting 'protects' and replace with 'avoids significant adverse effects on' when relating to amenity values of surrounding communities. Amend Policies 3.7.2.2b and 3.7.2.2e to refer to activities and development being in 'general' accordance. Amend Policy 3.7.2.2f to refer to 'generally' identified on Figure 2-14.</i> 	"Avoids significant adverse effects" would provide insufficient protection of the amenity values for the established residential Percival / Ryburn Road community. Objectives and policies relating to amenity values should not be weakened through changing the language, including through introducing "generally".	Do not accept proposed amendments.

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Chedworth Properties Limited	33.23	<ul style="list-style-type: none"> Oppose: <i>3.7.3.2.1 Consent for Land Development - Amend Rule 3.7.3.2.1b) to delete references to Land Development Plan Areas. Consequential amendment to Figure 2-16 in Appendix 2 Structure Plans. Delete Rule 3.7.3.2.1c and Rule 3.7.3.2.1d. Amend Rule 3.7.3.2.1e so a Land Development Plan shall provide the information 'where relevant'.</i> 	Land Development Plans are an essential tool to ensure development is undertaken comprehensively, including having regard to the required mitigation, and to transportation upgrades.	Do not accept proposed amendments.
Chedworth Properties Limited	33.47	<ul style="list-style-type: none"> Oppose: <i>Delete Figure 2-16 Ruakura Land Development Plan Areas and references in the Plan</i> 	As above.	Do not accept proposed deletion of Figure 2-16.
Tainui Group Holdings Limited	48.02	<ul style="list-style-type: none"> Oppose: <i>Add a new Rule 4.4.3 Percival/ Ryburn Roads Ruakura Structure Plan Area Internal Acoustic Insulation; or in the alternative amend Rule 4.4.1 and Rule 23.7.1 so minimum net site area and allotment size and shape are 2ha for the Percival / Ryburn Road area.</i> 	The Percival / Ryburn Road area is an established residential community. Ongoing use and development of the land for residential purposes should be enabled consistent with other Large Lot Residential zone areas in Hamilton City. Development should not be constrained due to the establishment of the Logistics Zone to the south, which has come later. Potential reverse sensitivity issues from noise is an issue for the development and management of activities to the south, and should not impact on residents through the imposition of acoustic insulation standard.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.20	<ul style="list-style-type: none"> Oppose: <i>Amend Objective 3.7.2.2 by deleting 'protects' and</i> 	"Avoids significant adverse effects" would provide insufficient protection of the amenity values for the established residential Percival / Ryburn Road	Do not accept proposed

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		<p><i>replace with 'avoids significant adverse effects on' when relating to amenity values of surrounding communities. Amend Policies 3.7.2.2b and 3.7.2.2e to refer to activities and development being in 'general' accordance. Amend Policy 3.7.2.2f to refer to 'generally' identified on Figure 2-14.</i></p>	<p>community. Objectives and policies relating to amenity values should not be weakened through changing the language, including through introducing “generally”, as this would not provide for sufficient regard to be given to “the maintenance and enhancement of amenity values” as per s7(c) of the RMA.</p>	<p>amendments.</p>
<p>Tainui Group Holdings Limited</p>	<p>48.32</p>	<ul style="list-style-type: none"> Oppose: <i>Amend Rule 4.1.4 Large Lot Residential Zone to remove text providing context of the enclave at Percival and Ryburn Roads. Amend text to remove reference to 10.5.4 and 11.5.3 and refer to interface measures to avoid, remedy or mitigate significant adverse effects. Amend to avoid adverse reverse sensitivity effects from the residential area on the establishment and operation of the inland port and the logistics and industrial park zones and include requirements for internal acoustic insulation and no-complaints covenants. Delete the establishment of a buffer as a pre-condition to future development.</i> 	<p>These amendments would result in a significant reduction in the protection of residential amenity values for the Percival / Ryburn Road community, in particular through the deletion of the buffer establishment requirement.</p> <p>Potential amenity issues from noise, vibration and visual effects should be managed through the development of the Logistics zoned land, rather than through constraining residents through acoustic insulation requirements and no-complaints covenants.</p>	<p>Do not accept proposed amendments.</p>
<p>Tainui Group Holdings Limited</p>	<p>48.33</p>	<ul style="list-style-type: none"> Oppose: <i>Objective 4.2.10 delete 'protect' and insert 'avoid, remedy or mitigate adverse effects on' the amenity values of the Percival - Ryburn Road area. Delete Policy 4.2.10b and replace with a new policy that relates to avoiding reverse sensitivity effects in the</i> 	<p>As above.</p>	<p>Do not accept proposed amendments.</p>

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		<p><i>Percival - Ryburn Road area. Delete Policy 4.2.10d regarding the establishment of a buffer along Percival Road. Delete Policy 4.2.10e regarding plane trees being an integral part of the buffer. Amend 4.2.10 Explanation to delete reference to intensity of future residential land use and insert new text to reflect the need to manage the subdivision, use and development of the area.</i></p>		
Tainui Group Holdings Limited	48.34	<ul style="list-style-type: none"> • Oppose: <i>4.3 Rules – General Residential, Residential Intensification and Large Lot Residential Zones - Amend 4.3.1 Activity Status Table – General Residential Zone, Residential Intensification Zone and Large Lot Residential Zone by adding a new provision where the use of buildings for residential activities is permitted subject to a restrictive non-complaint covenant or use of buildings without a restrictive non-complaint covenant is discretionary. Insert a note clarifying how a 'restrictive non-complaint covenant' is defined. In the alternative, amend Rule 4.4.1 Density and 23.7.1 Allotment Size and Shape for the Large Lot Residential Zone at Percival / Ryburn Road Area to 2ha.</i> 	As above	Do not accept proposed amendments.
Tainui Group	48.42	<ul style="list-style-type: none"> • Oppose: <i>Amend Explanation to Objective 10.2.3 to delete</i> 	Objectives and policies relating to amenity values should not be weakened through changing the language,	Do not accept proposed

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Holdings Limited		<i>reference to 'protection' and replace with 'management of adverse effects on the amenity' for the properties within the Percival / Ryburn Road area.</i>	including through introducing “generally”, as this would not provide for sufficient regard to be given to “the maintenance and enhancement of amenity values” as per s7(c) of the RMA.	amendments.
Tainui Group Holdings Limited	48.45	<ul style="list-style-type: none"> Oppose: <i>Delete Rule 10.4.4 Permeable Surfaces.</i> 	Permeable surface are required for onsite stormwater absorption and to provide visual relief from building coverage.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.46	<ul style="list-style-type: none"> Oppose: <i>Amend Rule 10.4.6 Building Setbacks to remove i. which refers to any transport corridor boundary - 10m, and ii. to remove the 40m setback from the expressway for protected premises and facilities.</i> 	Building setbacks are required to provide for streetscape amenity and reduce visual dominance effects from large industrial buildings.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.47 - 49	<ul style="list-style-type: none"> Oppose: <i>Amend Landscape Screening Rules 10.5.4.1 and 10.5.4.2 to remove specific references to staging, landscaping shown on Figure 2-17 and to specific locations of landscaping. Such other amendments to provide for alternative inland port staging.</i> 	Landscape screening is essential to provide for the visual amenity of residents in the Percival / Ryburn Road community.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.52	<ul style="list-style-type: none"> Oppose: <i>Amend 11.5.3 Landscape Screening to delete a) which refers to the landscape buffer area being established prior to any development in Ruakura Logistics Zone Sub Area B (north of the railway). Amend 11.5.3b) to delete i, ii and iii and v which relate to retention of</i> 	As above.	Do not accept proposed amendments.

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		<i>specific landscaping and setback requirements. Any consequential amendments to Figure 11.5.3a.</i>		
Tainui Group Holdings Limited	48.58	<ul style="list-style-type: none"> Oppose: <i>Amend Rule 25.5.3.1xiii Landscape Screening to clarify fences may be used instead of a landscape buffer strip.</i> 	Landscape screening is essential to provide for the visual amenity of residents in the Percival / Ryburn Road community. A fence would not provide for the level of amenity provided by landscape screening, as it would create a large dominant structure.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.61	<ul style="list-style-type: none"> Oppose: <i>Amend Rule 25.8.3.14 Non-Conformity with Standards in the Ruakura Logistics Zone to include reference to notional boundary of any residential unit to provisions a) and b).</i> 	Limiting the noise control to apply only to the notional boundary of any residential unit may mean that vacant sites become unsuitable for residential dwellings.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.63	<ul style="list-style-type: none"> Oppose: <i>Amend Appendix 1.2.2.25 Land Development Plans as follows; d) Insert 'where relevant' relating to Ruakura Strategic Infrastructure and connectivity across the structure plan. g) Delete reference to total area and consistency with Ruakura Open Space Zone and structure plan. m) Delete reference to Land Development Plan Areas. m)ix. and x. delete 'schedule' and replace with 'structure plan'. o)ii. Delete 'and gives effect to' Ruakura Strategic Infrastructure. y) delete from neighbourhood reserves provision the approximate area size 0.5ha and catchment radius of 500m.</i> 	Land Development Plans are an essential tool to ensure development is undertaken comprehensively, including having regard to the required mitigation, and to transportation upgrades.	Do not accept proposed amendments.

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Tainui Group Holdings Limited	48.73	<ul style="list-style-type: none"> Oppose: <i>Delete Figure 2-16 Ruakura Land Development Plan Areas and references in the Plan</i> 	Land Development Plans are an essential tool to ensure development is undertaken comprehensively, including having regard to the required mitigation, and to transportation upgrades.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.74	<ul style="list-style-type: none"> Oppose: <i>Amend Figure 2-17 Inland Port Building Setbacks and Landscape Controls to remove the underlying inland port layout to reflect current layout as per the LDP at concept level.</i> 	The “current layout” of the inland port has not been subject to robust section 32 analysis and should therefore not be included in the District Plan.	Do not accept proposed amendments.
Tainui Group Holdings Limited	48.76 - 97	<ul style="list-style-type: none"> Oppose: <i>Delete all Scheduled Tree Notations applying to the Ruakura Industrial Park Zone, Knowledge Zone (Precinct C), Logistics Zone and Medium Density Zones with consequential amendments to Schedule 9D. Various amendments to the Planning Maps such as rezonings, removal of Waikato River and Gully Hazard Area, and amendments to roading.</i> 	Retention of mature trees within this growth area is essential to provide for amenity.	Do not accept proposed amendments.