

Further Submission to Hamilton City Council in regard to Variation 1 (Ruakura Variation) to Proposed District Plan 2015 (Appeals Version)

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This is a late further submission after emailing Luke O'dwyer that I was about to holiday when the notice was released. My holiday was booked 12 months ago. Please refer to my email to Luke O'dwyer on 1 March 2016.

Trade Competition

I could not gain advantage in trade competition through this submission.

Public Hearing

I do wish to attend and speak at the Council hearing in support of my submissions and further submission.

I will consider presenting a joint case with others who make a similar submission, but I would prefer to present my own case.

Submissions supported

I support in part the submission of Hamilton City Council (HCC). It adds updated information and maps not included, or unclear in the current Variation 1 Ruakura, and deferred definitions not included in the Variation from the Notified Proposed District Plan 2012.

I support HCC's provision to amend at 3.7.1.6b) and put a Large Lot Residential zone in place over the Percival/Ryburn Rd enclave.

I support inclusion of revised plans Figs 2-14 Land Use, 2-15A Strategic Infrastructure – Transport & 2-15B – Three Waters, and 2-16 Ruakura Land Development Plan (LDP) Areas, but remained concerned as to how, and in what order, they will be developed.

Fig 2-14 – If Council accepts its own recommendation to zone the Percival/Ryburn Rd enclave as Large Lot Residential, then the overlay of Logistics on Fig 2-14 should be removed from the Percival Rd area.

I support the inclusion of the Large Lot Residential zone at SH26. This finally gives clarity to the situation with regard to this parcel of land.

Fig 2-15A – I support the inclusion of Fig 2-15A Infrastructure – Transport in the Variation.

However, there needs to be more colour definition between the two pink colours used to define what parts of the roads are major arterials and which are minor arterial. The northern part of Spine Rd (south) between the railway and Fifth Avenue Extension also needs naming.

I question how the road between Fifth Avenue Extension along Spine Rd south to Ruakura Rd West can become a major arterial until a bridge over the railway is built. I also feel that labelling Spine Rd (Central) as a minor arterial is misleading, since any heavy traffic watching time and mileage is far more likely to use Spine Rd Central as it is a more direct route both to Greenhill Interchange and to north-west of the City. It is also likely that more heavy traffic will use Ruakura Rd (Urban), another minor arterial, while the rail overbridge remains unbuilt.

Likewise, an indicative road (marked on Fig 2-15A) joining Percival Rd to Spine Rd will not alleviate the needs of the Ruakura Residents until the rail overbridge is built.

Fig 2-15B - more variation in dotted lines used to mark railway, Ruakura Structure Plan area boundary, water bulk main proposed and wastewater inceptor proposed would make them less similar to each other and easier to follow.

Fig 2-16 - I take the letters that relate to LDP areas to suggest that these areas will be developed alphabetically, since areas marked A have been developed first. I would like confirmation of this sequence of events in the Proposed District Plan. However, my recollection of timeframes of development on maps at the Board of Inquiry are that they did not follow the current alphabetic sequence.

Fig 2-16 does not overlay the Percival Rd area with either Industrial or Logistics use, or give it a letter as proposed LDP. If Council accepts its own recommendation, this area should be overlaid as Large Lot Residential.

Fig 2-16 does however very clearly show how isolated this area is by the Ruakura Structure Plan, being bounded on all sides by WEX, Industrial and Logistics land. The white area appears to show minimal extension along the rail line which presumably indicates the hard fought screen buffer. I have added my support to Ruakura Residents Group and all individual residents' submissions.

Fig. 2-16 Area A gives more information to the non-notified resource consent submitted by Tainui Group Holdings for the industrial area for inland port and logistics for LDP.

I was unaware of the second area A close to the end of Nevada Rd. This area may relate to the Three Waters Infrastructure since the indicative water trunk main seems to line up with access to small Area A at the end of Nevada Rd. I note the inclusion of a stormwater discharge point at the Mangaonua Gully, which I was aware of. However, since this small Area A remains part of the overlay for Industrial Park zone, and the proposed wastewater bulk main and proposed water bulk main for the entire Structure Plan area end here, I remain concerned as to how this area will be developed, why it has been included in the resource consent currently under consideration by Council, and how the considerable additional flow is likely to affect the small Mangaonua Gully.

On Fig 2-16 there are 2 Area marked D, neither of which seems to include the rail corridor. Area A of the resource consent under consideration by Council also does not appear to include any land to the north of the railway. I assume therefore that any traffic from a developed Area D will use either Greenhill Interchange to go north, or Ruakura Interchange to go south. I trust that this will be assessed as part of the LDP for Area D.

I refer back to my comments on the rail overbridge. There seems to be no current indication of a planned building timeframe in Area D, or any other area.

I support clarity within 3.7.1e to include *“multiple’ functions including recreation, stormwater management, cycle ways and walkways, ecological and amenity.”*

I draw attention to points made in my submission regarding safety along the linear wetland and ecological open space along the western end of Nevada Road.

I support the inclusion of 3.7.2.12 new objective for Open Space at Ruakura *“The critically important and multi-functional purpose of Open Space is provided throughout Ruakura.”* and new policy 3.7.2.12a – *“The establishment of Open Space in Ruakura to achieve the multiple functions of the zone is secured through the implementation of Land Development Plans.”*

I trust the Land Development Plan will include consultation with Transpower in regard to safe practices of ball playing activities under high tension power lines and will ensure inclusion of sufficient safe space to play.

I support in part 3-7-3-3d adding a reference to the various parts of Spine Rd on Fig 2-15A in Appendix 2.

There remains a part of Spine Rd on this Figure that is not named, ie. the part north of the railway line up to the intersection of Fifth Avenue Extension. This should also be labelled with ‘Spine Rd South’ since it relates more to the southern part of the road than the central part north of Fifth Avenue Extension.

I support the inclusion of the deferred definitions from the Notified Proposed District Plan 2012. However, I am disappointed that an Integrated Catchment Management Plan is not a requirement for design and development of Three Waters, and I refer to my earlier comments in this further submission regarding Mangaonua Gully.

Bill Cowie, Ruakura Residents Group and all individual submissions from residents in the Percival Rd area

I support the submissions of Ruakura Residents Group, Bill Cowie and all other personal submissions from residents living in the Percival Rd area as I see this area isolated by the inland port and Industrial development. What was once a coveted lifestyle block in the Waikato District is now surrounded and marooned by the proposed development of an inland port, logistics and industry with the Waikato Expressway re-positioned and designated to serve the development., Any improvement to their situation is difficult since all planning is confirmed, or well on the way, at City, Futureproof and Regional Policy levels.

I support the submission by Graeme Ernest Goodwin, a resident in the Percival Rd area. I too do not feel that adequate thought and planning has gone into the Percival Rd area, or to consideration of a sensible road access to Silverdale and University areas that would satisfy the requests from the Board of Inquiry from the Environment Planning Authority hearing.

I support the submission from Fellowship Baptist Church who are building a church Percival Rd, in particular to their reference to the TGH development's effect of locking up of land being a breach of natural justice to the Percival/Ryburn Rd landowners. I agree that there is still a high level of uncertainty of how the development will progress, since current resource consent planning indicates considerable variation from the concept plans exhibited at the BOI.

This submission voices my own concerns that TGH may not operate quarantine and customs and export facilities in the foreseeable future, and that the proposal is now no more than a logistics hub, and not an inland port, and that the uptake of land may take longer than anticipated. A District Plan is for 10 years and to plan for an area such as Percival/Ryburn enclave to be marooned for 40-50 years is unreasonable, even if it is set in an operative district plan, a future growth strategy or a regional policy statement.

The Fellowship Baptist Church submission also highlights the fact that the Large Lot Residential land on SH26 is now no longer part of the Ruakura Structure Plan, so is not now part of the 405ha of industrial land set aside for development.

There may now therefore be a shortfall in the figure of industrial land expected to be developed under the Proposed Regional Policy Statement.

I support the submission by Eastside Apostolic Federation at point 24. I agree with their concerns with regard to lack of consultation and proximity of development of industrial land adjacent to established residential land. I also agree with their comments with regard to Proposed Regional Policy Statement.

I refer back to my support of HCC submission that supports removing the Logistics overlay on the Percival/Ryburn Rd land and changing it to Large Lot Residential.

I support the submission of Fairview Downs Residents and Owners Association. They reflect many of my own concerns with reference to Fairview Downs. I agree that the BOI did not consider the whole area of the Ruakura Structure Plan, but only a small part which covered the southern side of the railway and a small part closer to Fifth Avenue and Fairview Downs. I agree that no overall assessment of effects of the whole Structure Plan area, its traffic generation, its hazards, its effects on a very large environment adjacent to the City.

Fairview Downs is a residential area closest to the northern part of the development and all effects on the neighbourhood deserve to be considered in a wholly independently assessed environmental report by an expert not paid by TGH to provide evidence at any hearing.

Similar concerns face Silverdale area also which were expressed in my submission in December.

I support the submission from Peter Murray Gallagher. I too consider Spine Rd, and all other roads carrying heavy vehicle traffic, should not be located close to residential areas.

TGH in its own submission acknowledge they do would like to have “indicative” positions for infrastructure, indicating they are not certain where this infrastructure will fit in their plans. Plans are therefore likely to be more fluid than in the Variation rules, and it makes sense to locate roads further away from residential areas by increasing open space and buffers to shelter and appease residents.

I support the submission of Fiona Gallagher. I too have concerns that planning and positioning of roads and other heavy concrete materials have not been adequately considered at the early planning stage, either in Fairview Downs area, or in other parts of the industrial areas.

I support the submission from Heritage New Zealand for full archaeological discovery of both pre- and post- European history of this Ruakura site, and with their request that heritage items found in the Ruakura Structure Plan area be scheduled in the Proposed District Plan under Appendix 8: Schedule 8A: Built Heritage of the Hamilton City Council Proposed District Plan.

I support the submission from Kellaway, Beaumont and Adams who ask for research to be carried out on the history of the Ruakura site, and request a Heritage overlay to reflect the wealth of European history. Since land confiscation in 1864, Ruakura has been significant in research in all aspects of farming and ideal farming practices. The Ruakura Agricultural Research Centre (now AgResearch) has been internationally significant for over 50 years and its history needs to be catalogued and recorded, something that seems to have been ignored despite requests for it to occur.

This has gone unwritten and unexplored by all parties involved in the development of the whole area of Ruakura Structure Plan and should not be allowed to be left undone. I have a particular interest in this history since my husband, John, worked for MIRINZ (Meat Industry Research Institute New Zealand).

I do not support many points of the submission by Tainui Group Holdings. Their submission requests wording that seems minor. Addition of words such as 'indicative' or 'notional' or 'general' or 'in general accordance' or 'where relevant' slants the majority of variation wording to enable a minor change or variance once they decide to develop any area. District plans are written to tighten rules and regulations on the area they cover, and there should not be room for doubt or variation in its interpretation. This comment encompasses many of the changes that TGH is seeking that I have not mentioned and includes design of infrastructure (including road and three waters), staging and construction of Spine Rd and its connectivity, timing of various parts of development, infrastructure, open space position and extent, compliance or non-compliance, landscaping anywhere in the Ryburn/Percival Rd area, removal of defined LDP areas, boundary size of LDP, boundaries of residential dwellings, what is included/excluded from an LDP, size and coverage density of building sites, specific changes to status of Percival/Ryburn Rd, all within the Ruakura Structure Plan.

In particular, I do not support the proposed amendment to 3.7.1.6 that Ryburn/Percival Rd land should not be Large Lot Residential. This has only become an issue of contention since adjacent land was returned to Waikato-Tainui, since the plan to develop the land was envisaged, and since the Regional Policy Statement was developed through the Waikato Regional Council, Futureproof and consultation with local iwi.

I refer back to my support of HCC for Ryburn/Percival Rd area to be zoned Large Lot Residential.

I do not support the inclusion of the word "indicative" in Ruakura clause 3.7f). Variation of placement on the plan can be considered under the Land Development Plan. Collector roads and Three Water infrastructure may need to be repositioned after further research by Council. The developer also has this same opportunity without it being necessary to include the word "indicative" in the PDP. In fact, TGH notes in its submission that "clause 3.7.1.7 is too prescriptive in respect to the location of Strategic water and wastewater infrastructure which should be details determined by LDPs". Detail of

open spaces, transportation and three waters infrastructure can be dealt with in a like manner, and It is unnecessary for the word “indicative’.

3.7.1.10, .11 & .12 - TGH seem to be asking for a variance or non-compliance with HCC Masterplans for Water and Wastewater, Indicative Infrastructure Development Programme and Connections to Ruakura Strategic Infrastructure. Such a variance seems likely to lead to an ad hoc positioning of vital City infrastructure with consequential additional expense of connection to infrastructure development that has followed the City’s planned infrastructure development elsewhere.

Policy 3.7.2.3a) – Oppose change to remove words “...to mitigate the effects of development”. TGH should also commit to the development of Ruakura Strategic infrastructure by an appropriate legal mechanism.

Where a development as large as the Auckland CBD will completely change the face of eastern Hamilton, then the developer should be prepared to pay to build infrastructure for his vision to make his vision work and allow for mitigation of effects of its traffic and disruption to current City residents Policy 3.7.2.3a to remain as is written in the variation.

Policy 3.7.2.4b) This has always been part of the great TGH vision. I do not support the deletion of Policy 3.7.2.4b.

Policy 3.7.3.2.1b) – Throughout the BOI hearing, there was emphasis on need to gain certainty in the planning process through Futureproof and Regional Policy Statement. TGH continues to request minor variations to parts of the Variation and its planning maps that remove all certainty as to when, how, where any planning will begin. HCC has provided an updated map in Fig 2-16 that identifies cells of development. Clarity and commitment to these LDP areas would provide some sort of confidence to neighbours.

Rules 3.7.3.2.1c), .7.3.2.1d) – Retain these rules. LDP should be required for any new building that is not already part of an LDP. Include the need for an archaeological and historical assessment as requested by Kellaway, Beaumont and Adam.

Rule 3.7.3.2.1e) – Retain the rule as it stands. By using an all-encompassing template, nothing can be omitted by mistake. It is simple to add NIL or N/A to the part that is not applicable to the LDP in question. Include in a guideline and/or template for LDP application.

Ensure that a template is available that encompasses all requirements of a LDP.

Rule 3.7.3.2.2 - Retain reference and detail of Water Impact Assessment. As a rule it will not be omitted.

Rule 3.7.3.3d), 3.7.3.3.1, 3.7.3.3.2 – Spine Rd trigger – Retain as is. Triggers for Spine Rd were set at the BOI hearing in response to expert traffic calculations. Although these may have changed since original traffic modelling, Spine Rd should still be incrementally built as in Rule 3.7.3.3d) since traffic will be unable to use a disconnected road. The rail overbridge will be crucial to the operation of the major arterial portion once any LDP area is consented north of the rail line.

Rule 3.7.3.4 – Retain this rule that requires the provision of potable water supply, wastewater and stormwater infrastructure in an LDP.

Ensure that this requirement is part of any guideline and/or template for requirements of an LDP.

Clause 4.1f) - Residential. Retain this clause. LDP is necessary in Medium Density housing to ensure development follows guidelines of a LDP guideline/template.

Objective 4.2.1.10 – I disagree with the proposed amendment by TGH. They agree in their reasoning that “protecting” the amenity values of Percival/Ryburn Rd is “unachievable”, yet the proposed measures to “avoid, remedy or mitigate adverse effects” have been only grudgingly given in a minimal buffer strip. This would appear to be because their planned logistics and inland port design gave no heed to their existence.

Do not amend Objective 4.1.10.

Clause 4.1.4 – Residential zone Percival/Ryburn Rd. Retain current description of the land in this clause. This should be a reminder to future City Planners of the nature and makeup of this area, a Large Lot Residential parcel that it is to be surrounded by inland port, freight and logistics and an expressway.

Policy 4.2.10b, policy 4.2.10d), e) &

Explanation to 4.2.10 – I do not support TGH submission to delete these policies or the explanation, or to replace the wording. They should all remain as written in the Variation.

My previous comments on proximity, lack of consideration of the neighbourhood at vision planning apply. Historical value of the whole Ruakura Structure Plan has also yet to be considered

Rule 4.3.1 – I do not support the requirement for no-complaints covenants, or an amendment to the 4.3.1 Activity status table for residential zones. Where a residential area has been unable to satisfactorily solve their issues, this is a draconian method to solve the problem created by the developer’s planning of the vision.

4 Residential – I oppose any change to requirement for internal acoustic insulation to manage noise effects of the development. Few other port/industrial areas are planned so close to existing residential buildings as it is not good practice. Acoustic screening is the least means of mitigation that should be afforded to residential areas in close proximity and should remain a requirement in the Variation.

Rule 4.6.6 – Do not amend site coverage rule. Consistency with other parts of New Zealand such as Auckland is not required. Hamilton does not have to be like Auckland which has physical restrictions on its expansion and attracts the majority of immigrants to the country.

Rule 4.6.7 – Do not amend height of building rule to 12m. Increase in density, height and site coverage together will create an extremely dense housing area. Although it may be acceptable to some immigrants who are used to even closer environs, this is not an acceptable standard for New Zealanders, in a country that is known for its wide open space and living space.

8 Knowledge zone – Rules and clauses in the Knowledge should not be amended to provide for changes to TGH vision since the BOI. Details in Rule 8.4.2 should remain such that Precinct C is also covered by them. At the time of a LDP for any development such as a retail centre, then such matters should be raised and negotiated.

Clause 8.9 & 8.10, 11.7 – I disagree with these amendments to non-notify all listed under clause 8.9, 'particular alteration and additions to existing buildings', LDP, any activities, permitted or restricted discretionary, generating 1500 or more vpd, accessory buildings, ancillary residential units'. These activities should not be allowed to occur without notification or the need to obtain approval from affected persons anywhere in the Ruakura Structure Plan area.

Rule 10.4.4 I am opposed to deletion of permeability rule. 80% concrete over what is currently a greenfield wet site will require every part of drainage of the site to be carefully managed, cleaned and filtered to remove contaminants, suitable for all of this discharge to go cleanly into the Mangaonua Gully.

Retain permeable surfaces as one of the means to collect, clean and process discharge of water, stormwater and contaminants into settlement ponds and into the Gully.

Rule 10.4.6, 11.4.3 Building setbacks – Keep building setback rules as written for Waikato Expressway and other buildings roadways and swales. There is a safety reason for this, and it should not be removed where it applies to the Expressway throughout the Variation.

Rule 10.5.4.1 & 10.5.4.2, 11.5.3 – Amendment of these rules is unnecessary. This should remain as written in case TGH find a way to revisit the staging of the inland port they current do not propose to use. This screening was fought for by Percival/Ryburn Rd residents and reluctantly given by TGH to

screen RRG from the effects of the inland port right on their doorstep, and not “to screen the inland port from sensitive land uses.” Lost land to buffer zones is part of the costs a developer needs to factor into the development.

The above comment also applies to 10.5.4.3 which should also not be amended. The plane trees should be part of the research into past European history of the Ruakura area.

Rules under ‘General’ of Variation

Landscaping under Rule 25.5.3 – I do not agree with security fencing replacing landscaping buffer strips. This detail was discussed at the BOI hearing but was not challenged by TGH at that time. There are suggestions by other submitters that quarantine and customs may not be considered in the short term, so this is irrelevant. Leave the rule as it stands until quarantine and customs facilities are to be discussed under a LDP.

I oppose the submission by Freight and Logistics Action Group (FLAG). It has no input into the format or wording of the Variation and is merely a ‘rubber stamp’ approval.

I note Tainui Group Holdings is a member of this group.

I offer my late further submission in the hope that it will be accepted.

Jennifer West

11 March 2016