

**NOTICE OF SUBMISSION,
PURSUANT TO THE RESOURCE MANAGEMENT ACT 1991,
TO THE RUAKURA VARIATION (OCTOBER 2015) TO THE PROPOSED HAMILTON CITY
DISTRICT PLAN**

To: City Planning Unit,
Hamilton City Council,
districtplan@hcc.govt.nz

Submitter: DSE Nominees Limited
c/- Minter Ellison Rudd Watts
88 Shortland Street, Auckland 1010
PO Box 3798, Auckland 1140
DX CP24061

Attention: Ms Rachel Devine

Hereafter referred to as the "DSE Nominees".

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Attention: Karen Blair

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A. TRADE COMPETITION

DSE Nominees could not gain an advantage in trade competition through this submission.

B. HEARING

DSE Nominees wishes to be heard in support of this submission.

If others make a similar submission, DSE Nominees would be prepared to consider presenting a joint case at any hearing.

C. THE SPECIFIC PROPOSAL THAT THIS SUBMISSION RELATES TO

The zoning of 4 Greenhill Road / 8 Gordonton Road, Chartwell, being Pt Lot 2 DP 11006 and being located on the corner of Gordonton and Greenhill Roads.

The site is identified (in red outline) on the aerial photograph below:



Source: Hamilton City Council GIS viewer, using 2015 aerial photo

D. THE SPECIFIC PROVISIONS THAT THIS SUBMISSION RELATES TO

The specific provisions of the Ruakura Variation that this submission relates to, the specific outcome that is sought through the submission and the rationale for the submission points

are identified in the attached Schedule One. In addition to the specific outcomes sought in Schedule One, the following general relief is sought:

- a) Achieve the following:
 - i Achieve the purpose and principles of the RMA, including consistency with the relevant provisions in Sections 6-8 RMA;
 - ii Assist the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land;
 - iii Meet the requirements of the statutory tests in section 32 of the RMA;
 - iv Avoid, remedy or mitigate any relevant and identified environmental effects; and
 - v Address, as relevant, any other considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law).

- b) Make any alternative or consequential relief as required to give effect to this submission, including consequential relief that is not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the proposed District Plan.

Signed on and behalf of DSE Nominees



Karen Blair

Dated this 17th December 2015

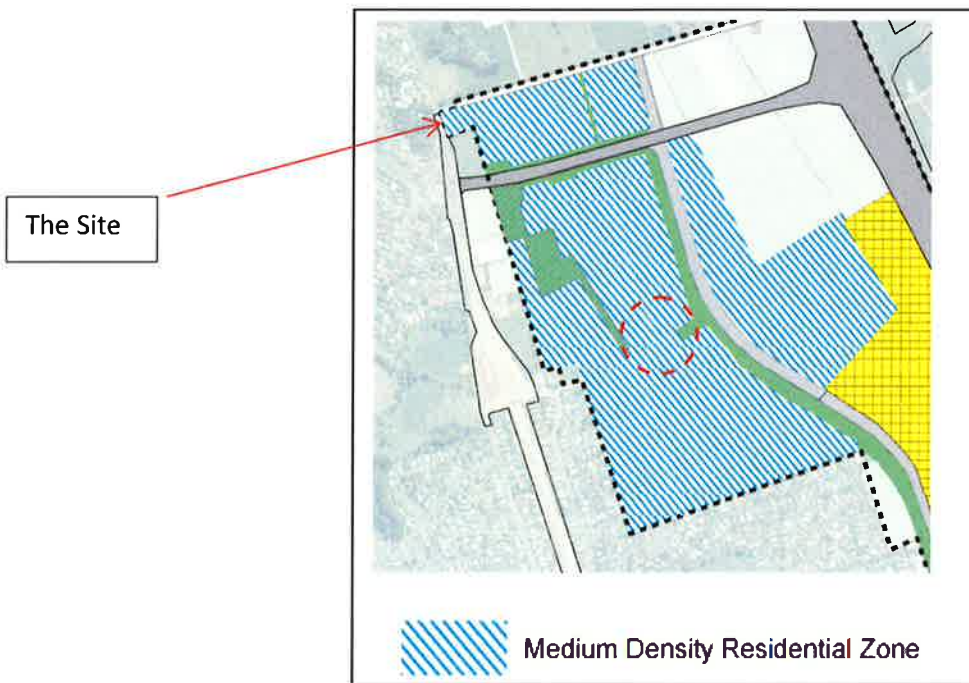
SCHEDULE ONE: ZONING OF 4 GREENHILL ROAD / 8 GORDONTON ROAD

1.0 THE PROPOSED PROVISIONS OF THE RUAKURA VARIATION THAT ARE SUBMITTED ON ARE THE ZONING OF 4 GREENHILL ROAD / 8 GORDONTON ROAD, ON THE CORNER OF GORDONTON AND GREENHILL ROADS

1.1 Mapping

Support for the Rezoning of the Site From Rural to Urban

The site at 4 Greenhill Road / 8 Gordonton Road is proposed to be zoned Medium Density Residential through the Ruakura Variation, as shown on the map excerpt below:



Source: Ruakura Variation documentation

By way of background, there are two district planning documents relating to this site: the Operative Waikato District Council Plan and the Proposed Hamilton City Council Plan. This is due to an alteration between the Hamilton City Council and Waikato District Council, which occurred in 2011. Although the site is now within the jurisdiction of Hamilton City Council, the provisions of the Waikato District Plan continue to apply pursuant to the Local Government (Waikato District and Hamilton City) Boundary Alteration Order 2011 and

section 81(1) of the Resource Management Act 1991. Once the Proposed Hamilton District Plan becomes operative, the site will be subject only to those provisions.

The site is currently zoned Rural in the Operative Waikato District Plan and is subject to the Urban Policy Expansion Area and an existing Designation J7. Designation J7 is a road designation for access to the designated state highway (Waikato Expressway), however it is understood that NZTA has applied to change the designation requirement. The sites to the east were rezoned from Rural to Medium Density Residential through the Board of Inquiry Decisions on the Ruakura Private Plan Change application. Other surrounding sites have a Rural zoning under the Waikato District Plan.

The site is zoned Medium Density Residential in the Proposed Hamilton City Plan and is located within the Ruakura Structure Plan area. Those sites opposite Gordonton Road, to the west, and south of the site are within the jurisdiction of the Hamilton City Council. Sites to the west are zoned General Residential in the both the Operative and Proposed City Plans and the adjoining site to the south is zoned Suburban Centre in the Operative District Plan and Business 5 (Suburban Centre – Core) in the Proposed Hamilton District Plan. The sites to the east are proposed to be rezoned to Medium Density Residential through this variation.

DSE Nominees supports the rezoning of the site from a rural to an urban zoning through the Ruakura Variation.

While DSE Nominees supports the rezoning of the property to an urban zone, more particularly it supports rezoning of the site to either a Business 1 or 5 zone in accordance with the Proposed Hamilton District Plan.

Opposition to the Proposed Medium Density Residential Zone

DSE Nominees considers that the proposed Medium Density Residential zoning is unnecessary and inefficient *including* for the following reasons:

1. The residential amenity value of the site is limited within the wider environmental context being located on a corner site, facing onto a major urban road and adjacent an existing business development having a business zoning (Business 5, Suburban Centre - Core) and already accommodating commercial development; and
2. The Medium Density Residential zone provisions intend that staged and residential development occurs by way of a comprehensive Land Development Plan. The site is not, however, truly part of a green field residential development area that is likely to be comprehensively developed, and is currently partially in commercial use. At the macro level, the subject site is excluded from, and sits in isolation to, the 43 hectares of land held in single ownership by Chedworth Properties Limited that was recently rezoned, by the Board of Inquiry Decisions on the Ruakura Private Plan Change, to a

Medium Density Residential zone in the operative District Plan. At a micro level, the site adjoins Area J of the land owned by Chedworth Properties Limited. Land Development Plan Area J, which has already been consented by the Council, totals 150 lots on 7.2 hectares and has a total yield of approximately 21 dwellings per hectare. As the comprehensive residential development of Area J has already been approved, it is most likely that the site will only ever be residentially developed on an ad hoc (or individual) basis.

3. The site has a different land ownership to the broader land area that was subject of the Board of Inquiry process, and has existing relationships to Gordonton Road (to the west) and to the adjoining Business 5 zoned land (to the south).

Support for a Business Zoning

DSE Nominees considers that the purposes of the RMA would be better served by rezoning the site to Business for reasons including, in addition to the two bullet points above:

1. The existing land use includes a significant proportion of commercial activity (Waikato Carriers Limited), such that the rezoning would not be inconsistent with the historic land use and displacement of housing stock would be limited. Given the limited extent of the land holding and its locational context, zoning the land business would not have a material impact on realising the density targets for residential growth that were developed through Future Proof and incorporated into the Waikato Regional Policy Statement (WRPS) within Policy 6-14. In that regard, as discussed above, the consented development for Area J realises a yield of approximately 21 dwellings per hectare, which exceeds the 16 dwellings per hectare envisaged in the WRPS for residentially zoned greenfield land. Accordingly, the overall impact of the rezoning is consistent with the WRPS;
2. Rezoning of the site to either a Business 5 (Suburban Centre) or a Business 1 (Commercial Fringe) zone is sought. The Business 5 zone is consistent with the zoning to the south. The Business 1 zone is a fringe zone that complements suburban centres and is envisaged to accommodate drive through services, restaurants, cafes and licensed premises, small scale offices, and a range of community activities. Either zone would complement the business zoning of the land to the south and be consistent with the broader hierarchy of business zones as set out in the District Plan, as well as the more specific objectives and policies for business zoned land;
3. The integrity of the broader pattern of zoning would be maintained. The rezoning would not result in a 'spot zone'. The rezoning would complement, and not compete with or undermine, the existing Business 5 land to the south of the site and the intended neighbourhood centre in the Ruakura Medium Density Residential Zone (3,500 gfa, location is to be confirmed but which sits well outside of Area J);

4. The interface between the site boundary adjoining the residential land (eastern) and the site could be adequately managed to maintain the residential character and amenity on the adjoining land;
5. The rezoning would not generate adverse effects that are more than minor, including distributional effects, traffic, noise or lighting effects, or effects which are unable to be appropriately addressed through the provisions of the proposed District Plan and/or any necessary resource consent applications;
6. The site can be adequately serviced by existing infrastructure;
7. The zone boundary is clearly defensible, following road boundaries on two sides, and being complementary to the adjoining zonings, and consistent with the intent of the Business zones.

Decision Sought:

- 1.1A Rezone the site at 4 Greenhill Road / 8 Gordonton Road from a Medium Density Residential Zone to either a Business 1 (Commercial Fringe) or 5 (Suburban Fringe).**