



PROPOSED DISTRICT PLAN

Hamilton City Council

Return your signed submission to Hamilton City Council by 4:30pm, 18 December 2015.

Submissions may be:

- posted to City Planning Unit, Hamilton City Council, Private Bag 3010, Hamilton 3240
- delivered to Hamilton City Council in Garden Place, Hamilton
- faxed to 07 838 6464 or emailed to districtplan@hcc.govt.nz

Note: online submissions can also be made at hamilton.govt.nz/ruakura

Submission form for Variation 1 (Ruakura Variation) to the Proposed District Plan 2015 (Appeals Version)

1. Submitter Details (all fields required)	
Full name: Deborah Fisher	
Contact name if different from above:	
Organisation or Company: Fairview Downs Residents and Owners Association	
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2. Trade Competition
If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991.
<input checked="" type="checkbox"/> I could NOT gain an advantage in trade competition through this submission
<input type="checkbox"/> I could gain an advantage in trade competition through this submission and I am directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment, and (b) does not relate to trade competition or the effects of trade competition.
<input type="checkbox"/> I could gain an advantage in trade competition through this submission and I am NOT directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment, and (b) does not relate to trade competition or the effects of trade competition.

3. Public Hearing
<input checked="" type="checkbox"/> I do OR <input type="checkbox"/> I do not wish to attend and speak at the Council hearing in support of my submission
If others make a similar submission, I will consider presenting a joint case with them at the hearing
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

4. Signature of Submitter (note: a signature is not required if sending your submission electronically, but please type your name below)
Signature of submitter: _____ Deborah Fisher _____ Date: 18/12/15 _____ (or person authorised to sign on behalf of submitter)



Fairview Downs Residents and Owners Association Submission on the Ruakura Variation to the Hamilton Proposed District Plan

The Ruakura Variation is the first time the Ruakura Structure Plan has been considered as a whole project.

There have been no consideration given to the long term, future effects that can be expected from the project as a whole or the completed Ruakura Structure Plan.

The Board of Inquiry did not give consideration to the whole Project as they were only presented with half the project in the Plan Change and decisions made limited concerns to effects from the Inland Port and Logistics area.

For this project to be successful it is essential that it is centred on an Inland Port and Logistics area surrounded by activities complimentary to freight and logistics. Consequently the Ruakura Structure Plan is centred on the transport and distribution of goods.

The Inland Port was approved based on consideration of the capacity or expected capacity of current ports (Port of Auckland, Port of Tauranga, Wiri Port and Metro Port) and the ability of these ports to meet the requirements of future freight transport. A Port is expected to attract business to cluster around it while a Freight Hub requires existing Industrial to support it. The Variation states there will be an Inland Port which will require MAF/Customs and Biosecurity infrastructure yet there seems to be no evidence that this can be provided. This then increases the potential for this project to become just a Freight Hub.

Of major concern is the potential for the Ruakura Structure Plan to affect and/or exacerbate ground water levels and flooding in surrounding areas. The process designed to ensure that this concern is adequately considered is an Integrated Catchment Management Plan (ICMP). The provision of an approved ICMP was anticipated at the Board of Inquiry prior to development starting. The Ruakura Variation has removed the requirement for an approved ICMP and allows development to begin while this process is still being finalised.

The only Assessment of Environmental Effects (AEE) regarding the Ruakura Structure Plan was provided to the Board of Inquiry with the original Plan Change Request by the developers. This only considered the Plan Change Area and was not revisited with subsequent changes.

When considering "Environmental Effect vs Alternative sites" this AEE comments "The adverse effects of the land use activities proposed are not considered to be significant." This is because any effect from development was deemed to be present when the R1 area was transferred for urbanisation.

While the R1 area is currently in a rural state, it is surrounded by several existing areas of urban residential Hamilton. Despite many mentions of incompatible land use and avoidance in both the Hamilton City Council District Plans and Waikato Regional Council Regional Policy Statements, urbanisation has been interchanged with industrial and deemed acceptable.

Every official document regarding this Project refers to the Resource Management Act and that documents and authorities must have regard for certain issues. Two of the most marginalised issues of this project are Maintenance and Enhancement of Amenity (for the existing adjacent residential areas) and the life supporting capacity of Air.



As amenity cannot be maintained or enhanced and still allow development, we are entitled to have it protected. It would seem reasonable that areas around the boundary of the Ruakura Structure Plan could expect to have their amenity protected to the same levels as elsewhere in the city, this is not the case.

When considering what amenity levels to set for a rural environment that is planned to be urbanised, there must be adequate levels of amenity to protect people and ecosystems from potential harmful effects and unacceptable discomfort. The amenity levels currently deemed appropriate for this project are at levels at which any exceedance is deemed potentially harmful, while other residential areas of Hamilton are more protected with lower levels.

The night-time noise limit is currently set at 40dB consistent with other areas of Hamilton. Activities that generate between 40dB and 45dB at night time to be considered as a Restricted Discretionary activity which does not have to be notified or obtain consent from affected persons. This indicates there is no intention that these levels will remain at 40dB, despite the Board of Inquiry's belief that it was possible to maintain a 40db level past Stage 1.

Air Quality is an acknowledged amenity that has only ever been considered in terms of a reduction in global carbon emissions. It is a fact that urban environments have poorer air quality than a semi-rural environment such as currently exists in areas surrounding the Ruakura Structure Plan. The biggest contributors to poor urban air quality are vehicles and industrial activities. With no current way to control vehicle emissions and with vehicles being an integral part of any urban environment, planning documents only address emissions from individual industrial sites.

There is a substantial increase in roading within the R1 area as a result of the Ruakura Structure Plan, including new major and minor arterials and collector roads. These will significantly affect local air quality. This does not yet to be considered by Waikato Regional Council or Hamilton City Council.

Also of concern from industrial developments is the risk of an incident involving hazardous substances. All hazardous substances and facilities are covered by the Hazardous Substances and New Organisms Act (HSNO). However not all are covered by the HSNO Regulations. Rules and regulations require incidents to be contained within the site and, although ideal this is not always realistically achievable in the real world where accidents and mistakes can and do happen.

The National Hazardscape Report (Published by Officials Committee for Domestic and External Security Coordination Department of the Prime Minister and Cabinet September 2007) States "However, large-scale hazardous substance incidents that would require mass evacuations and coordinated CDEM involvement are uncommon. The most likely cause of an incident would be the release of a hazardous substance during transit, either at a port or from a road transport accident in an urban area, or a large fire ignited by, or near, chemicals.". Risk also increases with size and scale.

The Ruakura Structure Plan will transform Fairview Downs from its semi-rural environment to one surrounded by two major arterials (Wairere Drive and Fifth Avenue Extension), a minor arterial that may well be upgraded to a major arterial in the future (Spine Road), the Waikato Expressway and **two** industrial parks. This description of the two industrial parks is from the Variation "Fifth Avenue Industrial park" and "north of the Large Lot Residential Zone (Percival and Ryburn Roads) and bounded by the Waikato Expressway on the eastern side and will have access off the Spine Road". The last description is for the area



not included in the Board of Inquiry Plan Change. It is the third and largest of the Ruakura Industrial Parks and extends the full eastern boundary of Fairview Downs.

Fairview Downs can expect

- an increased risk from a hazardous incident due to new roading and industrial areas,
- poor air quality as a result of new roading and industrial developments,
- reduced amenity levels such as an increase in noise, and
- mitigation lower than other residents of Hamilton can expect from the Operative and/or Proposed District Plans.

We fundamentally object to this project being allowed to proceed until concerns regarding significant adverse effects from the entire Ruakura Structure Plan have been considered and addressed.

We request a full and accurate “Assessment of Environmental Effects” (including all amenity issues and vehicle emissions) be carried out.

Fairview Downs Residents and Owners Association

Submission on the Ruakura Variation to the Hamilton Proposed District Plan

Plan Overview 1c

Oppose

Reason:

This statement does not make it clear that the area being included was not part of the Ruakura Schedule Area and the Board of Inquiry process.

Request:

Alter c) Ruakura Development Plan: Board of Inquiry Decision

In September 2014 a Board of Inquiry confirmed planning provisions for the Ruakura Schedule Area that forms part of the R1 Area transferred to Hamilton City during 2011. The provisions for the Ruakura Schedule Areas were included in the Hamilton City Operative District Plan: Waikato Section. However, a separate planning process is necessary to incorporate the remaining R1 area into the current District Plan. The Ruakura Schedule Plan Area provisions provide for a major new employment node at Ruakura based around an inland port to capitalise on the area’s location adjacent to the Waikato Expressway, Eastern Arterial and the East Coast Rail Line.

Figure 1a

Oppose

Reason:

The box containing Ruakura Development Plan Change – Board of Inquiry Decision also contains reference to National Environmental Standards. There is a National Environmental Standard for Air Quality that has not been considered in this document.

Request:

An assessment of the effects of the whole Ruakura Structure Plan on Air Quality. As this project is transport based and transport is the largest contributor to poor urban air quality, vehicle emissions should be included in any air quality assessment.



3.7 Ruakura

Oppose

3.7a) i.

Reason:

If this project is to be centred on the port area this need to be reflected in the vision. 3.7d) creates employment opportunities centred on an inland port and freight and logistics hub.

Request:

Alter 3.7a) i. The expansion of the City to provide a significant new employment area based around the development of an inland port and logistics hub which will form a catalyst for further development and attract a wider range of business to the City.

3.7b)

Oppose

Reason:

Allowing the Ruakura Retail Centre to be situated within the Knowledge Zone reduces the area available for research, innovation and learning activities.

3.7.2.1c Create opportunities for the ongoing development of research, learning and innovation activities; recognising the importance of the University of Waikato, the AgResearch Campus and the Waikato Innovation Park to the City and the Region.

Request:

Amend the figure 77ha for research and innovation to reflect the more accurate land available for these activities. (77ha – Ruakura Retail Centre = area available for research and innovation activities)

3.7c)

Oppose

Reason:

The wording of this implies the Retail Centre will serve the 1800 new households. The Ruakura Retail Centre is situated to the South in the Knowledge Zone while the new housing areas are mostly to the far North of the project and will be serviced by an Intergrated Retail Centre to the north within the residential area.

Request:

Alter to 3.7c) The Ruakura Structure Plan provides for an eventual population of approximately 1800 households.

Add 3.7d) and alter following numbers accordingly

It also includes the development of the Ruakura Retail Centre which will have unique characteristics and functions to warrant its own classification within the business hierarchy for the City. Located within the Knowledge Zone the centre; which will also support the zone's role as the principal focal point for research and innovation activities, provide retail services to these activities and to adjacent suburbs and will anchor; and provides for a future passenger transport interchange at its northern end.

3.7f)

Oppose

Reason:

The relevant Ruakura Structure Plan Figures in Appendix 2 indicate the eventual pattern of development within Ruakura but does not provide any indication of the sequence of development. Approval to start in areas considered by the Board of Inquiry has been given. This did not include the remaining R1 area that was not considered. Concerns regarding the effects of construction over an extended time frame for this project were considered and based on assurances from TGH that although dates may vary the sequencing presented would not. There is no reference to the intended sequence of development and no guarantee it will progress in the integrated order provided at the Board of Inquiry. With one of the first development dates was the Residential area to the south-east of Fairview Downs on the southern side of Powells Road.



The development of this Residential area will provide some measure of mitigation to existing nearby residential properties and was expected to be among the first areas of development. There is nothing to indicate this will happen as it appears development could occur at any time and any point within the Ruakura Structure Plan now that the whole R1 area is to be included.

Request:

Provide details of development sequence and anticipated time frames for development.

Add iv. Figure 2-16B expected development sequence and indicative dates.

3.7k)

Oppose

Reason:

This does not allow for any development within the existing areas of the Knowledge Zone and only makes provision for Retail not innovation and research activities.

Request:

Alter 3.7k) to Land use in the Knowledge Zone of the Ruakura Structure Plan Area will roll out in accordance with the provision of Ruakura Strategic Infrastructure and associated network connections.

3.7l)

Oppose

Reason:

The Open Space Zone has been fixed with no consideration of any potential effect to Fairview Downs having yet been considered or addressed.

Request:

Remove "is fixed" until consideration of noise, air, transport, flooding and visual amenity effects to Fairview Downs have been considered.

3.7.1.1 Inland Port

Oppose

Reason:

b) mentions the proposed port will require fire and hazardous substance management facilities. If there was no risk this would not be required. There has been no consideration of the increased risk posed by this project as a whole due to its size and scale.

Request:

We request a full assessment of a completed Ruakura Structure Plan regarding any potential effect of low probability which has a high potential impact on surrounding areas, particularly in regard to the presence of hazardous facilities.

Also that this be altered to remove "proposed" as the port is no longer proposed but the centre of this project.

3.7.1.2 Logistics

Oppose

Reason:

b) refers to the inland port and infrastructure such as MAF/Customs facilities.

Request:

Given the expense involved in establishing such infrastructure as is required for the port we would like to see more certainty that the inland port has the ability to obtain approval to operate as a Transitional Facility under the Biosecurity Act and that requirements to gain approval have been investigated.



3.7.1.3 Industrial Park Zone

Oppose

Reason:

It is intended that this industrial area will deliver a higher standard of amenity than would ordinarily be associated with an industrial zone yet there has been no consideration of any effects on Fairview Downs amenity as a result of this project.

Request:

We request a full and complete Assessment of Environmental Effects from the entire Ruakura Structure Plan including air quality and the effects from a project centred around transport.

3.7.1.4 Knowledge Zone

Support in Part

Reason:

The Knowledge Zone should be focused on research, innovation and learning. Research and innovation activities should not be required to be related to inland port and logistics opportunities 3.7.2.1c Create opportunities for the ongoing development of research, learning and innovation activities; recognising the importance of the University of Waikato, the AgResearch Campus and the Waikato Innovation Park to the City and the Region.

Request:

Alter 3.7.1.4b) The Knowledge Zone is strategically important. While the existing Waikato Innovation Park, University and AgResearch Campus are all located within reasonably close proximity, they lack strong connectivity and a common focal area. There are significant opportunities to create an environment which supports the potential for new research and innovation, in a manner which does not compromise the Central City.

3.7.1.6 Residential Zones

Support in Part

Reason:

It is not clear that the Integrated Retail Development provided within the Ruakura Medium Density Residential Zone is not the Ruakura Retail Centre.

Request:

Alter 3.7.1.6a) The Ruakura residential area is situated near the northern boundary of the Ruakura Structure Plan and provides for a mixture of development that aligns with the densities proposed for General Residential, Medium-Density Residential and Large Lot Residential Zones. The intention is to provide an area with various housing choices, including site size and housing typologies, including an emphasis on affordable housing. Residential development in the General Residential and Medium-Density Residential Zones is positioned to maximize existing connectivity from Fairview Downs and the Hamilton Ring Road. One Integrated Retail Development is provided for within the Ruakura Medium Density Residential Zone to the north of the Ruakura Structure Plan to serve the surrounding catchment (see Figure 2-16 in Appendix 2).

3.7.1.7 Transport Network

Oppose

d) Spine Road (central)

Reason:

This section of the Spine Road is in two stages under Rule 3.7.3.3, the first "Spine Road (central)" appears to relate to the section from Greenhill Link Road to the southern end of the new residential area. The second "Spine Road (central)" is alongside the eastern boundary of Fairview Downs with the Fairview Downs Industrial area adjacent to it.

This section mentions the undergrounding of the 110kv Transpower transmission line that currently runs through the middle of Fairview Downs. There would appear to be no intention of moving this transmission



line from within Fairview Downs and no information as to how this will transition from underground through the new residential area along the Spine Road to above ground over Fairview Downs.

Although this section of the Spine Road is identified as a minor arterial it is noted that there is allowance made for the Spine Road (south) to become a major arterial. The Spine Road was originally expected to be a major arterial and we have concerns there is nothing to prevent the Spine Road (central) from being upgraded in the future to a major arterial.

d) Spine Road (central)

Request:

1. Identify the two separate sections of the Spine Road (central) as per Rule 3.7.3.3
2. Ensure the Spine Road (central) can not be upgraded to a major arterial and if no guarantee can be given it should be treated as a major arterial with nearby residential properties afforded the amenity protection given to major arterials.
3. Include an explanation of how the 110kv transmission line will progress from under to above ground and any properties that may be affected by any requirement to move this line.

3.7.1.8 Open Space Network

Oppose

Reason:

The Open Space Network is intended to accommodate a range of functions however the area along the eastern boundary of Fairview Downs appears to only cater to stormwater. The Spine Road (central) description 3.7.1.7d) says, the corridor provides for public transport, parking, shared footpath and cycle path and a swale area for stormwater. Key components of the open space network;

- | | |
|--|--|
| a) Greenway | - does not apply |
| b) Gullies | - does not apply |
| c) Visual amenity and buffer between incompatible activities | - offers none |
| d) Neighbourhood reserves | - does not apply |
| e) Connectivity | - is likely to exclude public access and pedestrian and cycle network is provided with the Spine Road. |

The Ruakura Open Spaces have been fixed with no consideration of any mitigation to Fairview Downs

Request:

- 1 Consideration of mitigation of visual amenity for Fairview Downs.
- 2 An adequate buffer from the potential for this section of the Spine Road to become a major arterial and mitigation of roading effects and transport
- 3 If this area is only to service stormwater, remove it from the Ruakura Open Space Network and identify it as Three-Waters Infrastructure.

3.7.1.9 Stormwater

Support in Part

Reason:

As the Structure Plan sits across four hydrological catchments there are concerns that it has the potential to cause flooding within the surrounding areas if an approved Integrated Catchment Management Plan is not in place.

Request:

Require an approved Integrated Catchment Management Plan Alter 3.7.1.9a) The precise nature and location of these stormwater facilities will be established through an approved Integrated Catchment Management Plan.



3.7.1.11 Indicative Infrastructure Development Programme

Oppose

Reason:

As the Fairview Downs Industrial area was not part of the Ruakura Schedule Area consideration and approval regarding development of residential in the north of the project was given without the requirement of the Spine Road. It was established that the Spine Road would progress north from Ruakura road as development required and was not expected in the central area until development of the Industrial Area (Fairview Downs) not included in the Ruakura Schedule Area was expected around 2041 or later.

Request:

Alter 3.7.1.11a to remove (in particular the incremental development of the Spine Road)

Objective 3.7.2.1

Support in Part

Reason:

The vision for the Ruakura Structure Plan sets out a broad plan with many identifiable areas and opportunity for flexibility through discretionary means.. Development should be in accordance with these rules. "In general accordance" provides too much flexibility and the potential for this project to become disconnected from the port and logistics area.

Request:

Amend 3.7.2.1 to Remove general

Policy 3.7.2.1a

Oppose

Reason:

This project was approved based on it being centered on an inland port and logistics are not a regional logistics hub.

Request:

Alter 3.7.2.1a The expansion of the City to provide a significant new employment area based on an inland port and logistics area which will form a catalyst for further development and attract a wider range of business to the City.

Policy 3.7.2.1c

Support

Policy 3.7.3.1e

Oppose

Reason:

Ruakura Open Space areas should primarily serve the same purpose as other open spaces through out Hamilton with stormwater and ecological management also being permitted but not the only purpose.

Request:

Alter 3.7.3.1e Configure land use around a comprehensive network of well-connected open spaces which will primarily serve recreational or amenity purposes while also allowing stormwater and infrastructure to co-locate where necessary.

Policy 3.7.2.2a

Oppose

Reason:

Development will ensure an appropriate level of urban residential amenity. What is appropriate or adequate next to industrial developments does not account for the current existing environment or what is reasonably expected within other areas of the Hamilton City boundary. This will be achieved by:

i. Mitigating the adverse effects of noise, vibration, lighting, glare, odour, dust, and air emissions. There are no references to what could be provided or reasonably expected to mitigate for air emissions.



3.7.2.2a Request:

1 Alter 3.7.2.2a

Development and land use will:

i. Ensure an appropriate level of urban residential amenity in relation to existing and future residential activities that is consistent with other residential areas within Hamilton City; and

2 Add 3.7.2.2a

This will be achieved by:

iv. Mitigating the adverse effects of logistics and industry on social and environmental wellbeing in knowledge, residential and open space zones.

3 Provide example of possible or anticipated measures to mitigate for air emissions.

Objective 3.7.2.7

Oppose

Reason:

This objective does not recognize the importance of the infrastructure requirements of the port.

Request:

Alter 3.7.2.7 The creation of a regionally significant inland port and logistics hub in Hamilton.

Policy 3.7.2.7a

Oppose

Reason:

This objective does not recognize the importance of the infrastructure requirements of the port.

Request:

Alter 3.7.2.7a Port, logistics, freight handling services and supportive activities and infrastructure (such as Customs and MAF facilities) shall be provided for in the Ruakura Logistics Zone.

Objective 3.7.2.8

Support in Part

Reason:

This appears to limit these activities to only one precinct in the Knowledge Zone.

Request:

Alter 3.7.2.8 The continued development of a research, education, innovation and technological activity precincts in a manner which does not compromise the Central City.

Policy 3.7.2.8a

Support in Part

Reason:

These activities should be provided for in the Knowledge Zone not just one precinct.

Request:

Alter 3.7.2.8a Research, education, innovation and technological activities and supporting activities and infrastructure shall be supported and co-located within the Ruakura Knowledge Zone.

3.7.3.1 Ruakura Structure Plan Area

Oppose

Reason:

The vision for the Ruakura Structure Plan provides opportunity for flexibility through discretionary means. Development should be in accordance with The Ruakura Structure Plan as set out in section 3.7 of this Chapter. "In general accordance" provides too much flexibility and the potential for this project to become disconnected from the port and logistics area.

Request:

Alter 3.7.3.1 to remove general. All land use and development within the Ruakura Structure Plan shall be in accordance with:



3.7.3.2.1a

Oppose

Reason:

Stormwater is included in Three Waters and swales are used for stormwater. Swales should be included.

Request:

Alter 3.7.3.2.1a) iii. Installation of Three Waters infrastructure (including linear wetlands, swales and storage basins).

3.7.3.2.1c

Support

3.7.3.2.1d

Oppose

Reason:

As there has been no consideration of the effects from either the Spine Road or the Fairview Downs Industrial area on the suburb of Fairview Downs the Spine Road should be considered fixed and unable to be moved.

Request:

Remove “but not to exclude the Spine Road from the area”

3.7.3.2.1f

Support in Part

Reason:

Infrastructure and connectivity within the Ruakura Structure Plan has the ability to affect surround areas.

Request:

Alter 3.7.2.1.f ii. The location of proposed Ruakura Strategic Infrastructure to ensure connectivity across the entire structure plan, adjacent Land Development Plan areas and surround established areas.

3.7.3.2.2 Water Impact Assessment

Support in Part

Reason:

The Board of Inquiry noted that the Ruakura Plan Change anticipated an approved Integrated Catchment Management Plan. This should be a requirement. Assessment of any effects from stormwater management on adjacent private properties should be considered whether it is new devices or not and any implications for the wider area surrounding the Ruakura Structure Plan should be considered. We would also like the requirements that were in the Board of Inquiry Plan Change that have been removed, included in this assessment.

Request:

- 1 Remove 3.7.3.2.2 ii.
- 2 Alter 3.7.3.2.2 iv. An assessment of any potential effects (including cumulative effects) of the development in relation to its catchment. In particular, the assessment should include consideration of potential construction effects and the potential effects of stormwater devices on adjacent private property.
- 3 Alter 3.7.3.2.2 viii. Confirmation of available Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Land Development Plan area, wider structure plan area and existing surrounding areas
- 4 Add 3.7.3.2.2 xi. (as per BOI) Information on how wastewater (including trade waste) will be managed to minimize any impacts on the reticulated network.
- 5 Add 3.7.3.2.2 xii. (as per BOI) A list of measureable targets and performance indicators to allow the efficient and effective monitoring of the compliance in the Land Development Plan with any conditions arising from Water Impact Assessment.



- 6 Add 3.7.3.2.2 xiii. (as per BOI) An assessment of the effects of staged development on existing and planned city Three Waters infrastructure in accordance with the Infrastructure Technical Specifications (ITS) including the level of service provisions (to maintain or improve existing conditions for the build environment).

3.7.3.2 Land Development Plan

Support in Part

Reason:

The Ruakura Variation has added “Plan” to this title. This is confusing as Appendix 1.2.2.25 is also called “Land Development Plan”

Request:

Remove “Plan” from the rule heading to make the separation of these two areas of the variation clearer and more consistent with the Board of Inquiry.

3.7.3.2

Support in Part

Reason:

An Integrated Catchment Management Plan should be a pre-requisite to all land use and development. This section has been removed.

Request:

Add 3.7.3.2 Integrated Catchment Management Plan

a) An Integrated Catchment Management Plan which is consistent with the requirements of Chapter 4: Residential Zones, Chapter 8: Knowledge Zone, Chapter 10: Ruakura Logistics Zone and Chapter 11: Ruakura Industrial Park Zone, and complies with the requirements of Volume 2, Appendix 1.5.5 is a pre-requisite to all land use and development within the Ruakura Structure Plan Area.

3.7.3.2.3 Notification Rule

Oppose

Reason:

This allows activities that can not meet set levels for night-time noise to be considered without those affected being informed or consulted. If any site within the Inland Port and Logistics Zone can not meet the currently set night-time noise limits and this increase will affect surrounding areas it should be notified and approval obtained. This rule anticipates night-time noise levels being increase which is yet to be determined.

Request:

Remove Further to clause (a), all activities within the Inland Port (Sub Area A (Inland Port)) classified as a Restricted Discretionary Activity by Rule 25.8.3.14a) shall be considered without notification or the need to obtain approval from affected persons.

3.7.3.3 Staging and Traffic Requirements

Oppose

3.7.3.3b

Reason:

It is essential that this project be centered on the Port and logistics area. Development of the Port and logistics area will form a catalyst for further development. While a mix of development is ideal the port and logstics area should drive the need for industrial development not the other way around. With no fixed requirement to provide logistics prior to general industrial development there is potential to develop only general industrial past Stage 1.



3.7.3.3 Request:

Alter 3.7.3.3b) Due to the size of the site and the development timescale the roll out of, and specific mix of Ruakura Logistics to Ruakura Industrial Park land uses, is not yet understood. Ruakura Logistics activities are expected to have a significantly lower level of traffic generation than Industrial Park Activities. As such a sliding scale of impacts and a range of development options have been encapsulated in the rules while the location and final layout of these activities are fixed, the take up of the land will depend on the market demand for logistics and, as such, some staging flexibility is appropriate.

3.7.3.3c

Oppose

Reason:

The only development currently allowed in the Knowledge Zone is the Ruakura Retail Centre.

Request:

Alter 3.7.3.3c) It is noted that the Industrial Stage 2 development and the Ruakura Retail Centre development within the Knowledge Zone are subject to the Waikato Expressway (Hamilton section) being completed and connected to the Ruakura Structure Plan or suitable arterial network capacity being demonstrated or established in a manner that maintains the efficiency, safety and functioning of the transport network. It is considered that where construction is underway and a completion date is available some flexibility on further land release may be appropriate to ensure benefits are obtained from infrastructure at the earliest possible date and development to cater for market demand is not unduly delayed.

3.7.3.3d

Oppose

Reason:

The Spine Road was discussed at part of the Board of Inquiry process. It was established that this would progress north from Ruakura Road as traffic requirements around the port area required. It was explained that roading will only be provided when there is sufficient traffic generated to require it and as such it was not anticipated that the Spine Road north of Fifth Avenue Extension would be required until after 2041. Residential development to the north of the Structure Plan did not require the Spine Road for development to begin and presumably will not generate sufficient traffic to warrant the building of the Spine Road. The new triggers for the Spine Road indicate that this could now be build starting at Greenhill Link Road and progressing south. As there has been no consideration of effects from the Spine Road on Fairview Downs and there would appear no reason for this to progress north to south we request these triggers be removed.

Request:

Remove 3.7.3.3d Spine Road Construction Trigger

3.7.3.3.2 Industrial Land Stage 2 Rule (PRPS 2021 - 2041 Allocation)

Oppose

Reason:

The additional release allows land within the Ruakura Logistics Zone and Ruakura Industrial Park Zone to be developed post 1 January 2021. There is no requirement that Ruakura Logistics Zone must be developed. The purpose of the logistic zone 10.1e) Due to the costs involved in developing an Inland Port, and the nature of the infrastructure (such as security and Biosecurity/Customs facilities), it is important that the freight and logistics area is occupied by businesses which use the port's facilities, rather than more general industrial or employment activities. A critical mass of such businesses is required for the Inland Port to be economically successful. Stage 1 requires a minimum area of logistics to be development with a smaller industrial area to support it. There should be similar conditions for the Stage 2 land release.



3.7.3.3.2 Request:

Alter 3.7.3.3.2 Industrial Land Stage 2 Rule (PRPS 2021 - 2041 Allocation)

Up to 115 hectares of land within the Ruakura Logistics Zone and Ruakura Industrial Park Zone may be developed post 2021, with general industrial not exceeding 40 hectares.

3.7.3.3.3 The Knowledge Zone Precinct C (including the Ruakura Retail Centre, but excluding Precincts A, B and D) Staging Rule **Oppose**

Reason:

The Board of Inquiry allowed up to 16 ha of land to be developed within the Knowledge Zone. The Knowledge Zone is to provide for learning, research and innovation activities. Precinct C of the Knowledge Zone includes the Ruakura Retail Centre. This Rule appears to only allow for the development of Retail within the Knowledge Zone and does not reflect the intent of the Zone. With no new development within the Knowledge Zone (excepts the Retail Centre) and no Residential development within the catchment of the Ruakura Retail Centre there is no requirement for retail to establish in Stage 1 of the project. Current existing areas are adequately serviced by current retail such as neighbourhood centers, Hillcrest shopping centre, Hamilton East and the new supermarket on Peachgrove Road. Establishing the Ruakura Retail Centre prior to further development has the potential to affect existing centres as the only increase in catchment will be construction workers.

Request:

Alter 3.7.3.3.3 to The Knowledge Zone Staging Rule

Add 3.7.3.3.3b) The Ruakura Retail Centre will be provided as part of the Stage 2 development of the Ruakura Structure Plan.

3.7.3.3.6 Staging Activity Status

Oppose

Reason:

Ruakura Industrial Zone has been broken into three areas. The industrial area north of AgResearch has been identified as the Fifth Avenue Industrial area. Development is expected to progress in a co-ordinated and connected way. Any industrial development in Stage 1 should be limited to the areas identified by the Board of Inquiry.

Request:

Alter 3.7.3.3.6 v. Industrial land use shall be located in the Ruakura Industrial Park Zone south of the east coast main trunk railway line (Silverdale Industrial) or the industrial park area immediately north of the Knowledge Zone (Fifth Avenue Industrial).

3.7.3.3.7 Traffic Generation

3.7.3.3.7a

Support in Part

Reason:

Ruakura Logistics activities are expected to have a significantly lower level of traffic generation than Industrial Park Activities and the Board of Inquiry said there was no evidence provided that areas other than the port and logistic area are different to other areas of Hamilton. For this reason we would like to see traffic assessments more in line with Section 9 Industrial of the Hamilton City Proposed District Plan. Industrial rules refer to traffic generation levels of >250 vehicles per day.

Request:

Alter 3.7.3.3.7a) Any activity triggering trip generation thresholds of >250 vehicles per day (vpd) requires resource consent as a restricted discretionary activity.



3.7.3.3.7b

Oppose

Reason:

It is not clear if this rule applies to temporary logistics as defined in Appendix 1.1.2 .

Request:

Alter 3.7.3.3.7b This rule does not apply to events and temporary activities where a temporary traffic management plan has been approved by the relevant road controlling authority (but does include temporary logistics)

3.7.3.4 Ruakura Strategic Infrastructure

3.7.3.4.3 Stormwater Network

Support in Part

Reason:

An Integrated Catchment Management Plan should be a pre-requisite to all land use and development. This section has been removed.

Request:

Amend 2.7.3.2.3a) All stormwater management infrastructure shall be in accordance with an approved ICMP.

Removed 3.7.3.4.3b)

4.5 Rules – Medium-Density Residential Zone

4.5.1 Comprehensive Development Plan Process

Oppose

Reason:

There is no Appendix 3 attached to this Variation and Figure 3.3:Ruakura Fairview North Comprehensive Development Plan Areas – Medium Density Residential Zone has been struck through indicating its removal. This area is identified on Figure 2.16 as requiring a Land Development Plan.

Request:

Remove 4.5a) The Medium-Density Residential Zone is divided into a number of Comprehensive Development Plan Areas (as shown in Appendix 3). *This excludes the Ruakura Structure Plan where Figure 2-16 identifies Land Development Plan Areas which are subject to Rules within 3.7.3.2.*

8 Knowledge Zone

8.1 Purpose

Support

Objective 8.2.1

Oppose

Reason:

These activities and areas are collectively covered by the Knowledge Zone it is unnecessary to list all precincts.

Request:

Alter 8.2.1 to Support the continued development and expansion of research, education, innovation and technological activity in the Knowledge Zone.

8.3.1

Support in Part

Reason:

These rules appear to apply to the Knowledge Zone (excluding the Ruakura Retail Centre) development in Precinct C that is not the Ruakura Retail Centre should also be included.

Request:

Alter 8.3.1 to Rules – Activity Status for Knowledge Zone (except Ruakura Retail Centre)



8.3.2 Rules – Activity Status for Precinct C (Except Ruakura Retail Centre)

Reason:

Include Precinct C with other Knowledge Zone Precincts.

Oppose

Request:

Remove Rule 8.3.2

8.3.3 Rules – Activity Status for Precinct C - Ruakura Retail Centre only

Oppose

Reason:

Include Precinct C in the Knowledge Zone and keep these rules with re-numbering for the Ruakura Retail Centre

Request:

Alter 8.3.3 to Rules- Activity Status Ruakura Retail Centre

10 Ruakura Logistics Zone

10.1 Purpose

10.1c

Oppose

Reason:

The environmental benefit of reduced carbon emissions and a reduction in congestion will not be experienced locally and this is a reference to a reduction in carbon emissions as a result of this project having effects that cross boundaries. The benefit of reduced carbon emissions and a reduction in congestion will be realized on Auckland roads. As this project is centered around transport there will be a concentration of vehicle emissions within the Ruakura Structure Plan that will affect the air quality of surrounding areas. Situating this project in Hamilton rather than near the coast will also increase the amount of pollution expected to affect surrounding areas. Localised Air Quality effects have not been given consideration.

Request:

Amend 10.1c With a direct connection to the Waikato Expressway, environmental benefits, such as reducing New Zealand's carbon emissions and a reduction in congestion on currently congested roads throughout the North Island can also be realised.

Policy 10.2.1a

Oppose

Reason:

Given the expense involved in establishing such infrastructure as is required for the port (10.1e) we would like to see more certainty that the inland port has the ability to operate as a port, The Board of Inquiry mention "...The operator of the inland port will need to apply for it to become a transitional facility. There is no guarantee that this facility will be approved. The Biosecurity Act 1993, over which we have no jurisdiction, is the process through which the particular aspects of biosecurity risk must be addressed."

Request:

Alter 10.2.1a to Logistics, freight-handling services and supportive activities and infrastructure shall be provided for subject to the land allocation set out in Chapter 3.7f), and the provision of required infrastructure, including roading, Three Waters and Biosecurity approval.



10.2.3a

Support in part

Reason:

Adverse effects from the port and logistics area on residential areas should also be included.

Request:

Amend 10.2.3a The adverse effects of logistics and freight handling activities and associated structures and infrastructure shall be avoided or mitigated by:

iii. Ensuring that development visible from key transport corridors, open spaces and residential areas meets appropriate bulk, location and design standards.

v. Through the preparation, approval and implementation of a Noise and Vibration Management Plan that manages all noise generating activities in the Inland Port and Logistics Zone.

10.3k

Support in Part

Reason:

Ruakura Logistics activities are expected to have a significantly lower level of traffic generation than Industrial Park Activities. Current Industrial areas of Hamilton are assessed when traffic generation is >250 vehicle movements per day. These triggers should be more in line with other areas of the city.

Request:

Alter 10.3k Any permitted, controlled or restricted discretionary activity listed above generating 250 or more vehicle movements per day

10.5.2 Noise Management

Support in Part

Reason:

The noise management plan in the original PDP requires consideration of noise over the life time of this project. The noise and vibration plan referred to in this document only considers effects on a stage by stage basis. There are references to an approved Noise and Vibration Management Plan but the only mention is rule 10.5.3 which does not say what is required for a Noise and Vibration Management Plan.

Request:

Alter 10.5.2(a) Noise shall be managed in accordance with an approved Noise Management and Vibration Management Plan and include information as set out in Appendix 1.2.2.20

11 Ruakura Industrial Park Zone

Oppose

11.1 Purpose

11.1c

Oppose

Reason:

There are three identified area of industrial development, two have been name being Fifth Avenue Industrial Park and Silverdale Industrial Park. The third and largest industrial area, approximately the size of the other two areas combined is not named. The third industrial area is north of the Large Lot Residential Zone and bounded by the Waikato Expressway on the eastern side and will have access off the Spine Road. This third area adjoins the entire eastern boundary of the suburb of Fairview Downs yet does not mention its proximity as the two areas are separated by the Spine Road. This third area of industrial was not part of the Board of Inquiry Process and the Board of Inquiry Decision document mentions “we do not specifically address noise-related issues that may be relevant to Fairview Downs.” Consideration of the effects from this industrial area have not been given proper consideration.



11.1c Request:

Alter 11.1c) There are three industrial park areas. One fronts onto Wairere Drive and the proposed Fifth Avenue extension (Fifth Avenue Industrial Park). The second is in the vicinity of the Silverdale area, south of the Waikato Expressway connection (Silverdale Industrial Park). The third is north of the Large Lot Residential Zone (Percival and Ryburn Roads) and bounded by the Waikato Expressway on the eastern side and will have access off the Spine Road (Fairview Downs Industrial Park).

11.1d

Oppose

Reason:

The industrial park concept will require a high standard of amenity but has not considered amenity effects to the adjacent suburb of Fairview Downs. Setbacks from areas included in the Board of Inquiry Decision have not been considered regarding Fairview Downs.

Request:

Alter 11.1d) The industrial park concept will be achieved by requiring a high standard of design for all buildings, landscaping and buffer areas and restricting certain types of industrial activities. This includes requiring setbacks from sensitive land uses including setbacks and amenity buffer for existing residential developments.

Policy 11.2.2a

Oppose

Reason:

Minor road have the potential to be upgraded to major arterials. No consideration of the effects of the Spine Road on Fairview Downs.

Request:

Alter 11.2.2a High amenity levels within the Ruakura Industrial Park Zone shall be developed through well designed buildings in the Interface Design Control Area, front yard requirements, setbacks from major and minor roads, Open Space Zones and residential areas, and through landscaping and screening.

Objective 11.2.2 Explanation

Oppose

Reason:

How will the Industrial Park Zone raise amenity levels within Fairview Downs when any amenity effects have not been considered? How are Industrial areas adjacent to existing residential appropriate.

Request:

Consideration and assessment of effects expected from the industrial park zone on surrounding areas including Fariview Downs and mitigation available.

Policy 11.2.3a

Oppose

Reason:

Adverse effects from industrial activity that will be experience by surrounding areas has not been investigated or adequately mitigated.

Request:

Alter 11.2.3a ii. Ensuring that development visible from key transport corridors, open spaces and residential areas meets appropriate bulk and location and design standards.

Alter 11.2.3a iii. Indentifying and imposing amenity controls to ensure that the adverse effects of industrial activities on adjoining facilities or existing residential areas are avoided or mitigated.

Alter 11.2.3a Explanation

Industrial activities can generate adverse amenity effects beyond the boundaries of the zone. These should not have an impact on residential and open space areas where expectations for amenity are far higher.



11.3 Rules – Activity Status Table

Oppose

Reason:

Activities that rely heavily on the use of vehicle and have the potential to affect nearby residential areas should be notified. Industrial activities area expected to generate a significant amount of vehicle movements per day which is why an assessment if required. Removing the largest industrial area (Fairview Downs Industrial) from these requirements is unacceptable. Assessment of vehicle movement for industrial areas should be more in line with that expected in other industrial areas. (11.8 Notification Rule) Except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act applications for any Restricted Discretionary Activity identified with an asterisk (*) in the table above will be considered without notification or the need to obtain approval from affected persons.

Request:

Remove * from

n) Transportation service centre RD

o) Drive-through services RD

v) Transport depot RD

cc) Childcare facilities RD

Amend ff) Any permitted, controlled or restricted discretionary activity listed above generating 250 or more vehicle movements per day. RD

11.5.2 Transportation Service Centres

Oppose

Reason:

Transportaion Service Centres should not be established near existing residential areas or on arterials that affect residential amenity.

Request:

Alter 11.5.2a) Transportation Service Centres shall be provided with access directly from a State Highway or shall have frontage to an arterial road, so long as the arterial road is not adjacent to a residential area

11.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

Reason:

Support in Part

Transport assessments should be more in line with those in other Industrial areas. It is unacceptable to remove the largest industrial area within the Ruakura Structure Plan from these considerations.

Request:

Amend 11.7x. Any activity generating 250 or more vehicle movements per day.

- G – Transportation

15 Open Space Zones

15.1 Purpose

Support in Part

Reason:

Open space areas should primarily provide for social and cultural wellbeing of the community. Addition service may locate in open spaces but should not be the only use of open space.

Request:

Alter 15.1a) Hamiltonians enjoy the benefit of open space spread throughout the City. Open space is an important part of providing for the social, economic and cultural wellbeing of a community. It is important that Hamilton has land to accommodate parks, sports fields, recreational facilities, amenity areas, buffers and areas with natural value. Frequently, particular open space areas will serve a number of these values. Many open spaces provide links between different parts of the City for pedestrians and cyclists. Open space may also provide for Three Waters assets, solid waste infrastructure and ecological networks so long



as this is not the only use of the open space.

Amend 15.1f) The Ruakura Open Space Zone is intended to accommodate and provide for a range of functions including stormwater and ecological management, a wellconnected pedestrian and cycleway network (when not provided as part of a transport corridor) linking open space land, space for passive and informal recreation, and amenity areas/spaces between different activity zones. Ruakura open space areas will primarily provide for recreation, amenity and natural values that provide for the social and cultural wellbeing of surround areas and may serve other functions as well as (but not only) stormwater and ecological management.

Amend 15.1i) Any open space may have additional functions or features such as stormwater management and walkway or cycleway networks, significant natural areas, cultural sites, archaeological sites and historic buildings. This is appropriate provided the predominant function and values of the open space are not compromised and these are not the only use of the open space area.

Objective 15.2.10

Oppose

Reason:

The open space on the eastern boundary of Fairview Downs appears to only cater to Stormwater and ecological management. The 50m open swale provided no form of visual mitigation, pedestrian and cycleways are associated with the Spine Road and this area is likely to exclude public access.

Request:

Alter 15.2.10 The Open Space Zone at Ruakura shall be provided for and developed as a connected network to achieve a range of functions including passive recreation, active recreation, connectivity and enhancement of amenity. Stormwater management and enhancement of ecological values may also be included.

Policy 15.2.10d

Oppose

Reason:

Pedestrian and cycleways are required to be provided as part of the transport network.

Request:

Alter 15.2.10d A network of public access, walkways and cycleways shall be established within the Open Space Zone (when not provided by transport corridors) providing connections to the road network and the Kirikiriroa Stream and Mangaonua Stream gully systems.

Policy 15.2.10e

Oppose

Reason:

Open space areas should not serve only to locate stormwater and utilities.

Request:

Alter 15.2.10e The Open Space Zone shall assist stormwater management and function as a corridor for network utilities including transmission lines. This will be in addition to other open space functions and shall not be the only use for open space areas.

15.4 Rules – Interpretation of Ruakura Open Space Zone

Oppose

Reason:

Until the effects from establishing the Spine Road and Fairview Downs Industrial Park have been considered in relation to the suburb of Fairview Down the open space provided for a swale and the Spine Road should not be fixed.

Request:

Alter 15.4 a) The Ruakura Structure Plan identifies specific open space widths in Figure 2-14 in Appendix 2



15.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

Reason:

Oppose

Swales are part of the stormwater system and their potential to affect nearby residential properties should be adequately investigated.

Request:

Alter 15.7v. Stormwater treatment ponds, wetlands and swales in the Ruakura Open Space Zone adjacent to residential properties.

25.4.5.1 Activities Required to be Assessed using the Hazardous Facility Screening Procedure

Reason:

Oppose

No consideration has been given to any increase in hazardous risk arising from an increase in size and scale. These rules only consider individual sites and the ability to contain an incident within the boundary of that site. While every site is covered by the Hazardous Substances and New Organisms Act (HSNO) not all will be covered by the Hazardous Substances Regulations. The HSNO Act is concerned with the whole lifecycle management of hazardous substances and there are provisions in the HSNO regulations that impinge on transport. These include controls on packaging and containers, on identification, and competency of handlers and requirements for tracking in the case of more highly hazardous substance. Storage and warehousing related to logistics activities maybe considered “in transit” and therefore covered by the Land Transport Rule 45001: Transport of Dangerous Goods 2005. There is no definition in the RMA or HSNO Acts for “Hazardous Facilities” this is a term usual used by local authorities to describe sites containing hazardous substance.

Hazardous Substances and New Organisms Act 1996

Hazardous substance location in relation to a Class 1 substance is an area where a class 1 substance is manufactured or located for more than 2 house if the substance is present in quantities above those specified in Table 5 of Schedule 2 of the Controls 1 to 5 Regulations, but does NOT include any of the following:

- a designated use zone
- a designated transfer zone
- any means of transport for the purposes of transfer within a transfer zone
- a vehicle, ship or aircraft while it remains under the direct control of its driver, master or pilot and under the jurisdiction of the Land Transport Safety Rules, the Maritime Rules or the Civil Aviation Rules.

Designated transfer zone: is a place used for the movement of a class1 substance from one type of transport to another where the movement requires handling of packages or containers, but does NOT include any of the following:

- roll-on-roll-off operations in which a vehicle or trailer with its load drives or is driven onto or into another means of transport for the duration of a journey.
- A hazardous substance location
- A designated use zone

Hazardous substance management facilities are part of the Inland Port 3.7.1.1, The Ruakura Structure Plan as a whole project centred on both transport and freight will have many such facilities and requires an assessment of hazardous risk from the completed project due to its size and scale.



25.4.5.1

Request:

Add 25.4.5.1 b) Projects and Structure Plans involving several hazardous facilities or sites are required to have an overall assessment of cumulative risk.

25.5.3.1 Landscaping

Oppose

Reason:

Minor arterials may be allowed to become Major arterials in the future. Providing the same mitigation for them as major arterials will prevent any issues in the future should this situation arise.

Request:

Alter 25.5.3.1a) i. Activities adjacent to a major or minor arterial transport corridor in all zones except the Central City Zone, and Future Urban Zone

25.8.3.7 Noise Performance Standards for Activities in all Zones Except Major Facilities, Knowledge, Open Space Zones, Ruakura Logistics and Ruakura Industrial Park Zones

Reason:

Oppose

Ruakura Industrial Park Zones are general industrial and should be subject to the same noise limits as other industrial areas of Hamilton City. The Board of Inquiry Decision Document, What should the night noise level be? [409] The provisions of the proposed RPS that provide for Ruakura to be urbanised are the starting point. In the context of noise, we therefore start with the night noise levels provided for in the ODP, which is 40 dB at the notional boundaries of residential properties. [410] The applicants presented no evidence to demonstrate why areas of the plan change other than the inland port/logistics area are so different from other parts of Hamilton that a 45 dB night noise level should apply. [363] Changes in the night-time noise environment will occur as a result of the various activities introduced to the area as it develops. Computer noise modelling was undertaken for the three operational phases of the inland port, and modelling of some new roads was undertaken. However, no specific information on other noise-generating activities such as industrial areas was provided as part of the application or evidence. For the purposes of our decision we have worked on the basis that they will be generally similar to other industrial areas in Hamilton and can be managed in the same way. These levels are consistent with the rest of Hamilton and should apply to the Ruakura Industrial Park Zone. Amend to remove its exception status and thereby giving consistency across the city regarding industrial noise limits.

Request:

Alter 25.8.3.7 Noise Performance Standards for Activities in all Zones Except Major Facilities, Knowledge, Open Space Zones, Ruakura Logistics

25.8.3.13 Noise Performance Standards for Activities in the Ruakura Logistics and Ruakura Industrial Park Zones

Oppose

Reason:

Ruakura Industrial areas should provide the same level of amenity to surround existing areas as expected elsewhere in the city. It is unreasonable to expect currently quiet areas to exchange their high level of amenity for levels that are lower than other citizens can reasonably expect.

Request:

Alter 25.8.3.13 Noise Performance Standards for Activities in the Ruakura Logistics Zone



25.8.3.14 Non-Conformity with Standards in the Ruakura Logistics Zone

Reason:

Oppose

BOI Decision Document “We have included a mechanism to provide for the night-time noise limit to be increased, up to 45 dB in defined areas only, if it can be shown through the relevant land development plan and noise management plan processes that it is not practicable to meet the 40 dB night-time noise limit.” 25.8.3.14 does not act to keep activities within the set 40dB night-time levels and predicates an increase without attempting to prevent an increase being required at a later date.

Request:

Remove 25.8.3.14 a) Any activity in the Inland Port (Sub Area A (Inland Port)) which is between 40 dBLAeq(15 min) and 45 dBLAeq(15 min) *when measured at the boundary* between 2300 and 0700 hours is a restricted discretionary activity. This shall be considered without notification or the need to obtain approval from affected persons, except as provided for by sections 95A(2)(b) and (c), 95B(2) and (3) and 95C(1) to (4) of the Act.

Alter 25.8.4.14 b) Any activity in the Inland Port (Sub Area A (Inland Port)) which exceeds 40 dBLAeq(15 min) between 2300 and 0700 hours *when measured at the boundary* is a non-complying activity.

Appendix 1.1.2 Definitions Used in the District Plan

Support in Part

Reason:

The Knowledge Zone should have the same rules across all precinct as they should all serve the same purpose with the exception of the Ruakura Retail Centre.

Request:

Amend **Interface area:** Means land within the Major Facility Zone or Knowledge Zone (*excluding the Ruakura Retail Centre*) that is within 30m of any public space external to the zone. This excludes any land within the Major Facilities Zone or Knowledge Zone (*excluding the Ruakura Retail Centre*) that is positioned behind an existing building or landscaping so as to be screened from the adjoining public space.

Appendix 1.2.2.20 Ruakura Structure Plan (Noise – Inland Port)

Support in Part

Reason:

Why has this been removed? 1.2.2.20 Ruakura Structure Plan (Noise – Inland Port) appears to provide requirement that noise be managed over the lifetime of this project by the Port Operator. The noise and vibration management plan referred to though out this document refers to 10.5.2 which does not set any requirement except that an approved Noise and Vibration Management Plan be provided. Other mentions of a Noise and Vibration Management Plan only seem to only require noise considerations on a stage by stage basis.

Request:

Include 1.2.2.20 Ruakura Structure Plan (Noise – Inland Port)

a) The Operator of the Inland Port shall implement and maintain a Noise Management Plan (NMP). The NMP shall set out the measures to be used by the Operator to manage noise effects of port operations. The NMP shall include but not be limited to the following matters.

i. The identification of noise sources and the nature of noise emissions.

ii. The applicable noise performance standards.

iii. Identification of likely affected persons.

iv. Community consultation and notification of affected persons.

v. Noise mitigation measures proposed to meet the applicable noise performance standards.

vi. Procedures for monitoring noise levels to ensure compliance with the stated



noise levels.

vii. Management of noise emissions at night, with particular emphasis on the methods to effectively manage the noise effects on noise-sensitive activities.

viii. Procedures for receiving and addressing noise complaints.

ix. Contact details of key personnel.

x. Reporting of monitoring results to Council.

Appendix 1.2.2.21 Ruakura Industrial Park Zone

Oppose

Reason:

Ruakura Industrial Parks are general industrial areas and should be subject to similar requirements as other industrial areas on Hamilton

Request:

Alter 1.2.2.21a) Applications for activities generating 250 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with Appendix 1.2.2.14.

Appendix 1.2.2.22 Knowledge Zone Precinct C

Oppose

Reason:

The generation of 1500 or more vehicle movements in an area of Innovation and Research activity that has the ability to seriously affect the traffic flow on Ruakura Road would appear to give too much allowance before traffic is considered.

Request:

Alter 1.2.2.22a) Applications for activities generating 250 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with Appendix 1.2.2.14.

Appendix 1.2.2.23 Medium Density Residential Zone

Oppose

Reason:

The level set to require an Integrated Transport Assessment is too high and does not account for construction movement. (there is no Appendix 1.2.2.14 included with the Ruakura Variation)

Request:

Alter 1.2.2.23a) Applications for activities generating 250 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with *Appendix 1.2.2.14*.

Appendix 1.2.2.24 Ruakura Open Space Zone

Oppose

Reason:

The level set to require an Integrated Transport Assessment is too high and does not account for construction movement. (there is no Appendix 1.2.2.14 included with the Ruakura Variation)

Request:

Alter 1.2.2.24a) Applications for activities generating 250 or more vehicle movements per day shall be accompanied by an Integrated Transport Assessment in accordance with *Appendix 1.2.2.14*.



Appendix 1.2.2.25 Land Development Plans

Water Impact Assessment

Support in Part

Reason:

An approved Integrated Catchment Management Plan is required.

Request:

Remove o) ii. Where there is no approved Integrated Catchment Management Plan, how the proposal is consistent with the development of and gives effect to Ruakura Strategic Infrastructure including as shown on Figures 2-15A and B in Appendix 2 for the entire structure plan area.

Appendix 1.2.2.25

Open Space Provisions

Oppose

Reason:

There is no provision for visual amenity regarding areas not included in the Board of Inquiry. Visual mitigation is required for properties on the eastern boundary of Fairview Downs situation with their properties facing current rural views that will become an open swale and Spine Road.

Request:

Add 1.2.2.25x) Visual amenity and buffer between incompatible activities – in particular the following open space areas identified on the Ruakura Structure Plan are intended to provide a buffer function:

- The area between the Fairview Downs Industrial area and Spine Road on the eastern boundary of Fairview Downs.

Appendix 1.2.2.27 Concept Plan for Knowledge Zone (excluding Precinct C)

Reason:

Oppose

Precinct C should have the same rules as the rest of the Knowledge Zone with the exception of the Ruakura Retail Centre.

Request:

Alter 1.2.2.27 Concept Plan for Knowledge Zone (excluding Ruakura Retail Centre)

Appendix 1.3.2 Controlled Activities – Matters of Control

Oppose

F. Ruakura

a) Interface Design Control Area

Landscaping

Reason:

There has been no allowance or consideration given to the requirement of properties within Fairview Downs, particularly those on Aldona Place and Drake Place regarding visual amenity.

Request:

Add Landscaping v. Ruakura Industrial Park Zone – In relation to buildings and associated development on sites on the Spine Road that are adjacent and visible from the eastern boundary of properties on Aldona Place and Drake Place, proposed landscaping and screening is subject to specific assessment and the standards in Rule 25.5.3.1 are to be used as a guide only.



Appendix 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria

N1 Land Development Plans

Oppose

Reason:

Swales are part Three Waters infrastructure and have the ability to affect flooding and ground water levels of adjacent private properties. This issue is of particular concern to residents on the eastern boundary of Fairview Downs and has not been considered. Development should not be tied to or triggered by the Spine Road until full consideration of the effects of its placement in close proximity to Fairview Downs has been considered.

Request:

Alter N1 h) Effects of new stormwater ponds, wetlands and swales on private property.

Alter N1 i) Whether there is appropriate Three Waters infrastructure and capacity, existing and proposed, to appropriately service anticipated development in the Land Development Plan area. For new stormwater ponds, wetlands and swales, the extent to which the following adverse effects of the works on adjacent private property are avoided:

- i. Flooding and adverse effects on ground water levels; and
- ii. Creating habitat for mosquitoes and other undesirable insects.

Alter l) Whether anticipated development in the Land Development Plan area integrates with, and minimises adverse effects on the safe and efficient functioning of the transport network and transport infrastructure, having

regard to the cumulative traffic effects of other approved Land Development Plans.

N5 Ruakura Open Space Zone

Oppose

Reason:

Swales are part Three Waters infrastructure and have the ability to affect flooding and ground water levels of adjacent private properties. This issue is of particular concern to residents on the eastern boundary of Fairview Downs and has not been considered.

Request:

Alter a) For new stormwater ponds, wetlands and swales, the extent to which adverse effects of the works on adjacent private property are avoided in relation to:

- i. Flooding and adverse effects on groundwater levels; and
- ii. Creating habitat for mosquitoes and other undesirable insects

Figure 2-14 Ruakura Structure Plan – Land Use

Oppose

Reason:

The placement of the Spine Road has not accounted for the fact that Fairview Downs has gone from no arterials to being sandwiched between the Wairere Drive (Major arterial) and the Waikato Expressway (Statehighway) with the Spine road (minor arterial with the potential to become a major arterial) placed on the boundary and in between these major traffic routes or the new major arterial to the South of the suburb associated with the Fifth Avenue Industrial Park. There has been no mitigation provided for visual amenity and no consideration of the effects on air quality that can be expected from situating so many new roads in close proximity to Fairview Downs.

Request:

We would like the Spine Road moved further from the boundary of Fairview Downs and the Open Space that is next to the Spine Road to be extended and appropriate mitigation provided with the use of this open space providing for features other than just Three Waters Infrastructure.



Figure 2-15A Ruakura Structure Plan Infrastructure – Transport

Oppose

Reason:

The placement of the Spine Road has not accounted for the fact that Fairview Downs has gone from no arterials to being sandwiched between the Wairere Drive (Major arterial) and the Waikato Expressway (Statehighway) with the Spine road (minor arterial with the potential to become a major arterial) placed on the boundary and in between these major traffic routes or the new major arterial to the South of the suburb associated with the Fifth Avenue Industrial Park. There has been no mitigation provided for visual amenity and no consideration of the effects on air quality that can be expected from situating so many new roads in close proximity to Fairview Downs.

Request:

We would like the Spine Road moved further from the boundary of Fairview Downs and the Open Space that is next to the Spine Road to be extended and appropriate mitigation provided with the use of this open space providing for features other than just Three Waters Infrastructure.

Figure 2-16 Ruakura Land Development Plan Areas

Oppose

Reason:

The two areas of General Residential development to the west of the Spine Road and connected to existing areas of Fairview Downs have not been labeled for Development. This Figure does not provide any details of expected sequencing of development.

Request:

Label and identify all areas of development within the Ruakura Structure Plan including the two areas of residential development connected to existing areas of Fairview Downs.

Add Figure 2-16B expected development sequence and indicative dates