

Submission on Ruakura Variation to the Proposed Hamilton District Plan

Clause 5 of Schedule 1, Resource Management Act 1991

Derrick & Robyn Marsters - Submission

To: Hamilton City Council

1. SUBMITTER DETAILS

Name of Submitter: Derrick & Robyn Marsters

This is a submission on the Ruakura Variation to the Proposed Hamilton District Plan.

The submitter could not gain an advantage in trade competition through this submission. In any event, the submitter is directly affected by effects of the subject matter of the submission that:

- a) Adversely affect the environment; and
- b) Do not relate to trade competition or the effects of trade competition.

2. SCOPE OF SUBMISSION

Without limiting the generality of this submission, the specific aspects and provisions of the Ruakura Variation that this submission relates to are:

- a) Chapter 3 Structure Plans
- b) Chapter 4 Residential Zones
- c) Chapter 10 Ruakura Logistics Zone
- d) Chapter 11 Ruakura Industrial Park Zone
- e) Chapter 23 Subdivision

3. RELIEF SOUGHT

I request the following relief:

- Retain the Large Lot Residential Zone for all land in the Ryburn Road/Percival Road residential enclave;

- Remove all reference to a future Ruakura Logistics Zone or other employment zone for this residential land;
- Apply the same Large Lot Residential Zone rules to the Ryburn Road/Percival Road residential enclave as for all other Large Lot zoned areas in Hamilton City, including a 2,500m² minimum lot size.
- All vehicle movements (apart from maintenance vehicles) to be excluded from any buffer or interface areas down Percival Rd.
- No heavy vehicles to access logistic or industrial sites from Percival or Ryburn Rds.
- That we retain a route (when Ruakura Rd is closed completely) which provides for travel in the general direction of the University and Silverdale and enables children , University students and residents to walk and cycle without significant detours in terms of distance travel times and connectivity. A route which avoids severance effects for the Percival/Ryburn Rd community

4. SUBMISSION

Derrick & Robyn Marster's submission is:

Zoning and Structure Plan

The timeframe of 45-50 years or longer before the Ruakura Residents Group (RRG) land may be required for commercial development as shown by Tainui Group Holdings (TGH)'s own Indicative Development Timeframe chart (introduced during the Board of Inquiry (BOI) hearings) is far too long to lock up private land and block further development, particularly when it is based on a private commercial companies estimate on the growth of their project.

The Waikato Regional Council commissioned Berl peer review of TGH's Inland Port project (page 26) made mention of the fact that if the full allocation of 405 hectares of land was not required, "there would be little loss in re-allocating some scheduled for later development as mixed use or another designation". Our belief is that the opposite should apply and we be left as Large Lot residential with no logistics overlay until it becomes clearer as to whether we will ever be needed.

The latest concept sketches from TGH show that the first 3 stages of development will now take place inside Area A of the 1st Land Development Plan which is a significant change and downsizing from the concept maps introduced during the BOI hearings. There has also been indications from TGH that the Bio-Security concept of a bonded area of Customs, Quarantine and accredited Export Container loading facilities has been put on hold for the foreseeable future and may never develop.

Added to this is the business model TGH intend using, that their logistic and industrial sites will only be offered as leasehold and no land will be offered as freehold, which we believe will also slow uptake. Many large commercial entities want to retain control of their future and are reluctant to enter into leasehold agreements. All of which we believe indicates that TGH acknowledge that the uptake of logistic sites and therefore development may be slower and longer than their earlier estimates.

Even Council acknowledges that there is a high level of uncertainty regarding commercial uptake and the development timeframe, so potentially it could be longer before our area is needed. The 45-50 year state of transition coupled with a deferred logistics overlay is a planning blight that can only ever provide uncertainty for the Percival/Ryburn Rd residents and will have significant implications on the value of their properties, their decisions on whether to invest in improvements or maintenance to their properties and their ability to on sell in the future.

Under Section 85 of the RMA it states that Council cannot render land incapable of reasonable use and we maintain that retaining reference to future logistics zoning of the land and limiting subdivision for an undetermined time has the potential to render the land incapable of reasonable residential use from a valuation perspective.

Large Lot Residential Zone – Subdivision control

Most of these properties were bought by their current owners when the land was under Waikato District Council's jurisdiction and had an expectation that as Hamilton City grew there would be an opportunity to further subdivide their respective properties and thereby help provide an income for their retirement. In light of the timeframe mentioned above, surely that still remains a fundamental right of all land owners.

We do not believe we are unreasonable with our request to be able to subdivide down to 2,500m² which is already allowed in other parts of the Ruakura Structure zone (namely LLR zoning on SH26,) which was originally designated as industrial in the Ruakura Structure Zone and therefore part of the 405 hectares set aside by the Waikato Regional Council (WRC) for future industrial use. They were set aside from that designation and we ask that we be treated in a similar manner.

Interface controls

We ask that controls be put in place to ensure that the interface areas down Percival Rd are not used for vehicle parking.

Heavy vehicle access to logistic sites

The logistic and industrial sites down Percival and Ryburn Rds will potentially be operating 24 hours a day, 7 days a week all year round. Heavy vehicles with their gear changing, engine noise, vibrations and headlight sweep as they turn in or out of sites will disrupt the sleep patterns of residents and destroy the existing residential ambient noise environment and the living standards we currently enjoy.

We submit that Section 7 of the RMA states that decision makers must have particular regard to the maintenance and enhancement of amenity values.

Access

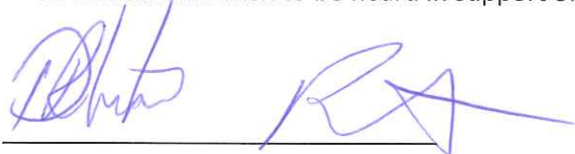
The Board of Inquiry (BOI) into the Proposed Ruakura Development Plan Change in its Final Report and Decision saw continued access as a significant issue in terms of effect on the Ruakura/Ryburn Rd residents. While acknowledging that they did not have the jurisdiction to make any decisions they set out three principals to be adhered (to the extent possible)

- 1 A route that provides for travel in the general direction of Hillcrest and Silverdale without significant detours in terms of distance, travel times or connectivity.
- 2 A route which enables use of alternative modes of transport (particularly walking and cycling)
- 3 A route which avoids severance effects for the Percival/Ryburn Rd community.

We support those recommendations, particularly as the proposed Spine Rd that is envisioned to be our long term access to Wairere Drive is so costly that it is doubtful whether the triggers that would justify its construction will ever be met and it will ever be built.

5. HEARING

I Derrick Marsters wish to be heard in support of this submission.



Date: 18 December 2015

Derrick & Robyn Marsters

6. ADDRESS FOR SERVICE

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