

Submission on Ruakura Variation to the Proposed Hamilton District Plan

Clause 5 of Schedule 1, Resource Management Act 1991

Ruakura Residents Group - Submission

To: Hamilton City Council

1. SUBMITTER DETAILS

Name of Submitter: Ruakura Residents Group

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. SUBMISSION AND RELIEF SOUGHT

Ruakura Residents Group submission is:

3.1 INTRODUCTION

The Submitters' Land is located immediately north of the proposed Inter-Modal Freight Terminal (IMT) on the northern side of the East Coast Main Trunk Railway (ECMT) and Ryburn Road.

The majority of the properties which comprise the Submitters' Land are currently utilised as rural residential properties or 'lifestyle blocks'. A handful of the sites are vacant sections. Properties are generally well maintained flat sections, with high quality dwellings, accessory buildings, swimming pools and landscaped gardens. Properties typically experience a high level of amenity attributed to the green open outlook, favourable northerly aspect, spacious and well-kept sites, quiet peaceful neighbourhood, and lack of through-traffic on Ryburn Road, Brighton Grove and Percival Road (which are no-exit roads). It is noted that Percival Road, Brighton Grove and Ryburn Road rely solely on Ruakura Road for access to the wider Hamilton area.

In terms of the surrounding area, the ECMT (freight only) runs in an east-west direction along the southern side of Ryburn Road. The proposed Waikato Expressway (WEX) route alignment runs in a north-south direction immediately east of the Submitter's Land. It is understood that the construction of the Hamilton section of the four-lane highway is planned to commence in late 2016. The University of Waikato (University) is located approximately 1km southwest. Ruakura AgResearch is located 800m west of the subject land. The area is predominantly rural in character and is principally used for dairy farming purposes.

The Submitters' Land is located within the Hamilton City Council's (HCC) wider Ruakura Structure Plan (Structure Plan) area which encompasses approximately 800ha of land at the eastern extremity of the HCC jurisdiction and west of the proposed WEX.

The Submitters' Land was formerly located within the Waikato District Council jurisdiction. This land is now located within the HCC jurisdiction, however, is still subject to the provisions of the Waikato District Plan (Operative Plan). Under the Operative Plan, the Submitter's Land is zoned Country Living. The Country Living zone provides for low density living within rural areas with the rules aimed at achieving a high standard of amenity.

Residential living is provided for as a permitted activity. Subdivision of sites to a minimum area of 0.5ha is also allowed as of right. Land to the east of the Submitter's Land is also zoned Country Living, with land to the north, south and west zoned Rural.

The Submitter's Land and Plan Change area is also subject to the provisions of the Ruakura Variation to the Proposed Hamilton District Plan (Proposed Plan). The Ruakura Variation to the Proposed Plan has identified Large Lot Residential zoning for the Submitter's Land which is generally consistent with the Operative Plan zoning, although subdivision rights have been reduced and amenity controls have been weakened. Land to north, south and west of the Submitters' Land is proposed to be zoned Ruakura Logistics Zone (land to east will become the WEX).

In summary, the Submitters' Land is characterised by residential country lifestyle activities that are afforded a spacious and green outlook and peaceful amenity.

3.2 ZONING AND STRUCTURE PLAN APPROACH

The Submitters support the zoning of their land as Large Lot Residential zone. The Submitters also generally support Objective 4.2.10 which seeks to protect the amenity values of the Percival – Ryburn Road Large Lot Residential enclave (with amendments to policies as addressed in Sections 3.3 and 3.5 below).

However, the Submitters oppose the identification of a future "Ruakura Logistics Zone" or "employment zone" for their land as shown on Figure 2-14 and set out within Chapters 3 (Structure Plans) and 4 (Residential Zones) of the Proposed District Plan for the following reasons:

- a) The Ruakura Structure Plan shows the long term vision for land use development in the area, and indicates that the Submitters' land will be zoned Ruakura Logistics Zone. This is supported by the objectives, policies, and supporting explanations in Chapters 3 and 4 which set out that the subject land will be temporarily zoned LLR (for the duration of the current plan), and eventually be zoned Ruakura Logistics zone in future district plans or through a plan change process (refer to Clause 4.1.4; Objective 4.2.11 and Policy 4.2.11a). However, the section 32 report provides insufficient analysis of the viability of a future industrial zoning for the Submitters' land to justify identifying this within the current District Plan. Any potential future rezoning of the Submitters' should be subject to full section 32 analysis at that time, and should not be pre-empted by the current District Plan without sufficient analysis. In the future, the land may not be considered or assessed as being appropriate for non-residential use. It is therefore inappropriate for a 'potential' future land use to form the basis of statutory provisions in the current District Plan which has a 10 year timeframe. In particular, Policy 4.2.11a states that a Logistics zoning would apply *when* there is sufficient information and certainty about the timing and need for this zoning. It is not guaranteed that the rezoning of the land from residential to logistics will ever be justified by section 32

analysis. This policy is therefore inappropriate to be included as part of the current District Plan.

- b) Further, the 'pre-empting' of a potential zone change provides uncertainty for the Submitters and has significant implications on the ongoing use and enjoyment of their properties. The future development potential of their properties is also adversely affected when compared to the Operative zone provisions. Furthermore, the ability to on-sell their properties at current market value is potentially significantly compromised. The section 32 report discusses potential effects on market value of the Submitters' property through rezoning *adjacent* land to industrial (at Section 6.5.6.5), however does not consider the value implications of indicating the future rezoning of the land to Ruakura Logistics Zone. Further, the indication that the land will be zoned to logistics in the future prevents residents from being able to invest in improving the value of their sections (e.g. through renovations, addition of swimming pools).
- c) The section 32 report identifies that the Regional Policy Statement (RPS) provides an allocation for industrial growth in the Ruakura Area, with 405 hectares to be provided over the period 2010 – 2061. This is a long term vision for the area, and may be reviewed in future iterations of the RPS depending on economic factors and the spatial growth of Hamilton City over time (as specifically provided for by RPS Policies). The District Plan is required to be reviewed in ten years (2025), by which time there may be more appropriate, alternative locations for industrial growth. Given the difference in time frames of the statutory documents, there is no requirement to give full effect to the RPS in the current District Plan by signalling future industrial use of the Submitters' land.

In summary, the section 32 analysis does not sufficiently analyse the costs and benefits of indicating a future logistics zoning for the submitters' site at this time.

Relief sought:

The Submitters seek the following relief:

- Remove any reference to future zoning of the land for logistics / employment purposes within the Proposed District Plan text, in particular (but not limited to), at Rule 3.7.1.6(b), Objective 4.2.11 and supporting policy 4.2.11a.
- Amend the Ruakura Structure Plan at Figure 2-14 to identify the subject land as Large Lot Residential zone.

3.3 USE OF LAND

As stated above, the Submitters support the Large Lot Residential zoning of their land, and oppose any indication in the District Plan that the land will be rezoned to Ruakura Logistics Zone (or another employment zone) in the future. The standard Large Lot Residential zone provisions should therefore apply to this land, consistent with other areas zoned Large Lot Residential throughout Hamilton City. The reasons outlined in Section 3.2 above apply. In particular, there is no justification in the section 32 report for preventing subdivision of this land. The reasons given in the section 32 report for the 5,000m² minimum lot size (compared with 2,500m² for the rest of the Large Lot Residential Zone) is that this provides an appropriate balance between enabling ongoing residential use of this land (consistent with the Operative District Plan provisions, which also provide for a 5,000m² minimum lot size) without enabling significant further fragmentation of the land in advance of rezoning to Ruakura Logistics zone (refer Section 6.5.6.6 of the section 32 report). As there is currently no justification for rezoning the land to Ruakura Logistics zone, other than a high-level and long term vision for the area as expressed in the RPS, there should be no additional restriction of subdivision beyond what is enabled in the standard Large Lot Residential zone.

Relief sought

- Amend the minimum lot size in Chapter 23 Subdivision for the Large Lot Residential – Percival – Ryburn Road, Ruakura Structure plan area from 5,000m² to 2,500m².

3.4 ACCESS

As addressed through the Ruakura Plan Change process (heard by the Board of Inquiry), development of the land to the south of the Submitters' sites relies on partial closure of Ruakura Road between the Spine Road and the Waikato Expressway (WEX). The Submitters generally support Objective 3.7.2.4 and its supporting policies, in particular Policy 3.7.2.4(d) which set out principles for providing an alternative access, including avoiding severance effects for the Percival / Ryburn Road community.

However, there is no clear requirement or trigger in the proposed Ruakura Variation to provide alternative access to properties within the Submitters' land. There should be a rule in Chapter 10 (Ruakura Logistics Zone) that requires an alternative access to be provided to this land prior to the closure of Ruakura Road.

To provide certainty to the Submitters', and ensure appropriate connectivity is retained for the Ruakura Residents, an alternative alignment of access should be shown on Figure 2-15 A Ruakura Strategic Infrastructure – Transport. The current Indicative Collector Road location does not provide for efficient access for the residents to community facilities such as school, and access to sport and other community services and infrastructure that are located south of the Submitters land. This is particularly as the Submitters' have received advice that the traffic thresholds for construction of the bridge on the southern spine road, over the East Coast Main Trunk Railway (as set out in Rule 3.7.3.3.2(a)(ii)) are unlikely to ever be triggered. The proposed road layout, and lack of certainty about when an alternative access will be provided, may generate significant transport efficiency and social cohesion effects.

In addition to visual amenity effects that can be managed through the provision of landscape buffers (addressed in Section 3.5 below), managing heavy traffic movements from inland port and industrial activities is also essential to protect the amenity values of the Ruakura residential area (as sought by Objective 4.2.10). Although the District Plan itself cannot prevent heavy vehicles from utilising Percival Road (e.g. through a rule), this could be achieved through requiring a traffic management plan as part of the Land Development Plan assessment process to minimise amenity effects on the residential area. This should be supported by amendments to the policies to give explicit recognition of the potential for traffic movements to adversely affect residential amenity values.

Relief sought

- Amend Figure 2-15 A Ruakura Strategic Infrastructure – Transport to provide a more direct indicative link between the residents land and Ruakura Road to the south.
- Provide a supporting method (rule trigger) to Objective 3.7.2.4 and its supporting policies in Chapter 3 by requiring appropriate alternative access (in accordance with the amended Figure 2-15 A) to be provided to the Ruakura Residents prior to closure of Ruakura Road.
- Review the traffic generation thresholds in Rule 3.7.3.3.2(a)(ii) to ensure the southern spine road connection between the residents land and Ruakura Road will be provided.
- Amend policies 4.2.10b, 10.2.3(a)(iv) and 11.2.3(a)(iii) to specifically identify the need to avoid heavy vehicle movements on Percival Road to manage effects on residential amenity values;
- Amend the Land Development Plan assessment criteria to require consideration of heavy vehicle routes and the consequential potential effects on residential amenity.

3.5 LANDSCAPING

As stated in Section 3.2 above, the Submitters generally support Objective 4.2.10 and supporting Policies 4.2.10a-e which seek to protect the amenity values of the Percival – Ryburn Road Large Lot Residential enclave, while providing for the urbanisation of the balance area consistent with the vision for the Ruakura Structure Plan Area. One method of protecting residential amenity values while enabling development of adjacent land for industrial purposes is to provide adequate landscape buffers. The Board of Inquiry decision on the Ruakura Plan Change requires provision of a landscape buffer area south of Ryburn Road, and this is shown on Figure 2-17. The Submitters support the inclusion of this figure and the supporting assessment requirements for Land Development Plans in Rule 1.2.2.25(n). However, this buffer should not be restricted to sub-area A (as shown on Figure 2-16), but should also include sub area E, sub-area P (to the west of the Submitters' land) and sub-area F (to the north of the Submitters' land, zoned Ruakura Industrial Park Zone).

The section 32 report addresses interface controls in Rule 6.5.6.7. The Council obtained advice from Isthmus Group who confirmed that a landscape buffer should apply adjacent to the Percival Road reserve; that the buffer be 20 metres wide, with a further 10 metre setback for buildings on the neighbouring site; and that the planting should incorporate the existing trees, understory planting and an evergreen hedge to 12 metres. This buffer area is shown on Figure 2-14 Ruakura Structure Plan – Land Use, and is required by Policies 4.2.10d-e, Rule 10.5.4 and Rule 11.5.3. The Submitters strongly support these provisions as they will provide for the protection of residential amenity. However, minor amendments to the wording of provisions are required to ensure the rules are clear and enforceable. In particular, refer to sub-area B should be replaced with sub-areas P and F to match Figure 2-16 Ruakura Land Development Plan Areas. Further, qualitative assessment of the proposed landscaping for these sub-areas should be undertaken as part of the Land Development Plan process, as is required for the buffer area for the land south of Ryburn Road.

Carparking and access can have visual and acoustic amenity effects on the residential area. To achieve the purpose of the buffer area, and Objective 4.2.10 to avoid, remedy or mitigate effects on residential amenity and achieve, the buffer area should not be utilised for carparking or access to industrial or inland port activities.

Relief sought

- Retain the Percival Road landscape buffer (“Residential Enclave Buffer Area) shown on Figure 2-12 Ruakura Structure Plan – Land Use.
- Extend the landscape buffer shown on Figure 2-17 for the full length of the south of Ryburn Road, including Land Development Plan Area E as well as Area A.
- Review the wording of Policies 4.2.10d-e, Rule 10.5.4 and Rule 11.5.3 to ensure they are effective and clear, including referencing the correct Land Development sub-areas shown on Figure 2-16 and requiring ongoing maintenance as well as establishment;
- Add an additional clause to Rule 10.5.4 and Rule 11.5.3 restricting any carparking and access within the buffer area;
- Amend the Land Development Plan criteria at 1.2.2.25(n)(iv) to require details of the Landscape Buffer Areas for the sub-areas adjoining Percival Road as shown on Figure 2-14 (sub-areas P and F) in addition to the inland port area south of Ryburn Road (as shown on Figure 2-17), to enable a qualitative analysis. These criteria should also be amended to clearly set out the purpose of the buffer in achieving objective 4.2.10 (protecting the amenity values of the Large Lot Residential enclave). The criteria should also require that the landscaping buffer is comprehensively designed and maintained, including the acoustic barrier required by Rule 25.8.3.13(d);
- Amend the building setback rules in Chapters 10 and 11 to require a 30m building setback from the Percival Road frontage, to complement the landscape buffer rule.

3.6 NOISE AND VIBRATION

In addition to visual amenity effects that can be managed through the provision of landscape buffers (addressed in Section 3.5 above), managing noise and vibration from inland port and industrial activities is also essential to protect the amenity values of the Ruakura residential area (as sought by Objective 4.2.10). This should be recognised in the policies supporting objectives relating to the protection of amenity values in the Ruakura residents area. Further, infringements to permitted noise levels should be subject to the normal tests for notification, so that the residents can be involved in the process should they be adversely affected by the infringement.

Relief sought

- Amend policies 4.2.10b, 10.2.3(a)(iv) and 11.2.3(a)(iii) to specifically identify the need to avoid, minimise or mitigate noise and vibration amenity effects on the residential environment;
- Ensure that noise and vibration infringements are subject to the normal tests for notification.

3.7 COMMUNITY LIAISON COMMITTEE

The Submitters support the inclusion of provisions in the Ruakura Variation relating to establishment of a Community Liaison Committee, consistent with the Board of Inquiry decision of the Ruakura Plan Change. As stated in Section 6.5.6.8 of the Section 32 report, the committee provides an efficient and effective mechanism for the proactive management of the effects of inland port operations on the neighbouring residential land. It is therefore appropriate to extend this mechanism beyond the land subject to the Plan Change (i.e. south of Ryburn Road), to the land west and north of Percival Road.

Amendments to the provisions relating to the Community Liaison Committee are sought to strengthen the requirement for the committee to be established, and to require it to also apply to the Ruakura Industrial Park Zone land north of Percival Road (i.e. Land Management Area F on Figure 2-16).

Relief sought

- Amend policy 10.2.3(a)(vi) to require (rather than provide) for the establishment of a Community Liaison Committee. This will strengthen the support for Rule 10.5.1.
- Add a new policy 11.2.3(a)(iv) to also require the establishment of a Community Liaison Committee for the land zoned Ruakura Industrial Park Zone north of Percival Road (Land Development Plan Area F as shown on Figure 2-16) and add a new supporting rule similar to Rule 10.5.1 in the Ruakura Industrial Park Zone.

4. HEARING

The submitters seek the relief set out in Section 3 above, and any other relief or other consequential amendment as are considered appropriate or necessary to address the concerns set out above, or to improve clarity and consistency throughout the Proposed District Plan.

Ruakura Residents Group wish to be heard in support of this submission.



Date: 18 December 2015

Nick Roberts, Barker & Associates Ltd

(Person authorised to sign on behalf of submitter)

5. ADDRESS FOR SERVICE

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