

EVIDENCE ON THE RUAKURA VARIATION

IN THE MATTER of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER of the Ruakura Variation to the Proposed Hamilton District Plan

AND A submission by William Roy Cowie & the Ruakura Residents Group

STATEMENT OF EVIDENCE BY NICHOLAS JON ROBERTS ON BEHALF OF WILLIAM ROY COWIE & THE RUAKURA RESIDENTS GROUP

DATED: 18 JULY 2016

1. INTRODUCTION

- 1.1 My full name is Nicholas Jon Roberts and I am a qualified resource management planner and director of Barker & Associates Limited, an independent planning consultancy based in Auckland.
- 1.2 I hold the Degree of a Bachelor of Planning from the University of Auckland and I am a full member of the New Zealand Planning Institute. I have 22 years' experience covering a wide range of land use planning matters on behalf of local authorities and private organisations in New Zealand. I am a member of the Auckland Council Urban Design Panel and the Auckland Council Unitary Plan Technical Advisory Panel. I am the recipient of the Nancy Northcroft Supreme Planning Award (2009).
- 1.3 I have been engaged by William Roy Cowie (on his own behalf) and the Ruakura Residents Group (together, collectively referred to as the '**Ruakura Residents**') who collectively own or have an interest in

approximately 35ha of land immediately north of the proposed Inter Modal Terminal (**IMT**). The Ruakura Residents have asked me to provide planning advice with respect to the impacts of the Ruakura Variation to the Proposed Hamilton District Plan (**Ruakura Variation**) on the Ruakura Residents' land. The Ruakura Residents' land is marked on the plan attached as **Annexure 1**.

- 1.4 In summary, the Ruakura Residents enjoy and wish to maintain their rural residential lifestyle. They are prepared to accept the integrated rezoning of land surrounding them as long as it does not necessitate any changes to the zoning of their land and is the subject of suitable interface controls to maintain their amenity. As a minimum, they consider that the Ruakura Residents' land should be subject to appropriate interface controls.
- 1.5 I have read the Ruakura Variation documents and the s42A report as relevant to the Ruakura Residents' interests and I am familiar with the issues involved. I have visited the Ruakura Residents' land on a number of occasions.
- 1.6 I have extensive planning experience in the Waikato Region and across New Zealand. Of relevance, this includes:
 - a) The presentation of Environment Court evidence in 2002 in relation to the Hamilton District Plan retail provisions on behalf of Kiwi Income Property Trust and Kiwi Property Holdings Limited.
 - b) Involvement in the Wellington Regional Policy Statement, the Auckland Regional Policy Statement and the PRPS in relation to the built form and commercial related provisions.
 - c) Preparation of submissions and evidence in relation to the Hamilton Urban Growth Strategy and the Future Proof Strategy (**Future Proof**).
 - d) Preparation and involvement in the City Centre and Residential Zone sections of the Auckland Unitary Plan in behalf of Auckland Council.
 - e) Preparation of submissions and evidence in relation to the HCPDP.

- 1.7 I consider that my background experience and knowledge of planning issues within the Waikato Region gives me a sound appreciation of the needs of the region and the ability to comment on the Ruakura Variation.
- 1.8 I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I agree to comply with that Code. Other than where I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. SCOPE OF EVIDENCE

- 2.1 My evidence is structured as follows:
- a) *Ruakura Residents – Context:* Provides a description and context of the Ruakura Residents Group and their land in relation to the Ruakura Variation;
 - b) *Planning Evaluation:*
 - Urban design, form and amenity
 - Transportation and Social Cohesion
 - Zoning
 - c) *Conclusions.*

3. RUAKURA RESIDENTS - CONTEXT

- 3.1 The Ruakura Residents' land is located immediately north of the proposed IMT on the northern side of the East Coast Main Trunk Railway (ECMT) and Ryburn Road (refer to map at **Annexure 1**).
- 3.2 The majority of the properties which comprise the Ruakura Residents' 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 currently 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 all 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.

- 3.3 In terms of the surrounding area, the ECMT (freight only) runs in an east-west direction along the southern side of Ryburn Road. The designated WEX route alignment runs in a north-south direction immediately east of the Ruakura Residents' land. It is understood that the construction of this section of the four-lane highway is planned to commence within the next five years. The University of Waikato (University) is located approximately 1km southwest of the Ruakura Residents' land. Ruakura AgResearch is located 800m west of the subject land. The immediate area is predominantly rural in character and is principally used for dairy farming purposes.
- 3.4 The Ruakura Variation has identified Large Lot Residential zoning for the Ruakura Residents' land which is generally consistent with the Operative Plan zoning, although subdivision rights have been reduced and amenity controls have been weakened. Land to the south and west of the Ruakura Residents' land is proposed to be zoned Ruakura Logistics Zone. Land to the north is proposed to be zoned Ruakura Industrial Park Zone, and land to east will become the WEX.
- 3.5 In summary, the Ruakura Residents' land is characterised by residential country lifestyle activities that are afforded a spacious and green outlook and rural-residential character and amenity. This sets out the context for assessing the potential effects of the Ruakura Variation on the submitters.

4. PLANNING EVALUATION

Urban Form, Design and Amenity

Introduction

- 4.1 An assessment of potential effects of the Ruakura Variation on urban form and design requires understanding of the context of the site and the wider area, and the strategic planning documents which guide future development. I consider that matters of amenity are intrinsically related to urban form and design, and therefore consider amenity effects in this section.
- 4.2 Amongst other matters, urban form is concerned with managing the interface between different types of activities to ensure quality of life for residential areas, and to provide for the reasonable operation of activities which contribute to economic wellbeing (including industrial activities). Despite no reference to 'zones' in the Resource Management Act 1991, zones have persisted as an appropriate way to direct different types of activities into different areas in order to manage the interface between sensitive activities and activities which necessarily generate adverse effects.
- 4.3 A greenfields urban development of the scale and topography as contained within the land subject to the Ruakura Variation provides a significant opportunity to ensure the urban form achieves the integrated and sustainable management of land and resources. The structure plan approach allows a comprehensive approach to be taken to avoid ad-hoc development which detracts from quality urban form.

Strategic documents

- 4.4 In my view, it is essential to understand the planning policy context when assessing urban form and amenity issues. There are a number of key strategic documents which provide a clear direction on the intended urban form, design and amenity within Ruakura and the wider Hamilton area. These are summarised as follows.

- 4.5 **RMA:** The consideration of effects of a Plan Variation is required to have regard to Part 2 of the RMA, including enabling people and communities to provide for their social and economic wellbeing. Amenity values are defined in the Act as: “*means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”. Section 7 requires particular regard be given to the maintenance and enhancement of amenity values. Section 31(d) which requires territorial authorities to control the emission of noise and the mitigation of the effects of noise is also a relevant amenity consideration.
- 4.6 **PRPS:** Objective 3.11 and supporting policies sets out the overarching policy direction for development of the built environment. It states that development and associated land use occurs in an integrated, sustainable and planned manner which provides for positive environmental, social, cultural and economic outcomes. With regard to urban form, clause (e) seeks to minimise land use conflicts. Section 6A of the PRPS sets out general development principles. Key requirements in relation to urban form include that new development should connect well with existing development (6A(d)); and not result in incompatible adjacent land uses, such as with respect to industry, rural activities and existing or planned infrastructure (6A(l))¹.
- 4.7 **PDP:** The overall strategic framework is provided in Chapter 2 of the PDP. With respect to urban design, Objective 2.2.3 seeks to promote safe, sustainable, high-quality urban environments that respond positively to their local context. This is to be achieved through responding to best practice urban design and sustainable development principles (Policy 2.2.3a). The PDP has specific objectives and policies for structure plan areas. Development should be in general accordance with the relevant Structure Plan (Policy 3.3.1a). It seeks to ensure compatible buildings and activities through managing adverse effects near zone boundaries (including through setbacks, building design and landscaping) (Objective 3.3.5, Policy 3.3.5a). With specific regard to the Ruakura area, objective 10.2.1 seeks to enable Industrial land uses to establish within the Ruakura Logistics Zone in an efficient and effective manner.

¹ The relevant provisions are attached as Annexure 6 to this evidence.

- 4.8 **Hamilton Urban Growth Strategy:** The strategy signals the intended industrial and commercial development in Ruakura, however, does not provide any specific guidance as to the form, design or amenity objectives for this area.
- 4.9 **Future Proof:** Section 8.15.3 of the Future Proof strategic document sets out Key Approaches for development. The first bullet point states that low-impact urban design and development principles shall be an integral part of the design and development of new sites.
- 4.10 The key common themes from the above strategic documents are:
- a) Promote high-quality urban environment, including through providing for positive outcomes from development; and by maintaining and enhancing amenity values;
 - b) Minimise land use conflicts, including through mechanisms such as separating residential activities from business and industrial activities, building design and landscaping;
 - c) Enable efficient and effective development of Industrial land uses in appropriate locations;
 - d) Ensure an integrated infrastructure and transportation network (NB: this is addressed in other sections of my evidence).
- 4.11 Overall, I consider that the strategic planning documents have an aspiration for a high quality urban environment. This requires more than simply avoiding significant adverse amenity effects. It also requires an integrated approach to ensuring positive urban form and design outcomes. The above themes are considered in my assessment of the Ruakura Variation in the following section.

Submission request

- 4.12 In relation to urban form, design and amenity, the Ruakura Residents seek the following:

Submission request	S42A response
<p>Amenity effects from transportation:</p> <p>a) Amend policies to specifically identify the need to avoid heavy vehicle movements on Percival Road to manage effects on residential amenity values;</p> <p>b) Amend the Land Development Plan assessment criteria to require consideration of heavy vehicle routes and the consequential potential effects on residential amenity.</p>	<p>Add a new policy in the Objectives and Policies section of 3.7.2, after 3.7.2.4d:</p> <p><i>There will be no direct connection to properties in the Ruakura Logistics Zone (Land Development Plan Area P) and the Ruakura Industrial Park Zone (Land Development Plan Area F) from the currently formed Percival and Ryburn Roads.</i></p> <p>The policy supports a new proposed rule in the Activity Status Table (Rule 10.3 and Rule 11.3) to make such a road connection a non-complying activity.</p>
<p>Amenity effects from buildings and landscaping:</p> <p>a) Extend the landscape buffer shown on Figure 2-17 for the full length of the zone boundary south of Ryburn Road, including Land Development Plan Area E as well as Area A.</p> <p>b) Require ongoing maintenance as well as establishment of landscaping;</p>	<p>The extent of the landscape buffer on Figure 2-17 only refers to Area A, and not Area E.</p> <p>Council has proposed to enable the landscape buffer from Percival Road (for both the Stage 3 Logistics Zone, and Industrial Park zone) to be reduced from 20m to 10m.</p> <p>A new clause is proposed restricting vehicle access or carparking from the Percival Road landscape buffer.</p>

Submission request	S42A response
<p>c) Restrict any carparking and access within the buffer areas;</p> <p>d) Amend the Land Development Plan criteria to enable a qualitative analysis of the landscaping proposed, including incorporating the acoustic screen adjacent to Ryburn Road.</p> <p>e) 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.</p>	<p>Establishment and maintenance of planting is a requirement of the Landscape Concept and Ecological Enhancement Plan required with each Land Development Plan application (Appendix 1, Rule 1.2.2.25).</p> <p>The requirements for the Landscape Concept Plan now provide a direct cross-reference to the Landscape Buffer Area rule. However, it does not require consideration of incorporating the acoustic buffer.</p> <p>Council proposes to amend the building setback rule in the Logistics zone (10.4.6) to provide a cross-reference to the landscape buffer rule, for clarity. However, the overall building setback from the Percival Road frontage is now proposed to be only 20m, instead of 30m.</p>
<p>Amenity effects from noise and vibration:</p> <p>a) Amend policies to specifically identify the need to avoid, minimise or mitigate noise and vibration amenity effects on the residential environment;</p>	<p>Policy 25.8.2.1a protects amenity values of noise-sensitive activities.</p> <p>Infringements of up to an additional 5dBA (i.e. up to 45dBA) between 2300 and 0700 hours I continued to be a non-notified RDA (Rule 25.8.3.14).</p>

Submission request	S42A response
b) Ensure that noise and vibration infringements are subject to the normal tests for notification.	

4.13 The key outstanding areas of disagreement between the submitters and Hamilton City Council are therefore:

- a) The reduction in the landscape buffer from 20m +10m building setback, to only 10m + 10m;
- b) The extent of the landscape buffer is only shown along Area A, not the full length of Ryburn Road, on Figure 2-14;
- c) The criteria for assessing the landscape concept plan does not explicitly require any proposed acoustic wall to be integrated into the landscaping plan;
- d) Minor nighttime noise infringements are not subject to notification.

Assessment

4.14 My assessment is focused on the potential urban form, design and amenity effects on the Ruakura Residents Group locality, as described in Section 4 of my evidence. The assessment is based on effects on the ‘environment’ of the Ruakura Residents Group locality. This is necessarily the existing rural-residential environment, as this is both what is existing, and what the currently proposed zone in the PDP allows for. Although a long term intention has been expressed in the Ruakura structure plan for this land to be rezoned to logistics (or similar), the certainty and timing of any rezoning of the Ruakura Residents land from rural-residential to commercial use is speculative and therefore cannot be considered to constitute the ‘environment’ as defined under the RMA. The Ruakura Residents are opposed to such a rezoning and consider that their rural residential land should be retained for residential activity in the long term.

- 4.15 In assessing amenity values, it is important to note that amenity is more than just visual perception. An integrated approach to assessing amenity effects (which includes noise, visual, landscape, safety, and social cohesion amongst other characteristics) is required to gain an understanding about how a project will fundamentally affect a sense of place. Even if adverse effects on each aspect of amenity are assessed as being minor, a cumulative approach may result in significant adverse effects. This is addressed in the following sections.

Visual amenity

- 4.16 The proposed Inland Port Area (IPA) to the south of Ruakura Road will enable a number of structures (including buildings and container stacks), and other visual elements associated with operations (including large machinery/equipment. An acoustic fence may also be erected to achieve compliance with the required noise limits, however the location, height and design of this fence is not yet known.
- 4.17 This development will fundamentally change the visual characteristics of the area from rural to a working port. Visual amenity gained from open, spacious rural living environments within the Ruakura Residents' area is very likely to be adversely affected, as discussed further below.
- 4.18 Development of land within the Ruakura Logistics Zone to the west of the Ruakura Residents' area, and within the Ruakura Industrial Park Zone to the north, will also potentially generate significant visual amenity effects.
- 4.19 In my view, and based on the conclusions of the Board of Inquiry, structural planting of 20m in width and height limits (20m building height and 12m container height limit within 100m from southern side of Ryburn Road) as proposed at the north of the IPA (south of Ryman Road), is the minimum required to maintain a reasonable level of visual amenity for the enclave residents. This should be extended along the full length of Ryburn Road on Figure 2-17 to achieve the purpose of the control.
- 4.20 I understand that Council have proposed to reduce the notified proposed width of Percival Road buffer landscaping (Stage Three Ruakura Logistics Zone development – North of East Coast Main Trunk railway, and within the Ruakura Industrial Park zone) on the basis of Gavin Lister's evidence,

which suggests that 10m may be appropriate if the plane trees are retained (with gaps 'plugged' by additional trees), a dense evergreen hedge planted, and an informal band of indigenous vegetation provided. In my view, the 20m minimum width should be retained in the rule as a "permitted baseline". Reductions in the width down to 10m, as suggested by Mr Lister as potentially being acceptable, should be assessed at the application stage, based on the quality of landscaping proposed.

- 4.21 I support the additional control proposed to the Stage 3 landscape buffer rule, which excludes access and carparking from being provided within the landscape buffer area to the west of Percival Road. This will ensure that the buffer area is focused on providing visual amenity and a "green" area between the Ruakura Residents Land and the Ruakura Logistics Zone to the west. This same requirement should also apply to the corresponding rule within the Ruakura Industrial Park Zone.
- 4.22 The quality, as well as the width of the landscape buffers (along both Percival Road and Ryburn Road alignments), is important to achieve the visual amenity objectives. The provisions in the Ruakura Variation enable assessment of the quality of the planting at each stage of development, through the Land Development Plan information requirements. Retention of these criteria in addition to the rule itself is essential to ensure the relevant objectives (including Objective 4.2.10 and supporting policies 4.2.10(a)-(e), which seek to protect the amenity values of the residents) will be achieved. I consider that to ensure an integrated approach to assessing the visual amenity effects on the Ruakura Residents, that the landscape concept plan should also explicitly require details of any acoustic fences. This will enable the appropriateness of the proposed planting to be assessed in the context of any structures.
- 4.23 Based on retention of the objective, policies, rules and assessment criteria relating to visual amenity and the landscape buffer as set out in the s42A report, and the minor amendments sought by the Ruakura submitters, I consider that the key objectives of the planning framework in relation to visual amenity for the Ruakura Residents can be achieved.

Acoustic amenity

- 4.24 As described above, control of noise and the mitigation of noise effects is a territorial authority function under the RMA. Importantly, I consider that noise effects should be assessed in the context of amenity values. Both the magnitude and the characteristics of noise generation can affect amenity values for the Ruakura residents. Policy 25.8.2.1a seeks to protect the amenity values of noise-sensitive activities, including of residential activities.
- 4.25 I accept the conclusions of the Board of Enquiry in relation to the appropriate noise limits for noise generated from the Logistics Zone and received in the Large Lot zone. However, I note that infringements to the night time noise requirement are provided for as a non-notified activity. Night time acoustic amenity is essential for quality sleep and to maintain residential amenity. To ensure that Policy 25.8.2.1a is achieved, I consider that residents should have the opportunity to be involved in applications to infringe standard night time noise limits. This will enable the potential effects on their living environments to be more accurately assessed as consultation will occur with residents.
- 4.26 I support Council's proposed new planning mechanism in the Plan Variation to manage effects from heavy vehicle movements on the acoustic amenity of the Ruakura Residents. The new policy, and non-complying activity status for utilising residential roads for heavy vehicle access, will minimise the potential for adverse acoustic amenity effects from heavy vehicle movements.
- 4.27 *Summary:* Based on the above assessment, I consider that a mechanism to manage acoustic amenity effects from heavy vehicles is appropriate to achieve the key planning objectives relating to urban form and amenity. I consider that infringements to night time noise limits should be subject to the normal tests for notification.

Overall amenity assessment

- 4.28 The proximity of the inland port to the established residential activity clearly has the potential to generate significant adverse effects on amenity. The cumulative impact of visual effects (not just from buildings but from

container stacking, equipment, lighting, and an acoustic fence), acoustic and social effects will result in a fundamental change for Ruakura Residents from the current rural-residential amenity to a significantly detracted living environment directly across the road from a 24 hour operational port.

- 4.29 I consider that the minimum District Plan methods generally appropriate to achieve a reasonable level of amenity for the residents includes the landscape buffer controls and assessment criteria, and the noise limits for operation of the port. However, the minimum 20m landscape buffer width for Percival Road should be retained. Additional criteria would also strengthen the assessment of landscape concept plans to ensure that the purpose of the buffer is achieved, including through consideration any acoustic fencing.
- 4.30 I also consider that a non-complying activity status for roads adjacent to residential areas to be utilized as a heavy vehicle access route is appropriate to achieve the amenity objectives of the plan.

5. TRANSPORTATION & SOCIAL COHESION

- 5.1 The Ruakura Residents currently rely on Ruakura Road to access schools, places of employment, and other facilities which contribute to social cohesion and wellbeing.
- 5.2 The planning framework generally seeks to integrate land use and transportation planning. At a high level, the PRPS seeks to ensure a co-ordinated approach to growth and infrastructure (Policy 6.3). Policy 3.3.4c of the PDP seeks that movement routes shall be integrated with surrounding neighbourhoods and existing and planned transport networks.
- 5.3 Development of the Inland Port requires closure of Ruakura Road between the Spine Road and the Waikato Expressway (WEX). This will affect access arrangements for some properties on Ruakura Road and for all properties currently accessed from Percival Road, Ryburn Road and Brighton Grove.
- 5.4 The proposed diversion of access would remove the direct physical connection the residents currently have to community amenities. For example, residents will be required to take considerably longer journeys

to schooling at Newstead Model School, Berkeley Intermediate School, Hillcrest High School and Waikato University. As set out in the statement by Mr Cowie some children and students resident in the Ryburn Road / Percival Road area currently walk or cycle to school or university and this may no longer continue to be feasible.

- 5.5 The Ruakura Residents submission therefore seeks greater certainty to regarding retention of appropriate connectivity, by showing an alternative alignment of access should be shown on Figure 2-15 A Ruakura Strategic Infrastructure – Transport. The Indicative Collector Road location shown on the notified Ruakura Variation 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.
- 5.6 The s42A report seeks to address this by showing the collector road extending from Percival Roads east-west alignment to the new spine road, which will provide access for residents to the south. The Ruakura Variation provisions require that this new road must be in place before Ruakura Road is closed.
- 5.7 I support the approach taken by Council in the s42A report. This provides greater certainty to residents regarding access and staging.

6. ZONING

- 6.1 I consider the zoning of the Ruakura Residents land as Large Lot Residential zone is appropriate. This will provide for reasonable ongoing use and enjoyment of their properties, and provide for a rural-residential amenity in accordance with the relevant planning objectives as identified above. I also generally support Objective 4.2.10 which seeks to protect

the amenity values of the Percival – Ryburn Road Large Lot Residential enclave.

- 6.2 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. I concur that showing this future zoning within the current District Plan is inappropriate and unnecessary to give effect to the RPS. In the s42A report, Council continues to seek the future Logistics zoning of this land on the Structure Plan.
- 6.3 The Ruakura Structure Plan shows Council’s long term vision for land use development in the area (based on current knowledge), 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).
- 6.4 However, in my view, the section 32 report (and subsequent s42A 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 as future “Ruakura Logistics Zone” or “employment zone”. 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. At the BOI hearing TGH presented evidence showing that the RRG land was not required for development until the period between 2055 – 2061². To my knowledge, there are no other statutory planning documents that look to address the zoning of land this far into the future in New Zealand, primarily because there are so many unknowns in doing so. It is equivalent to a planning document in 1977 setting out the future zoning of land in 2016. In 39 – 45 years’ time, the land may not be considered or assessed as being appropriate for non-residential use. Further, significant (disruptive) changes in technology may mean that the demand for industrial land or the way in which we store,

² BOI Rebuttal evidence of Tony McLauchlan

transport and transact goods may be significantly different than anticipated. 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 uncertain whether 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.

- 6.5 Further, the 'pre-empting' of a potential zone change provides long - term, intergenerational, 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 discourages the maintenance and investment in properties as the future value and ability to recover investment is uncertain.
- 6.6 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, well beyond the life of the district plan, 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 6.18 *Monitoring Development in Future Proof Area* and 6.19 *Review of Future Proof Maps and Tables*). Further the method that give effect to this is not restricted to zoning or future potential zoning. 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. In the meantime, the subdivision and zoning controls on the

residents' properties does not discount a future industrial zoning, if the demand or justification ever arises. In this regard, given the difference in time frames of the statutory documents and the significant uncertainties, there is no requirement to give full effect to the RPS in the current District Plan by signaling future industrial use of the Submitters' land. The zoning and subdivision mechanisms set out in the plan provide for the appropriate management of this land resource to enable potential industrial use in the future (if demand exists) without the need to 'taint' the land with a non-statutory overlay.

6.7 In summary, in my view the section 32 analysis does not sufficiently analyze the costs and benefits of indicating a future logistics zoning for the submitters' site at this time nor the alternative or maintaining a low density rural residential zone.

6.8 I therefore consider that:

- a) 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, should be removed from the Ruakura Variation;
- b) The Ruakura Structure Plan at Figure 2-14 should be amended to identify the subject land as Large Lot Residential zone.

7. CONCLUSIONS

7.1 Overall, I consider that the proposed approach taken to the Ruakura Variation in the s42A report will generally achieve the overall thrust of Part 2 of the Act, and the supporting planning framework, with the following minor amendments:

- a) Retention of the minimum 20m landscaping buffer width for Stage 3/Percival Road;
- b) Extending the Ryburn Road landscaping buffer for the full extent of the road;

- c) Amending the Landscape Concept Plan requirements for Land Development Plans to include consideration of the placement and design of the acoustic fence;
- d) Requiring any infringements to night time noise controls to be subject to the usual tests for notification;
- e) Delete any reference within the District Plan to a future Logistics zone over the Ruakura Residents land.

7.2 I consider that the matters identified and set out in this evidence in relation to visual and acoustic amenity, and consideration of transportation and severance effects, are essential to achieve the purpose of the Act and the supporting objectives of planning framework.

DATED at Auckland this 18th day of July, 2016



Nicholas Jon Roberts
Director



Ruakura Residents Group Area
Locality Plan