

Submission on Proposed Private Plan Change 15

Clause 6 of Schedule 1 of the Resource Management Act 1991

In the Matter

of an application for Private Plan Change 15 (**PC15**) by
TGH RUAKURA INDUSTRIAL DEVELOPMENT LIMITED
to modify the Hamilton City Operative District Plan at
Tramway Block, Wairere Drive, Kirihiroa Hamilton

On behalf of

Chedworth Properties Limited

Dated 17 May 2023

Introduction

1. This is a submission on Proposed Private Plan Change 15 - Tuumata (**PC15**) by TGH Ruakura Industrial Development Limited (**TGH**) on behalf of Chedworth Properties Limited (**CPL**).
2. PC15 seeks to rezone 68ha of land at Tuumata from Ruakura Industrial Park Zone, Knowledge Zone, and Ruakura Open Space Zone to a mixture of a new Tuumata Residential Zone, Business 6 Zone, and Ruakura Open Space Zone. PC15 also seeks to apply a new Tuumata Residential Precinct over the proposed General Residential Zone land to enable specific medium-density outcomes for the PC15 Site.
3. The purpose of the proposed rezoning is to enable a new medium density residential development of up to 1,300 new houses, a new Neighbourhood Centre, and potential new school.
4. CPL is of the view that it is not in trade competition with TGH. Its submission does relate to proposed plan amendments relating to development outcomes in classes of property that CPL makes commercial return from.

5. Thus while CPL says it could not gain an advantage in trade competition through this submission, in any event it also confirms that it is directly affected by an effect of the subject matter of the submission that:
 - a. Adversely affects the environment; and
 - b. Does not relate to trade competition or the effects of trade competition.

Chedworth Properties Limited

6. CPL is a residential development company which has actively developed residential subdivisions in Hamilton for over 60 years.
7. CPL is currently developing and constructing Greenhill Park in Hamilton's northeast. Construction of Greenhill Park commenced in 2015 and has completed the development of over 600 residential sites since this time. The development spans approximately 136ha and is Hamilton's first medium-density subdivision. Greenhill Park is located in part of the Ruakura Structure Plan area and is located to the north of Ruakura. On completion, Greenhill Park will include around 1,800 residential sites, a 3500m² GFA Neighbourhood Centre (Integrated Retail Development), and approximately 14ha of industrial land.

Summary of Submission

8. Having reviewed PC15, CPL opposes the plan change application.
9. In summary CPL:
 - a. **Opposes** the proposed rezoning of land from Industrial Park to General Residential as it undermines the core outcomes, vision and masterplanning for Ruakura and will decrease available employment land in Ruakura.
 - b. **Opposes** the proposed rezoning from Industrial Park to Business 6 to provide for a new neighbourhood centre. Neighbourhood centre

areas are already provided for in the Ruakura Structure Plan. The provision of an additional centre will adversely impact the precinct hierarchy including the one Integrated Retail Development provided for in the Structure Plan and relevant DP provisions.

- c. Is **neutral** to the proposed rezoning of the Council-owned lane from Ruakura Industrial to Knowledge Zone. This is a correction to the zoning anomaly applying to the Council-owned lane adjoining the area in the south.
- d. **Opposes** the incorporation of a new precinct and structure plan for the Tuumata Residential Precinct as it will result in a reduction of employment land in Ruakura.
- e. **Opposes** the inclusion of additional rules (through the Tuumata Residential Precinct) to implement the Medium Density Residential Standards for the land proposed to be rezoned to General Residential and subject to the proposed Tuumata Residential Precinct.

Reasons for Relief Sought

10. The PC15 area is located within the operative Ruakura Structure Plan area. The Ruakura Structure Plan area provides 405ha of employment land incorporating an inland port, regional logistics hub, industrial park and other employment land.
11. The Ruakura Structure Plan also provides for a level of medium density and general residential housing areas.

Relevant Planning Framework

12. The primary use of the PC15 area is currently industrial, being the result of a private plan change Board of Inquiry (**BOI**) process undertaken jointly by TGH and CPL in 2013.

13. The BOI Decision recorded (inter alia) that:¹

A fundamental premise of the plan change is that the industrial, logistics and knowledge areas will create employment. It was contended that creating further employment opportunities on the eastern side of Hamilton will address the current imbalance that arises from a higher proportion of employment being based on the western side of the city, and the commuter traffic across the Waikato River that is the result.

14. The BOI process approved the proposed plan change which resulted in the current operative Ruakura Structure Plan being included in the Hamilton City Operative District Plan (DP). The decision to approve the plan change (relevantly):

- a. Imposed the current Ruakura Structure Plan;
- b. Rezoned the PC15 area to Industrial Park Zone; and
- c. Provided for a residential component of approximately 1,800 new houses.

15. The rationale for the location of the Ruakura industrial park areas was that the inland port and logistics area would provide incentives for industry and services to establish nearby to take advantage of transport connections, the proximity of the area to AgResearch, the University and Innovation Park and the presence of a workforce.²

16. The application of a medium density residential zoning over land primarily owned by CPL was generally located north of the established residential neighbourhood of Fairview Downs and east of Wairere Drive.

17. Structure Plans are provided for in Section 3 of the DP. The preparation of a structure plan is one of the first steps in advancing the development of new urban areas. Relevantly, structure plans illustrate various land uses and core infrastructure. Section 3.1(d) of the District Plan records that the purpose of a Structure Plan is to plan for the future in an integrated manner by:

¹ Final Report and Decision of the Board of Inquiry to the Proposed Ruakura Development Plan Change, Volume 1 at [106].

² Decision at [115].

- a. Outlining a vision for the future.
- b. Setting out where growth can be accommodated and setting out a future land use pattern.
- c. Providing for staging of development.
- d. Guiding infrastructure planning including transport corridors, Three Waters, community facilities and public open space.
- e. Identifying the financial feasibility of the development from a Council, Infrastructure provider and landowner perspective.

18. Relevantly, the Ruakura Structure Plan is incorporated into the DP by Section 3.7. The Ruakura Structure Plan has a strong employment, research, and industrial flavour which is evident from the Structure Plan's vision. Notably, the development of the Ruakura Structure Plan area and provision of employment land has been guided by various "vision" principles which include:

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

(emphasis added)

The Ruakura Structure Plan area provides for an eventual population of approximately 1800 households.

The Structure Plan 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 will 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 a future passenger transport interchange at its northern end.

The Structure Plan creates employment opportunities centred on an inland port and freight and logistics hub and is a strong economic anchor for the City and region, but does not compromise the function, viability and vibrancy of the Central City.

19. Ruakura Structure Plan Section 3.7(c) provides for an eventual population of approximately 1,800 households.

20. Section 3.7.1.6 of the Hamilton DP states:

“The Ruakura residential area 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. Residential development in the General Residential and Medium-Density Residential Zones is positioned to maximise 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 serve the surrounding catchment (see Figure 2-14 Ruakura Structure Plan – Land use (Appendix 2).”

21. Provision made for the integrated retail development follows from BOI decision paragraph [123] which records “a single neighbourhood centre is provided for in the medium density residential centre in the north, within the general location shown on Figure 25H(4). This centre may be up to 3500m² GFA and is limited to retail, cafes/restaurants, small scale offices, healthcare services, community facilities and childcare facilities”.
22. The BOI decision also directed one additional retail opportunity be provided for as set out in paragraph [125] which states “A retail centre (“the Ruakura Retail Centre”) is provided for within the Knowledge Area, which will enable up to 7000m² GFA of retail floor space and up to 3000m² GFA of other commercial uses as a permitted activity, with a cap of 9000m² GFA in total... beyond 15,000m² retail is non-complying. It is anticipated that either a supermarket or home improvement centre will form the main anchor in the first stage of this development.”
23. Section 3.7(d) of the DP reflects the above finding: “The Structure Plan 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 will 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 a future passenger transport interchange at its northern end”.

Residential Development in Ruakura

24. Development of the residential area enabled by the BOI plan change is already well underway by CPL. CPL is currently developing Greenhill Park which will

result in the construction of approximately 1,800 new residential dwellings.

25. To date, CPL has provided over 600 new residential sites in the Ruakura area, at a rate of approximately 100 sites per year. CPL is committed to providing these residential sections into the future and has already met every obligation in terms of providing places for people to live in existing residential zoned land in Ruakura. CPL's Greenhill Park development has been undertaken in a comprehensive and integrated manner which aligns with the Ruakura Structure Plan.

26. The residential development was intended to be well-serviced by the employment, research and industrial hub envisaged by the Ruakura Structure Plan.

27. PC15 significantly undermines the current planning framework for Ruakura. In particular:

- a. The residential capacity of 1,800 new houses envisaged by the Ruakura Structure Plan has already been, or will be achieved, by CPL via the development of Greenhill Park.
- b. The proposed plan change seeks to add up to 1,300 new residential sites within Ruakura which represents a 72% increase in residential zoned land under the current structure plan. This is a significant and unnecessary change, given housing is already being provided at Greenhill Park.
- c. The proposed removal of prime employment and industrial land will have negative long term effects for those people who are coming to Hamilton and specifically Ruakura to live nearby where future economic and employment activities are planned to occur.
- d. The proposed rezoning of 68ha of the 405ha of employment land in Ruakura represents a 17% reduction in employment land (which land is well located for that use). This means that people who have moved to Ruakura and Hamilton anticipating provision of local employment opportunities on the eastern side of Hamilton will

have fewer opportunities under PC15 and will face commuting and additional traffic congestion travelling to employment in the west.

- e. The economic assessment put forward by TGH fails to recognise that a neighbourhood centre will be constructed in Greenhill Park as part of that development, nor does it assess effects of the proposed rezoning by reference to that neighbourhood centre which is provided for by Section 3.7.1.6 of the DP.
- f. The proposed Greenhill Park neighbourhood centre is currently going through detailed design and will include a small supermarket, a childcare centre, a bar/restaurant, office and retail spaces, and a medical centre.
- g. A further retail centre in Ruakura is already provided for in the Knowledge Zone meaning these activities are catered for also.

28. Overall, CPL submits that proposed plan change undermines the master planning of not only the Ruakura Structure Plan area, but also Hamilton as a whole.

29. If there is to be any amendment to Plan provisions applying to the land subject to the plan change, CPL submits that should be limited to enabling activities that are not already being sufficiently provided for within the Structure Plan area, and which will benefit entire communities, such as a primary school which would service the Ruakura area.

Effects of PC15

30. In addition to undermining the established planning framework, the changes enabled by PC15 will have significant adverse effects on:

- a. Traffic congestion - particularly from 5th Ave to the central city which is currently backed up to Five Cross Roads. Another 1,200 homes in the location proposed will compound current issues.
- b. Increased greenhouse gas emissions resulting from traffic

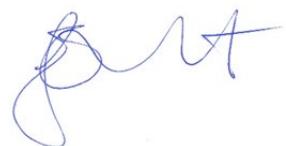
congestion and greater distances to employment resulting from the proposed zoning changes undermining the intended rebalancing of employment land location and distribution in Hamilton.

Relief Sought

31. CPL seeks the following decision from Council:
 - a. **Decline** PC15 in its entirety and retain the existing industrial zoning; and
 - b. Such additional or further consequential relief as is required to give effect to the primary relief sought.
32. CPL wishes to be heard in support of its submission.
33. If others make a similar submission, CPL will consider presenting a joint case with them at the hearing.

Signature:

Chedworth Properties Limited by its
authorised agent:



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Date:

17 May 2023

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