

BEFORE THE COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Notice of Requirement to designate the Rotokauri
Strategic Infrastructure Corridor

MEMORANDUM OF COUNSEL FOR THE REQUIRING AUTHORITY

Dated 6 May 2025

LACHLAN MULDOWNY

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MAY IT PLEASE THE COMMISSIONERS

INTRODUCTION

1. On 14 September 2023, Hamilton City Council as Requiring Authority (**RA**) lodged a Notice of Requirement (**NOR**) under the Resource Management Act 1991 (**RMA**) to designate land for the Rotokauri Strategic Infrastructure Corridor (**RSI**). The NOR was publicly notified on 7 October 2024 and the submission period ran to 8 November 2024. Eighteen submissions were received.
2. Under s 34A of the RMA, Hamilton City Council as Territorial Authority (**TA**), has delegated to Independent Hearings Commissioners, David Hill and Mark Tamura (**Commissioners**), the power to hear and make decisions on submissions on the NOR for the RSI.
3. This memorandum is submitted to the Commissioners on behalf of the RA for the purpose of:
 - a) Identifying, and seeking direction in respect of, submissions that the RA considers to be outside the ambit of the NOR; and
 - b) Seeking timetable directions for the exchange of evidence and for the hearing of submissions.

PROCEDURAL ISSUES

Out of scope submissions

4. The TA has received two submissions which, as explained below, raise matters that are beyond the ambit of the NOR for the RSI.

5. A submission and the relief claimed must be within the ambit of the NOR and the Commissioners' jurisdiction on the NOR will not extend to granting relief unrelated to the proposed designation. Section 41D(b) of the RMA provides the Commissioners the power to strike out submissions which "disclose no reasonable or relevant case".

Submission of Narinderpal Sagoo

6. Narinderpal Sagoo, owner of Lot 3 DPS 66270 located on Gilchrist Street, made a submission (**Sagoo submission**) which was received by the TA on 22 November 2024, 10 working days after the expiry of the submission period on 8 November. In addition to the Sagoo submission being late, it raises matters concerning the Rotokauri Greenway stormwater management corridor (**Greenway**) which has been the subject of separate legal processes, being: a notice of requirement to designate land approved in early 2020 and, more recently, an application for resource consents for construction of the Greenway and associated infrastructure under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (**Fast-track consents**) approved in July 2024.
7. While the RA does not take issue with the late filing, the Sagoo submission does not address matters relevant to the NOR for the RSI. Nor does it specify any relief that the Commissioners have power to grant. A copy of the submission is appended to this memorandum as **Attachment 1**.

Submission of Brian Alcock

8. Brian Alcock, a Lodge Real Estate agent, has lodged a submission on behalf of the owners of 88 Exelby Road (**Alcock submission**). A copy of the submission is appended to this memorandum as **Attachment 2**. The Alcock submission does not specify any relief, rather it sets out a number of questions related to the construction of the Greenway and associated

roading connectivity. These questions relate to the Greenway Fast-track consents and have no relevance to the NOR for the RSI. Furthermore, it specifies no relief that the Commissioners have power to grant.

Request for preliminary determination

9. In order to avoid parties having to expend resources responding to these submissions and to avoid prolonging the hearing process, the RA requests that the Commissioners determine that these submissions disclose no reasonable or relevant case and, pursuant to s 41D of the RMA, direct that they will not be considered further unless the submitters refine the relief sought.

Evidence exchange

10. With the submission period closed, the RA now seeks directions for the hearing of the NOR in particular, to establish a timetable for the exchange of evidence and the hearing of submissions on the NOR. The proposed timetable directions, which were pre-circulated and agreed to by the TA, are set out below.

DIRECTIONS SOUGHT

11. The RA seeks the following directions:

Out of scope submissions

- a) Pursuant to s 41D of the RMA, the submissions by Narinderpal Sagoo and Brian Alcock disclose no reasonable or relevant case and are not within the jurisdiction of the TA's decision-making powers in respect of the NOR; and

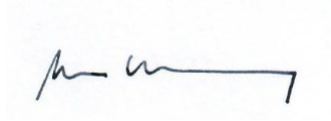
- b) The submitters are required to either refine their relief to address this issue or their submissions will not be considered further.

Evidence exchange

- a) The TA is to lodge a planning report pursuant to s 42A of the RMA with the Hearing Administrator by 4pm, 30 May 2025.
- b) The RA is to lodge its expert evidence-in-chief with the Hearing Administrator by 4pm, 27 June 2025.
- c) Any submitters intending to present expert evidence at the hearing are to lodge their expert evidence-in-chief with the Hearing Administrator by 4pm, 25 July 2025.
- d) Any rebuttal evidence is to be lodged with the Hearing Administrator by 4pm, 15 August 2025.
- e) If the Panel directs expert conferencing to occur on any particular topic, it will be scheduled in the week of 25 August 2025.
- f) Any parties intending to present opening legal submissions at the hearing are to lodge their opening legal submissions with the Hearing Administrator by 4pm, 26 September 2025.
- g) While written lay presentations are not required to be exchanged in advance of the hearing, the Panel strongly encourages pre-circulation of any written lay presentations at least three days in advance of appearing to avoid the need to read written material verbatim at the hearing.

- h) The hearing will commence on 6 October 2025.

Dated 6 May 2025

A handwritten signature in black ink, appearing to be 'L F Muldowney / S K Thomas', written on a light blue background.

L F Muldowney / S K Thomas
Counsel for Hamilton City Council

ATTACHMENT 1

211 Ulster Street
Hamilton

22 November 24

Hamilton City Council
Private Bag 3010
Hamilton, 3240

Rotokauri Strategic Infrastructure Designation - Notice of Requirement 19 **September 24**

I write in reference to page 36 Figure 20 Stormwater Management plan and ICMP Boundaries.

- 1 It is my impression that Wintec has never wanted the general public to have a coincidental or casual requirement to travel thru their campus. The Wintec campus provides a community hub for the public who specifically require Wintec facilities. There is no need for general vagrancy or people to drift through the campus.
- 2 So having a stormwater trench (going to Horse shoe lake) surrounding there campus makes sense (to achieve 1 above see yellow highlighting)
- 3 This can also be supported by the drainage trench on our land and common boundary with Wintec. (also yellow highlighted along (3))

As the storm water course (2) around Wintec is still in development phase, the planting is very minimal and not very friendly to aquatic life.

I have a substantial line of pine trees sheltering the boundary (blue line & (3)) along the drain bordering Wintec, this also provides a visual shelter from the Industrial Activity happening along Gilcrest Street (eg Mainfreight site).

Hamilton City Council needs to clarify there preferred position on there requirements for stormwater requirements around Wintec, to support Wintec and general development.

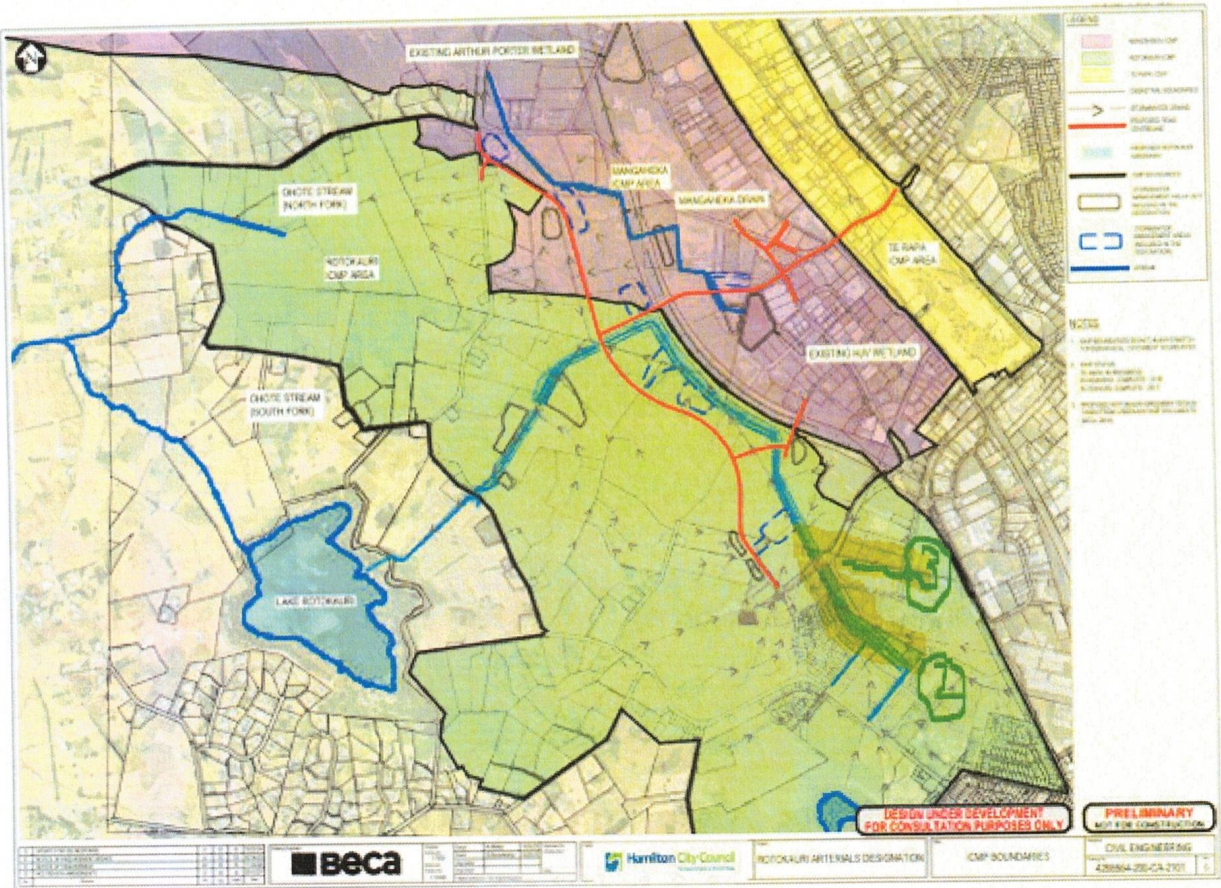
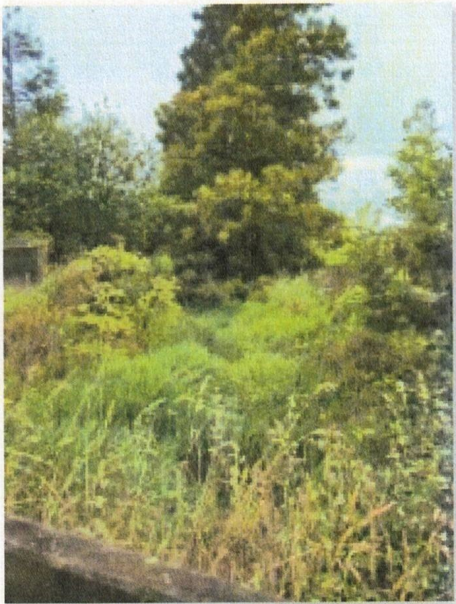


Figure 20: Overall Stormwater Management Plan and ICMP Boundaries



(2) the storm water course around Wintec is still in development phase, the planting is very minimal and not very friendly to aquatic life.



(3) drainage trench on our land and common boundary with Wintec

I also write in reference to pg 17 Figure 6: Transport and Connectivity Analysis Map

4 I note a line going from the Roundabout on the corner of Te Wetini Drive and our boundary. I

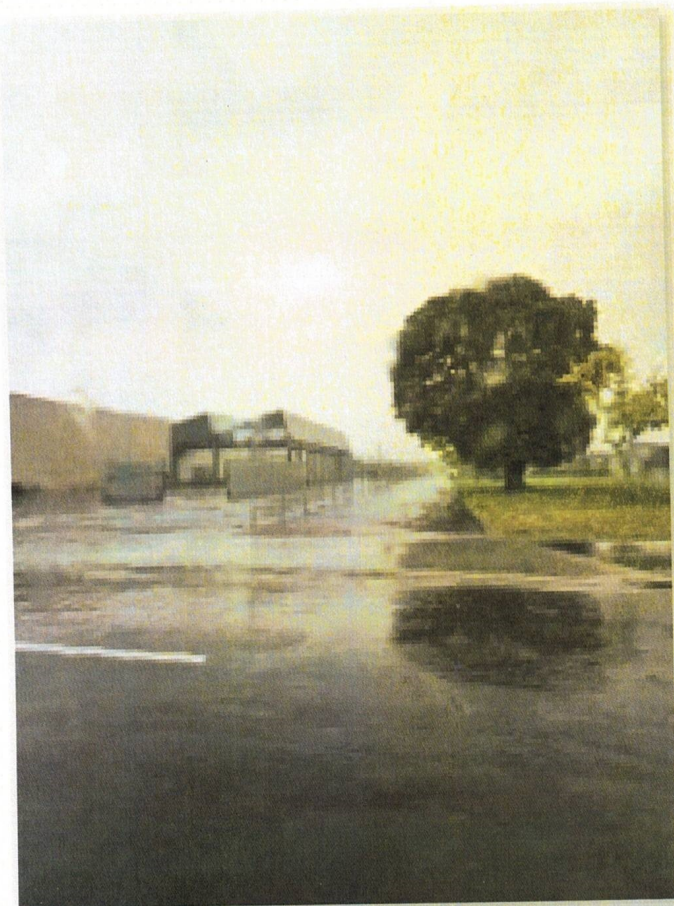
Hamilton City Council needs to clarify there preferred position for the Connectivity from Te Wetini Drive to Avalon Drive for the general public. I do not believe Wintec wishes the general public to be just moving thru there entire campus. So my points (4) & (5) need to be realized with landscaping.

The map illustrates the Wairarapa region, highlighting proposed and existing road networks, public transport hubs, and walking distances to the coast. Key features include Lake Rotokawa, the Hamilton Zoo, and Waiwhakareka Natural Heritage Park. The map uses various colors and line styles to represent different types of roads and walking distances. A legend at the bottom provides a detailed key for the symbols used.

Legend

- Proposed Main Arterial
- Proposed Minor Arterial - Existing
- Proposed Minor Arterial - Proposed
- Cycle - Primary
- Cycle - Secondary
- Bus - Primary
- Bus - Secondary
- Proposed - Primary
- Proposed - Secondary
- Proposed
- Roadway
- Concessionary Road
- Greenway
- Designated Greenway
- Lakes and wetlands
- Public Transport Hub
- Suburban Neighbourhood Centre
- Community Focal Point
- 5 Minute walk (yellow, 800m)
- 10 Minute walk (green, 1600m)

The NOF identifies the location and level of walking and cycling functionality, by considering amenity and corridor widths to balance vehicle access with active modes. This NOF approach is discussed further in Section 3 below and reflected in the Urban and Landscape Design Framework (ULDF) cross sections for each of the Project corridors included as **Appendix J**. The RSP also identifies these corridors and networks.



☑ (4). This corridor then becomes tarsealed with a mesh fence on Wintec Side

☑ (5)fer
besid
of thi

IN CONCLUSION

We have been hamstrung by Hamilton City Council "in-decision" in our development proposals notably the comment below See attached email.

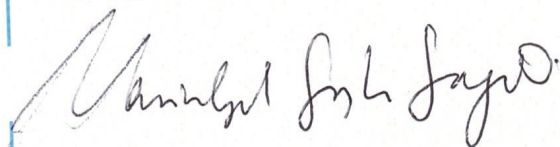
"demonstrate that the reduced impact on the stormwater network in the catchment is material because of the works on the development site, and that as a consequence Council reduces its planned investment in that network. That's quite a high bar, and hasn't been met based on the advice I have been given and the information to date.

Whether or not you proceed with your technical work is your decision – **it's a bit circular because I cant say whether the outcome of that work will demonstrate the above because it hasn't been done/provided yet"**

Hamilton City Council and Wintec need to clarify there preferred position on there requirements for stormwater requirements around Wintec, to support general development.

Hamilton City Council and Wintec need to clarify there preferred position for the Connectivity from Te Wetini Drive to Avalon Drive for the general public.

Kind regards

A handwritten signature in black ink, appearing to read 'Narinderpal Sagoo', written over a light blue horizontal line.

Narinderpal Sagoo

021 02585234

ulsterlodge@actrix.gen.nz

Owner of Lot 3, DP66270 Gilchrest Street.

ATTACHMENT 2

Q1 Your full name

Short Text Brian Alcock

Q2 Company name

Short Text Lodge real Estate

Q3 Your postal address

Long Text

Q4 Your email

Email brian.a@lodge.co.nz

Q5 Phone number

Telephone 0211715028

Q6 Who is the main contact person for this submission?

Multi Choice Same as above

Q7 Name

Short Text

Q8 Email

Email

Q9 Phone number

Telephone

Q10 Are you a trade competitor for the purposes of section 308B of the Resource Management Act 1991?

Multi Choice No

Q11 Are you directly affected by the subject matter of your submission that

Multi Choice

Q12 The specific parts of the notice of requirement my submission relates to are

Long Text

1) With the consent already granted to Hamilton city council by way of the Covid 19 Fast track process via the Environmental Protection Agency. What is the timing of construction and development of the Green way and minor arterial roads.

2) When will the construction of the proposed minor arterial road which passes the end of the land know as 88 Exelby road begin.

3) Whilst this road is being constructed are the owners of 88 Exelby road able to apply for a resource consent to Develop 88 Exelby road and begin construction of a proposed sub-division including the link road connecting the to the minor arterial road at one end and Exelby road at the other end. Including associated services.

4) Would stormwater requirements will be required on 88 Exelby Development can they discharge directly to the proposed greenway and its associated designated stormwater ponds , or will the be further stormwater mitigation required on site at 88 Exelby.

5) Sewage . Is this infrastructure including any sewage pumping stations provided by Hamilton City Council or will the developer of 88 EXELBY Road need to provide sewage pumping

6) what other items that may impact 88 Exelby road'

Q13 My submission is

Long Text

my sub-mission is on behalf of the owners of 88 Exelby road . the submission is requesting information that may effect or impact 88 Exelby road

Q14 I seek following decision from the Territorial Authority in relation to the Notice of Requirement

Long Text

Q15 Do you wish to be heard in support of your submission?

Multi Choice

Yes

Q16 If others make a similar submission, would you consider presenting a joint case with them at any hearing?

Multi Choice

Yes

Q17 Supporting documents

File Upload