

Hamilton City Operative District Plan Submission on the Notice of Requirement – Rotokauri Strategic Infrastructure Designation

For office use only

Submission number _____

Code _____

(Form 21 – Section 168A Resource Management Act 1991)

Send your completed submission form to **both** the Territorial Authority and the Requiring Authority.

Territorial Authority	Requiring Authority
Mail: Freepost 172189 Urban and Spatial Planning Unit Hamilton City Council Private Bag 3010 Hamilton 3240	Mail: Rotokauri Strategic Infrastructure NOR Infrastructure & Assets Group on behalf of Hamilton City Council as Requiring Authority C/O Beca PO Box 448, Waikato Mail Centre Hamilton 3240, Attn: Melissa Slatter
Email: districtplan@hcc.govt.nz	Email: Melissa.Slatter@beca.com
Or drop two copies to the main Council building.	
Or complete an online version by visiting haveyoursay.hamilton.govt.nz	

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 4.00PM ON FRIDAY 8 NOVEMBER.

Please print and do not use pencil. Please attach more pages if necessary, indicating this and attaching them securely. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. More information is available on the "Making a Submission" information sheet.

This is a submission on the notice of requirement from Hamilton City Council for a new designation – Rotokauri Strategic Infrastructure. The Notice of Requirement seeks to designate land for 'strategic transportation and three waters infrastructure' purposes in the Rotokauri area for the construction and operation of a multimodal transportation and infrastructure corridor.

Full name: _____

Company name: Watson Lands Limited

Postal address: _____

Email address: _____

Phone number: _____

Contact name and address of person making the submission:

*This is the person to which all communications from the Council about the submission will be sent.
Only complete this section if the details are different to those above.*

Full name: Charlotte Muggeridge

Company name: C/- Harkness Henry Lawyers

Postal address: Private Bag 3077, Hamilton 3204

Email address: charlotte.muggeridge@harkness.co.nz

Phone number: 07 834 6670 _____

1. ~~I AM~~ / AM NOT a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
[Cross out what is not applicable.]
2. If a trade competitor, I AM / AM NOT 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.

3. The specific parts of the notice of requirement that my submission relates to are:

[Give details]

Please see attached.

4. My submission is:

[Include whether you support, oppose or are neutral to specific parts of the NOR, or wish to have them amended.

Include reasons for your views. Use a separate sheet of paper if necessary]

Please see attached.


5. I seek the following decision from the Territorial Authority in relation to the NOR:

[Give details, including the nature of any conditions sought. Use a separate sheet of paper if necessary.]

Please see attached.

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6. I do / ~~do not~~ wish to be heard in support of my submission. *[Cross out what is not applicable]*
7. If others make a similar submission I would / ~~would not~~ be prepared to consider presenting a joint case with them at any hearing. *[Cross out what is not applicable]*



[Your signature or that of the person authorised to sign on behalf of the person making this submission]

7 November 2024

[Date]

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Please be aware when providing personal information that submissions may be reproduced and included in Council public documents. These documents are available on Council's website.

SUBMISSION ON NOTICE OF REQUIREMENT FOR DESIGNATION OF LAND

To Hamilton City Council

Name of submitter: Watson Lands Limited

1. This is a submission on a notice of requirement from Hamilton City Council for the Rotokauri Strategic Infrastructure Designation (**NOR**).
2. The notice of requirement seeks to designate land for 'strategic transportation and three waters infrastructure' purposes in the Rotokauri area for the construction and operation of a multimodal transportation and infrastructure corridor.
3. Watson Lands Limited (**WLL**) is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
4. WLL **opposes** the designation in its entirety for the reasons outlined in its submission as Attachment A.
5. WLL **wishes to be heard** in support of its submission.
6. If others make a similar submission, WLL would consider presenting a joint case with them at any hearing.



Charlotte Muggeridge
Solicitor for Submitter

Address for service:

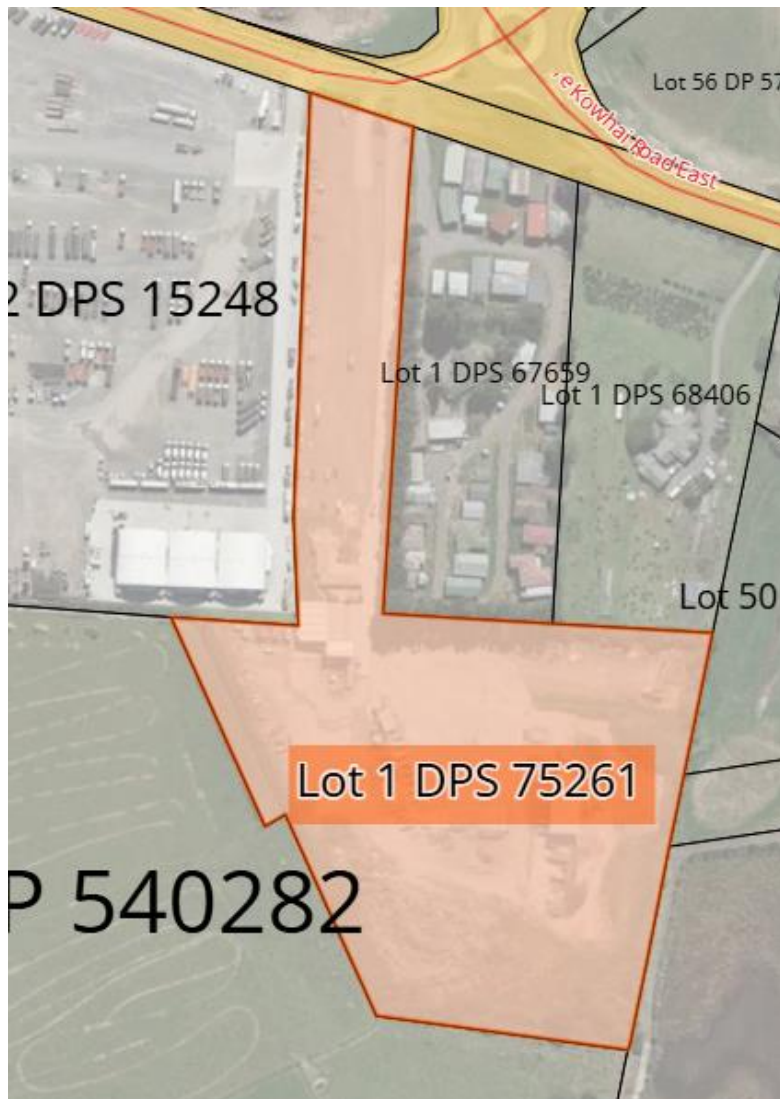
C/- Charlotte Muggeridge
Harkness Henry Lawyers
07 834 6670
charlotte.muggeridge@harkness.co.nz

Attachment A – Submission

Introduction

1. WLL owns the land located at 7, 9, 11, 13, 15 and 17 Roger Kauai Place, Burbush, Hamilton, parts of which come within the designation boundaries.
2. There are currently three businesses operating out of this property. These are:
 - (a) Watson Davies Landscaping which is a landscaping provider;
 - (b) Cowper Haulage which offers transportation services;
 - (c) Central Plant Hire which offers civil contracting machines for hire.

Map of current property boundaries



Map of proposed NOR – Minor Arterial and Stormwater Management Area



3. WLL supports in principle the need to upgrade roading and infrastructure, and has been negotiating with Council, in good faith, on the land acquisition should the notice of requirement be granted. However, WLL opposes this NOR due to the extent and nature of impacts on its land, the uncertainties attached to the NOR, and the significant adverse impact it will have on the continued operation of the above businesses.

Specific reasons for opposition

4. WLL opposes the NOR for the following reasons:

Industrial Zone

5. WLL considers that the infrastructure proposed is in direct contravention to the existing land use planning. The industrial land base in Hamilton City is a key economic driver for the regional economy, making it a valuable resource that needs to be recognised and protected.
6. The designation will adversely impact on established businesses in a manner that will render them unviable. Unlike these businesses, the infrastructure proposed will have no positive economic impact on Hamilton.

Stormwater

7. WLL is somewhat surprised to see that the NOR relates to stormwater, given that there is no stormwater infrastructure on WLL's property in the Rotokauri Structure Plan. Further, there appears to be no justification of the stormwater requirement, including no rational for its size. The Final Report simply notes *'It [stormwater] is not a detailed design and as such there remain issues to be resolved in future design stages. Similarly, there are potential innovations that could be applied to minimise and optimise the design footprint. Further opportunities may arise through detailed design and further engagement with adjoining developers is likely as the design of their plans progress.'*¹ Given the scale and uncertainty on WLL, it is inappropriate to grant the designation on undetailed designs.

Access

8. It is not clear how access will be provided to the property should only part of the land be taken.

Consideration of alternatives

9. While it is accepted by WLL that an assessment of alternatives is not required to be a question of the best route, nor require every alternative to be fully considered, WLL has not seen any economic reporting within the assessment of alternatives. Economic considerations are important here, given the designation will affect

¹ See point 8.12 of the Rotokarui Strategic Infrastructure Designation Notice of Requirement Final Report 19 September 2024, page 70.

commercial/industrial land holdings from WLL, while alternatives are through undeveloped farmland.

Whether the designation will be implemented

10. Case law suggests that consideration of whether a notice of requirement will be implemented forms part of the decision-making process. WLL is concerned that there is currently no funding for construction within HCC's Long-Term Plan 2021-2031. Furthermore, WLL is concerned that this project is contingent on that funding and development demand.² There is a lot of uncertainty as to whether this project will be implemented, causing unnecessary anxiety, disruption, financial worry and stress on landowners and business operators.

Lapse period

11. The lapse period proposed is fifteen years, while the standard period in the Resource Management Act 1991 (**RMA**) is five years. The extended period is said by Hamilton City Council to reflect the uncertainty of timing for urbanisation.
12. The effects of the extended lapse period on landowners and business operators needs to be given weight in considering whether this NOR should be granted. This is because of the uncertainty that arises for affected landowners, and to avoid the adverse and associated effects of 'planning blight'. An extended and non-standard lapse period means that WLL will be restricted in future use of its property, and this planning blight will also have negative impacts on current and future commercial leasing arrangements.
13. It also appears that this project and the Rotokauri Greenway Corridor interact at several locations. The designation for the Greenway is for 10 years, having been designated in May 2020. This designation is set to lapse 2030. Given the timing and dependence on each other, this designation should align with the Greenway, making the standard five-year lapse period more appropriate.

² See point 2.3 of the Rotokarui Strategic Infrastructure Designation Notice of Requirement Final Report 19 September 2024, page 20.

Potential conditions

14. If the NOR is granted, the designation should have conditions reducing the uncertainty for landowners. For example:

Review period

- (a) A better approach would be to have a 'review period' condition for the designation, given the proposed extended lapse period.³ Should the lapse period be desired for a period beyond five years, a review period condition would provide updates to the landowners and more certainty on whether the designation is still required.

Construction start date

- (b) Currently, there is also no condition that requires construction to be started within a specified time. A condition of this nature would help provide certainty for landowners and business operators.

Affected person assistance

- (c) A condition relating to owner assistance would provide certainty for owners. The condition can specify that independent experts or legal professional services will be provided to landowners who enter into early negotiations either through the hardship mechanism or through section 185 of the RMA. The condition can also outline how these resources will be accessible for owners (i.e., details of who to contact to start a process).

Recommendation sought

15. WLL seeks that the NOR is recommended to be **rejected**.

³ Five yearly reviews of designations can be incorporated into designations that have lengthy lapse periods.