
Submission on:
Notice of Requirement: Rotokauri Strategic Infrastructure

To: **Subject: NOR RSI**
Freepost 172189
Urban and Spatial Planning Unit
Hamilton City Council
Private Bag 3010
Hamilton 3240
districtplan@hcc.govt.nz

Subject: NOR RSI
Hamilton City Council
Infrastructure & Assets Group
c/- Beca
PO Box 448, Waikato Mail Centre
Hamilton 3240
Melissa.Slatter@beca.com

Submitter: Steve Godley & Adam Marsh (The Submitters)

Address for Service: jangodley@hotmail.com
ppsfencing@xtra.co.nz
c/- I-CLAW
PO Box 135, Hamilton 3240

Introduction:

1. This is a submission on the Notice of Requirement (The NoR) lodged by Hamilton City Council, being the "Rotokauri Strategic Infrastructure".
2. The Submitters could not gain an advantage in trade competition through this submission.
3. The Submitters have an interest in landholdings at Te Kowhai/Burbush Roads in Rotokauri North (inclusive of Lot 7 DPS 15255 and Lot 6 DP 359488 which are directly impacted by The NoR)

Scope of submission

4. This submission relates to the NoR in its entirety.

Nature of submission

5. The Submitters oppose the NoR in its entirety.

Reasons for submission

6. The primary reasons for this submission are that The NoR:
 - (a) fails to promote the sustainable management of natural and physical resources, and therefore fail to meet the purpose and principles of the Resource Management Act 1991 ("RMA");
 - (b) fails to meet the reasonably foreseeable needs of future generations;
 - (c) fails to enable the social, economic and cultural well-being of the Rotokauri (and wider Hamilton) community to be met;
 - (d) is inconsistent with the purposes and provisions of the relevant planning documents, including the Operative Hamilton City District Plan Unitary Plan("RPS");
 - (e) is inconsistent with Part 2 and other provisions of the RMA, including sections 74 and 75, including the functions of Hamilton City Council ("Council") under s 31; and
 - (f) will have significant adverse effects on the environment;
 - (g) is not an efficient use and development of natural and physical resources;
 - (h) fails to comply with s 171(1)(b) of the RMA, as adequate consideration has not been given to alternative sites, routes or methods of undertaking the proposed works in circumstances where the Council does not have an interest in the land sufficient for undertaking the work; and in light of (f) above;
 - (i) is not reasonably necessary to achieve the objectives of the requiring authority for which the designations are sought.
7. Without limiting the generality of the above, additional specific reasons for opposing The NoR are set out below.

Reasons for submission:

8. The Submitters **oppose** The NoR for the following reasons:

- (a) The NoR and its Assessment of Alternatives is flawed and insufficiently justifies the route chosen. For example:
 - i. The NoR does not reflect the most efficient route and a superior alignment in respect of the northern section between Te Kowhai Road and the Greenway Designation could be achieved. No such alternative has been considered or addressed.
 - ii. The current boundary of The NoR significantly reduces the development and subdivision potential and value of the remainder of Lot 7 DPS 15255 such that it is unable to contribute to a well-functioning urban environment, as it will be severed from the remainder of the emerging Rotokauri North development/community and is of insufficient size to achieve a high quality living environment.
- (b) The concept design for the road layout and The NoR land take area is fundamentally, and fatally flawed. For example, The NoR:
 - i. Has not accurately reflected the Operative Rotokauri North Structure Plan collector road locations or their future intersections with the Minor Arterial/NoR (particularly the future realignment of Burbush Road).
 - ii. Relies on (and is based on) information which does not accurately reflect the known stormwater catchment for this location (i.e it fails to acknowledge the Te Otamanui catchment which is separate to the Ohote catchment) and has not accounted for the approved Rotokauri North Sub-Catchment Integrated Catchment Management Plan;
 - iii. Does not provide for or integrate with conditions of the existing Greenway Designation; and
 - iv. Does not provide for alignment between the designs and levels for the Greenway which were approved under the Covid-Fast Track legislation.

- (c) The concept design and The NoR boundary/location will not enable a high quality urban environment to develop in Rotokauri North. For example, The NoR:
- i. Fails to acknowledge that for part of the northern length of the Minor Arterial the corridor will have a residential zoning on both sides (creating severance and likely landlocking sites from access to a road network); and
 - ii. Will not deliver an attractive “gateway” into Rotokauri North.
 - iii. There is no certainty on the interface is expected between urban development and the arterial roads.
 - iv. The 15 year lapse date sterilises the development of the surrounding landholdings. The NoR is significantly larger than the road boundary in order to enable construction activities, and this has the potential to create a disconnect between the timing of development and the implementation of the road network, and thus jeopardises the ability to enable subdivision and development designs in the Rotokauri North Structure Plan area which aims to create a successful and high quality integrated urban environment.
9. The Submitters **oppose** the conditions as they do not address concerns of the Submitters (outlined above) and in addition for following reasons:
- (a) The network is likely to be constructed in stages, and not all of the conditions appropriately reflect any staging (and thus any changes to the environment that may occur between management plans prepared years ahead of when works in other stages are actually commenced).
 - (b) The conditions do not include any provision for affected landowner input into the management plans BEFORE they are approved, or any resolution process for where the concerns of the landowner are not being adequately addressed by the outline plan of works/management plans.
 - (c) The Landscape Management Plan conditions are insufficient to ensure high quality environments, and should also require urban design input and requirements to ensure integration with the surrounding urban (or future urban) environment (i.e the objective is clear that it only relates to landscape matters).

10. There is also insufficient certainty or conditions to ensure that appropriate land use integration could occur in a meaningful manner between the Requiring Authority and adjacent land owner for scenarios where the development (or masterplanning for development) of adjacent land occurs ahead of the works subject to the NoR being implemented.

Relief sought:

11. The Submitters seek that The NoR:
 - (a) Be Withdrawn; **OR**
 - (b) That The NoR is **amended** to respond to the concerns of the Submitters; OR
 - (c) That the alignment and location of The NOR be amended to properly respond to the title boundaries and surrounding roading network in a safe and efficient manner

Hearing:

12. The Submitters want to be heard in support of its submission.
13. If others make a similar submission, The Submitters will consider presenting a joint case with them at any hearing.

Steve Godley & Adam Marsh

iangodley@hotmail.com

ppsfencing@xtra.co.nz

c/- I-CLAW

PO Box 135, Hamilton 3240

8 November 2024