

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: Steve Nuich, Sophia Anne Nuich, Gibson Nominees Limited, Ivan Selak

Company name: N/A

Postal address: 4 Highlight Parade, Te Atatu, South Auckland, 0610

Email address: snuich@xtra.co.nz

Phone number: 027 472 7676

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: Emily Patterson

Company name: BBO

Postal address: PO Box 9041, Hamilton, 3240

Email address: epatterson@bbo.co.nz

Phone number: 027 845 4321

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]

Road alignment and designation location, design of stormwater management wetlands natural inland wetlands, lapse date, overland flow paths, integration of the NOR with the greenway and adjacent development. Refer to attached submission for detail.

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]

Refer to attached submission for detail.

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.]

Refer to attached submission for detail.

For office use only

Submission number _____

Code _____

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]*

8/11/24

[Date]

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

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 NOR for Rotokauri Strategic Infrastructure Designation

**Steven Nuich, Sofia Anne Nuich, Ivan Selak
and Gibson Nominees Limited**
153 Te Kowhai Road & 173 Te Kowhai Road

1. Submitter details

This is a submission on the Notice of Requirement (NOR) for the Rotokauri Strategic Infrastructure Designation by Steven Nuich, Sofia Anne Nuich, Ivan Selak and Gibson Nominees Limited who are the landowners of 153 and 173 Te Kowhai Road.

The submitter's details are as follows:

Full name (submitter): Steven Nuich, Sofia Anne Nuich, Ivan Selak and Gibson Nominees Limited
Company Name: N/A
Postal Address: 4 Highlight Parade, Te Atatu, South Auckland, 0610
Email Address: snuich@xtra.co.nz
Phone Number: 027 472 7676

Contact name and address of person making the submission (address for all communications) are as follows:

Name (consultant): Emily Patterson
Company Name: BBO
Postal Address: PO Box 9041, Hamilton, 3240
Email Address: epatterson@bbo.co.nz
Phone Number: 027 845 4321

2. Submitter Background and Submission Summary

The properties at 153 and 173 Te Kowhai Road, legally described as Lot 1 DPS 15249 and Lot 2 DP 540282 are owned by the submitter. They are currently zoned Future Urban in the Hamilton District Plan. The submitter intends to rezone the properties to a live urban zoning, via a private plan change application in 2025. Consultation with Council's planning and engineering teams has commenced in relation to the submitters rezoning intentions and the plan change has been allocated reference PC18. It is currently anticipated that the site will be rezoned to a light industrial zone.

The NOR for Rotokauri Strategic Infrastructure (the NOR) represents a significant piece of infrastructure with potential to unlock the surrounding structure plan area for development. More specifically, the arterial will provide the above properties with direct access to the strategic road network. The submitter supports it in principle.

However, the NOR affects a significant amount of developable land on the above properties and impacts on the development yield able to be achieved. The designation currently requires 9.9892ha from the properties. The property at 153 Te Kowhai Road is also subject to a designation and land requirement for the Rotokauri Greenway (Designation A114), comprising approximately 4ha at the southern end of the site. At approximately 14ha, the land required from this property for the strategic infrastructure in Rotokauri consumes approximately 40% of the total property area.



The submitter has been closely involved in the Rotokauri Greenway and Minor Arterial Transport Corridor resource consents ('Greenway Fast Track') that were approved under the COVID-19 Fast Track Consenting Act 2020 on 17 July 2024. The NOR and the Greenway Fast Track and the existing Greenway designation are separate processes and designs that need to be integrated to deliver the critical infrastructure for Rotokauri. Although the Greenway Fast Track decision has been available since July unfortunately the NOR (dated September 2024) does not consider its implications or attempt to integrate the two infrastructure components.

The submitter acknowledges that parts of their land will need to be used for strategic infrastructure to service the wider growth cell. However, the submitter seeks amendments to specific aspects of the designation and the proposed conditions, to better integrate with the development intentions on the submitter's properties, allow integration between the minor arterial and greenway infrastructure and to more fairly distribute the burden of infrastructure land requirements across the land parcels.

3. Trade competition

The submitter is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

4. Submission Points

4.1 Road alignment and designation location

The specific part of the NOR that my submission relates to:

The location of the proposed north-south minor arterial road alignment and the associated designation extent.

My submission is:

The alignment of the north-south minor arterial is positioned so that it is largely within the submitter's property, running along its western boundary. The position of the road is shown on Drawings 4288564-100-CA-1008, 1009, 1010, 1401 and 1007. On those drawings the proposed western designation boundary runs along the boundary of the submitters property (Lot 2 DP 540282) and the adjoining land to the west (Lot 6 DP 359488) owned by Rotokauri North Holdings Ltd. The designation is approximately 65m wide. However, the 'infrastructure corridor' (i.e. the actual road), is positioned on the eastern side of the designation and is only about 35m wide. The AEE indicates that land not needed for the infrastructure corridor could have the designation removed in the future and be returned to the landowner.

Positioning the designation as shown almost entirely on the submitters land will effectively remove development potential from the strip of land between the infrastructure corridor and the western boundary of the submitter's property, comprising of approximately 1.5ha.

The positioning of the road also does not take into account the zoning of the two properties referenced above. The submitters property is zoned Future Urban and will likely be rezoned industrial. The Rotokauri North Holdings property is zoned Medium Density Residential. If the minor arterial is built in the proposed position there will be a strip of land to the west that is not able to be developed for industrial purposes because of its size and shape, and location directly adjacent to the Medium Density Residential zoned property.

The submitter proposes that the infrastructure corridor alignment be shifted to the west. The impact of the designation would therefore be shared equally between the two neighbouring land holdings that benefit from it. The submitter has consulted with and has been working collaboratively with the neighbouring landowner of Lot 6 DP 359488 on this matter. Refer to **Attachment 1** for a plan demonstrating the requested realignment of the minor arterial road.



I seek the following decision:

The north-south arterial road to be shifted west so that the centreline of the road follows the western boundary of the submitters property, effectively straddling the common boundary between Lot 2 DP 540282 (153 Te Kowhai Road) and Lot 6 DP 359488 (17 Burbush Road), as shown on **Attachment 1**. This will require associated changes to accommodate tie ins to the wider design, including for stormwater management.

4.2 Greenway design of wetlands

The specific part of the NOR that my submission relates to:

Wetland D6C, wetland G8 and wetland G7.

My submission is:

Wetlands G8 and D6C and their associated designations are on the submitters land. Wetland G7 is partly on the submitters land. The fast-track consenting process for the Rotokauri Greenway ('Greenway Fast-Track') obtained resource consent approval for construction of the greenway, approximately 1.2km of the Rotokauri minor arterial transport corridor up to (almost) the southern boundary of the site, and artificial wetlands 4A, 4B, 6 and 7A. The numbering and design of the wetlands differ between the Greenway Fast-Track and this NOR.

Wetland G8 in this NOR was numbered Wetland 8A in the Greenway Fast-Track. Wetland G7 in this NOR was numbered Wetland 7A in the Greenway Fast-Track. Wetland 7B in the Greenway Fast-Track is not included in the NOR. Wetland D6C in the NOR was not included in the Greenway Fast-Track.

The wetland designs in the Greenway Fast-Track differ significantly to the design of the same wetlands in the current NOR application. This creates uncertainties for the submitter as to what land areas are actually required and understanding the remaining developable land available. In particular, the Greenway Fast-Track design of Wetland 8A was based on detailed design and has a much smaller footprint than Wetland G8 in this NOR.

I seek the following decision:

The submitter seeks that amendments are made to the NOR to coordinate and align the wetland design, designation and land requirements with the design in the Greenway Fast Track consent. The submitter also requests this be integrated with development intentions of the adjoining submitters land. The relief sought includes amending the designation boundary for Wetland G8 to match the design of Wetland 8A in the Greenway Fast Track.

4.3 Natural inland wetlands

The specific part of the NOR that my submission relates to:

The impacts on natural inland Wetland 8 and the Mangaheka drain.

My submission is:

The Ecological Impact Assessment Report (Beca 24 April 2024) prepared for the NOR identifies a natural inland wetland (Wetland 8 in **Figure 1** below) on the property located at Lot 1 DPS 15249 (173 Te Kowhai Road), which is within 100m of the proposed works. This aligns with the ecological assessment prepared by the submitter's ecologist to support PC18. Preliminary design for PC18 includes avoiding direct effects on this wetland and exploring how it can be protected and potentially enhanced.



Figure 1 – Figure 8 of the Ecological Impact Assessment which demonstrates natural inland wetlands within 100m of the project



Section 4.3.3 of the Ecological Impact Assessment states that Wetland 8 will experience ‘*a **high** magnitude of wetland loss and modification is anticipated, and wetland offset and/or compensation will be required*’.

There is no detail on what the extent of loss or modification on this wetland will be, whether it is loss of extent or hydrological or other effects. Section 5.4.2 of the Ecological Impact Assessment states that as part of the regional consenting process, the wetland loss, offset and compensation will be addressed. This is not appropriate. The effects on the wetland are as a result of the proposed arterial road that the NOR will authorise. Therefore, the effects should be addressed as part of this process, not deferred to a future consenting process. An integrated approach is required.

The Ecological Impact Assessment recommends a condition requiring an Ecological Management Plan to be prepared prior to construction (EMP). However, without knowing what the effects are it is not possible to conclude that an EMP will adequately address them. In addition, without knowing what options there are to avoid, minimise, remedy, offset or compensate for the effects it is not credible to conclude that ‘*the residual level of effects can be managed to Low levels*’ (Ecological Impact Assessment, page 35).

I seek the following decision:

The submitter requests that additional more detailed assessment of the effects on natural inland ‘Wetland 8’ (identified in **Figure 1** above) be undertaken and the effects management hierarchy in the National Policy



Statement Freshwater Management 2020 be applied to it. The submitter requests that information on the outcomes of that analysis, including any recommended conditions be provided.

4.4 Lapse date

Specific part of the NOR that my submission relates to:

Proposed 15 year lapse date.

My submission is:

The lapse period creates uncertainty in timing of delivering the infrastructure. For the submitter, the southern portion of their property relies on access from the arterial road and a 15 year lapse period creates uncertainty about if or when the designation will be implemented. A shorter lapse period is consistent with urban development in the Rotokauri Structure Plan area with some development already consented and others, such as the submitter actively pursuing development through PC18.

I seek the following decision:

A lapse period of 10 years for the designation.

4.5 Overland Flow Path

Specific part of the NOR that my submission relates to:

Provision for the North-South Arterial to accommodate an overland flow path (OLFP) from the Greenway.

My submission is:

The Greenway Fast Track considered the issue of overland flow paths from the Greenway to the north under flood conditions, and proposed that the OLFP could be over the submitters land.

However, Condition 42 of the Rotokauri Greenway designation (A114) states;

During detailed design and prior to the lodgement of the Outline Plan of Works the following matters shall be considered and incorporated into the design and its documentation.

...f. Maintaining the overland flow routes to the north of Basins 3 and 4 along the proposed Arterial Road. Documentation relating to the Rotokauri Arterial Transport Network design shall be provided to confirm this has been allowed for.

Condition 42f indicates that the OLFP to the north was a live issue at the time of the Greenway Notice of Requirement in 2019, and HCC as requiring authority included the condition based on the expectation that the future design would incorporate the OLFP within the proposed North-South Minor Arterial.

The NOR acknowledges that one of the design criteria in the Rotokauri ICMP is; 'Overland flow shall be along road corridors or in designated drainage reserves' (Beca Design Report p51). However, the Design Report states that the OLFP cannot run down the minor arterial due to limitations from the catchment boundary, pipe cover and the need for a low point above the Greenway culvert. The design should be reconsidered to confirm the extent to which these are constraints or whether redesign could allow the OLFP to be included in the Minor Arterial corridor as envisaged by condition 42f of designation A114. Otherwise the OLFP will need to be accommodated within the submitters property, which is likely to further reduce the developable area.

The Greenway Fast Track consent includes conditions 9 and 10 set out the following;

9. The Consent Holder shall work collaboratively with the owners of Lot 2 DP 540282, Lot 6 DP 359488, Lot 11 DPS 15255, Lot 10 DPS 15255 prior to and during detailed design of:



- a. *the emergency spillway and portion of the Rotokauri Greenway that adjoins the emergency spillway...*

10. *Any final design of subclause (a) shall ensure that either option 1 or option 2 is achieved:*

- a. *Option 1: The final design shall not increase flow for any rainfall event up to and including the 100-year RCP 8.5 MFE climate change rainfall scenario onto Lot 2 DP 540282, Lot 6 DP 359488, Lot 11 DPS 15255, Lot 10 DPS 15255, during the same rainfall event; or*
- b. *Option 2: the landholdings of Lot 2 DP 540282, Lot 6 DP 359488, Lot 11 DPS 15255, Lot 10 DPS 15255 provide written agreement to an alternative standard.*

These conditions acknowledge that there are some uncertainties with the OLFP and it is important that affected landowners are involved in the design and decision making process for it.

I seek the following decision:

Redesign the North-South Minor Arterial to accommodate the OLFP from the Greenway to the Mangaheka.

4.6 Integration of the NOR with the Greenway and adjacent development

Specific part of the NOR that my submission relates to:

All those aspects that involve the integration of the Rotokauri Strategic Infrastructure Designation design with the design of the Greenway and the design and development of adjacent land holdings.

My submission is:

The AEE Report for the NOR sets out, in various sections, that integration between the NOR design/construction and the surrounding development plans is important and required. The development in the surrounding locality may occur ahead of HCC delivering the minor arterial and therefore there needs to be collaboration between parties (HCC and development community) on design details and construction timeframes to maximise integration and efficiency of development.

The submitters' involvement with the Greenway Fast Track highlighted insufficient design coordination between the NOR, the Greenway and land developers and seeks that this be addressed as far as possible through this NOR.

It is also considered that there is an opportunity to optimise design details, particularly for stormwater management, through the current NOR process to better integrate with the known development intentions of neighbouring/affected properties.

There is no requirement in the draft conditions relating to collaboration or sharing of information and/or integration with surrounding development plans. This will be particularly important where developers seek to progress with development plans ahead of the construction of the minor arterial roads.

I seek the following decision:

That the NOR design be reviewed and reconsidered in conjunction with the design of the Greenway and the evolving land development plans and designs of adjacent landowners in order to achieve a consistent design approach that supports integration between infrastructure and land use.

That there is opportunity to integrate the design in the NOR with the greenway design and with the neighbouring developers to ensure that the outcomes are fit for purpose and the most efficient approach as possible.

That a new condition be added as follows;

The Requiring Authority shall work collaboratively with the owners of land adjacent to the NOR to share information and integrate, as far as practicable, the design of the Rotokauri Strategic Infrastructure works with the Greenway design and construction and the land development and design of adjacent landowners.



4.7 General

In relation to all of the above submission points the submitter also seeks any similar or alternative relief that would achieve the same outcomes.

I do wish to be heard in support of my submission.

If others make a similar submission I would be prepared to consider presenting a joint case with them at any hearing.



Emily Patterson
Planner
027 845 4321
epatterson@bbo.co.nz



John Olliver
Principal Planner
027 482 2637
jolliver@bbo.co.nz

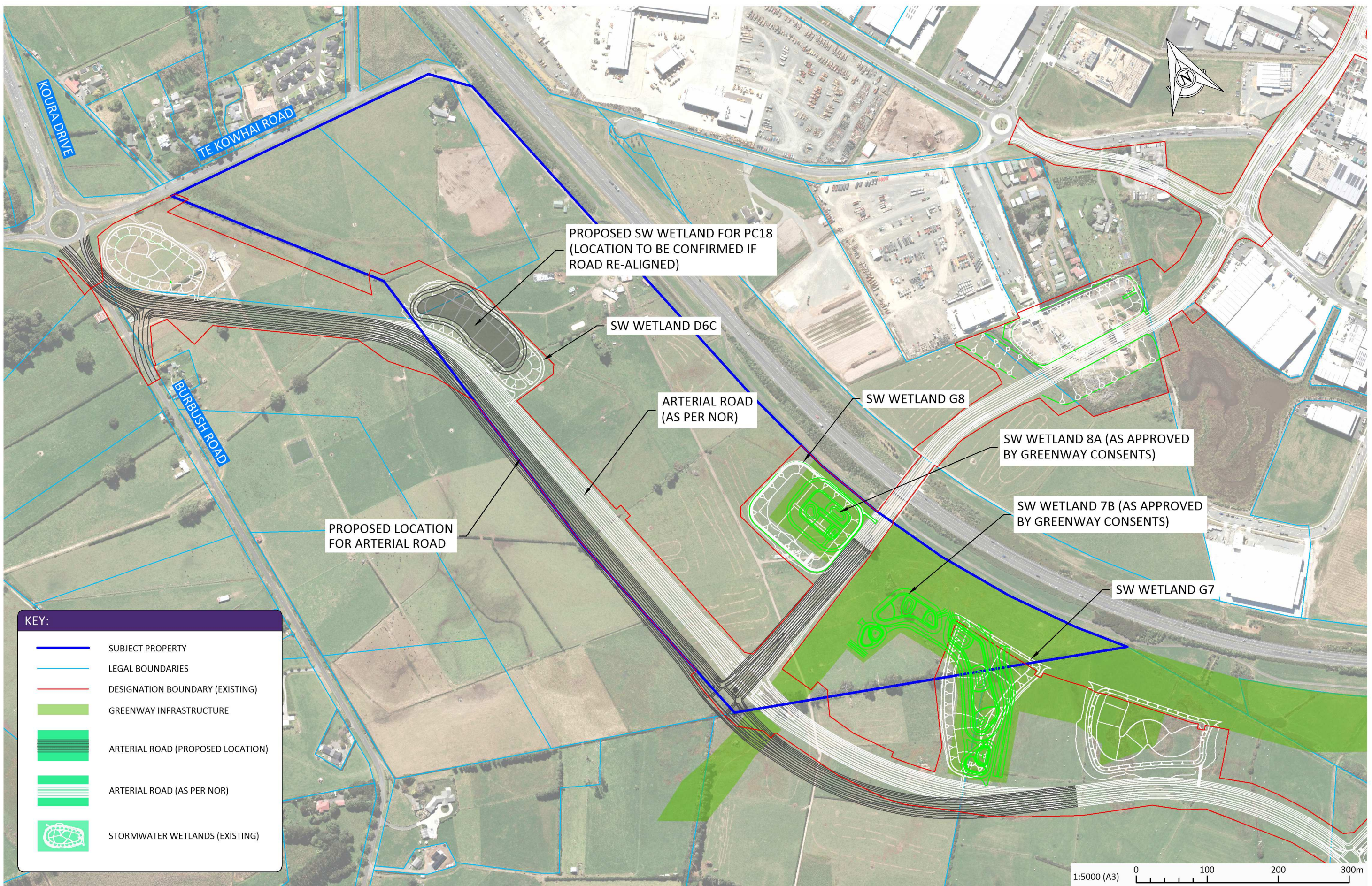
C:\12ds\data\10.7.120.14\148030 Rotokauri Plan Change_5372\05 Planning\Rotokauri Arterials project\Submission\Submission - Minor Arterial Road NOR.docx




Attachment 1 – Drawing demonstrating existing and proposed position of arterial road and wetlands



100mm
SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY
0
C:\264\data\10.7.120.14\148030_Rotokauri_Plan_Change_5372\03 Drawing\A001\48030-00-0101.dwg 8/11/2024 2:56 pm ahayr Plotter: 08 Nov 2024 2:56 pm
Version 4.0 - March 2020



| | | | | | | | | | | | | | | | | | | | | | |
|------|------------|-------------------------------|--|--|--|--|--|--|--|-----------------------|----|----------------|----------------------------------|--|---|--|---|---------------------------|------------------------------------|--|--|
| | | | | | | | | | | DESIGNED - | | CHECKED JO | |  | CLIENT IVAN SELAK AND GIBSON NOMINEES LTD, S A NUICH & S NUICH | PROJECT ROKOKAURI ARTERIALS ROKOKAURI INFRASTRUCTURE | DRAWING EXISTING AND PROPOSED POSITION OF ARTERIAL ROAD AND WETLANDS | STATUS FOR INFORMATION | | | |
| | | | | | | | | | | DRAWN AKH | | APPROVED JS | | | | | | DATE 05.12.2023 | SCALE (ORIGINAL SIZE A3) 1:5000 | | |
| A | 05.12.2023 | INITIAL ISSUE FOR INFORMATION | | | | | | | | AKH | JO | JS | DRAWING NUMBER 148030-00-0101 | | | | | REVISION A | | | |
| DATE | | | | | | | | | | ISSUE/REVISION DETAIL | | | | | | | | | | | |

Version 4.0 - March 2020

©copyright