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Submission on Rotokauri Strategic Infrastructure Designation Notice of Requirement, Hamilton City Council

Submission Information:

Pragma Holdings Limited ('Pragma') could not gain an advantage in trade competition through this submission.

Pragma is in general support of Hamilton City Council's ('Council') designation of Rotokauri Strategic Infrastructure, subject to the comments and assessment provided in the document below.

The decisions Pragma wishes Council to make are contained in the attached document.

Pragma reserves the right to be heard in support of this submission.

If others make a similar submission, Pragma will consider presenting a joint case with them at a hearing.

Yours sincerely | Nā māua noa, nā

Barker & Associates Limited



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1.0 Introduction

Pragma Holdings Limited (**'Pragma'**) welcomes the opportunity to provide feedback on the Rotokauri Strategic Infrastructure Designation Notice of Requirement (**'NOR'**) as prepared by Hamilton City Council (**'Council'**).

1.1 Background

A NOR has been lodged by HCC to designate land for the construction and operation of a minor arterial transport corridor to provide key future transport connections to enable the urban development of Rotokauri, as guided by the Rotokauri Structure Plan.

Pragma received a letter notifying them of the NOR as the proposed designation runs through and adjoins their property in Rotokauri, Hamilton. The address of this property is 52 Lee Road, Rotokauri (**'the property'**), and is shown in red in **Figure 1** in relation to the proposed designation, identified as "NoR". The Record of Title for this property is Lot 2 Deposited Plan 12201.



Figure 1: Pragma Property within the NOR.

1.2 The Property

For context, the property is located within the Special Natural Zone and Medium Density Residential Zone under the Hamilton City Operative District Plan ('ODP'). Located within the Rotokauri Structure Plan, there is a Rotokauri Ridgeline Area overlay across the western boundary of the property and a proposed Collector Transport Corridor running along the southern boundary of the property. This is shown in **Figure 2**.

It is also relevant to note that the property is subject to Plan Change 12 ('PC12'), which focuses on increasing provisions for densification within residential areas across Hamilton. It is our understanding that PC12 since Council notified PC12 on 22 July 2022, there has been a change in directive and there is an intent to modify the approach. According to Council's website, a notification decision on PC12 is due in December 2024, with the Plan Change becoming operative in early 2025. Under PC12, the property is located within Medium Density Residential Zone, as shown in **Figure 3**.

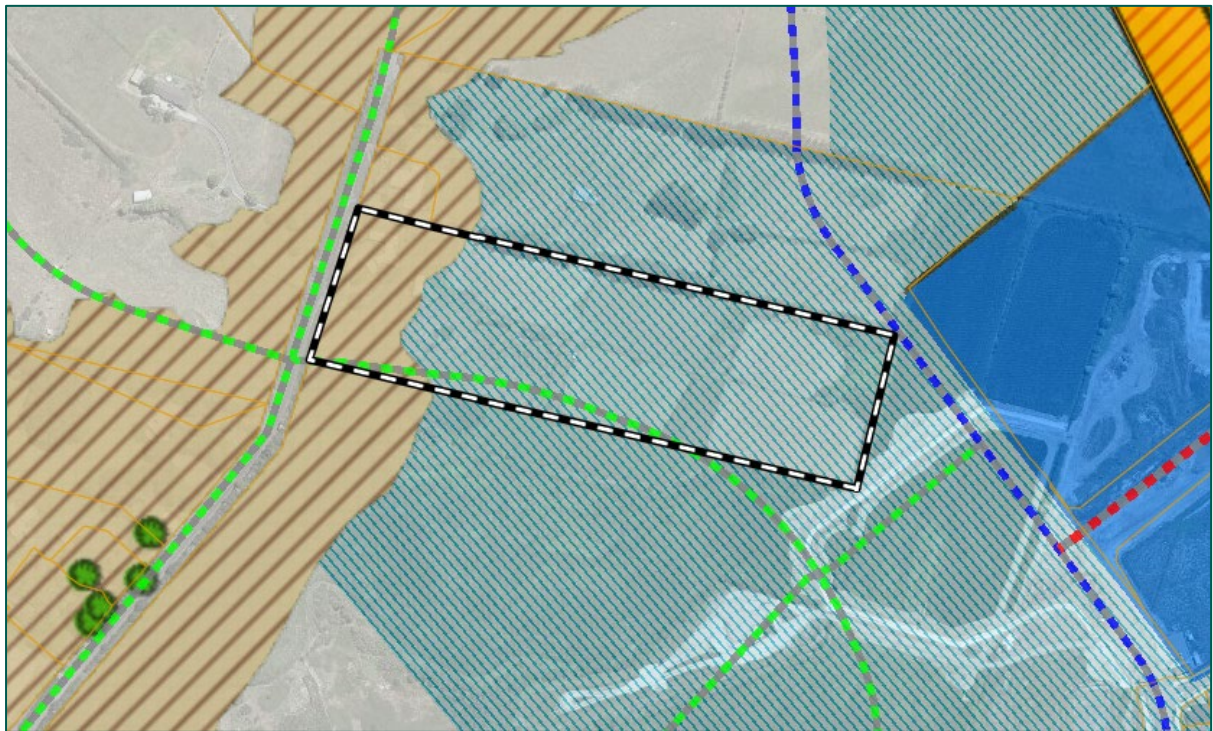


Figure 2: ODP Planning Map.

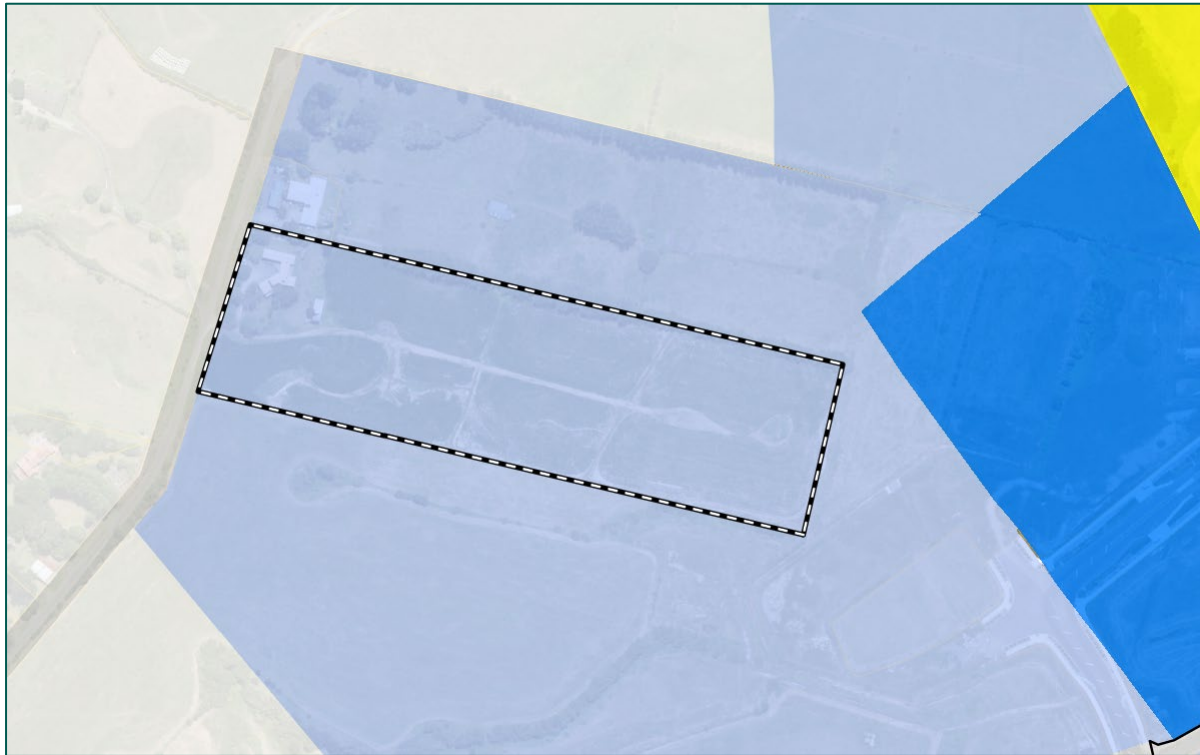


Figure 3: PC12 Planning Map.

For context, the following is noted:

- Pragma have been working with both the Planning Guidance Unit and Strategic Development Unit at Council for approximately three years on the ultimate roading layout for their property and the wider network that would supersede the Rotokauri Structure Plan. The Rotokauri Structure Plan is outdated and does not give effect to higher order planning documents have been published since, particularly the National Policy Statement on Urban Development 2020, National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater.
- There is an application for 52 Lee Road lodged with Council for a Managed Care Facility (10.2024.12977.001). This application is currently on hold, following receipt of the Section 92 Request. This application is limited to the north-western portion of the property, as shown in **Figure 4**.
- Pragma is currently preparing a resource consent application for concurrent land use and subdivision for the wider development of the property. This will require a connection to the proposed Minor Arterial transport corridor, which Pragma requires certainty on as this will need to be considered in the topography and earthworks.
- As aforementioned, Pragma have been having ongoing conversations with Council and adjoining property owners in relation to the aforementioned proposed Collector Transport Corridor. The NOR provides little directive on this connection, however, this is critical and a priority as this informs the servicing connection for Pragma's property and surrounding properties. The transport connection is essential to enable connectivity to ensure housing is able to be delivered that gives effect to the National Policy Statement on Urban Development 2020 and Housing and Business Assessment expected yields.

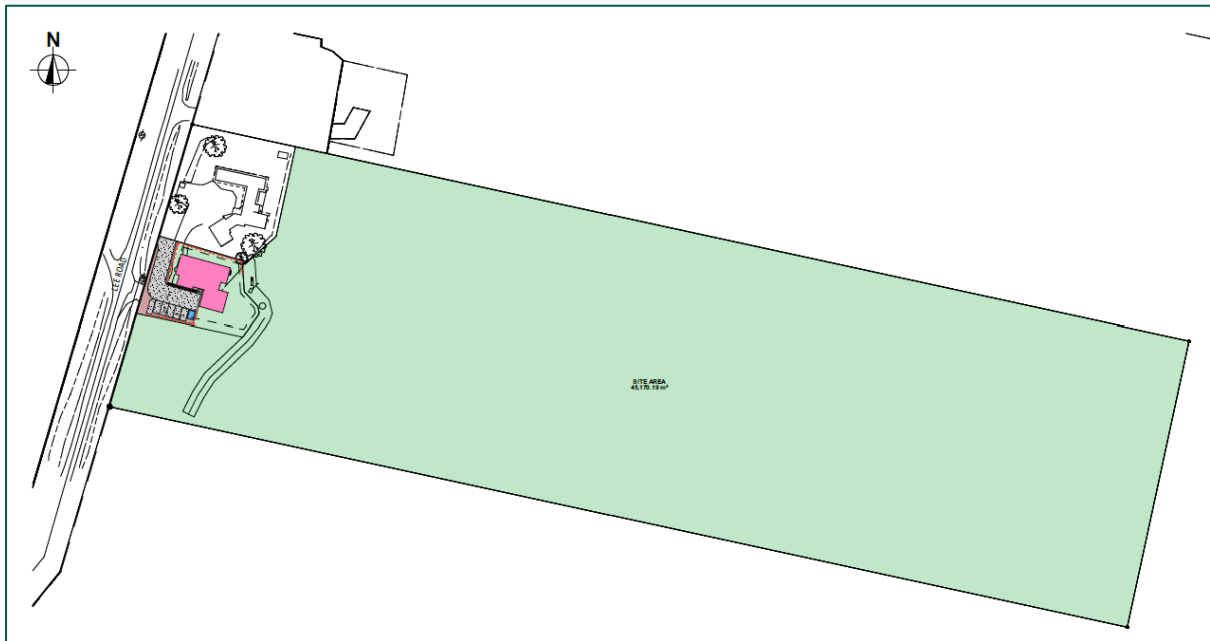


Figure 4: Proposal for Managed Care Facility.

1.3 Proposed Works within Pragma Property

Following a desktop review of the NOR documentation, it is understood that the proposed designation boundary will encroach into the property, as shown in **Figure 5** (property indicated by red dashed line), with a total proposed designation area of 575m². The primary purpose of this portion of the proposed designation is to provide stormwater infrastructure, as shown in **Figure 6** (property indicated by red dashed line). This includes a culvert inlet to Culvert 2 (under the proposed Minor Arterial) to provide drainage connectivity and conveyance for upstream development flows to the Greenway.

In addition, the proposed Minor Arterial also crosses the very corner of the property, as shown in **Figure 7** (property indicated by red dashed line).

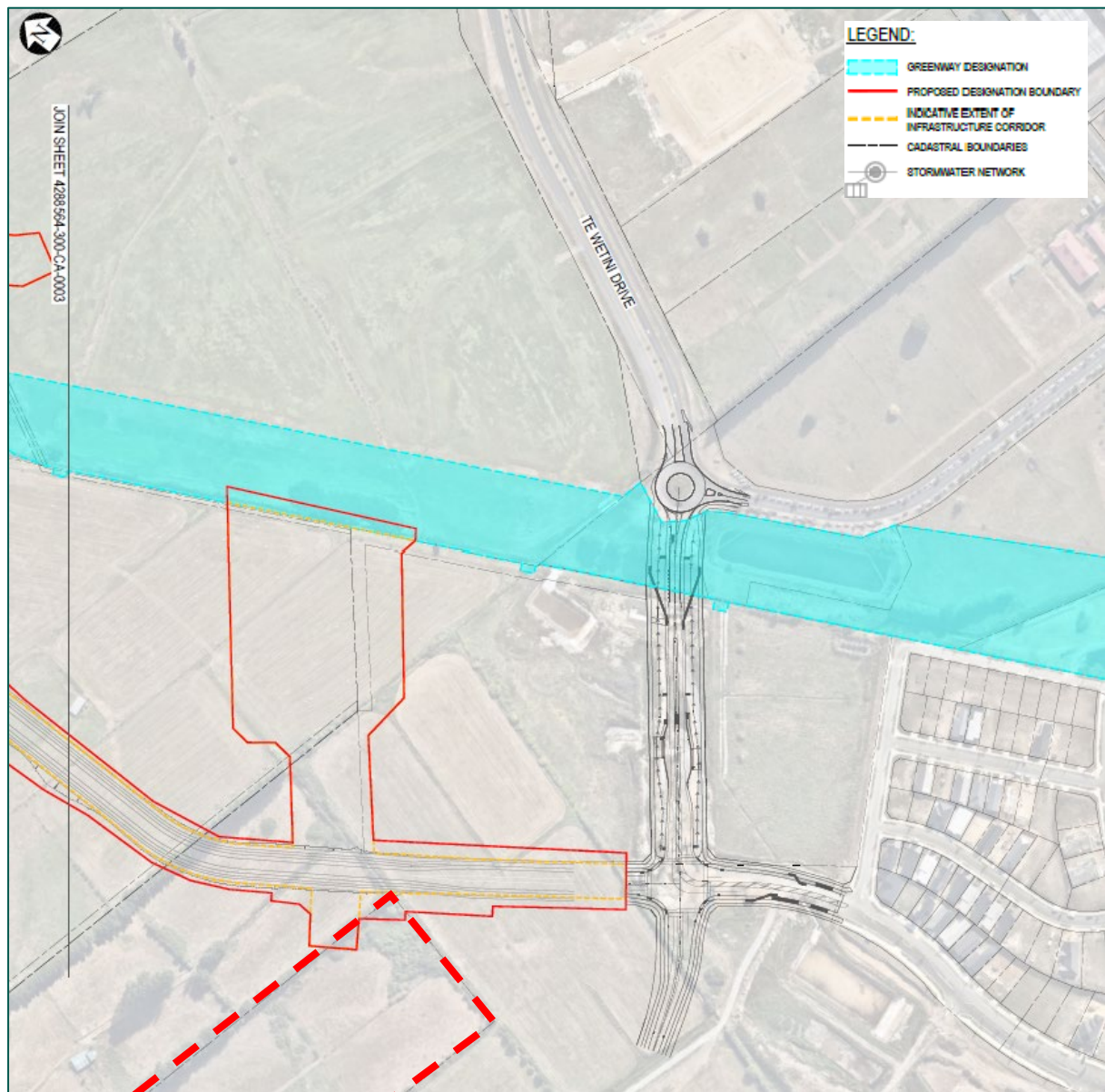


Figure 5: Concept Design with Proposed Designation Boundary [Appendix B.1].

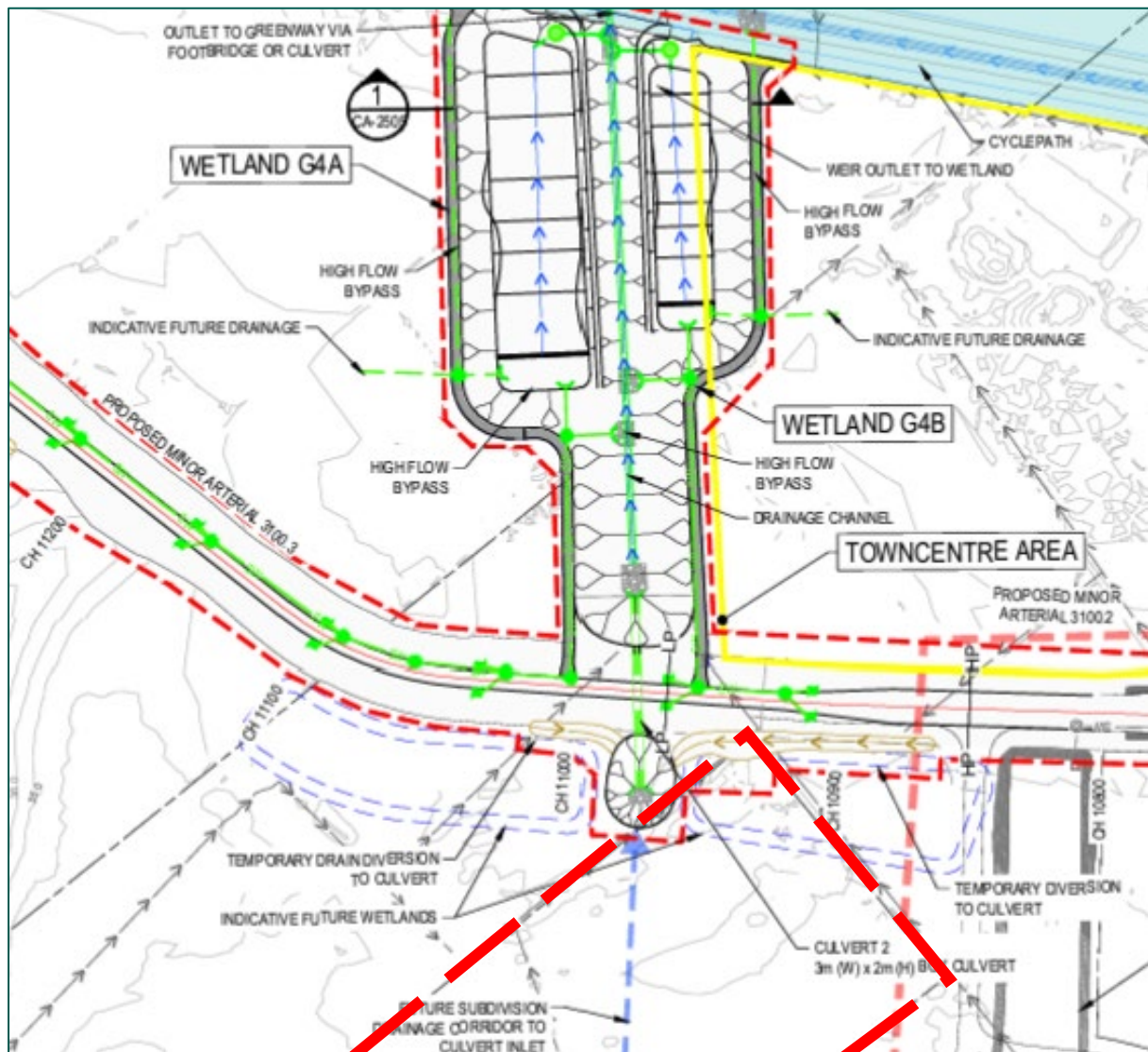


Figure 6: Stormwater Drawings [Appendix B.3].

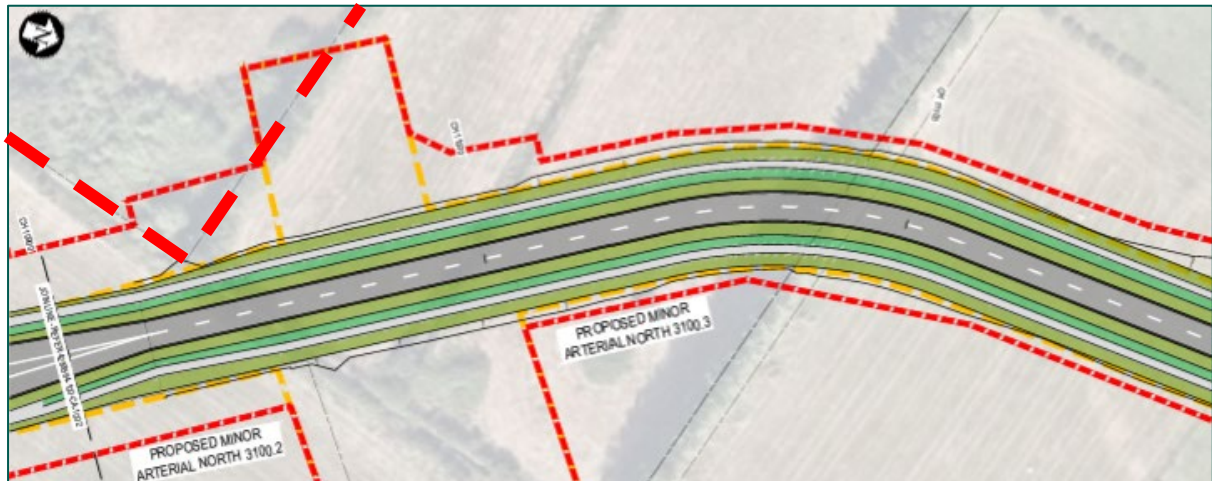


Figure 7: Roading Drawings [Appendix B.2].

2.0 Feedback

Pragma appreciates the opportunity to submit on the NOR and is in general support of the proposed designation, acknowledging that this proposed strategic infrastructure is required to facilitate the urban development of the Rotokauri growth cell.

We confirm that we would like to take part in discussions and next stages of the design process, specifically for the Minor Arterial transport corridor and Culvert 2, as part of the submission process.

2.1 Design

It is firstly noted that the design for the components of the designation is currently ‘Preliminary – Design Under Development for Consultation Purposes Only’. We acknowledge that the design is not finalised and wish to reserve the right to review the design further in future.

No specific relief is sought; however, we request the opportunity to further refine the design with Council.

2.2 Indicative Future Wetlands

As shown in **Figure 6**, “indicative future wetlands” are shown on the property, which are not included within the designation footprint. Section 5.6 of the Design Report [Appendix D in the NOR documentation] states, *“Only wetlands that receive runoff from the proposed roads will be included within the proposed designation. This leaves several wetlands identified in the Greenway NoR and ICMP documents to be designed and developed in the future as part of adjacent subdivision developments. These other wetlands are indicatively shown on the drawings to show the wider stormwater management context.”*.

Pragma seek flexibility in relation to the “indicative future wetlands” particularly their location, sizing and design. They straddle several property boundaries, which is unrealistic and undeliverable.

Relief Sought

Initially, the relief sought is the removal of these “indicative future wetlands” from the NOR drawings.

Otherwise, Pragma seek that all “indicative future wetlands” are labelled with the statement: “Any indicative future wetlands are an indicative option for providing stormwater storage outside of the constructed Greenway. Each land owner will determine, design and consent the actual design, location and size of any additional stormwater storage device related to their property.”

2.3 Future Connections to the Minor Arterial Transport Corridor

Section 5.5.2 of the Rotokauri Strategic Infrastructure Designation document states, “*The RSP [Rotokauri Structure Plan] indicated connectivity and the broad form and function of the local road network, without being overly prescriptive.*”. Pragma acknowledges, including in **Section 1.2** of this submission, that through the Rotokauri Structure Plan there is a proposed Collector Transport Corridor running along the southern boundary of the property. We agree that the Rotokauri Structure Plan (**‘RSP’**) is not overly prescriptive and is rather indicative.

Section 5.5.2 of the Rotokauri Strategic Infrastructure Designation document goes on to acknowledge a number of challenges with reliance on the RSP. We raise this as a concern, particularly as the NOR design generally does not indicate where the future transport connections (collector roads) will be. The RSP is out of date and reliance on this document is unsuitable. In 2009, the RSP was updated to indicate likely transport routes, but since this time further higher order planning documents have been published which must be given effect to, particularly the National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater.

As outlined in the Ecological Impact Assessment [Appendix G in the NOR documentation], there are a number of ecological features in Rotokauri that require consideration under these higher order planning documents. An example of this is natural inland wetlands, which did not require consideration when the RSP was published, that developers must now accommodate in development.

Relief Sought

Pragma requests clarity on how Council will deal with future connections into the Minor Arterial transport corridor designation, specifically in relation to reliance on the RSP, which does not take into account higher order planning documents (such as National Policy Statement on Urban Development, National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater).

2.4 Culvert 2

As detailed in Section 5.7.10a) of the Design Report [Appendix D in the NOR documentation], the channel from the property via a culvert (Culvert 2) under the proposed Minor Arterial transport corridor is required. It also details, “*Upstream of the minor arterial the channel could continue further up into the wider subcatchment to provide a receiving drain for subdivision development. However, this remains the responsibility for developers to determine and HCC to approve. Other than a hollow at culvert 2’s inlet, this wider upstream channel is not part of the proposed designation.*”, which Pragma acknowledges relates to their property.

This again reiterates the challenge for developers in the area to deliver housing as they are required to comply with the Rotokauri Structure Plan. As discussed in **Section 1.2**, the Rotokauri Structure Plan does not give effect to higher order planning documents that have been published since, particularly the National Policy Statement on Urban Development 2020, National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater. Due to the NOR not providing certainty on the future roading layout (specifically Collector Roads), the stormwater catchment and discharge would vary, as would the culvert size. The NOR is enabling further uncertainty and is deferring responsibility to the developers, which will increase processing costs and timeframes at the time of resource consent lodgement.

Relief Sought

Once the design of Culvert 2 has proceeded beyond preliminary design, Pragma requests circulation of the design pack to provide feedback and ensure efficiency and integration with their proposal for the property.

Pragma seeks that a condition be imposed on the designation requiring Culvert 2 to be designed in collaboration with Pragma to ensure that the culvert design takes in account the latest development plan for the property.

The suggested wording of this condition is as follows:

“The Requiring Authority shall work collaboratively with the owners of Lot 2 Deposited Plan 12201 prior to and during the detailed design of Culvert 2.”

2.5 Level of Minor Arterial Transport Corridor

The low point in the Minor Arterial transport corridor will determine the secondary overland flow spill point (and 100-year ARI flood levels) for the upstream/western development areas. The level of the Minor Arterial transport corridor will set what land within a development needs to be lifted to provide freeboard to the 100-year ARI flood level.

The Roding Drawings [Appendix B.2 in the NOR documentation] shows a low point in the transport corridor at approximately RL33.50 metres. This means low lying areas of the property will be below this level and will require filling to lift the connecting transport corridors to the Minor Arterial transport corridor and building platforms above the spill point.

Hence, it is critical that the vertical alignment of the Minor Arterial transport corridor carefully considers the secondary overland flow paths and the effect on upstream development land. The existing sag in the vertical alignment in the vicinity of Culvert 2 should be kept as low as possible to limit the required fill to lift the property above the low point.

Relief Sought

Pragma seeks circulation of the design pack to provide feedback and ensure efficiency and integration with their proposal for the property. Further, it is requested that the vertical alignment of the Minor Arterial transport corridor be designed to the lowest practicable level.

2.6 Timing

Section 9.2 of the Design Report [Appendix D in the NOR documentation] acknowledges that an integrated approach to the delivery of the Minor Arterial transport corridor and Greenway would be beneficial, and Pragma supports this.

Pragma understands that the necessary resource consents for the Rotokauri Greenway have been obtained via the Environmental Protection Authority (fast-track consent process) as of 14 July 2024. It is noted this application includes a portion of the proposed Minor Arterial transport corridor under this proposed designation. Based on this application, it is understood that the proposed portion of the Minor Arterial transport corridor relating to Pragma's property will be delivered first.

It is critical to the development of the property that the proposed Minor Arterial transport corridor is constructed, as is the Greenway,

Relief Sought

Pragma requests further certainty regarding the timing of the NOR designation.

2.7 Ecological Impact Assessment

Further to the discussion in **Section 2.3**, the Ecological Impact Assessment [Appendix G in the NOR documentation] identifies a number of ecological features, however only partially addresses how some of these ecological effects of the NOR will be dealt with. Section 4.3.3 of the Ecological Impact Assessment states, *"The proposed designation intersects with six wetlands and is located within 100m of a further two wetlands. The Greenway and surrounding developments also intersect with these wetlands and the construction of the Greenway will result in the loss of wetland extent and value in the southern section of the proposed designation, prior to the construction of the Project. This is being addressed through a suite of regional resource consents for the Greenway and therefore effects on those six wetlands are disregarded for this Project."* We would like to ensure that the works required for the NOR will not result in an adverse effect on the property, such as the blocking of natural drainage.

Relief Sought

Pragma seeks specific clarification regarding whether any works, like dewatering or removal of ephemeral drains, through the NOR construction will result in the draining, partial draining or blockage of natural drainage of the property.

2.8 Natural Wetlands

The Ecological Impact Assessment [Appendix G in the NOR documentation] identifies a "confirmed wetland" in the property, as shown in **Figure 8**. This is inconsistent with the Assessment of Ecological Effects included in the Rotokauri Greenway and Minor Arterial fast-track consent package and given it is outside of the 100 metre buffer, it is not considered relevant to the NOR.

Relief Sought

Pragma seeks that the Ecological Impact Assessment [Appendix G in the NOR documentation] is updated to remove reference to this “confirmed wetland” on their property.



Figure 8: Figure 8 of Ecological Impact Assessment [Appendix G in the NOR documentation].

3.0 Conclusion

In conclusion, Pragma seeks relief / clarification as outlined in **Section 2.0**. Pragma looks forward to working collaboratively with Council to address the above and is happy to meet with Council to work through these matters.