

Submission of the Trustees of PR Laird Trust by its Trustees **PHILLIP ROSS LAIRD** and Franklaw Trust Limited

This submission is made by the Trustees as the owners of lot 5 deposited plan 359488 in land title 242206, located at 29 Burbush Road, Rotokauri ("the submitter's property").

Postal address: C/- Grayson Clements Lawyers, PO Box 105, Hamilton.

Attention: Michael Grayson/Chloe Herman.

Phone: 07 857 0900

Main contact person: Michael Grayson/Chloe Herman (as above).

We are not trade competitors for the purposes of s308B of the Resource Management Act 1991.

The specific parts of the Notice of Requirement in my submission relates to:

1. The effect that the proposed road near to the submitter's property will have on the owners and occupiers of the submitter's property, due to its location immediately alongside the submitter's property. In particular, the following effects and other issues.
2. Effects on access to the submitter's property. The plans for the proposed road shows a development area that covers the main access driveway to the submitter's property.
3. Potential for interruptions to power supply, as the powerlines to the submitter's property hang very low and close the proposed road alignment.
4. Potential effects of contaminants including but not limited to dust, polluting the rainwater collection, which is from roofs of buildings at the submitter's property.
5. Noise, dust and vibration effects on the dwelling on the submitter's property and surrounding residential site. The house was built some 60 years ago right on the boundary and in very close proximity to the existing road and even closer proximity to the proposed road. The property has a garden area that extends up to and partly into the road reserve.
6. Potential for flooding of the submitter's property. The property is low lying and already suffers from occasional flooding due to drains functioning poorly near to the submitter's

property, with a high-water table, the proposed road is likely to increase water run-off soakage and flooding from the proposed road land which already causes septic tank back flow on the submitter's property. This gives rise to health concerns.

7. Construction, traffic noise and vibration during construction and operation of the proposed road. Visual effects during construction and operation of the proposed road, due to the proximity of the dwelling and surrounding section to the proposed road.
8. We are also concerned that the Council has not given adequate consideration to the options for location of the proposed road further away from the submitter's property, which would assist in minimising the impacts of the proposed road on the submitter's property as outlined above.
9. We are also concerned that the Council has not given adequate consideration to the various methods of reducing and minimising impacts on the submitter's property, if there is no alternative but to locate the road as proposed.
10. Our submission is that the Council needs to rethink the location of the road, particularly to move it further from the submitter's property, and to rethink the methods that are to be used to minimise the impacts of the proposed road on the submitter's property during construction and operation of the road.
11. We seek the following decision from the Territorial Authority in relation to the Notice of Requirement:
 - (a) Relocate the road to be further away from the submitter's property.
 - (b) Ensure that all possible measures are taken to minimise the effects of the construction and operation of the road on the submitter's property.
 - (d) Defer any construction works until there is absolute certainty that the road cannot be moved any further away from the submitter's property, and/or that all possible measures are included in the designation to ensure that effects on the submitter's property are as low as can possibly be achieved.
 - (e) Defer the operation of the proposed road until there has been independent certification that all the required effects and mitigation measures contained in the designation, relating to the submitter's property, have been fully implemented.

- (f) Reject the Notice of Requirement for the designation if the effects of the proposed road on the submitter's property cannot be reliably achieved.
- (g) We wish to be heard in support our submission.
- (h) If others make a similar submission, we could consider presenting a joint case with them at a hearing.

Supporting documents

We have attached a copy of an aerial photograph image showing the location of the dwelling at 29 Burbush Road and a copy of the land title for the submitter's property.

Burbush Road

Lot 5 DP 359488

27

29

44

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **242206**
Land Registration District **South Auckland**
Date Issued 29 May 2006

Prior References
SA14B/116

Estate Fee Simple
Area 2625 square metres more or less
Legal Description Lot 5 Deposited Plan 359488
Registered Owners
Phillip Ross Laird and Franklaw Trust Limited

Interests

DECLARATION OF COMPLIANCE WITH THE RESOURCE MANAGEMENT ACT 1991

I hereby certify that this plan was approved by the Hamilton City Council pursuant to Section 223 of the Resource Management Act 1991 on the 15th day of May 2006 subject to the granting or reserving of the easements set out in the memorandum hereon

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN/SERVIENT TENEMENT	DOMINANT TENEMENT
Right to Convey Electricity and Telecommunications	(A) Lot 2 hereon	Lot 1 hereon
	(C) Lot 2 hereon	Lot 1 hereon
	(B) Lot 4 hereon	Lot 3 hereon
Right to Convey Water	(D) Lot 2 hereon	Lot 1 hereon

Pursuant to Section 224(c) of the Resource Management Act 1991, I hereby certify that all the conditions of the declaration of compliance have been complied with to the satisfaction of the Hamilton City Council.

Dated this 15th day of May 2006

Signature _____ **Authorised Officer**

Class of Survey
Lots 1, 2, 3, 4, 5 Class II
Lot 6 Class III

Total Area 25.1989ha

Comprised in Cst SA 14B/113
14B/114, 14B/116

Signature _____ **Mark Gavin Lei**
Being a person entitled to practise as a Licensed Cadastral Surveyor under the provisions of the Land Transfer Act 1952, I hereby certify that this plan was approved by me or under my direction in accordance with the provisions of the Land Transfer Act 1952 and the Surveyor General's Rules for Cadastral Survey 2002/2.

Field Book A
Reference Plans DP 29489, DP 1420, DP 15254, DP 15255, DP 38269
Consent
Signature _____ **Date** 17/05/06

Approved as to Survey by Land Information NZ on
14/06/2006

Deposited by Land Information NZ on
29/5/2006

Scale 1:3000

Surveyed by CKL SURVEYS LTD G1153 C2

Date September 2005

DP 359488

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