

Plan Change 7 Submissions  
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Hamilton City Council  
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Emailed to: districtplan@hcc.govt.nz

21 March 2020

Dear Sir/Madam

**Submission on Proposed Plan Change 7 – Rotokauri North Private Plan Change**

We, Shane and Antonia Withey, of 454 Rotokauri Road, RD 9, Hamilton 3289 wish to make a submission in opposition to Proposed Plan Change 7 - Rotokauri North Private Plan Change. Our email address for sending further information to is a1building@xtra.co.nz, contact number 07 8499317 or 0274974448.

We **oppose** the plan change in its entirety. The reasons for this, specific provisions that the submission relates to and specific changes requested are set out in the **attached pages** with regard to specific provisions of the proposed plan change.

Further to these attached pages there is also potential **SITE SPECIFIC** issues with the changes that Council intend to undertake, however, with only just finding out about this and not being able to speak to a Policy Planner my concerns are further heightened as to the effects the changes could make to our present house design that we are undertaking.

**Our site at 153 Exelby RD-**

is approx. 8000m<sup>2</sup>. Under current rules, building setbacks are already making it difficult for us to achieve our design as when you remove these setbacks along with driveway access and a section of step hillside, future council drainage upgrades etc we are down to less than 1000m<sup>2</sup> of build site to put our 450m<sup>2</sup> house and shed on.

If the road use is upgraded then my fear is that road setbacks could be increased making our design null and void.

Also, we are very close to a bend in the road, this along with the very narrow road at the exit from our site makes for a difficult task of getting large vehicles into and out of the site as it is. Increasing traffic flow by 1,500% will drastically increase H&S issues.

When we purchased the property, we undertook our due diligence and as part of that was to understand the Rotokauri structure plan. Part of the reason to purchase the property was that under the current plan the traffic flow would likely decrease from 600 movements per day making for a quiet and peaceful place to live.

**Changing the plan will directly affect us:-**

- 1- Increasing traffic flow will decrease our land value and make it harder to sell down the track as the road is approx. 4m above our build site.
- 2- To minimise the direct effects on the property we will need to up spec all facets of noise control which will create a lot more building costs.

- 3- Stormwater from these subdivisions will pass via the existing drain on our boundary line. This could however be an asset to the property dependant on design which we would like to be a part of.

We wish for the proposed plan change to be **declined** unless the matters set out in the attached pages can be addressed and the relief sought included in the proposal. We **wish to be heard** in support of our submission. If others make a similar submission we **would be prepared to consider present a joint case** with them.

Yours faithfully

  
Shane Errol Withey

## Proposed Plan Change 7 Submission

### Chapter 3 – Structure Plans

#### Relevant Provisions

##### Objective 3.3.2

*New urban development is appropriately serviced and properly integrated to minimise City network impacts.*

- Policy 3.3.2a

*The use of land for urban development will not be allowed unless appropriate infrastructure is provided for and the servicing of this land will maintain the efficiency and sustainability of regionally significant existing and planned infrastructure.*

- Policy 3.3.2b

*New development is able to be adequately serviced in terms of Three Waters and transport infrastructure.*

- Policy 3.3.2c

*Development is co-ordinated with the provision of infrastructure and social infrastructure.*

- Policy 3.3.2d

*Staging and sequencing is in general accordance with any staging indicated on the relevant Structure Plan.*

##### Objective 3.3.4

*An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure.*

- Policy 3.3.4a Integrated Transport Modelling is undertaken for all Structure Plan areas.

- Policy 3.3.4b Movement routes are integrated with surrounding neighbourhoods and existing and planned transport networks.

- Policy 3.3.4c Enable connectivity with other undeveloped adjoining sites.

- Policy 3.3.4d The transport network supports efficient passenger transport and opportunities for walking and cycling.

- Policy 3.3.4f Opportunities for improved safety, accessibility, connectivity and efficiency within the transportation network are provided.

#### Submission:

**Oppose the Private Plan change in its entirety for being contrary to the above listed provisions.**

**Reasons:** By removing the Rotokauri North area from the current Rotokauri Structure Plan area, the development will not be integrated with the wider network of roads and other infrastructure and will create an inefficient pattern of transportation and landuse. The impacts on the wider area have not been adequately considered or addressed. Adequate Integrated traffic modelling has not been undertaken to properly understand the impacts on the wider transport network and community. The staging and sequencing intended for the current Rotokauri Structure Plan area requires that key arterial roads and intersections are built prior to development moving as far north as the proposed Rotokauri North area. This proposal will result in a poorly integrated arm of development that significantly impacts on traffic in other areas of the Rotokauri Structure Plan due to the sequencing not being adhered to.

The traffic impacts on the southern section of Exelby Road and its side roads will be significant – this development should not go ahead without major upgrades to the full length of Exelby Road, the

intersection of Exelby Road and Rotokauri Road, and Exelby and Lee Road intersection, and Rotokauri Road down to Newton. Even now these roads and intersections present safety issues due to poor sightlines, narrow carriageway with no line markings, and high horizontal and vertical curvatures. There is no footpath, and walking or cycling along these roads is a risky business. The envisaged north-south arterial road indicated in the Rotokauri Structure Plan (and connections to the east by bridge underpasses) should be constructed to take the traffic off southern Exelby Road. Further a connection should be made to the Rotokauri Transport Station to enable new residents of the Rotokauri North Structure Plan area to utilise public transport. Movement routes have not been proposed to be integrated with the surrounding neighbourhoods and existing and planned networks, and development of the Rotokauri North area is premature before these key transport connections have been constructed.

The unmanaged wider transportation effects will have the potential to adversely impact on land values due to a bad reputation for traffic efficiency and safety issues. The Economic Impact Assessment provided by the applicant has a narrow focus on the proposed retail centre. This should be expanded to include the economic impact on ratepayers due to development being planned out of sequence with the Rotokauri Structure Plan. We are concerned that if the developer does not construct or upgrade the wider roading network to cater for the new demand, that HCC will be forced to fund this in order to address the new safety issues on these roads and mitigate the impact on land values.

Further the health and wellbeing of the community will be threatened by poor road safety, noise and vibration, and increased travel times.

For the reasons above the proposed plan change is inconsistent with Objective 3.3.2 and Policies 3.3.2a – d; and inconsistent with Objective 3.3.4 and Policies 3.3.4a – d and 3.3.4f.

### **3.6 – Rotokauri Structure Plan**

Proposed provision:

*3.6 d) Chapter 3.6A refines the Rotokauri Structure Plan with respect to the northern area (approximately 140 hectares of land), and in all aspects will supersede the Rotokauri Structure Plan for any land identified in the "Rotokauri North" area.*

Submission:

**Oppose in its entirety**

**Reasons:** By removing the Rotokauri North area from the current Rotokauri Structure Plan area, the development will not be integrated with the wider network of roads and other infrastructure that the Structure Plan intends and will create an inefficient pattern of transportation and land use. The development will no longer be required to integrate with other planned projects intended to make traffic move efficiently through the entire Rotokauri area or intended to create a cohesive urban pattern.

For example, by making the Rotokauri North area exempt from the Rotokauri Structure Plan, there will no longer be a need to have regard to structure plan component 3.6.2.6b) which states *"There is also the potential for a second PT facility further north at the junction of Te Kowhai Road and Tasman Road, to integrate the passenger transport network with the surrounding land use activities."* Further, the viability of the Rotokauri Transport Station (which is already under construction) may be undermined if this proposed Plan Change is approved, due to development not being sequenced as intended.

The proposed exemption of Rotokauri North from the Rotokauri Structure Plan Provisions would also mean that structure plan component 3.6.2.7 b) could be ignored, specifically the following aspect: *Development of the arterial network is likely to be staged, reflecting the growth in traffic volumes as development occurs. While the necessary transport corridors will be secured in advance, the final design and construction of roads within them will be timed to coincide with demand.*

The information supplied about the development of the Rotokauri North area, particularly the Traffic Assessment, states that traffic volumes on Burbush and Exelby Roads are anticipated to increase

from 600 veh/day to 9000 veh/day (Attachment 13 – Integrated Transport Assessment, 6.2.8). The ITA states that *“as part of this application, Burbush Road will be upgraded to a collector road with the remaining length of Burbush Road remaining as existing (until such time as development to the south occurs).”* It then goes on to state that Burbush Road south is expected to operate within capacity, and that *“while Burbush Road to the south of the PPC area is expected to accommodate the anticipated traffic movements, monitoring of the operation to the south of the PPC area is recommended to assess whether the safety or efficiency of this section is compromised in the interim period.”*

This is unacceptable, given that all locals regularly using this road network know that the road and key intersections are already significantly compromised in terms of safety. We seek that an updated ITA is provided which thoroughly assesses the existing performance of the road network south of the PPC area, through the Exelby Rd/Rotokauri Rd intersection, and down Rotokauri Road as far as Newton, including assessment of existing sightlines from intersections and accessways, assessment of peak flows, and flow proportions, actual vehicle speeds, and pedestrian and cyclist safety. Such ITA should also assess the impact on the road network as it currently exists – monitoring in the interim will fail the community and will only result in road deaths or injuries. The ITA should provide mitigation measures that address the new demand on the roading network that will be created by this development, including building roading connections beyond the PPC area (especially the Rotokauri Minor Arterial Road) to connect to existing key arterials and destinations, Ratepayers living in the rest of the Rotokauri Structure Plan area should not have to bear the financial and health and wellbeing burden of development occurring out of sequence. The Rotokauri Structure Plan clearly intends that roading infrastructure (including upgrades of existing) will keep up with development and be funded by the developer if out of sequence.

It appears that the developer is suggesting that HCC or another developer should take responsibility in the future for upgrading the wider transportation network. However, section 3.6.2.9 Staging b) of the Rotokauri Structure Plan provides that:

*“Council’s Long-Term Plan or Annual Plan sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council’s programmes a Development Agreement will need to be entered into with Council to ensure that the infrastructure is provided in a way which is efficient and sustainable from a city-wide perspective. In these cases, it is anticipated that developers will bear the full cost of infrastructure provision. This approach will enable growth in areas that are not funded for infrastructure to be funded by developers under Development Agreements between all parties.”*

The proposed upgrades of roading within the PPC area will not be sufficient to provide infrastructure in a way that is efficient and sustainable from a **city-wide perspective**, and seeks to avoid the **full cost** of providing infrastructure to cater for the demand that the development will create.

The proposed plan change is inconsistent with structure plan component “3.6.3.2 Roading” in its entirety. The proposed area is within the stage 2 area, outside of Areas A and B (see Figure 15-7a). The Rotokauri Structure Plan indicates that the release of land beyond stage 1A (such as the PPC): “will be contingent upon the availability of network capacity which may arise as a result of traffic generation” and 3.6.2.3 d and e) provide that:

*Proposals for the development of land in ‘Area B’ on Figure 15-7a will require careful scrutiny to ensure that adequate network capacity exists to support the development, or will be provided as part of the development and they will not compromise the development of land in ‘Area A’ on Figure 15-7a. Development will require:*

- i. Construction of the Rotokauri Minor Arterial Road northwards from the neighbourhood centre, to connect with the extension of the Te Kowhai Road arterial shown on Diagram 15-7b.*
- ii. The following roading upgrades will be required to service the specific residential growth cells adjacent to Baverstock Road, Brymer Road, Exelby Road, Rotokauri Road and Lee Road. The works are to be undertaken in generally the following sequence as identified on Figure 15-7b:*

A. Upgrade of western end of Baverstock Road including the intersection of Brymer Road and north to the Hamilton Zoo entrance.

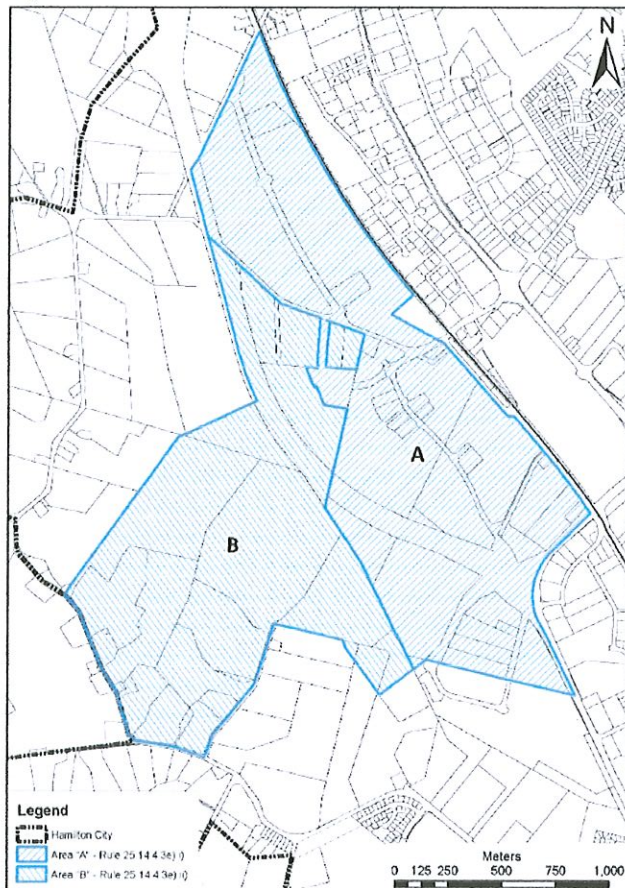
B. Upgrade of Rotokauri Road between the new residential arterial transport corridor and Brymer Road.

C. Upgrade of Brymer Road from the Hamilton Zoo entrance, northwards to Lee Road.

D. Upgrade of Lee Road.

e) The development of land outside Areas 'A' and 'B' (Figure 15-7a) will need to coincide with the northwards extension of Rotokauri Minor Arterial Road to connect with Te Kowhai Road at the City Boundary.

Figure 15 -7a



The PPC is clearly contrary to these provisions, and the developer is trying to dodge the full cost of developing ahead of the planned sequencing by exempting itself from these Rotokauri Structure Plan provisions. The PPC does not provide adequate transport network capacity outside of the PPC area to support the proposed development. The proposal does not achieve a sustainable expansion of the city and does not represent coherent and integrated development, because the transportation effects beyond the Rotokauri North boundaries have not been resolved.

**Relief sought:**

- Either decline the private plan change; or
- Decline proposed inclusion of section 3.6 d (exemption of PPC area from Rotokauri Structure Plan), but approve the development subject to requiring the developer to adhere to all existing Rotokauri structure Plan provisions, including:
  - a) requiring they construct the Rotokauri Minor Arterial Road;
  - b) provide an ITA that adequately assesses impacts on the wider transport network and have that ITA peer reviewed.
  - c) cater for the demand generated within the wider transport network;

- d) requiring the developer to fund all necessary road network upgrades and additions.
- e) provide a full economic assessment of the financial impact on the remainder of the Rotokauri Structure plan area and including the likely cost of the required roading upgrades.

Prepared by Heather Perring, Planning Director, Kaitiaki Planning (MNZPI).

**I 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.**