

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Plan Change 14 to the Waipa District Plan

**Henmar Trust comments on further changes to PC 14 proposed by council officers'
Right of Reply**

Dated: 3 April 2025

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The Henmar Trust makes the following comments on the further proposed changes to PC14 proposed by Council officers' through the Right of Reply process.

Performance standard 7.4.2.1(e) reduction in minimum setback from the boundary of Swayne Road and Zig Zag Road from 15 metres to 10 metres.

The Henmar Trust continues to oppose this change as it will reduce the amenity protections for farming, living and other activities along these roads.

A careful check needs to be made whether this change was expressly requested in any submissions, given the Council proposal for at least one other change that has not been requested in any submission (change of the status of the link road Henmar/ Bardowie from collector road to local road. It appears from the latest council proposals that the local road change may not now be recommended.)

Mangaone Precinct Structure Plan Area – rural road configuration – same issue – change in minimum setback distance to 10 metres.

Rule 7.4.2.17A - The Henmar Trust supports the proposed change to this rule.

Rule 7.4.2.46 – Change to the “trigger” when transport upgrades are required.

The Henmar Trust supports the change in wording of the first part of the rule but opposes the limitation of the upgrade trigger to be related only to subdivision, rather than land development and activity. There is no reason why subdivision should be the only activity that triggers the required transport upgrades.

The use of the word “reliant” is likely to cause future interpretation and implementation problems.

The Henmar Trust also opposes the use of the word “directly” in items (d) and (f) of the table in this rule. The use of that word will undoubtedly cause interpretation and implementation issues.

Reference should be to activities that “have direct or indirect access” to these roads.

Bardowie Precinct Structure Plan Appendix S20

The Henmar Trust continues to oppose the removal of the indication of a roundabout linking the east west collector road with the collector road servicing the Henmar Trust land.

Mangaone Precinct Structure Plan Appendix S27

The Henmar Trust continues to oppose the removal of the indication of the roundabout, as referred to in connection with the equivalent change to the Bardowie Structure Plan.

Also, the legend notation “indicative collector road” should read “collector road and service corridor, indicative as to location”.

Mangaone Precinct Structure Plan S27.3.4 – Rural Interface – third bullet point

The Henmar Trust continues to oppose the reduction of the setback for buildings on Swayne Road and Zig Zag Road from 15 metres to 10 metres, as this will reduce amenity protection for the surrounding neighbourhood.

In response to WDC Right of Reply Paragraph 4.33 The importance of the earlier agreement about the Bardowie Structure Plan was clearly referred to in Henmar Trust submission submitted to Council on 19 July 2024, more than 6 months before the meeting with Mr Skilton.

see

below.

Proposed Private Plan Change 14

Submission on Plan Change 14

Submitters proposed amendments are shown in *red italics and red-strikethrough*.

PROVISION	POSITION	REASONS	RELIEF SOUGHT
General	Support in Part/Oppose in Part	<p>(i) Support the rezoning of Lot 2 DP 529042 comprised in RT: 856574 subject to the relief sought in this submission, in particular;</p> <ul style="list-style-type: none"> Ensuring that any actual or potential adverse effects of the proposal are less than minor. Ensuring that the proposal is in accordance with the objectives and policies of the Waipa District Plan. Ensure that the District Plan Rules are amended to protect the adjoining Rural Zones and the Industrial/Rural Interface. Ensure that the proposal provides traffic and service connectivity to the adjoining property owned by Henmar Trust that is located within the C10 Industrial Growth Cell. Avoid, remedy or mitigate any downstream flooding effects on the Henmar Trust property located within the C10 Industrial Growth Cell by restricting stormwater runoff within the Mangaone Industrial Precinct and Bardowie Industrial Precinct Structure Plan Areas to 80% of pre-development peak flows. <p>(ii) Oppose the lack of connectivity of the proposed Plan Change with the Henmar Trust property located within C10 Industrial Growth Cell. It is common practice for Structure Plans to provide connectivity to adjoining sites within the same Growth Cell.</p>	<p>(i) That the proposed Mangaone Precinct and the Bardowie Industrial Precinct provide traffic and service connectivity to the Henmar Trust property located within Growth Cell C10.</p> <p>(ii) That the Proposed Bardowie Industrial Precinct Structure Plan removes the word indicative from the collector road to the Henmar Trust property, marks the road the same as other collector roads, and includes the round-a-bout that was agreed. Additionally, services connections along this Collector Road need to be shown on the Structure Plan and referenced in the key.</p> <p>(iii) That if Council grants the proposed plan change, they require appropriate provisions and Rules to be included into the District Plan to ensure that any actual or potential adverse effects on the Henmar Trust property are less than minor.</p> <p>(iv) That Section 4, 7 Survey Office Plan 499872 comprised in Record of Title 811702 and Section 1 Survey Office Plan 499872 comprised in Record of Title 805561 (the Kiwifruit Block) be excluded from the Plan Change, or the Technical Reports be updated to include the future Industrial Development of the "Kiwifruit Block", with submitters having a further opportunity to submit on this aspect of the proposed plan change.</p> <p>(v) Council alters the existing Rules and Performance Standards to ensure that any adverse effects on the</p>

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Submission by Henmar Trust

		<p>The proposed Bardowie Structure Plan needs to reflect the access arrangement that was agreed with Council with Bardowie Industrial Precinct.</p> <p>With the proposed Mangaone Precinct located on our eastern boundary, Bardowie Industrial Precinct adjoining the southern boundary and the Hautapu Dairy Manufacturing Site across the road to the west, it is imminent that the submitters site will be Industrial.</p> <p>The Mangaone Stream runs through the</p>	<p>Henmar Trust property are less than minor. In particular rules requiring;</p> <ul style="list-style-type: none"> Increase yard setback where the site adjoins the Rural Zone to 25m from the boundary. For example, buildings over 250m² on the Henmar Trust property in the C10 Growth Cell need to be 25m from the boundary with the proposed Industrial Precincts, and buildings within the C10 Industrial Precincts should have to abide by the same standard where they adjoin the Rural Zone. Reduced height where the site adjoins the Rural Zone to a maximum of 12m. For example, buildings on the
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APPENDIX S20 – BARDOWIE INDUSTRIAL PRECINCT STRUCTURE PLAN			
<p>Three consequential changes are required to the Structure Plan relating to the Bardowie Industrial Precinct as follows:</p> <ul style="list-style-type: none"> ➤ The Kiwifruit Block is proposed to form part of the Bardowie Industrial Precinct Area (identified as part of Node 1A) and be subject to the Bardowie Industrial Precinct Structure Plan and Urban Design and Landscape Guidelines contained in Appendix S10 of the Waipa District Plan; ➤ A change is required to reflect the updated position proposed in relation to the alignment of the roading connection (a proposed Collector Road) between Victoria Road and the Mangaone Precinct Structure Plan Area; and ➤ A pedestrian and cycle link is proposed along the eastern edge of Node 1B. <p>These changes are shown on Figure 12 below. These consequential changes form part of Plan Change 14.</p>	<p>Support in part/Oppose in part</p>	<ul style="list-style-type: none"> (i) No assessment of the Kiwifruit Block in any of the technical reports and therefore appears to be being rezoned with no assessment of effects. (ii) The proposed Structure Plan shows the Kiwifruit Block as Industrial Node 1A not Stormwater Reserve. (iii) No buffer and/or segregation strip along the frontage of the Kiwifruit Block that adjoins Swayne Road. This means that heavy vehicles will still be able to use Swayne Road via the existing access to the Kiwifruit Block. Needs to be one access to Swayne Road for the whole C10 Industrial Growth Cell that is limited to light vehicles only, or the whole of the C10 Growth Cell should have access to this heavy vehicle entrance. (iv) The keys of the proposed Structure Plans within the C10 Growth Cell vary and some features completely missed from the key creating confusion. (v) The Structure Plan does not reflect the agreement between Henmar Trust, Council and BIL. (vi) Due to the topography of the C10 Growth Cell and Victoria Road culvert being designed to flood the Henmar Trust property in the case of a major event, to protect downstream 	<ul style="list-style-type: none"> (i) Reject Appendix S19 – Bardowie Industrial Precinct Structure Plan as notified. (ii) Accept submitters proposed amendments to Appendix S19 – Bardowie Industrial Precinct Structure Plan. Submitters amendments are detailed below: <ul style="list-style-type: none"> (a) The plan key of the Mangaone Precinct Structure Plan and Bardowie Industrial Precinct Structure Plan should be the same to provide consistency. (b) Amend the proposed Structure Plan to identify traffic and service connectivity (not indicative) to the Henmar Trust property to the north. This collector road needs to be shown as a solid black line like the other collector road (or whatever the notation for Collector Road may be). (c) Show the agreed round-a-about at the intersection of the collector roads (that is the one to the north and the one running west to east). (d) Show services connections to the Henmar Trust property and include this in the key. (e) Show connectivity between the “Kiwifruit Block” and the Mangaone Precinct to the north. (f) Include a buffer and segregation strip along the entire frontage of the “Kiwifruit Block” to ensure only light vehicles can access Swayne Road from the C10 Growth Cell. Alternatively, should a heavy

WDC Right of Reply paragraphs 4.68 to 4.77 - These paragraphs are misleading, since although Area 7 is Deferred Industrial it's underlying zone is Rural and for assessment purposes under the RMA the performance standards of the Rural Zone apply.

Also, these paragraphs are inconsistent with Appendix C – Table of Mary Bourke Questions and Council Staff Responses – page 3, paragraph reference 77, which refers to the interface between Areas 6 and 7 and states that “*The rules instead prescribe a 15m setback from the rural zone boundary. This was in recognition of a number of existing sensitive non-industrial activities within Area 7.*”

WDC Right of Reply paragraph 5.4 –The Hearing Panel are referred to the Agreement documents attached as Appendix A to Mary Bourke SOE – see below. The agreed roundabout is not a random circle on the Structure Plan. It was clearly intended to be identified as a roundabout. Additionally, paragraphs 6.3 to 6.5 of the Right of Reply refer to it as a roundabout.

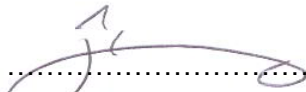
HEARING MEETING

20 November 2018 – 9am

Wayne Allen, Todd Whittaker, Richard Bax, Bryan Hudson, Matt Smith, Mark Chrisp, Abbie Fowler, Louise Bourke, Mary Bourke

Issue / Topic	Agreement	PC11 Page Number
Infrastructure - Roading	<ul style="list-style-type: none">• Put in a roundabout with a black dotted line (same as eastern connection) to the north.• Roading and services to be included in the text – text on Structure Plan and the text of the structure Plan.• Waipa District Council prefer the Henmar Trust land is serviced from a roading perspective from the road in the BIL land – subject to a Master Plan.• Take "possible" out from text on the SP• Legend needs to be updated <p>"Roading and service connections to the north (to the property boundary of the part of Pt Allotment 190 Hautapu Parish within the C10 Growth Cell) and the east to connect with the balance of the C10 Growth Cell shall be identified and vested as roads at the time of the first subdivision of Node 3 in accordance with any C10 Growth Cell Master Plan and/or Structure Plan relating to the balance of the C10 Growth Cell that has been approved by the Waipa District Council"</p>	Page 55 and Structure Plan

3 April 2025



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P. Lang, counsel for the submitter Henmar Trust