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SUBMISSIONS ON BEHALF OF R & C HANNON TO PLAN CHANGE 17 OF WAIPA DISTRICT PLAN FOR HEARING 14 JUNE 2023

INTRODUCTION

Mr and Mrs Hannon have lived in the area for over 50 years and have owned the property (titles) which run from Hannon Road to Peake Road (the land) since the death of Mr Hannon's father. They reside at 191 Hannon Road.

Within their land ownership is land to be brought into the Industrial zone by this plan change from deferred industrial. This land fronts Peake Road to the West and is part of the C9 area (approximately 65%)

Recently Mr and Mrs Hannon completed an agreement to sell a piece of the already zoned Industrial land to Council to be used as the intended detention pond (Basin 2) adjacent to the current Southern end of Allwell Drive and also (at the same time) there was agreed a subdivision of their land cutting off the existing house and an area of land surrounding the house. This plan is attached as it is not currently shown as separate titles on plan change 17. As a practical measure we seek the amendment to the structure plan accordingly.

We comment that a structure plan is only indicative as to what might be proposed once the land is used for its zoned purpose. In this case a substantial part of the structure plan involves the land owned by the Hannon's and accordingly it is submitted that their views on the set up of the structure plan should be facilitated or at the very least seriously considered.

Plan Change 17

Mr and Mrs Hannon filed a submission (submission #10).

It is noted that the plan change covers several matters. The first is to increase the area of zoned industrial land by inclusion of land on or adjacent to Hautapu Road. This was not opposed by Mr and

Mrs Hannon who rely upon the restrictions being imposed upon uses in the extended zone area (and any additional area that may be allowed in under the interesting scope ruling).

Secondly the plan change is proposing to bring into operation earlier than 2035 that part of the existing zone that was deferred (C9 area). This does involve all the balance of the Hannon land (which previously was split between Industrial and deferred industrial) and again this is not opposed by Mr and Mrs Hannon

Thirdly the plan change is proposing a structure plan which involves roading and servicing (including further detention ponds). Mr and Mrs Hannon have concerns about these matters, and their submission filed raises those concerns. The planning report prepared by Council does not appear to understand these concerns and has, it is submitted, not commented properly on them – see 6.7.1 at page 35 of the Section 42A hearing report by the Consultant Planner for Council and the Threewaters evidence by Te Miro Water Consultants Ltd dated 6 February but shown as finalised on 9 February 2023. See figure 2 and the areas defined (the Hannon land is areas 2 and 4 and basin 3). Note also the comments at 3.6.2.3 and 3.6.2.4 relating to the “proposed stormwater layout”. (as this evidence is primarily related to area 6 and its catchment area there is no real comment on the Hannon submission)

These concerns are:

- a) That the roading structure as proposed is not allowing sensible development adjacent to the land sold to Council for the detention pond adjacent to the end of Allwell Drive and shown as Basin 2 i.e. the Hannon’s consider the proposed road should be planned to allow for development on both sides (say 25-30m) out from where it runs through adjacent to the detention pond. Thus, the road could and should be moved in the structure plan to allow for this. There were no cross submissions against this proposal yet the Council planner summarily dismissed it. The statement that “roading locations are required in these specific positions to achieve the desired connectivity of the area”

cannot be a correct statement for a structure plan particularly where the roading alteration proposed is solely on the submitter's land and connectivity is still achieved.

- b) The proposed detention pond at the southern end shown as Basin 3 (and the pump station) is located solely on the Hannon owned land yet is intended to service Area 3 as well. The Hannon's consider this is inequitable. Thus, as requested in the submission (and there were no cross submissions) the Hannon's seek for the detention pond to be shared across the boundary or placed at the lowest point (to allow for easy delivery) as identified in the Te Miro report on three waters.
- c) While the existing district plan objectives and policies for Industrial land promote the importance of utilising the land for industrial purposes there appears to be no ability (in the Plan change) for a landowner to propose a detention pond outside of the industrially zoned land onto say adjoining rural land.

Discussion

Council was approached about these concerns prior to the submission closure date. These initial discussions indicated that Council was not opposed to changes to the roading structure plan or the concept of a detention pond near by on rural land. The latter concept would clearly require engineering design for the collection and if necessary, pumping of storm water to the pond. But that may be a suitable alternative.

A review of the rural zone does not prohibit the use of detention ponds (cf. effluent ponds) but would require an approval from Waikato Regional Council.

It is note that there were no cross submissions opposing the concept.

It is inequitable for Basin 3, the reserve and WWP5 to all be on Area 4 owned by Mr and Mrs Hannon. It should be shared by area 3 owners.

The check list identified in the legal advice to the Panel requires the panel to examine the extent to which the objectives of Plan Change 17 are the most appropriate way to achieve the purpose of the RMA and this includes rezoning (from deferred to live) and the structure plan.

It is accepted that there is no NES impediment to the change affecting the Hannon land.

Request

Accordingly, Mr and Mrs Hannon seek for their submission to be accepted and for the structure plan proposed in plan change 17 to be amended:

- a) to alter the road coming from Hannon Road at the Northern end of the Hannon property and running east-west to Peake Road so as to be approximately 30 metres to the south of the basin boundary (being the land sold to Council.
- b) To move basin 3 to the lowest point or a position where the cost is shared by owners receiving the benefit.

AND that a suitable provision by way of note be added to the structure plan as follows:

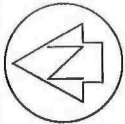
"That applicants for subdivision of land in the Hautapu structure plan area may (upon presentation of suitable engineering reports acceptable to Waipa District Council) allow for detention ponds to be constructed on rurally zoned land across Peake Road to service the industrial zoned land being subdivided".

Dated 14 June 2023.

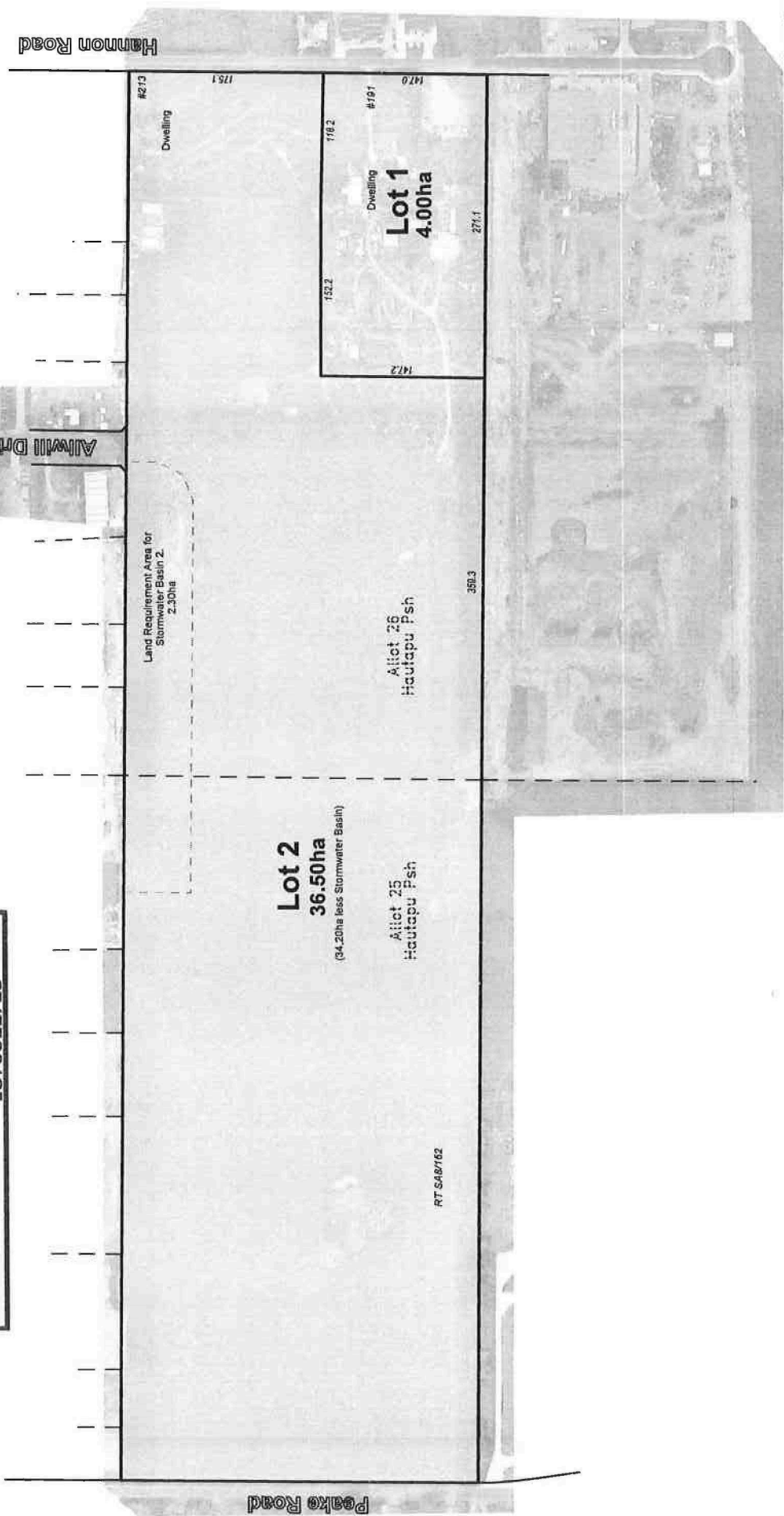
For Richard and Carol Hannon

Consultus NZ Ltd

Murray Osmond LLM(Envir)(Hons)



APPROVED
 Waipa District Council
 Subject to the conditions of the
 resource consent SP/0176/22 &
LU/0022/23



 COGSWELL <small>SURVEYING ENGINEERING PLANNING</small> <small>5 MILLBURN PLACE, P.O. BOX 109, CANTERBURY CHRISTCHURCH 8140</small>	Proposed Subdivision of Allots 25 & 26 Hautapu Psh		ORIGINAL PLAN SIZE: A3 SHEET: 1 of 1	DRAWN: CHECKED: DATE:
	SCALE: 1:3500 DATE: 19/12/2022 REV: A		NOTE: BOUNDARIES AND DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO ALTERATION BY APPROVAL OR SURVEY. LEVELS ARE IN TERMS OF MSL. (FORM OF LEVELS - MSL) THIS DRAWING OR DESIGN REMAINS THE PROPERTY OF, AND MAY NOT BE REPRODUCED, WITHOUT THE WRITTEN PERMISSION OF COGSWELL SURVEYS LTD	
PREPARED FOR: Waipa District Council		Version: 1.1 Version Date: 19/12/2022		