Response No: 14

Submission 14 - William and Pamela Nicholson

Q1 Short Text

Full Name:

William James Nicholson and Pamela Kathleen Nicholson

Q2 Short Text

Company/Organisation (if applicable)

Q3 Short Text

Contact Person (if different)

Q4 Email

Email Address

[redacted]

Q5 Short Text

Address

[redacted]

Q6 Telephone

Mobile Phone

[redacted]

Q7 Telephone

Home Phone

Q8 Select Box

3. Could you gain an advantage in trade competition through this submission (Please tick relevant box) I

could not

Q9 Select Box

4. Are you directly affected by an effect of the subject matter of the submission that:

I am

Q10 Select Box

5. Do you wish to be heard in support of my submission in person (Please tick relevant box)

I wish

Q11 Select Box

6. Will you consider presenting a joint case with other submitters, who make a similar submission, at a hearing. (Please tick relevant box)

I will

Q12 Select Box

7. Do you wish to present your submission via Zoom?

No

Q13 Select Box

Do you:

Amend

Q14 Long Text

What specific parts of the proposed changes does my submission relate to? (please reference the specific section or words and attach more pages if required)

Proposed Stormwater Discharge to Existing Private Drain

Q15 Long Text

What decision are you seeking from Council? (clearly indicate whether you support of oppose the specific provisions or wish to have amendments made, giving reasons).

Amend.

SOCIALPOINT BY OPEN POINT

Submission point 14.01

Because the proposed development appears to rely on the private unmaintained drain within our property at 17 Willow Grove, Waipukurau as part of the stormwater solution, we ask that Council carefully consider:
• whether it is appropriate for a private unmaintained drain to form part of the stormwater system for the development
• whether formal access rights or easements are required
• how the drain will be maintained and managed in the future
• whether the modelling adequately demonstrates that the development will not increase the hydraulic burden on the drain.

Q16 **Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box**

Single Checkbox

Yes

Q17 **Upload additional documentation here**

File Upload

https://letstalkchb.co.nz/download_file/664

Q18 **Do you:**

Select Box

Support

Q19 **What specific parts of the proposed changes does my submission relate to? (please reference the specific section or words and attach more pages if required)**

Long Text

n/a

Q20 **What decision are you seeking from Council? (clearly indicate whether you support of oppose the specific provisions or wish to have amendments made, giving reasons).**

Long Text

Q21 **Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box**

Single Checkbox

Q22 **Upload additional documentation here**

File Upload

Submission on Proposed Plan Change 1: Waipukurau Structure Plan and Development Area

Proposed Stormwater Discharge to Existing Private Drain

Property: 17 Willow Grove, Waipukurau (HBP2/1322)
Submitter: William James Nicholson and Pamela Kathleen Nicholson (Landowners and Occupiers of the above property)
Date: 12/03/2026

1. Introduction

This submission relates to the proposed stormwater management approach as proposed for the Waipukurau South Structure Plan and specifically Development Area 1. Based on the information provided, stormwater from the development (from the entire catchment for Development Area 1) is proposed to discharge to the existing private open drain located on our property (17 Willow Grove, Waipukurau), which then flows to the Council stormwater network through the headwall connection to the 1050 mm concrete pipe within the road reserve.

We understand that the proposal includes stormwater detention basins intended to achieve "stormwater neutrality", so that peak flows entering the downstream network will not exceed existing conditions.

While we acknowledge this approach, the proposal raises a number of concerns for us as landowners because the existing drain across our property is private infrastructure and not part of the Council stormwater network. Noting however that the headwall is the only part of the drain within our property that is secured via an easement in gross to the Council.

2. Status of the Existing Drain

The title documentation associated with our property states that the drain is to remain a private drain, and that Council is not responsible for contributing to the cost of piping or maintaining it. This has been the case since 1991 and confirmed by the Memorandum of Encumbrance signed between ourselves and Council at the time.

Council's own asset information appears consistent with this, identifying the upstream feature as a "private earth unmaintained open drain", with the Council stormwater system beginning only at the headwall connection to the 1050 mm concrete gravity main within the road corridor.

In practical terms this means that:

- the open drain across our property is private infrastructure
- it is not maintained by Council
- it is not part of the public stormwater asset network
- and there does not appear to be a drainage easement along most of its length.

3. Reliance on a Private Drain

The proposed stormwater solution appears to rely on this private drain as part of the pathway that carries stormwater from the new development to the Council stormwater network.

Because the drain is private and unmaintained, this raises several issues that we believe should be carefully considered:

- the drain was not designed or constructed as public stormwater infrastructure
- its hydraulic capacity and condition are uncertain
- there is currently no formal maintenance arrangement
- Council does not appear to have access rights to undertake works along its length.

If the development relies on the drain to convey stormwater, this effectively makes the drain part of the functional stormwater system serving the new development, despite it remaining privately owned.

4. Changes in Stormwater Behaviour

We understand that detention basins are intended to control peak flows so that the discharge entering the drain does not exceed existing peak flow levels.

However, development commonly changes the way stormwater behaves in a catchment. Even where peak flows are controlled, development can lead to:

- increased runoff volumes
- longer duration of stormwater flows
- more frequent flows entering the drain.

Because the existing drain is an open earth channel, these changes may increase the risk of:

- erosion of the channel
- sediment build-up or blockage
- instability of the drain banks.

For this reason it is important that any stormwater modelling clearly demonstrates that the development will not increase the burden placed on the drain or the land it crosses.

5. Maintenance and Responsibility

A key concern for us relates to who will be responsible for the drain in the future if it becomes part of the stormwater pathway for the development.

At present it is not clear:

- who would maintain the drain if it becomes blocked or damaged
- what would happen if the drain fails or floods upstream properties
- whether Council would have the legal ability to enter the property to undertake repairs or improvements.

Because the drain is currently private and unmaintained, these matters should ideally be clarified before the development proceeds.

6. Long-Term Infrastructure Considerations

If the drain is expected to carry stormwater from the development for the foreseeable future, it may be appropriate to consider how it will be managed as part of the wider stormwater network.

Reliance on a private unmaintained drain introduces uncertainty because the drain could be:

- modified or altered during future land use changes
- affected by erosion or sediment accumulation
- difficult to maintain if access rights are not established.

For these reasons it may be appropriate to consider whether the drain should be formally incorporated into the stormwater system or otherwise provided for through appropriate legal and maintenance arrangements.

7. Willingness to Work Toward a Long-Term Solution

While we have outlined the concerns above, we want to emphasise that we are open to working constructively with Council to find a practical long-term solution.

In particular, we would be willing to consider options such as:

- granting a drainage easement, or
- potentially vesting the land containing the drain in Council ownership,

if that helps create a properly managed stormwater corridor associated with the development.

We have a draft subdivision plan which were intending on lodging with Council in the near future, and the following approaches could be discussed and incorporated into that application.

Such an approach could allow Council to:

- secure access and maintenance rights
- upgrade or stabilise the drain if required
- manage the stormwater pathway as part of the wider network.

It may also provide an opportunity to extend the existing open space, stormwater detention, and wetland areas through to the road corridor in Willow Grove. This could create better connectivity across the site while helping to protect and enhance the natural values associated with the watercourse.

We also note that the Cultural Impact Assessment prepared for the development identifies values raised by mana whenua in relation to waterways and natural systems. A more integrated open space and stormwater corridor could help support those values.

We would be happy to discuss these possibilities further with Council if that would assist.

8. Conclusion

The existing drain across our property at 17 Willow Grove, Waipukurau has historically been treated as private infrastructure, and the title documents confirm that Council does not maintain it and has not done since 1991.

Because the proposed development appears to rely on this drain as part of the stormwater solution, we ask that Council carefully consider:

- whether it is appropriate for a private unmaintained drain to form part of the stormwater system for the development
- whether formal access rights or easements are required
- how the drain will be maintained and managed in the future
- whether the modelling adequately demonstrates that the development will not increase the hydraulic burden on the drain.

We remain open to discussing potential long-term solutions with Council that provide certainty for infrastructure management while also protecting the environmental and cultural values associated with the watercourse and protecting our rights as landowners.