

**BEFORE THE INDEPENDENT HEARINGS PANEL
APPOINTED ON BEHALF OF THE WAIMAKARIRI DISTRICT
COUNCIL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Waimakariri District
Plan – Hearing Stream 12E –
Rangiora, Kaiapoi, Woodend,
Variation 1

AND the submissions of B & A Stokes on
the Proposed Waimakariri District
Plan (#214) and Variation 1 (#29)

**STATEMENT
Planning**

Dated: 29 November 2024

1 INTRODUCTION

- 1.1 This joint statement relates to submissions made by B & A Stokes on the Proposed Waimakariri District Plan (**PDP**) and Variation 1 to the PDP (**Variation 1**), requesting the rezoning of their land at 81 Gressons Road and 1375 Main North Road, Waikuku (the **Site**) to enable residential development on the Site in accordance with an outline development plan (**ODP**) (the **Proposal**).
- 1.2 It specifically relates to three matters addressed in the s.42a Report that the Panel have requested to be conferenced between planning experts:
 - (a) downstream capacity for stormwater, both through the culverts under State Highway 1 (SH1), and beyond;
 - (b) deliverable density (an increase from 12 households/hectares (**HH/HA**) to 15 hh/ha; and
 - (c) the availability of sufficient rules/mechanisms to ensure the funding and provision of infrastructure is able to be delivered.
- 1.3 The planning joint witness conference attendees are as follows:
 - (a) Jonathan Clease (**JC**) on behalf of the Stokes.
 - (b) Peter Wilson (**PW**) on behalf of the Waimakariri District Council.
- 1.4 Conferencing took place on Thursday the 10th October 2024.
- 1.5 This joint statement has been prepared in accordance with sections 9.4 and 9.5 of the Environment Court Practice Note 2023, which relates specifically to expert conferencing. The attendees confirm they have read, and agree to abide with, the updated Code of Conduct for Expert Witnesses included in Section 9 of the Environment Court Practice Note 2023.
- 1.6 This joint witness statement sets out all matters agreed. There were no areas of disagreement.
- 1.7 It is assumed that all submitted evidence has been reviewed and understood as a precursor to this joint witness statement.

2 MATTERS AGREED

The need for stormwater servicing to be informed by modelling of downstream areas

- 2.1 It is agreed that it is important to ensure that urban growth areas are appropriately designed and serviced to ensure that stormwater effects on downstream areas are appropriately managed.
- 2.2 Mr Wilson considers that whilst he understand that Stokes have since the hearing, commissioned a report on downstream drainage and hydraulic issues for the site, that this information was not available for the hearing panel to consider.
- 2.3 Mr Clease considers that effects can be managed through the subdivision process and associated District Plan subdivision provisions. From a planning perspective, the basins need to be appropriately sized to both attenuate peak flood flows in line with the Council's Engineering Code of Practice (noting engineering JWS reference to the 50 year/ 48 hour storm event)¹, and be able to drain within an appropriate timeframe without exacerbating flood risk to the downstream catchment.
- 2.4 Mr Clease considers that when assessing subdivision applications, it is a common expectation that the detailed design solutions for the stormwater network are informed by flood modelling that includes consideration of effects on the downstream environment. It is also acknowledged that such modelling is necessarily informed by the proposed subdivision design i.e. it is an iterative process where the effects of different subdivision layouts and servicing solutions are tested in order to arrive at the preferred solution.
- 2.5 With the addition of a bespoke rule that enables the specific flooding issue to be considered as part of a subdivision consent, ~~it~~ it is agreed that an assessment of the stormwater servicing design may be a matter that is capable of resolution through the subdivision process. Until such time, the land, whilst rezoned, will be subject to a PRECINCT overlay that identifies the constraint and the geographic extent of the land that is subject to the bespoke rule.

¹ Engineering JWS, para. 2.2

- 2.6 The engineering JWS² agreed that if more than negligible effects are identified by modelling, then such effects would typically be mitigated by the provision of additional on-site attenuation of stormwater. It is therefore agreed that for this site, the lack of modelling does not present a barrier to an urban rezoning.
- 2.7 Given that design solutions are available, it is agreed that the use of an alternative planning tool such as a deferred zone/ precinct is not effective or efficient.
- 2.8 JC has advised that following the hearing, the submitter has commissioned stormwater modelling to assess the change in flood levels in the downstream catchment for a 1:200 year event and a scenario where the Stokes site is urbanised in accordance with a density 15 households/ha. The modelling results show that the proposed on-site attenuation basins shown on the ODP are more than adequate for mitigating downstream flood risk. JC acknowledges that given the post-hearing timing of this modelling, it is not able to be considered as evidence. He considers that it does however provide confidence in the evidence provided at the hearing by Mr Hall that stormwater effects are able to be appropriately managed, and in the engineering JWS conclusions that engineering solutions are plausible.
- 2.9 To provide confidence that downstream stormwater effects are properly informed by modelling, and to enable this modelling to be properly reviewed by Council officers, it is agreed that there would be benefit in development of the site being subject to a bespoke rule. JC considers that the zone can be 'live', with subdivision and development subject to the bespoke rule and the geographic extent of the land subject to the bespoke rule shown on the planning maps as a Precinct overlay. PW considers that the site should be a deferred zone, with the constraint identified with a PRECINCT overlay.
- 2.10 The bespoke rule should be a permitted activity where downstream modelling has been undertaken, reflecting the 'base status' of subdivision activities in general. Where downstream modelling has not been undertaken, the activity status would be restricted discretionary, with the matters of discretion to enable consideration of the potential

² Engineering JWS, para. 2.15

effects of stormwater on exacerbating the flood risk exposure of downstream areas and the effectiveness of any proposed mitigation.

2.11 The agreed rule is as follows:

DEV-GD-R2 Gressons Road Development Area Drainage	
<p><u>Activity status: PER</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>Land use, subdivision, and development within the area marked as Gressons Road Development PRECT can only occur when a suitably qualified person has determined by hydraulic modelling of the Gressons Road catchment, including downstream environment, that stormwater capacity and drainage sufficient for a 1 in 50 ARI can be achieved.</u> 	<p><u>Activity status when compliance not achieved: RDIS</u></p> <p><u>Matters of discretion:</u></p> <p><u>SUB-MCD6 Infrastructure</u></p>
<p>Advisory Note</p> <ul style="list-style-type: none"> For the avoidance of doubt, where an Activity or built Form Standard is in conflict with this ODP, the ODP shall substitute the provision. 	

2.12 It is agreed that with this bespoke rule in place, the proposal otherwise provides additional housing capacity in an appropriate location that contributes towards the delivery of a well-functioning urban environment.

2.13 It is agreed that the Outline Development Plan (**ODP**) narrative should include reference to the target yield being a minimum of 15 hh/ha, as confirmed in the Evidence on Chief of JC³.

2.14 It is agreed that the ODP format and graphics should align with National Planning Standards and the consistent format used in the District Plan and that the submitter's urban design experts should provide a reformatted copy of the ODP to Council.

³ Jonathan Cleese EiC, para. 4.2(f)

S32AA evaluation

2.15 The experts consider that in the context of s32AA, that the proposed rule and PRECINCT overlay resolves the conflict that would have occurred had the land been rezoned in advance of the relevant engineering information being provided. The proposed rule ensures that this information must be provided as part of a subdivision consent.

Signed:



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Peter Wilson on behalf of Waimakariri District Council

Signed:



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Jonathan Clease on behalf of B & A Stokes