

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF
CHRISTOPHER JOHN DAWSON (PLANNING)**

Dated 3 May 2021

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INTRODUCTION

1. My full name is Christopher John Dawson. I am a Planning Project Manager at Bloxam Burnett & Olliver Ltd (**BBO**), a firm of consulting engineers, planners and surveyors based in Hamilton. My qualifications and experience are set out in my primary statement of evidence dated 17 February 2021 (**primary evidence**).
2. I have read the s42A report for Hearing 25: Zone Extents Huntly dated 15 April 2021 prepared by Lily Campbell (**s42A report**). I have prepared this supplementary statement to respond to several matters arising from the s42A report and its subsequent recommendations.

SCOPE OF EVIDENCE

3. The focus of my supplementary evidence will be on the recommendations in the s42A report regarding the flood risk assessment and stop bank breach assessment-residual risk investigations and the proposed recommendation to make a number of Industrial Activities Restricted Discretionary in the Huntly North Structure Plan area.
4. I also comment on the proposal to amend the Residential zone extent for the Russell Road site to retain the Rural Zone for that part of the site located within the Defended Area.

CODE OF CONDUCT

5. I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and I agree to comply with it.
6. I confirm that this supplementary evidence is written within my expertise, except where otherwise stated, and that I have not omitted to consider

material facts known to me that might alter or detract from the opinions expressed.

INDUSTRIAL ZONE RECOMMENDATIONS

7. I concur with the majority of the analysis undertaken by the s42A author in respect of the Industrial Zone request. However, I disagree with the comments in paragraph 297 where she states:

In order to mitigate this potential flood risk associated with rezoning the land for industrial purposes, I consider that the inclusion of provisions that require a stop bank breach assessment, as suggested by Waikato Regional Council, to be an effective means of achieving the objectives and policies of the PWDP, and of higher order documents seeking the mitigation of natural hazard risk.

8. The result of this recommendation is a number of changes to the rules contained in Appendix 6: Recommended amendments to Chapter 20: Industrial Zone in relation to the North Huntly Structure Plan Area. The author then recommends a series of changes to the Activity table for permitted activities and the inclusion of a new section 20.6.2 Restricted Discretionary Activities.
9. The proposed rule changes would make industrial activities, trade and industry training activities, truck stops, ancillary offices, food outlets and ancillary retail activities Restricted Discretionary activities. Waikato District Council's (**Council**) discretion is then restricted to (i) the avoidance and mitigation of flooding hazard, and (ii) preparation of, and responses to recommendations in a stop bank breach assessment.
10. Mr Constantinos Fokianos provided a comprehensive flooding and stop bank breach assessment as part of his primary statement of evidence dated 17 February 2021 and has provided additional clarification in his supplementary statement of evidence¹. In my view, his evidence provides

¹ Supplementary Statement of Evidence of Constantinos Fokianos dated 3 May 2021.

a full response and clarifies all of the questions raised by the technical peer reviewer.

11. I concur with the comments made in the s42A report where the natural hazard risks associated with development on a piece of land must be adequately addressed. This is also consistent with s76(3) of the Resource Management Act 1991 (**RMA**) whereby actual and potential effects on the environment must be taken into account. However, I consider that the addition of a Restricted Discretionary criteria and new section 20.6.2 will result in unnecessary duplication and cost without providing any additional benefit.
12. All of the proposed Industrial Zone land comprising the Huntly North Industrial Structure Plan is located within a Defended Area (Residual Risk) under Stage 2 (Natural Hazards) of the Proposed Waikato District Plan (**PWDP**).
13. Section 15.6 Defended Area (Residual Risk) under Stage 2 of the PWDP as notified states that subdivision that creates one or more additional vacant lot(s) is a Restricted Discretionary activity². The adjacent column then lists eight matters of discretion which Council has restricted itself to when considering an application for subdivision inside the Defended Area. These matters comprise:
 - a) Actual level of service of flood protection works;
 - b) Impact of any works on the residual risk;
 - c) Effects of groundwater levels on stop-bank security;
 - d) Depth and duration of flooding as a result of a breach or overtopping;

² See Attachment 1: Extract from Stage 2 Natural Hazards Proposed Rule 15.6.2.

- e) Location of development in relation to potential failure points in the stop bank;
- f) Vulnerability of the development from failure of the defences;
- g) Potential for development to transfer flood risk to neighbouring properties;
- h) Mitigation measures to reduce residual risk such as an evacuation plan.

14. This means that at the time of applying for subdivision consent to develop the land, Shand Properties will have to address every aspect of hazard assessment and risk analysis based on the proposed subdivision layout and location. In terms of the Shand Properties site on Great South Road, a comprehensive assessment will need to be undertaken at the time of seeking land use and subdivision consent to fully address the matters raised by proposed Rule 15.6.2.
15. Any recommendations arising from those investigations will be applied to the subsequent lots by way of either consent conditions (where works must be completed before new titles are issued) or consent notices (where conditions must be complied with on an ongoing basis by the new owner and all subsequent owners).
16. In my opinion, the requirements of proposed Rule 15.6.2 mean that all necessary investigation and reporting on the piece of land will be undertaken at the time of subdivision. It is therefore unnecessary to require the new owner of each title to repeat the investigation process when they come to develop their Industrial lot for one of the activities listed under proposed new Rule 20.6.2 in the s42A report. This is a duplication of effort and resources and is not necessary.

17. All of the critical investigation and assessment will be undertaken at the time of the subdivision application and in my opinion, the subsequent owners of those Industrial lots should be able to develop their land without having to seek additional Restricted Discretionary activity consents to undertake normal activities for the Industrial Zone.
18. On that basis, I agree with the first recommendation under paragraph 312 to amend the zoning of Area 1 and 1A from Rural Zone to Industrial Zone, however I disagree with the second recommendation to amend the provisions of Chapter 20: Industrial Zone.
19. I specifically request that the Activity Table on page 189 of Appendix 6 not be amended to alter the status of the listed activities, that Rule 20.3.1 not be amended to introduce new Rule 20.3.1 RD2 and that proposed Rule 20.6 Huntly North Structure Plan Area not be inserted into the PWDP.

RESIDENTIAL ZONE RECOMMENDATION

20. I generally concur with the analysis and recommendations of the s42A author in her review of the Shand Properties proposal to rezone an area of the Shand Property to Residential Zone. However, the s42A author notes that:³

...in addition to the Stage 2 Hazards Map that shows the lower areas to be covered by the Defended Area overlay, I consider that the application of a Residential Zone over the low-lying areas of the site would be inconsistent with the direction in the WRPS. I recommend that the spatial extent of the Residential Zone as requested by the submitter is reduced, so that its northern boundary follows the border of the Stage 2 Defended Area overlay....⁴

21. See Figure 1 below.

³ S42A report – Hearing 25: Zone Extents Huntly, paragraphs 380-381, pg 111.

⁴ S42A report – Hearing 25: Zone Extents Huntly, paragraphs 380-381, pg 111.

22. I agree that the direction in the Waikato Regional Policy Statement (**WRPS**) regarding the mitigation of the risks around natural hazards must be followed. However, I disagree with the recommendation to reduce the area of the site that is zoned to Residential Zone to just those parts of the site that are outside the Defended Area.

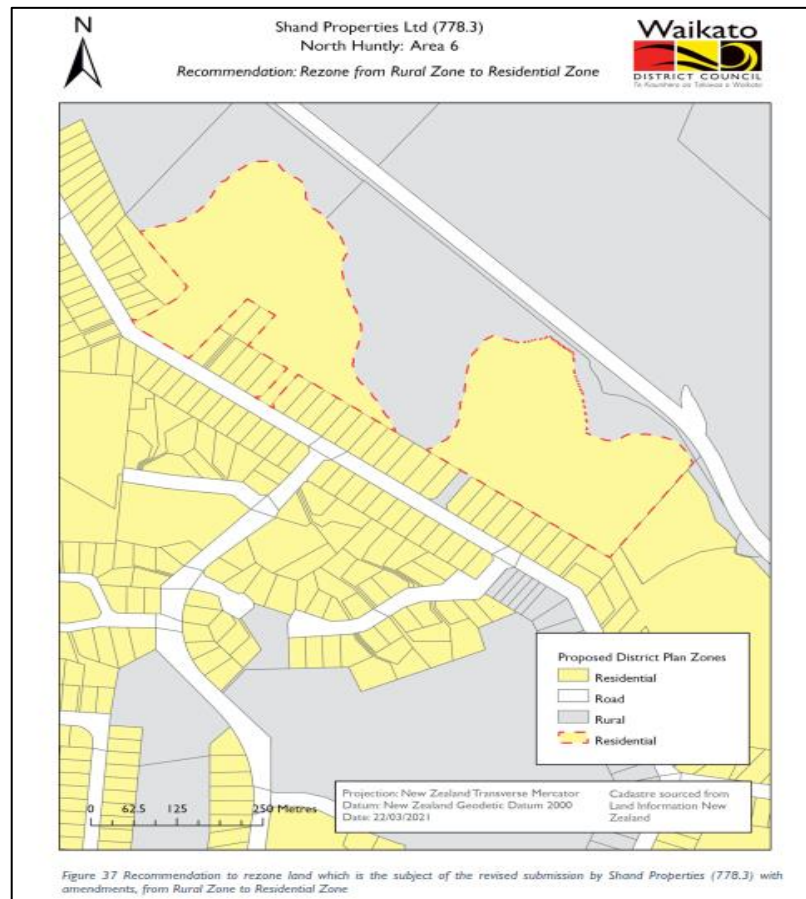


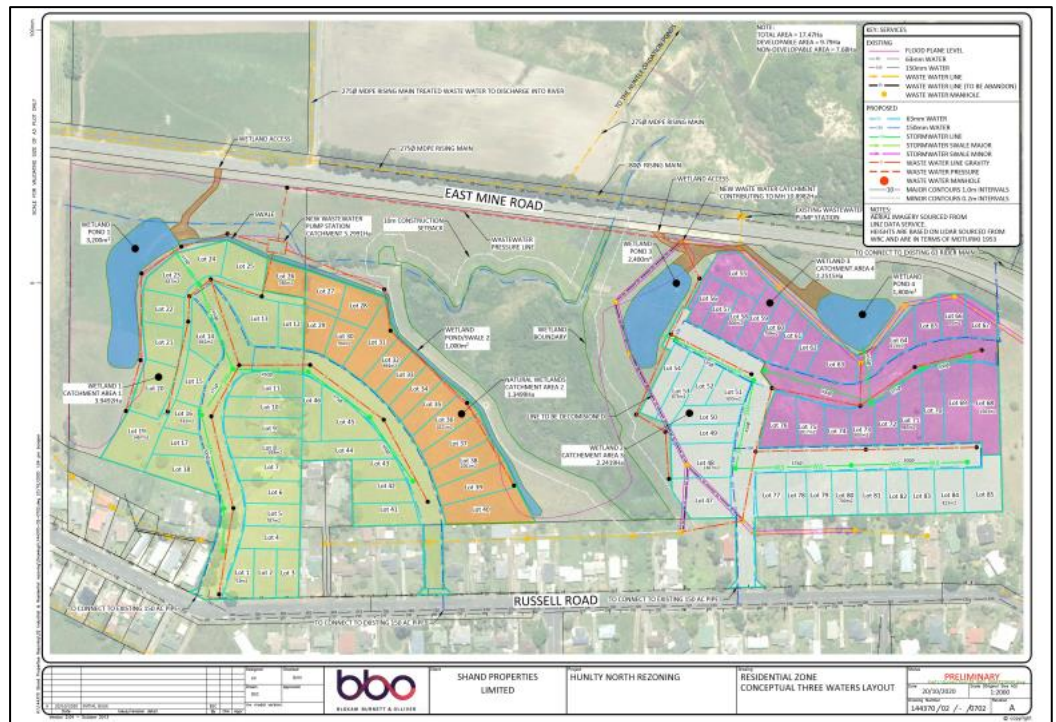
Figure 1: Recommended Residential Zone extents plan from s42A report.

23. As contained in my primary evidence⁵, BBO has prepared a conceptual development scheme plan to demonstrate how the site could be developed. This was used to enable traffic, Three Waters, Archaeological and Ecological effects to be assessed and is shown in **Figure 2** below. As shown on the conceptual development plan, all of the houses and roads for the housing development are located outside the known flood plane. However, some of the stormwater treatment wetlands, and their

⁵ Statement of Evidence of Christopher Dawson dated 17 February 2021, Appendix 5: Residential layout and zoning plans.

maintenance access roads and the existing wetland all lie within that part of the site that has the Defended Area overlay applying to it.

24. In my opinion, it would be poor planning practice to create a split zoned site which would require some public infrastructure aspects of the residential development to be located within the Rural Zoned portion of the site while enabling the residential development itself to proceed on the adjacent Residential Zoned land.



25. A more appropriate planning regime for this block of land would be to rezone the entire block from Rural Zone to Residential Zone while retaining the Defended Area overlay on the lower, northern portion of the site. As set out above in paragraph 14 of my supplementary evidence, the subdivision of any land within the Defended Area overlay will require a detailed assessment of a number of factors associated with flooding risk.

26. This assessment will provide the detailed direction on what can occur within the Defended Area overlay of the site and will likely conclude that

some aspects of the development (such as access roads to stormwater treatment wetlands and some of the treatment wetlands themselves plus other utilities) may be appropriate to locate in the Defended Area overlay.

27. This approach would ensure that the important decision about what should and should not be located within the Defended Area is left up to the detailed resource consent stage rather than be subject to a relatively arbitrary Defended Area test at the rezoning stage.

28. I reiterate my opinion that a split zone for this block would be inappropriate and I consider that the recommended amendments to the Zoning of Area 6 as set out in paragraph 393 of the s42A report be changed so that all of Area 6 is rezoned to Residential Zone.

Christopher Dawson

3 May 2021

Attachment 1

Extract from Stage 2 Natural Hazards

15.6.2 Restricted Discretionary Activities

Stage 2 Content

- (a) The activities listed below are restricted discretionary activities within the Defended Area shown on the Planning Maps.
- (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.
- (c) Activities may also be discretionary activities, as specified in Rule 15.6.3.

Activity	Matters of Discretion
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RD1	<p>(1) Subdivision that creates one or more additional vacant lot(s).</p> <p>(2) Rule 15.6.2 RD1(1) does not apply to subdivision for a <u>utility allotment</u>, an <u>access allotment</u> or subdivision to create a reserve allotment.</p>	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) The actual level of service provided by the structural defence and associated flood protection works, including any change in the level of service anticipated due to climate change and sea level rise; (b) The impact of any planned improvements, maintenance or upgrading on the residual risk; (c) The effect of groundwater levels and variability in ground conditions on stop-bank security at and adjacent to the site to be subdivided; (d) the likely depth and duration of flooding as a result of a breach or overtopping event or flood ponding; (e) the location of the subdivision, including services such as wastewater, water supply and roading/access (including escape routes), in relation to potential breakout points (failure zone); (f) The adverse effects to people and property and overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s); (g) Potential for the development to transfer/increase flood risk/residual risk to neighbouring properties; (h) Any additional mitigation measures proposed or site features which reduce residual risk (e.g. natural high ground; evacuation plan).
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