

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

IN THE MATTER Variation 3 to the Waikato District Plan

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

**VARIATION 3 STORMWATER CONSTRAINTS OVERLAY and
PLANNING (5)**

13 July 2023

Expert Conferencing Held on: 12th and 13th July 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Katja Huls

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 DRAFT text for rule SUB-R153 dated 13/07/2023: Following discussion, the experts propose the following version which makes all subdivision under this rule an RDA.

- 3.2 The yellow text is proposed to be deleted on the basis that the assessment criteria have been expanded to address the stormwater matters (including the Stormwater Constraints Overlay QM).
- 3.3 The experts agree that there needs to be a further consideration against the objectives and policies of the Plan and the RPS and consistency with the land use rules relevant to the Stormwater Constraints Overlay.
- 3.4 Further discussion on retaining the 450m² site size was a key component of the SW Technical Report. Andrew Boldero was not present for the discussion on the 13th of July 2023. Mark Tollemache suggests that the council experts review this version of the planning provisions in light of the inappropriateness of providing for subdivision within the Stormwater Constraints Overlay QM, noting that it may be preferable to address Andrew's concerns by expanding the matters of discretion further, rather than setting a minimum site size.
- 3.5 Discussion between the experts over two sessions (12th and 13th July 2023) discussed the evidence provided by Matthew Davis relating to potential stormwater impacts on downstream rural land. Some suggested amendments to the planning provisions to address this matter are included in the proposed drafting below (SUB-R153 matters of discretion):

(k) The ~~likely~~ effectiveness of the stormwater system to ~~avoid~~ manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including within the the rural environment General Rural Zone;

(l) The capacity of the stormwater system and ability to manage stormwater;

(m) The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects; and

(n) Extent to which low impact design principles and approaches are used for stormwater management.

3.6 The experts have not reached complete agreement on this matter.

3.7 The experts suggest:

- A Resource Consent Team Lead review the drafting
- Whether or not any guidance is required on assessing the effects related to sw on downstream rural land.

3.8 Draft Provisions dated 13th July 2023

Additions in blue and purple

Amend SUB-R153

(1)

~~(a) Except for any part of a where the site is within the Stormwater Constraints Overlay; and~~

(b) Except where SUB-R154 applies, subdivision must comply with all of the following standards:

(i) Proposed vacant lots must have a minimum net site area (excluding access legs) of 200m², except where the proposed lot is an access allotment, utility allotment or reserve to vest; and

(ii) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater.

and

(iii) Where the site is within the sw constraints overlay a building platform of 8m x 15m is required and must be outside of the Stormwater Constraints Overlay.

or

Consider deleting (Katrina Andrews prefers to keep)

~~(c) Except where any part of a the site is within the Stormwater Constraints Overlay, the minimum net site area (excluding access legs) is 450m² where the [existingⁱ] site is 900m² or XX~~

~~(c) In the Stormwater Constraints Overlay the minimum site size is 450m²~~

Council's discretion is restricted to the following matters:

(a) Subdivision layout;

(b) Shape of lots and variation in lot sizes;

(c) Ability of lots to accommodate a practical building platform including geotechnical stability for building;

(e) Avoidance or mitigation of natural hazards, particularly in the Stormwater Constraints Overlay;

(f) Opportunities for streetscape landscaping;

(g) Vehicle and pedestrian networks;

(h) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and

- (i) Provision of infrastructure.
- ~~(j) Flooding effects including safe access and egress~~
- ~~(k) stormwater effects management and the use of Low Impact Design methods~~
- (j) the objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy
- (k) The likely effectiveness of the stormwater system to avoid manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;
- (l) The capacity of the stormwater system and ability to manage stormwater;
- (m) The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects; and
- (n) Extent to which low impact design principles and approaches are used for stormwater management.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They agree to the introduction of the attached information – Refer to para 3.8 above; and
- (c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- (d) The matters addressed in this statement are within their area of expertise; and
- (e) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 13 June 2023

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1 12 th July 2023	EXPERT’S CONFIRMATION REFER PARA 4.1 13 th July 2023
Katja Huls - Planner	WDC	Y	Y
Andrew Wood (P)	61 Old Taupiri Limited, Swordfish Projects Limited, 26 Jackson Limited, 99 Ngaruawahia Limited and Next Construction Limited	Y	Y
Bill Birch (Surveyor)	Pokeno West (Chen Shui)	Did not attend	Y

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James Oakley (P)	Pokeno West (Chen Shui)	Did not attend	Y
Fiona Hill (P)	WDC	Y	Y
Giles Boundy (P)	Waikato Tainui & Turangawaewae Marae	Y	Y
Katrina Andrews (P)	Waikato Regional Council	Did not attend	Y
Mark Tollemache (P)	Havelock Village	Y	Y
Matthew Davis (E)	Anna Noakes	Y	Y
Ryan Pitkethley (E)	Havelock Village	Y	Y
Andrew Boldero (E)	WDC	Y	Did not attend
