

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā
District Plan

SUPPLEMENTARY STATEMENT OF EVIDENCE OF TONY SHANE COUTTS

Dated 2 May 2023

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INTRODUCTION

1. This supplementary statement of evidence addresses the following:
 - (a) Questions from the Commissioners regarding whether sufficient guidance is given in PC26 to applicants regarding the infrastructure capacity assessment;
 - (b) A question from the Commissioners regarding the dates that the infrastructure models were calibrated;
 - (c) Response to Phil Jaggard's Summary and Hearing notes presented on behalf of Kainga Ora related to the Stormwater and Infrastructure Overlays;
 - (d) Response to evidence presented by Hannah Craven for Waikato Regional Council seeking new provisions regarding impermeable surfaces and vehicle crossings;
 - (e) Response to evidence by Craig Shearer for TA Projects Limited regarding a specific exemption from the Infrastructure and Stormwater Overlays for greenfield sites;
 - (f) Review and comment on Michael Chapmans supplementary report; and
 - (g) Response to evidence by Rebecca Steenstra for Cogswell Surveys regarding rule 15.4.2.4.

Infrastructure Capacity Assessment

2. PC26 proposes the following provisions relating to the Infrastructure Capacity Assessment (as amended by Addendum to the s42A report):

'Infrastructure Capacity Assessment'

means an assessment of the capacity of an existing water, wastewater, or stormwater network to determine if there is enough capacity (including fire water supply) for a proposed development, or to define the requirements for network upgrades that would need to be implemented for the development to be approved. The exact requirements for an Infrastructure Capacity Assessment should be discussed and agreed with WDC on a case-by-case basis.

‘Suitably Qualified and Experience Person to prepare an Infrastructure Capacity Assessment’

means a Chartered Engineer (or equivalent) experienced in the planning and design of three waters networks who is competent to carry out the assessment of development impacts on three waters networks. It should be noted that Council may require the use a nominated Consultant to carry out hydraulic modelling on behalf of Council for the purpose of a capacity assessment, but developers may wish to engage their own Engineer to assess on their own behalf.

Rule 2A.4.1.3(c)

Three or more dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.

Discretion will be restricted to the following matters:

- The outcomes of an infrastructure capacity assessment; and Stormwater disposal.

Assessment criteria 21.1.2A.5 (to be amended to reflect the matters of discretion):

Three dwellings within the Infrastructure Constraint Qualifying Matter Overlay adequacy of the servicing proposed for the development including but not limited to:

- (i) Assessment of the effects of the development on the three waters infrastructure and the environment
- (ii) Hydraulic modelling for the purpose of assessing effects, determining mitigations and associated costs related to the upgrade of existing or planned strategic three waters infrastructure, if required by Council.
- (iii) Details of proposed water sensitive techniques to minimise water use and their effect on volume, discharge, and rate of use.
- (iv) Details of on-site controls proposed to minimise impacts on three waters infrastructure.
- (v) Details of the proposed development’s water consumption and water and wastewater discharges including proposed locations of connection or discharge

3. In my opinion, these rules and provisions provide clarity and guidance on what is expected of intensified development whilst ensuring Ture Whaimana (TTW) is adequately taken into consideration. By requiring Infrastructure Capacity Assessments to be carried out by suitably qualified and experienced professionals, these rules ensure that the assessments are conducted with the necessary expertise, and that developers take a comprehensive and proactive approach to minimizing

the impact of their development on TTW, but still have the option to intensify and meet the MDRS obligations.

4. The infrastructure capacity assessment now also provides a means for a demonstration of mitigation of demand if increasing beyond the permitted activity. The Council would propose to generate a set of practice notes or guidelines for developers, in a similar way to the attached Hamilton City Council practice notes (link [here](#)). These practice notes provide a similar base upon which Council would look to see as part of that assessment, suited of course to the correct density targets. The assessment can also look at localised upgrades necessary or calculation of Financial Contributions (once that hearing is finalised). If not undertaken and if the level of development scale is significantly high, a model request may also be required.
5. With the above provisions and proactive pre applications prior to submitting the consent applications to Council, I am of the firm belief that we can see a more sustainable approach to development that enables higher levels of intensification which is not to the detriment of the wider infrastructure networks.

Calibration dates

6. As requested by the Commissioners, WSP has confirmed the latest infrastructure model calibration dates are:
 - (a) Water supply 2022;
 - (b) Wastewater 2019; and
 - (c) Stormwater 2021.

Response to Phil Jaggard

7. Mr Jaggard comments on several different aspects from the modelling data of Ms Fairgray and Mr Hardy as well as comments on the

recommendations surrounding growth planning and how PC26 won't change the overall expected growth.

8. Whilst all parties agree that the level of uptake will not be seen within the district by 2050, that's not the reflection of what the data was trying to represent, and it doesn't take away from the fact that there will be issues within the network from permitted activities. From Council's perspective there is a significant risk of concentrated density ranges that could be 4.5 times what was expected for the area without the infrastructure overlays, hence their inclusion.
9. It is important to note that while Council generally accepts the risk of the PC26 scenario, it doesn't mean the existing planned infrastructure can cater for this, and this is what Council will take into consideration with regards to its growth planning. Also noting that an asset life of a pipe is generally 100 years when planned for, so a pipe installed in 2023, is expected to last until 2123.
10. Mr Jaggard's example surrounding the 12 houses on 4 sites within the MDRS versus Council's PC26 12 houses on 6 sites fails to mention the other remaining 2 sites, which then increases his MDRS example to 18 houses for the same ratio of sites. This further reemphasises the risk without the overlay as the number of houses generates more demand.
11. Mr Chapman has provided more detail with regard to the displacement effects, which I address later in this statement. As previously stated, the intent of the Stormwater Overlay was to be an interim measure in order to assess this displacement and keep it confined to the known locations until such time that Council has adopted a system either within the district plan or outside to accurately convey the flood hazards. Given the evidence provided by Mr Jaggard and in response to questions from the Commissioners, the preference would be to retain the Stormwater Overlay until a future plan change makes appropriate updates to the flood hazard provisions.

Response to Waikato Regional Council

12. Ms Craven has requested further review regarding the issue statement on impermeable surfaces and policy for vehicle crossings to emphasise walking and cycling.
13. In response to the impermeable surface issue statement, I do support in part the inclusion of such a statement, but with the following suggested amendments:

Urban intensification is likely to result in an increase in impermeable surfaces within urban environments. It is important for the district plan to manage potential adverse effects that can result from increased impermeable surfaces such as:

- Increased erosion of waterway channels
- Increased flooding risk
- Decreased drainage levels of service (specifically the Hautapu and Fencourt drainage districts adjacent to the northern boundary of Cambridge)
- Increased temperatures which impact freshwater species
- Increased contaminants and decreased water quality.

14. In response to the proposed new policy regarding vehicle crossings, as the rules are not restrictive, I would support their inclusion as if we are to see larger scale intensified growth in certain areas, aligning them with this policy will help encourage and set expectations surrounding mode shifts that are going to be necessary.

Response to TA Projects Ltd

15. Mr Shearer has sought the removal of the overlays within greenfield growth cell developments.
16. Mr Shearer claims for water and wastewater that these systems can be designed to service the expected demand. Whilst I do agree with this in part, it does not account for the downstream effects and that they will need to be adequately sized to cater for the increased development.
17. As noted within my evidence in chief, growth cells are planned based on future proof population projections, which sets our growth cell demand

at 12-15 dwellings per hectare, whilst the MDRS sets these ranges much higher (35 dwellings per hectare). The existing infrastructure put in previously to service these cells was sized off this growth profile, and therefore would be undersized without onsite or local mitigations that are acceptable to the Council, or take away additional capacity that was planned for in established brownfield areas.

18. As these networks are not in isolation from existing level of service arrangements, I cannot support the suggested exemption from the Infrastructure Overlay for greenfield areas, without assurance surrounding provided mitigations or financial contributions that pay for the necessary upgrades.
19. In respect of the Stormwater Overlay, Mr Shearer has claimed that there are already stringent criteria in obtaining regional consents for discharge permits in order to ensure flood effects are mitigated, these also fall onto the future lots potentially as consent notices as necessary, depending on the discharge requirements. I could support an exemption from the Stormwater Overlay on this basis, provided that these restrictions are imposed on the subdivision consent.

Response to Cogswell Surveys

20. In response to Ms Steenstra's request to review and consider changes to the rule 15.4.2.4 given rear lots are generally constrained by 3.6m for their access and the rule states a minimum of 4m for up to 3 lots.
21. Upon review, I do support in part a reduction to 3.6m in order to allow for rear lots to be developed, provided that the rules surrounding forward facing manoeuvres in a maximum of 3 movements to achieve forward facing takes precedence when defining the width necessary over and above this minimum rule. Note this would be for a 99.8%tile vehicle, not an emergency vehicle such as an ambulance which has ulterior means on communicating their position when exiting a site in a reversing manner.

Stormwater modelling by Te Miro Water

22. I have reviewed Mr Chapman's supplementary evidence. I agree with the assessment exercise undertaken and the conclusion regarding prevention methods and the extent of change with development within the defined flood extent. I would also point out that in Table 2 the increase in buildings affected is based on the existing dwelling arrangements. If the sites were to be developed to MDRS standards, it is not just 5 dwellings that would be affected, but a potential maximum of 15 additional dwellings (allowing three dwellings per site).

Tony Shane Coutts
Dated 2 May 2023