

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

AND

IN THE MATTER of an application to **HAMILTON CITY COUNCIL** for private plan change 7 to the Hamilton City District Plan by **GREEN SEED CONSULTANTS LIMITED**

**JOINT WITNESS STATEMENT OF EXPERTS IN RELATION TO
STORMWATER AND PLANNING**

21 SEPTEMBER 2021

Expert Witness Conferencing Topic: Stormwater

Held on: 21 September 2021 at 9:00am

Venue: Via video conference

Facilitator: Marlene Oliver

Admin Support: Rebekah Hill

1. ATTENDANCE

- 1.1 The list of expert attendees is in the schedule at the end of this Statement. Their area of expertise (stormwater engineering (S) or planning (P)) is also indicated in that schedule.
- 1.2 At the start of the expert conferencing, the Facilitator sought clarification from Waikato Regional Council experts as to whether or not they intended to participate in Stormwater expert conferencing. The following text was received in an email from Hannah Craven (planning expert for WRC):

"In terms of stormwater, my understanding is Bruno and Brian have been invited to engage with the developer on stormwater management in Rotokauri North separate to the plan change process, and they are not expecting to attend the hearing or provide expert evidence but this may be subject to the outcomes of any discussions still to be had."

On the basis of this email, the expert conferencing on stormwater proceeded between the Proponent's and the Council's experts.

2. BASIS OF ATTENDANCE AND ENVIRONMENT COURT PRACTICE NOTE 2014

2.1 All participants agree as follows:

- (a) The Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session.
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2014.

- (c) They will make themselves available to appear at the hearing in person if required to do so by the Hearing Panel (as directed by the Hearing Panel's directions).
- (d) This report is to be filed with the Hearing Panel.

3. AGENDA – ISSUES CONSIDERED AT CONFERENCING

3.1 The issues identified as forming the agenda for conferencing were:

- (a) Response to Section 42A Report

3.2 Attached as **Appendix 1** to this JWS is the list of matters that were discussed and the positions reached.

4. PARTIES TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement confirm that:

- (a) They agree with the outcome of the expert conference as recorded in this statement. As this session was held online and there is an existing evidence exchange timetable, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator. This is recorded in the schedule below;
- (b) They have read Appendix 3 of the Environment Court's Practice Note 2014 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise.

CONFIRMED ON 21 SEPTEMBER 2021

EXPERT NAME	PARTY	EXPERT'S CONFIRMATION (REFER PARA 4.1)
Caleb Clarke (S)	HCC (as regulator)	Yes
Craig Shaman (P)	HCC (as regulator)	Yes
Eugene Vodjansky (S)	Green Seed Consultants Ltd	Yes
Renee Fraser-Smith (P)	Green Seed Consultants Ltd	Yes
Mark Tollemache (P)	Green Seed Consultants Ltd	Yes

APPENDIX 1 TO JWS EXPERTS IN RELATION TO STORMWATER AND PLANNING

21 SEPTEMBER 2021

Matters raised in the 42A conclusion (para 9.10) relating to stormwater amendments:

As identified within the Morphum report there are remaining a number of technical points that the plan change proponent is expected to respond to prior to, or at the hearing. Whilst these are technical points rather than fundamental, they do serve to undermine the broader stormwater management proposals promoted in terms of the ability to implement these measures.

- 1.1 The sub-catchment ICMP Table 10 Drainage design criteria for Piped Drainage infrastructure should have the criteria "with road subsoil drainage connections above the 10 year HGL" or similar added to the end.

Eugene Vodjansky (for the Proponent) confirmed that the wording "with road subsoil drainage connections above the 10 year HGL" will be included in the sub-catchment ICMP.

Matter agreed between Proponent and HCC experts subject to reviewing the amended SC-ICMP to be included in the Proponent's evidence.

- 1.2 The sub-catchment ICMP Table 10 Drainage design Criteria for Cross Culverts should add the word designation replaced with Rotokauri North Development Area.

Eugene Vodjansky (for the Proponent) confirmed that the correction was made to the sub-catchment ICMP Table 10.

Matter agreed between Proponent and HCC experts subject to reviewing the amended SC-ICMP to be included in the Proponent's evidence.

- 1.3 The sub-catchment ICMP Table 13 should specify the following for the Rotokauri South Area:

- (a) Interim storage of 1200m³/ha required for any development ahead of the Rotokauri South Green Corridor

Eugene Vodjansky (for the Proponent) confirmed that the sub-catchment ICMP Table 13 would be amended to include this provision.

Matter agreed between Proponent and HCC experts subject to reviewing the amended SC-ICMP to be included in the Proponent's evidence.

- (b) Phosphorous removal of 70% TP

Eugene Vodjansky and Caleb Clarke agreed that the following wording would be appropriate:

"Greater than 70% total phosphorous removal achieved via overall treatment train/system (source controls and central sub-catchment wetlands) Table 5-3 Rotokauri ICMP"

Matter agreed between Proponent and HCC experts subject to reviewing the amended SC-ICMP to be included in the Proponent's evidence.

- 1.4 That Figure 2-8A Rotokauri North Structure Plan should have the indicative 'green spine' areas for the Mangaheka Catchments added to the Plan as are indicated in Stormwater Systems Report Figure 3-1.

The Proponent's experts clarified that the 'green spine' notation applies to areas where the natural stream network is to be enhanced in combination with the Stormwater management.

The experts for the Proponent and the Council agree that Stormwater management in the Mangaheka area including treatment, conveyance and the overland flow path in the Mangaheka ICMP shown from Rotokauri south could all be dealt with the detailed design of the consenting in that area.

Therefore the experts agree that this matter in para 1.4 above does not need to be progressed as part of the plan change and is appropriately addressed at a subsequent resource consenting stage.

- 1.5 That cross sections and long sections of the main 'green spine' channels and their furthest contributing catchments should be provided in the Stormwater Systems Report. Water levels have been provided in a table, long sections have been described in meetings and cross sections provided in peer review response comments and these should be included in the Stormwater Systems Report for clarity.

Eugene Vodjansky confirmed that conceptual cross-sections and long-sections relating to the matters raised in sub para 1.5 above will be included in the amended SC-ICMP to be included in the Proponent's evidence.

Matter agreed between Proponent and HCC experts subject to reviewing the amended SC-ICMP to be included in the Proponent's evidence.

- 1.6 That staging and trigger rules should provide for the design and consenting of all stormwater infrastructure and effects upstream and downstream of each area within the five sub-catchments. These evolving designs should be incorporated in sub-catchment ICMP iterations and approved by Council.

The experts agree that the concern is to ensure stormwater is designed to each discharge outlet and the effects of incremental provision of stormwater infrastructure with staging are carefully managed.

It is intended that Rule 3.6.A.4.2 e addresses this matter. At the expert conference, Craig Sharman provided an amended version of Rule e which is the intended 42A recommendation noting that the version available on the Council website was outdated. The latest version is set out below:

Staging and Infrastructure (Rule 3.6.A.4.2 e) stormwater:

- e) [Stormwater](#)
- i. [Prior to any development requiring stormwater infrastructure \(or connection to existing infrastructure\) beyond Stage One occurring, a sub-catchment ICMP integrated catchment management plan for Rotokauri North \(the RNICMP\) prepared by a suitably independent, experienced and qualified person shall be submitted with any resource consent application for such development \(as required by Rule 25.13.4.1\).](#)
- ii. [Any resource consents for development requiring stormwater infrastructure \(or connection to existing stormwater infrastructure\) shall require include and provide for construction and commissioning of the stormwater infrastructure as required by the sub-catchment ICMP prepared pursuant to Rule 3.6A.4.2e\)i\) above RNICMP commensurate with that required to service that stage of development, including any amendment to the sub-catchment ICMP RNICMP as is to be agreed with Hamilton City Council in writing prior to lodging any such consent application.](#)

- iii. For the purposes of Rule 3.6.A.4.2e)ii) stormwater infrastructure “commensurate with that required to service that stage of development” includes the treatment wetland for the relevant sub-catchment and all ‘green spine’ drainage footprint connected to the relevant Rotokauri North stormwater outlet (Ohote, Te Otamanui, Mangaheka and Rotokauri South), as shown in Appendix 2 Figure 2-8A.

The Proponent’s experts agree with subclauses i and ii, but do not agree with subclause iii. The Proponents propose to provide a redraft of subclause iii to better give effect to the meaning of “commensurate” through the discretion and assessment criteria of an RDA rule.

All experts are prepared to consider alternate wording to better achieve the intended purpose of the Rule.

Matter not agreed between Proponent and HCC experts. The Proponent’s experts will provide alternate wording as part of their evidence.