IN THE MATTER OF: the Resource Management Act 1991

AND

IN THE MATTER OF: Proposed Plan Change 2: Pukehāngi Heights to the Rotorua District Plan

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EXECUTIVE SUMMARY

STATEMENT OF EVIDENCE – ROWAN DAVID LITTLE

1.0 NUTRIENT MANAGEMENT

Key features of evidence and relief requested:

- That a Nutrient Management Plan be prepared for the entire Structure Plan Area; undertaken or commissioned by Council [paragraph's 32, 34 37 of evidence]

- The Nutrient Management Plan should be prepared/calculated in accordance with the newly agreed MOU formula, taking into account expected development yield and the form of development. [paragraph's 21, 22, 23, 36 of evidence]

- The Nutrient Management Plan or assessment should consider potential numbers of household units for both the Residential 1 Zone (RD1) and Rural 2 Zone (RR2) proposed areas and also land uses associated with these areas as well as subdivision yield and staging information. [paragraph's 22, 30, 31, 35]

- Council shall further investigate utilising the existing 'head room' in WWTP mass discharge limit to provide for an expedite development within the Pukehāngi Heights Development Area which may also provide the opportunity to manage comprehensively the Nitrogen for the entire Structure Plan area. The lack of associated plan change/regional plan change to facilitate this is however concerning. [paragraph's 25, 26, 27]

- Potential issues with nitrogen offsetting measures as suggested in the reporting planners s42A report [paragraph 24] – ie there is no formal process as yet to allow for the transfer of nitrogen from parent lots to the Wastewater Treatment Plant (WWTP) or a fund established for nitrogen offsets.

2.0 NON-NOTIFICATION PROVISIONS

- Do not support the proposed inclusion / further amendments to the non-notification provisions recommended by Council's reporting planners as a result of feedback from submissions.

- In my view the inclusions create unnecessary ambiguity and vagueness. The provisions are not specific and do not set a measurable threshold or provide certainty as to when written approval and potentially notification may be required. The provisions loosely refer to a requirement to obtain written approval where potential effects on culturally significant sites, downstream water quantity, downstream water quality or Lake Rotorua water quality may occur.

- As raised in my pre-circulated evidence, I have concerns that the matters of water quantity, water quality and Lake Rotorua quality also fall outside the jurisdiction and functions of RLC as a territorial authority and what RLC is able to consider in regards to the effects of a land use or subdivision consent.

- In consenting terms, these matters or functions rest with BOPRC as a Regional Council. It is therefore difficult to understand how RLC may consider and assess these effects in relation to land use and subdivision applications in making a decision as to whether tangata whenua are affected. Arguably this is a decision that would need to be made by BOPRC in relation to any discharge consents.

- As suggested in my evidence [paragraph 48], a better alternative may be to include measurable and specific performance standards under the Plan in relation to culturally significant sites, though not downstream water quantity, downstream water quality and Lake Rotorua water quality (as noted these matters relate to the functions of a Regional Council). Where any application fails to comply with the standards, it shall be elevated to a higher activity status whereby notification may be considered and required.

- As noted in paragraph 49 of my evidence, performance standard A5.2.3.4.10 and A5.2.4.4.6 already place specific requirements on the applicants for subdivision consents to provide for the protection of cultural identity and sites or archaeological or cultural importance. Arguably these performance standards could also be extended to apply to land use consent applications too.

- Failure to comply with these performance standards would result in a subdivision application becoming a Discretionary Activity. Section 95B(8) of the Act would apply, which states that unless an activity is subject to a rule which precludes Limited Notification in certain circumstances, then Council must determine whether a person is an affected person in accordance with section 95E for the purpose of Limited Notification.

- Also noted is that after 30 September 2020 public notification is also possible under the amendments made to Section 95A of the Act.

- In my opinion the amendments to Rules A5.2.3.2, A5.2.4.2 and A52.5.2: Non-Notification that have been recommended in response to submissions should not be accepted and included into the Plan.

3.0 STORMWATER

- What appears evident from my brief reading of the JWS is that there are still unresolved matters as to an appropriate mitigation solution and yet further assessment is required to advance discussion and reach agreement on the effect's assessment.

- I have concerns that if the conservative assumptions used in the latest modelling (including the BOPRC's 72hr nested storm event) are required to be implemented, the indicative stormwater basins shown on the Structure Plan (Figure 1-6) could account for a very significant portion of the area proposed to be rezoned to Residential 1 (approximately 14ha), effectively restricting or compromising the amount of land than can be provided to satisfy Rotorua's housing demand.

- At this point the level of on-site attenuation sits somewhere between what was originally modelled by WSP and notified as 6ha and the 14ha based on the modelling of a 72hr duration nested storm event. There is a significant amount of variance between the two and therefore uncertainty. The community, the landowners and potential developers should be given greater certainty through the provisions of the District Plan as to what the expected level/area of on-site attenuation may be.

- In my opinion the potential costs versus the benefits and the efficiency and effectiveness of requiring on-site attenuation for a 72hr nested rainfall event need to be thoroughly assessed before such an option can be considered to be the most appropriate. Such an S32 assessment has not been provided in relation to the stormwater modelling.

- At this point in time there is still no certainty around what design parameters any future Stormwater Management Plan and on-site mitigation will need to be designed to. (i.e. will on-site attenuation need to be designed and implemented for a 72hr nested storm event or some other design event).

- Until such time as this has been specified in the performance standards (i.e. under A5.2.3.4.7) the costs, benefits, efficiency and effectiveness of the performance standards requiring a Stormwater Management Plan cannot be determined.

- The s42a report recognises that providing an appropriate stormwater solution for the Development Area is likely to be beyond the capability and mandate of private landowners/developers. It is also welcoming that Council has taken into account this context and given the underlying strategic purpose of the plan change to improve land supply, has signalled that they will make active steps to lead catchment management planning and risk assessments.

- However, the fact that the provisions and requirements for a Stormwater Management Plan to be prepared are still included in the subdivision performance standards (A5.2.3.4.7 & A5.2.4.4.4) indicates that it could possibly be left to developers or an applicant (presumably the first developer to lodge a subdivision consent application) to prepare such a plan. If this is not the intention, these performance standards should be removed.

PRE-INTENSIFICATION SUBDIVISIONS

- At present the proposed provisions do not provide for 'pre-intensification' subdivisions to occur in a simple and efficient and manner with any certainty. For example detailed technical reports would need to be provided for <u>any</u> form of subdivision, regardless of scale.

- In my evidence I had recommend that a defined scope be put around when additional technical reports and assessments are required.

- Arguably, for a subdivision which is only intended to 'break-up' the parent site into manageable areas for on-sale to developers (i.e. where only one lot of ~2-10ha is proposed and one balance lot) the detailed technical reports and assessments would not be required.

- There is the potential that such 'pre-intensification' subdivisions could be considered inconsistent with the place-specific principles of the structure plan for the Pukehāngi Heights Development Area. This would result in the subdivision being considered a Non-Complying activity, particularly where the stormwater performance standards are not met.

- A Non-Complying activity status would be likely to reduce the level of certainty or confidence many developers or housing companies would need to want to proceed with undertaking a pre-intensification subdivision and purchasing a block of land.

- Council's s42a report acknowledges that such pre-intensification subdivision, being solely for the purpose of ownership transfers to enable future development, would lead to no change of use and as such would have no environmental effect provided the provided the neutral land use outcome was secured via controls such as covenants or consent notices.

- Given this, there seems to be reasonable scope to consider providing for 'pre-intensification' subdivisions within the structure plan area as per the changes recommended in my evidence (or similar relief)

- For example provisions could be included in the plan to require an overlay/underlay of the proposed pre-intensification subdivision to be provided, set against the structure plan to demonstrate that the subdivision and proposed lot boundaries will not inhibit the delivery of key road linkages, walkways, cycleways or stormwater and recreation areas.

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