

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

AND

IN THE MATTER: of Proposed Plan Change 2: Pukehangi
Heights to the Rotorua District Plan under
Part 5, Sub-Part 5 – Streamlined Planning
Process and Schedule 1 Part 5 of the
RMA.

STATEMENT OF EVIDENCE ON BEHALF OF BAY OF PLENTY REGIONAL COUNCIL:

NATHAN TE PAIRI - Planning

18 September 2020

Summary of Evidence

1. I have been involved with the Plan Change since September 2019 and followed the evolution of the modelling. BOPRC prepared a submission to the Plan Change following pre-application discussions with planners for Rotorua Lakes Council (RLC) on matters relating to storm water modelling and effects as well as natural hazard risk.
2. As set out in the evidence of others for BOPRC, the downstream catchment is subject to existing long standing flooding issues. For this reason, I consider a precautionary approach to safeguard future options to remedy this existing situation is appropriate. For this reason, I consider the plan change provisions must rely wholly on mitigation measures within the development site.
3. I note the benefits of Stormwater Master Planning at a high level, however, it does not appear that this process will identify and secure concrete mitigations options in the downstream catchment, noting the BOPRC are yet to see any details of the SMP. To my knowledge, the Utuhina Capacity and Flood Risk Review is the appropriate process to develop future options to address existing flooding risk.
4. For avoidance of doubt and to the best of my knowledge, the stormwater master plan is a high level city wide process to support future urban growth, whereas, the SMP is a storm water management plan intended to manage the cumulative stormwater effects of the plan change only.
5. Following the receipt of the refined modelling reporting for 'Scenario 15', after expert caucusing on the 25/08/2020, BOPRC technical staff (modelling and engineering) are, in principle, not opposed to the rezoning of the land within the Development Area. I rely on their assessment and evidence to not oppose the live zoning of the land within the Development Area.
6. However, to reflect the constraints of 'Scenario 15' (in collaboration with the council's storm water experts) and, to ensure the cumulative effects of the PC are managed in an integrated manner, a number of amendments to the planning provisions are considered appropriate to ensure the potential cumulative effects of storm water are managed in a comprehensive manner. BOPRC experts were involved in the drafting of the suggested changes to the planning provisions.

7. On 15/09/2020 BOPRC provided suggested comments to RLC. On 17/9/2020 RLC responded noting marginal changes to the proposed provisions.
8. In summary, I do not oppose the Plan Change¹ subject to the following amendments **(Appendix B)**:
- (i) Manage the cumulative effects of subdivision for the entire Development Area by a Stormwater Management Plan and, at subdivision stage - A5.2.3.4.7 and A5.2.4.4.4;
 - (ii) No subdivision may proceed until site-wide Stormwater Management Plan has been approved by the Bay of Plenty Regional Council – A5.2.3.4.7 and A5.2.4.4.4;
 - (iii) Secure site-wide mitigation details for storm water ponds (as prescribed in A5.2.3.4.7(c)(v) and A5.2.4.4.4(c)(v)) as part of the site-wide Stormwater Management Plan;:
 - (iv) NEW Performance Standard:
 - requires subdivision, discharge and earthworks consents to be submitted and considered in an integrated manner at subdivision stage; and
 - to ensure future subdivision applications to comply with the recommended mitigation measures in the SMP;
 - (v) A5.2.3.4 (d) and (e) - Design Criteria and Performance Standards are to reflect the assumptions of the feasible modelling ‘Scenario 15’ that conceptually demonstrates that the potential cumulative effects can be managed by the Plan Change, subject to amendments;
 - (vi) Requiring the approval of the details of future mitigation measures by the Manager of Engineering - A.5.2.3.4 (c)(v) and A5.2.4.4 (c)(v).
 - (vii) Provisions for limited notification to the Bay of Plenty Regional Council in the instance that that the Performance Standards are not met and sign off from the Manager of Engineering cannot be obtained – A5.2.3.2 (b).

¹ Offered to RLC on 15/9/2020

9. In my view, this will ensure:

- (i) The assumptions (including the requisite modelled mitigation i.e. detention ponds) of Scenario 15 are incorporated into the Stormwater Management Plan (SMP);
- (ii) Site-wide mitigation is secured as part of the SMP before subdivision occurs;
- (iii) The cumulative storm water effects of the plan change are considered comprehensively in an integrated manner through the SMP;
- (iv) Future subdivision applications comply with the recommended mitigation measures identified for the entire development area;
- (v) Require BOPRC to have an 'approval role' for the SMP and, to ensure it can give effect to its functions under s.30² of the RMA and give effect to the relevant provisions of the RPS, in particular, IR 1B, IR 3B and IR 5B and Policy NH 4B of the Bay of Plenty Regional Policy Statement (BOP RPS);
- (vi) Assist RLC to give effect to its functions under s.31; and
- (vii) Ensure the Plan Change will achieve on-site management and will not preclude options in the lower catchment to address existing flood issues.

10. On this basis, I consider the planning provisions appropriately manage natural hazard risk and potential cumulative storm water effects and, are consistent with the National Policy Statement – Urban Development (NPS - UD) and the relevant objectives and policies of the Bay of Plenty Regional Policy Statement.

² Sections 30(1)(a),(c)(iv) and (e)(ii) of the RMA - ensure implementation achieves the integrated management of natural and physical resources, control the use of land for the avoidance or mitigation of natural hazards and control the damming and diversion of water and the control of the quantity, level and flow of water in any water body.