

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
WAIMAKARIRI DISTRICT COUNCIL**

IN THE MATTER OF The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF Hearing of Submissions and Further
Submissions on the Proposed Waimakariri
District Plan (**PWDP** or **the Proposed Plan**)

AND

IN THE MATTER OF Hearing of Submissions and Further
Submissions on Variations 1 and 2 to the
Proposed Waimakariri District Plan

AND

IN THE MATTER OF Submissions and Further Submissions on the
Proposed Waimakariri District Plan by **Mark
and Melissa Prosser**

**SUPPLEMENTARY EVIDENCE OF MARK DAVID ALLAN
IN RESPONSE TO RIGHT-OF-REPLY REPORT (29 NOVEMBER 2024)
ON BEHALF OF MARK AND MELISSA PROSSER
REGARDING HEARING STREAM 12C**

DATED: 13 December 2024

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INTRODUCTION

- 1 My name is Mark David Allan.
- 2 I prepared a statement of evidence (24 April 2024) and supplementary evidence (8 July 2024) regarding Hearing Stream 12C in support of the submission of Mark and Melissa Prosser on the Proposed Waimakariri District Plan (**PWDP**) to rezone approximately 73 ha at Mandeville (**the Site**) from Rural Lifestyle Zone to Large Lot Residential Zone (**LLRZ**) (**the Proposal**).
- 3 I attended Day 2 (23 July 2024) of the Stream 12C Hearing (**the Hearing**) where I presented on behalf of the Prossers. During the Hearing, the Panel requested that I compile those existing provisions of the PWDP that would apply to the Proposal, and any additional provisions that may be needed to ensure features shown on the Outline Development Plan (**ODP**) would eventuate. My supplementary evidence dated 26 July 2024 responded to the Panel's request.
- 4 This statement of supplementary evidence is filed in response to Minute 48 which granted leave to the Prossers to file a final planning statement from myself. It is limited to a response to Mark Buckley's Right-of-Reply Report (**Reply Report**), specifically information I provided Mr Buckley to inform his Reply Report that has not been disclosed or acknowledged in the Reply Report. My evidence particularly focuses on how the ODP and associated plan provisions address Mr Buckley's concerns regarding the Proposal.
- 5 My qualifications and experience are set out in my primary statement of evidence. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.

CONTEXT

- 6 As mentioned, on 26 July I filed supplementary evidence in response to a request from the Panel. Attachment 1 contained a collation of PWDP provisions that would serve to control subdivision, servicing and development of the Site, specifically those provisions relating to ODPs, subdivision, servicing and natural hazards. I highlighted those provisions that I consider demonstrate how subsequent subdivision and development of the Site would be considered through the resource consent process, and specifically how the features shown on the ODP would be assured and matters of servicing design and groundwater resurgence would be appropriately assessed.
- 7 Attachment 2 contained my proposed ODP narrative text and accompanying Activity Rules and Built Form Standards for the Site. Given the known potential for groundwater resurgence

at the Site, I included an Activity Rule to ensure the issue is appropriately assessed and provided for through the subsequent resource consent process and detailed design associated with future subdivision and development of the Site. Attachment 2 presented a rule framework consistent with other Development Areas subject to an ODP in the PWDP.

- 8 My supplementary evidence concluded that the existing PWDP provisions, my additional ODP-specific provisions and the subsequent consenting process would deliver an appropriate structure for assessing and managing any environmental effects and development constraints (including servicing capacity) associated with LLRZ-enabled development of the Site.

RECORD OF POST-HEARING CORRESPONDENCE REGARDING ODP AND ASSOCIATED PLAN PROVISIONS

Response to Mr Buckley's email of 11 October 2024

- 9 Following discussions he had had with Matt Bacon regarding all proposed rezonings in response to requests from the Panel, Mr Buckley emailed me Friday 11 October 2024 to advise that "as part of the process for rezoning, we need the provisions for each rezoning that is in line with the New Development Areas or you need to tell me how you envisage any development would occur". As Mr Buckley was on leave the following week, he advised that Mr Bacon would be available for any questions.
- 10 I forwarded Mr Buckley's email to Mr Bacon on 15 October, noting (to summarise):
- i. I had previously provided proposed provisions for the rezoning in response to the Panel's request¹;
 - ii. my position remained that I envisaged the provisions relevant to Site would be a mix of the notified LLRZ objectives, policies and rules and relevant District-wide chapters, with the addition of my proposed ODP and site-specific provisions;
 - iii. my position remained that the Proposal did not warrant new objectives or policies, i.e. LLRZ-O1 and LLRZ-P1 to P4 are suitably broad to cover all LLRZ situations, and the notified and proposed rules are appropriate for giving effect to these and the ODP;
 - iv. my understanding, based on the three Joint Witness Statements (**JWS**) relevant to Stream 12C (transport, groundwater and wastewater), that all issues have been resolved between the respective experts, with the exception of wastewater where there remains some disagreement between Mr Sookdev (for the Prossers) and Council's expert in respect of network capacity;

¹ Supplementary evidence of Mark Allan dated 26 July 2024

- v. my opinion that the matter of wastewater network capacity can be addressed at the subdivision stage by the notified PWDP Subdivision Standard SUB-S12, which requires any new lot to be served by a reticulated wastewater system where available. Non-complying activity status is appropriate where compliance cannot be achieved, and serves to motivate the developer to demonstrate a feasible wastewater solution to Council’s satisfaction. For this reason, a bespoke rule for wastewater is not required;
- vi. my uncertainty as to how Mr Buckley intended to report my position to the Panel. I suggested that if Mr Buckley agreed with my position, there would be no need for conferencing. However, if Mr Buckley’s recommendation remained decline, there is basis for conferencing to allow each of us to put forward our view as to the efficacy of provisions in relation to the proposed rezoning.

11 Further to sub-clause v. above, I note that SUB-S12 is one of the existing PWDP provisions highlighted in Attachment 1 of my supplementary evidence of 26 July that would serve to control subdivision and servicing of the Site (reproduced here, and further referenced under [19(xii)] below).

SUB-S12 Reticulated wastewater disposal in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones	
<ol style="list-style-type: none"> 1. Any new allotment in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones, or Industrial Zones shall be served: <ol style="list-style-type: none"> 1. to the boundary by a reticulated wastewater system, where available; or 2. where a reticulated wastewater system is not available as described in EI-R45, wastewater disposal is to be provided by on site waste water treatment services. 	Activity status when compliance not achieved: NC

Response to Mr Buckley’s email of 5 November 2024

12 Mr Buckley contacted me again via email 5 November 2024, attaching a Word document containing draft wording for the Mandeville Northeast Development Area, with several questions posed on the same. He asked me to review and comment on the document, and provide any rules and ODP narrative, by the end of that week. I understood the process would allow areas of agreement and / or disagreement to be identified and provide further opportunity to resolve any outstanding matters, with our respective positions being recorded in his Reply Report.

13 I responded to Mr Buckley via email 8 November, as requested. My response included the proposed ODP narrative text and rules that were appended to the supplementary evidence I

filed following the hearing in July² (reproduced at **Attachment 1** for convenience) and also included commentary as to how these provisions addressed his queries.

- 14 I reproduce Mr Buckley's 5 November queries (in *italics*) below and my corresponding 8 November responses, which can be cross-referenced to Attachment 1 where relevant.

Mandeville Northeast Development Area ODP and narrative text

15 Mr Buckley's 5 November email asked:

- i. *The RPS Policy 6.3.3(3)(a), and Policy SUB-P6(2)(a) required to show – 'relevant infrastructure services' this being water and wastewater mains, to be shown on ODP.*

My response: "I have amended the ODP below to show new water and wastewater mains, and their connection points to existing mains. Once agreed, this will need to be digitised / formatted with correct symbology - is this something Council's geospatial team can do if I provide the file?"

- ii. *Does this [lower residential density along the boundary interface with San Dona rural zoned land (lots minimum 10,000m² in area)] need to be reflected in a rule? How is this going to be triggered?*

My response: "Yes – refer proposed DEV-MNE-R1 Mandeville Northeast Development Area Outline Development Plan and DEV-MNE-BFS1 Specific density requirements for triggers."

- iii. *During the hearing the engineers talked about not disturbing the groundwater resurgence areas during earthworks. This is not reflected in the ODP or as a rule. How is this going to be enforced? It needs a rule.*

My response: "Refer proposed amended ODP narrative text and DEV-MNE-R3 Groundwater Resurgence."

- iv. *How much of a setback [from existing springs]? How is this triggered?*

My response: "5m setback. Refer proposed ODP Legend, amended ODP narrative text and DEV-MNE-R1 Mandeville Northeast Development Area Outline Development Plan, DEV-MNE-R4 Subdivision design and DEV-MNE-BFS2 Building and structure setbacks for triggers."

² Attachment 2, supplementary evidence of Mark Allan dated 26 July 2024

- v. *This [landscape and boundary treatment requirements] will need a rule or BFS. It will need some wording to go with the ODP to explain what it is and what it comprises.*

My response: "Agree – refer proposed ODP Legend, amended ODP narrative text and DEV-MNE-R1 Mandeville Northeast Development Area Outline Development Plan and DEV-MNE-BFS3 Landscaping for triggers."

- 16 Appendix 2 (Proposed LLRZ Rezoning) of the Reply Report includes the ODP narrative text and rules that I have previously proposed and, as noted above, referenced in response to Mr Buckley's post-hearing queries. The Reply Report does not, however, acknowledge my responses or present Mr Buckley's position on the same.

Ashworths Road

- 17 Mr Buckley's 5 November email asked:

- vi. *Is Ashworth Road going to be sealed? What is the trigger to get it sealed?*

My response: "Yes, from the intersection with Dawsons Road to a minimum of 60m northeast of the new Ashworths Road access point. Refer proposed DEV-MNE-R2 Specific access provisions."

Staging

- 18 Mr Buckley's 5 November email asked:

- vii. *Is any staging proposed for development?*

My response: "Subdivision consent would likely be sought for development of the entire site, with the delivery of sub-stages sequenced based on construction programme and market demand. This is typical of any subdivision of this scale."

Wastewater

- 19 Mr Buckley's 5 November email posed several queries / sought clarification in respect of wastewater matters, which I responded to in turn as below:

- viii. *Given that the wastewater JWS said that there was potential capacity for a small number of short term discharges you would need to look at a rule for staging.*

My response: "This does not necessitate a rule, rather it would be described in the subdivision consent application (as part of the servicing assessment) and managed through conditions of consent, if required (see my further comments below)."

- ix. *There was also a statement around the number of lots that were allowed by a resource consents compared with the total number of lots, this needs to form part of any staging discussion.*

My response: "Similarly, this would be factored into the servicing assessment and managed by conditions of consent."

- x. *What is happening with the wastewater? Given the JWS for wastewater said that there was no capacity. There is general disagreement between 12D engineers and Mr Sookdev's statement.*

My response: "I observe that the JWS (wastewater) is not as black-and-white as you have suggested. Indeed, at least one of the experts considered that temporary retention and off-peak pumping (as suggested by Mr Sookdev as a solution to alleviate any capacity issue) cannot be discounted until such time as sufficient investigation and modelling had been carried out to confirm such an approach (JWS at page 12)."

- xi. *Mr Sookdev stated that there would need to be onsite storage, this needs to be a rule.*

My response: "I disagree – see my comments below."

- xii. *The [JWS (wastewater)] says: The trigger would be the first area applying for resource consent. The project would be dealt with through a combination of the Development Contribution policy, schedules and private developer agreements. This is not reflected in the proposed development provisions.*

My response: "The above quote needs to be read in the broader context of the JWS (wastewater). While it is the agreed position of the experts, it is prefaced by Mr Sookdev's position that there is capacity to service the Site by pressurised system and adopting temporary storage released during off-peak periods. Even if it is identified that more capacity is required, that does not mean a bespoke new rule needs to be included because the existing rules are sufficient to manage any capacity constraints with respect to wastewater (see comment below). The detail of the wastewater solution does not need to be described in the provisions or captured by a site-specific rule (I note that nowhere in the PWDP is such a level of specificity adopted for any Zone or Development Area).

My Supplementary Evidence for Stream 12C (26 July 2024) outlines the existing provisions in the PWDP that would control subdivision, servicing and development of the Site. Relevantly, any subdivision in the Large Lot Residential Zone (being a Residential Zone by definition) is required to be serviced by a reticulated wastewater network (SUB-S12). Critically, any subdivision consent application will need to demonstrate how the proposed wastewater solution complies with this requirement, as is normal practice.

In this respect, the subdivision consent application process is the appropriate mechanism for proposed servicing arrangements to be assessed and conditions of consent imposed to ensure development can be adequately serviced. That will, if necessary, include identification of any triggers for staged development and / or required upgrades (and the timing, funding and responsibility for these).

For these reasons, in my view a bespoke rule is not required to manage wastewater with respect to development of the Site because the PWDP already contains adequate rules that deal with this issue, including the current difference of views between the wastewater experts as expressed in the JWS."

Groundwater resurgence

20 Mr Buckley's 5 November email asked:

xiii. *What is happening around the groundwater resurgence mitigation measures? It was stated that they would not be intercepted, how is this reflected [in the ODP rules]?*

My response: "Refer proposed DEV-MNE-R3 Groundwater Resurgence which requires a detailed groundwater study and resurgence assessment be undertaken, the identification of building platforms that avoid any areas of known groundwater resurgence, and stormwater infrastructure sized to accommodate groundwater resurgence flows concurrent with flood flows."

21 My 8 November email to Mr Buckley specifically asked him to let me know if he disagreed with my response, and noted it would be appropriate that our respective positions on this matter are recorded in a JWS if we could not reach agreement. I did not receive an acknowledgement or response to my 8 November email.

22 I followed up with Mr Buckley via email (20 November) seeking an update and confirmation there was nothing more he needed from me to close out this matter for the purpose of his Reply Report. I reiterated that I would like the opportunity to resolve any matters with him, or

otherwise record any disagreement in a JWS if that was necessary. I did not receive an acknowledgement or response to my 20 November email.

- 23 The Reply Report does not record or discuss my responses to Mr Buckley's 5 November request, nor does it provide any context to the "recommended amendments to PDP provisions" in Appendix 2³.

CONCLUSION

- 24 This supplementary evidence documents the post-hearing correspondence between me and Mr Buckley that has not been recorded in the Reply Report. It records my response to questions and concerns raised by Mr Buckley regarding the ODP and associated plan provisions. It also refers to existing plan provision SUB-S12 which I consider is adequate to resolve any uncertainty regarding wastewater network capacity to service the Site.
- 25 I consider each of the queries and concerns raised by Mr Buckley are resolved by reference to the existing and proposed plan provisions discussed above. The only change to the ODP and associated plan provisions included at Attachment 2 of my supplementary evidence (26 July) arising from my exchanges with Mr Buckley are minor alterations to the ODP to show the location of network connections for wastewater and water.
- 26 The amended ODP is included in the Reply Report at Appendix 2, together with other associated plan provisions relating to the Site. I remain of the view that these provisions, when read in conjunction with the existing PWDP provisions I have previously referenced, are appropriate for assessing and managing environmental effects associated with LLRZ-enabled development of the Site.

Mark Allan
13 December 2024

³ Para 10, Reply Report

ATTACHMENT 1: PROPOSED AMENDMENTS TO PWDP*

* as included with Mark Allan's 8 November 2024 response to Mark Buckley's 5 November 2024 request

The following text (*italics*) is new and proposed to be inserted in Part 3 – Area specific matters / Wāhanga waihanga – Development Areas / Existing Development Areas.

MNE – Mandeville Northeast Development Area

Introduction

The Mandeville Northeast Development Area is located to the northeast of Mandeville bounded by Dawsons Road to the west and Ashworths Road to the north. The area is a Large Lot Residential Zone that provides for low density residential activities. The area is within a location that has experienced groundwater resurgence during periods of high groundwater in the past, which has the potential to result in flooding impacts if not appropriately managed through subdivision design and development.

Key features of the DEV-MNE-APP1 include:

- *proposed road and pedestrian layouts, including sealing part of Ashworths Road and providing pedestrian connectivity with the Mandeville Village Shopping Centre;*
- *proposed stormwater management network to maintain existing overland flow paths;*
- *areas to achieve specific residential density, landscaping and setback requirements; and*
- *enhancement of existing waterways and springs.*

Activity Rules

DEV-MNE-R1 Mandeville Northeast Development Area Outline Development Plan	
Activity status: PER Where: 1. <i>development shall be in accordance with DEV-MNE-APP1</i>	Activity status when compliance not achieved: DIS
Advisory Note <ul style="list-style-type: none"> • <i>For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.</i> 	
DEV-MNE-R2 Specific access provisions	
Activity status: PER Where: 1. <i>there shall be no direct vehicle access to Dawsons Road from allotments fronting Dawsons Road;</i> 2. <i>Ashworths Road shall be sealed from the intersection with Dawsons Road to a minimum of 60m northeast of the new Ashworths Road access point; and</i> 3. <i>a footpath shall be formed from the new Dawsons Road access point along the eastern side of Dawsons Road to the intersection with Wards Road.</i>	Activity status when compliance not achieved: DIS
DEV-MNE-R3 Groundwater Resurgence	
Activity status: PER	Activity status when compliance not achieved: RDIS

<p>Where:</p> <ol style="list-style-type: none"> 1. a detailed groundwater study and resurgence assessment has been undertaken identifying: <ol style="list-style-type: none"> a. any potential resurgence locations; b. groundwater and infiltration management approaches used to ensure groundwater resurgence is appropriately managed on site without contributing to new or increased groundwater resurgence issues off-site; and c. building platforms that avoid areas susceptible to groundwater resurgence; 2. building platforms have been identified on a subdivision plan to avoid any areas of known groundwater resurgence (in accordance with 1(c) above); and 3. a stormwater infrastructure assessment has been undertaken outlining how stormwater has been designed to maintain its primary stormwater function during sustained periods of groundwater flow and has been sized to accommodate groundwater resurgence flows concurrent with flood flows. 	<p>Matters of discretion are restricted to:</p> <p>SUB-MCD5 – Natural hazards</p>
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DEV-MNE-R4 Subdivision design	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any subdivision shall provide for the protection and enhancement of the watercourses and springs identified on the ODP. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>NATC-MD4 – Buildings, structures and impervious surfaces within freshwater body setbacks</p> <p>NATC-MD6 – Freshwater body setback assessment</p>

DEV-MNE-R5 Residential unit and any rooms within accessory buildings used for sleeping or living purposes located within the Intensive Primary Production Setback Area	
<p>Activity status: NC</p> <p>Where:</p> <ol style="list-style-type: none"> 1. a poultry farm continues to operate on 87 Ashworths Road with respect to the Primary Production Setback Area. 	<p>Activity status when compliance not achieved: N/A</p>

Built Form Standards

DEV- MNE-BFS1 Specific density requirements	
<ol style="list-style-type: none"> 1. For the purpose of LLRZ-BFS1 and SUB-S1, allotments within the 'Large Lot Residential Development Area - Lower Density' shall achieve a minimum allotment size of no less than 10,000m² and a maximum density of one residential unit per site. 	<p>Activity status when compliance not achieved: NC</p>

DEV-MNE-BFS2 Building and structure setbacks	
<ol style="list-style-type: none"> 1. For the purpose of LLRZ-BFS6 (1), any building or structure (other than a fence in the case of a. and b. only) shall be setback a minimum of: 	<p>Activity status when compliance not achieved: DIS</p>

<ul style="list-style-type: none"> a. 20m from Ashworths Road or Dawsons Road; b. 50m from any boundary of an allotment in the adjoining San Dona development; c. 10m from the watercourse identified on the ODP along the eastern boundary; and d. 5m from the existing springs identified on the ODP along the eastern boundary. 	
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DEV-MNE-BFS3 Landscaping

<p>1. Within the setbacks required by DEV-MNE-BFS2 (1) (a) and (b):</p> <ul style="list-style-type: none"> a. a minimum 10m-wide native landscape strip shall be planted and maintained, with species selected from the following: <ul style="list-style-type: none"> i. trees: kowhai (<i>Sophora microphylla</i>), ribbonwood (<i>Plaginathus regius</i>), and manuka (<i>Leptospermum scoparium</i>); and ii. shrubs: lemonwood (<i>Pittosporum eugenoides</i>), kāpuka (<i>Griselinia littoralis</i>), akeake (<i>Olearia avicenniifolia</i>), flax (<i>Phormium tenax</i>), toetoe (<i>Austroderia richardii</i>), mikimiki (<i>Coprosma propinqua</i>), karamū (<i>Coprosma robusta</i>), and kōhūhū (<i>Pittosporum tenuifolium</i>). b. the existing 5m-wide native riparian planting strip along Ashworths Road shall be maintained and incorporated into the landscape strip required by (a). 	<p>Activity status when compliance not achieved: DIS</p>
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DEV-MNE-BFS4 Local Road Formation

<p>Activity status: PER</p> <p>1. For the purpose of TRAN-R3, all new roads shall provide one 1.8m-wide footpath (one side, minimum).</p>	<p>Activity status when compliance not achieved: as set out in TRAN-S1</p>
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Appendix

DEV-MNE-APP1 – Mandeville Northeast ODP

