



aston
CONSULTANTS

resource management & planning

To: Waimakariri District Council Hearings Panel

Re Minute 48: Response And Directions to Prosser and Fletcher – Fawcetts Road Memorandums Hearing Stream 12C.

Further Planning Evidence by Ivan Thomson on the ODP and Associated provisions on behalf of Andrew McAllister (Sub No 8)

18 December 2024.

Introduction

The Hearings Panel has granted leave, and invited Mr. McAllister, to submit any expert planning evidence which *'is focused on how the ODP and associated plan provisions address Mr. Buckley's concerns raised in his Reply Report'*.

The submission requested a zoning change for two blocks known as A and B. For reasons set out in my Evidence and Chief, if the Panel sees limitations in local wastewater capacity as a constraint, Mr. McAllister's preference is to rezone Block B. However, because of new information emerging since the hearing of evidence as described below, Mr. McAllister has confirmed he wishes to have both blocks rezoned.

I confirm my qualifications and experience stated in earlier evidence, and my adherence to the Environment Court Code of Conduct.

Background to Amendments to Outline Plan and Provisions, Block B.

At the conclusion of presenting my planning evidence at the Hearing Stream 12C Hearing the Chair requested me to prepare provisions to be inserted into the District Plan to implement a possible LLRZ for 'Block B'. The provisions were to be supported by a Section 32AA Evaluation, and these documents were submitted by email to Mr. Buckley on 25 October 2024, with an invitation to get back to be *'if this is not what you were looking for and I will amend it accordingly'*.

Mr. Buckley had previously advised me (11 October) that:

'I've had some additional discussions with Matt (Bacon) regarding all proposed rezonings in response to requests from the Hearing Panel. As part of the process for rezoning, we need the provisions for each rezoning that is in line with the New Development Areas. These do not need to be as long or complex as the new development as they are not deferred zones. They should be a mix of existing development area (sic) up to the policies and then the new development for the rules and built form standards. The development chapter will need to have a S32AA attached to it, which will need to address the issue associated with the proposed/existing objective and policies and their link to the rules'.

As I received no further advice following the subsequent submission of my provisions and Section 32AA Evaluation I assumed they were in line with his expectations, and those of his technical advisers particularly wastewater. I was concurrently engaging with Mr. Wilson to prepare Joint Witness Statements on the Spark rezoning (a more complex situation than Block B) which reinforced my understanding that no more work was needed from me on Block B.

In hindsight, it would have been prudent for me to pursue a JWS with Mr. Buckley. However, over the November period, Mr. Buckley's responses to the Panel's questions (and responses of other officers particularly Mr. Willis) had led me to conclude that the ODP and site-specific concerns had been addressed and the merits turned on whether rezoning met strategic policy provisions.

My conclusion was confirmed following the receipt of Mr. Buckley's Section 42A Right of Reply and Recommendations Report.

Mr. Buckley's Section 42A Right of Reply and Recommendations (RR&R') - General.

The RR&R provides an overall assessment of Block B on page 13. Listed 'positives' stem mainly from amendments made to the ODP following the hearing, for example ensuring that the promised parking area for the adjoining preschool would be part of a future subdivision consent. Most of the 'negatives' relate to stormwater and wastewater - infiltration issues in the wider Swannanoa-Mandeville catchment, but these concerns can be addressed through developer action or '*are not a constraining issue*'.

The report states at [110] '*Should the hearing panel consider that LLRZ is part of an urban environment and that other development constraints such as wastewater, stormwater and traffic can be addressed at resource consent stage, the rezoning of Block B and its integration with the school and existing LLRZ area on Winter Road is preferred*' (rather than Block A). This follows comments on wastewater and groundwater resurgence by Mr. Bacon and Mr. Aramowicz.

The overall recommendation to reject the rezoning appears to be based on distance to employment areas, and not being in accordance with promoting a well-functioning urban environment. I have already provided a considerable amount of evidence on the matter and of course the Panel will ultimately decide on this. Similarly, I have provided evidence on the RRDS

growth direction (and its relationship with Policy 6.3.9 of the CRPS) and suffice to say I have a different view than Mr. Buckley.

Following the receipt of the Panel's invitation to present further evidence I asked Mr. Mars to respond to comments made by Mr. Bacon on Mr. Mars's evidence and review the wastewater staging rule. His comments are appended.

(RR&R') – ODP and Provisions

The Reply Reports for both Streams 12C and 12E have provided further guidance on how the provisions for new development areas are to be presented in the Plan. My final ODP and staging provisions for managing wastewater treatment have been adopted in Mr. Buckley's Report, however, I note that, in line with all of the other development plans, there is no narrative. This has removed some important measures that implement the ODP, in particular for managing stormwater and wastewater¹. I have therefore redrafted the provisions to include the main requirements for on-site stormwater as part of the rules package, guided by Mr Mars's comments.

With respect to wastewater, I have read the supplementary evidence of Mark David Allan in response to the right-of-reply (29 November 2024) on behalf Mark and Melissa Prosser. The Prosser LLR rezoning submission at north Mandeville raises similar concerns with respect to wastewater servicing. Mr Allan considers that existing PWDP rule SUB-12 which applies to all residential zones serves to control subdivision and servicing of the Site and a bespoke rule for the Prosser rezoning is not necessary:

19. xii.

...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

¹ I can understand why the Council might consider removing narratives because of the hidden nature of some potential rules.

wastewater experts as expressed in the JWS.”

The same applies to the Swannanoa rezoning. However, in case the Panel would prefer bespoke servicing rules, these have been included for completeness in the amended provisions attached to this evidence.

With respect to wastewater, a considerable amount of new information has emerged from the Council’s Right of Reply, post hearings discussions on 12D, and, previously to that, expert conferencing by the engineers. In particular, there has become an apparent resistance by the Council engineers to installing STEP systems, which was the wastewater management method I based my original staging rule on. It seems clear to me that the only option for servicing this block is a low-pressure sewer system (LPS), and I no longer consider that the staging rule is required. This (LPS) is in fact the preferred option put forward by Mr. C. Bacon (refer to Appendix 4 of my Rebuttal Evidence).

The matter for this rezoning has increasingly become a funding issue and it is clear that, at some stage the I&I issues in the Mandeville – Swannanoa catchment will need to be addressed. This will include phasing out the STEP systems in the existing Swannanoa development including the school. One way to do this is to fund the upgrades through developer contributions and/private development agreements. The rezoning of the McAllister land (including the Block A land, which is already LLZO, if the integration matters can be resolved²) will provide the certainty and economies of scale that enables viable funding of the much-needed LPS. I have included an ODP and rules package for Block A (appended to this evidence). Within this I have included stormwater management provisions having regard to the Report submitted by E2³ and for overall consistency with those for Block B.

There is a slight amendment to the legend of the Block B ODP to indicate that the boundary overland flow paths need to be confirmed at subdivision.

Section 42A ‘Wrap up’ Report.

² Refer to my Evidence in Chief where I discuss the constraints other than wastewater. There is the option of zoning the land other than that not owned by the Council, if not all the land.

³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0020/160616/Flood-Assessment-Daniel-McMullan-Block-A-Swannanoa-on-behalf-of-McAllister.pdf

Of particular relevance to Block B is the Officers' recommendation to accept the CRC's submission on UFD –P3. This is in response to the Panel's request for the Plan to distinguish between the area of the District within Greater Christchurch and the area outside. This is a U-turn from Mr. Buckley's original position which was to retain the notified policy and reject the CRC's submission point. It could be another reason for Mr. Buckley recommending rejecting Block B that I had not anticipated. But at paragraph 30 of his Reply Mr. Buckley stated: 'I am of the opinion that UFD-P3 does give effect to the RPS (UFD-P3(1)), while also giving effect to the NPS-UD (UFD-P3(2))'. I cannot reconcile these positions.

While this is a policy matter and is potentially out of scope of the Panel's invitation [to 'focus on the ODP and associated provisions'] I feel a need to raise it because nowhere has Mr. Buckley responded to my extensive evidence on the relationship between UFD-P3 and other statutory documents. Of significance is paragraph 13 in Appendix 1 to my Rebuttal Evidence:

The WRRDS should not be a static document and if there is more detailed information that overcomes the reasons why an area wasn't included in the original strategy. Viewed in this way, the policy is simply enabling the Strategy to be updated through the Review of the District Plan in accordance with Policy 6.3.9. This is actually recognised in the Strategy, and I draw attention to the following statement in the Monitoring and Review section of the WRRDS (P22)....

Conclusion

With regard to the ODP for Block B and provisions (including Section 32AA Evaluation), if I understand Mr Buckley's position correctly, he is prepared to accept these provided that the Panel is happy to accept that the wastewater and groundwater constraints can be dealt with at the resource consent stage. But he does not consider that the rezoning of Block B meets the relevant statutory tests, particularly if UDF-P3 is amended as per the 'Wrap up' Report.

There is little doubt now that the wastewater and groundwater constraints can be dealt with at the consenting stage and in my opinion, there is enough certainty for Block B to be zoned from an infrastructure perspective.

Furthermore, the provision of an LPS also makes it more viable to rezone part if not all of Block A and these additional LLRZ lots are helpful assisting with funding (through development contributions) the LPS. An ODP and provisions for Block A have been submitted as part of this response. I do not consider an additional Section 32AA assessment is required as stated in my evidence Block A is already a Large Lot Residential Zone Overlay, whether or not the Overlay is converted to a rezoning is dependent on site specific matters the key one of which is servicing, particularly wastewater.

Overall, I still consider that LLRZ for both blocks with the associated provisions satisfies Mr. Buckley's concerns.

On behalf of Mr. McAllister, I thank the Panel for the opportunity to provide this further evidence.

Ivan Thomson

WSDA –West Swannanoa Development Area

The West Swannanoa Development Area (DEV-ES-APP) is a small area adjoining the western boundary of Swannanoa fronting onto Tram Road and Two Chain Road. Part of the Bock is owned by the Waimakariri District Council and is subject to the offer back provisions under the Ngai Tahu Settlement Act 1998. The land was identified for rural residential development in the Waimakariri Rural Residential Development Strategy.

DEVELOPMENT AREA STANDARDS

DEV-WS- R1 West Swannanoa Development Area Outline Development Plan	
Activity Status: PER Where: 1. development shall be in accordance with DEV-ES-APP1. and the relevant Built Form Standards	Activity status where compliance is not achieved: DIS
Advisory Note • For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision	
<u>DEV-WS West Swannanoa Development Area Outline Development Plan</u> <u>Fixed Features</u>	
<u>For the purposes of WestSwannanoa Development Area Outline Development Plan the following are fixed features on the ODP</u>	
a) <u>A connection from Tram Road to Two Chain Road.</u>	

Built Form Standard

<u>DEV-WS BF1 Wastewater</u>	
a) <u>Wastewater modelling of the development and wastewater catchment will be undertaken by Council prior to or at the time of subdivision to confirm the existing network capacity. Staging of the development shall be based on the wastewater network capacity to accept additional connections.</u> b) <u>Each property will be required to have a wastewater pump station, located within the property boundary, with a minimum of 24-48 hours storage.</u> c) <u>Each property will be required to have a low pressure sewer boundary kit located within the road reserve.</u> d) <u>Unless agreed otherwise with Council, a new low pressure sewer main of sufficient capacity must be run from the development to a suitable location downstream of the Bradleys Road Pump station.</u>	<u>Activity status where compliance is not achieved:</u> <u>DIS</u>
<u>DEV-WS BF2 Stormwater</u>	

<p>a) <u>The primary method of stormwater disposal in the area will be via managed infiltration into land and discharge to surface water to mimic existing natural conditions.</u></p> <p>b) <u>stormwater treatment shall be provided for rainfall runoff generated during the first 25 mm rainfall depth (volume-based treatment devices) or the 5mm/hour rainfall intensity for 5 hours (flow-based treatment devices).</u></p> <p>c) <u>Roof stormwater runoff is to be directed to a dual-purpose retention and detention storage tank.</u></p> <p>d) <u>Stormwater from driveways and road areas shall be treated up to the first flush event. Management of driveway and road stormwater runoff shall be managed to ensure infiltration to ground and discharge to surface water maintains hydraulic neutrality.</u></p> <p>e) <u>Buildings shall be sited away from or on the edge of any overland flow paths and building finished floor levels shall have appropriate freeboard.</u></p> <p>f) <u>Accessways shall be designed to ensure access to habitable dwellings is achievable in the 2% AEP flood event.</u></p>	<p><u>Activity Status when compliance not achieved:</u></p> <p><u>DIS</u></p>
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DEV-WS APP 1 West Swannanoa Outline Development Plan



ESDA –East Swannanoa Development Area

The East Swannanoa Development Area (DEV-ES-APP) is a small area adjoining the eastern boundary of Swannanoa.

The key features of DEV-ES-ODP include:

- an identified flowpath;
- limitations on the development due to limitations of the downstream wastewater network.
- connectivity with the adjoining school and preschool.

DEVELOPMENT AREA STANDARDS

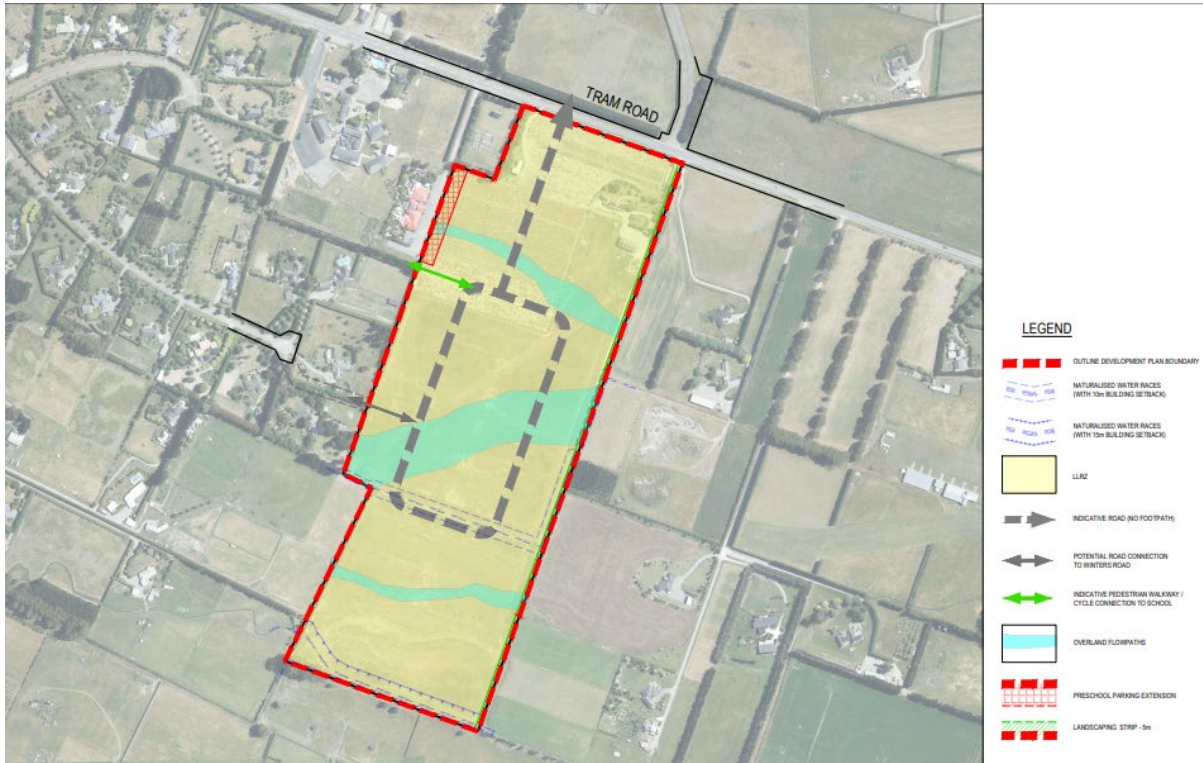
DEV-ES- R1 East Swannanoa Development Area Outline Development Plan	
Activity Status: PER Where: 1. development shall be in accordance with DEV-ES-APP1. and the relevant Built Form Standards	Activity status where compliance is not achieved: DIS
Advisory Note • For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision	
<u>DEV-ES East Swannanoa Development Area Outline Development Plan</u> <u>Fixed Features</u>	
<u>For the purposes of East Swannanoa Development Area Outline Development Plan the following are fixed features on the ODP</u>	
a) <u>A potential connection to Winter Road.</u> b) <u>Connectivity with adjoining preschool.</u> c) <u>Provision of approximately 2500m² for extension of preschool parking area.</u> d) <u>Two overland floodpaths.</u> e) <u>Naturalisation and enhancement of the overland flow path along the Site’s southern boundary;</u> f) <u>Proposed edge treatment along the eastern interface with the Rural Lifestyle Zone.</u>	

Built Form Standard

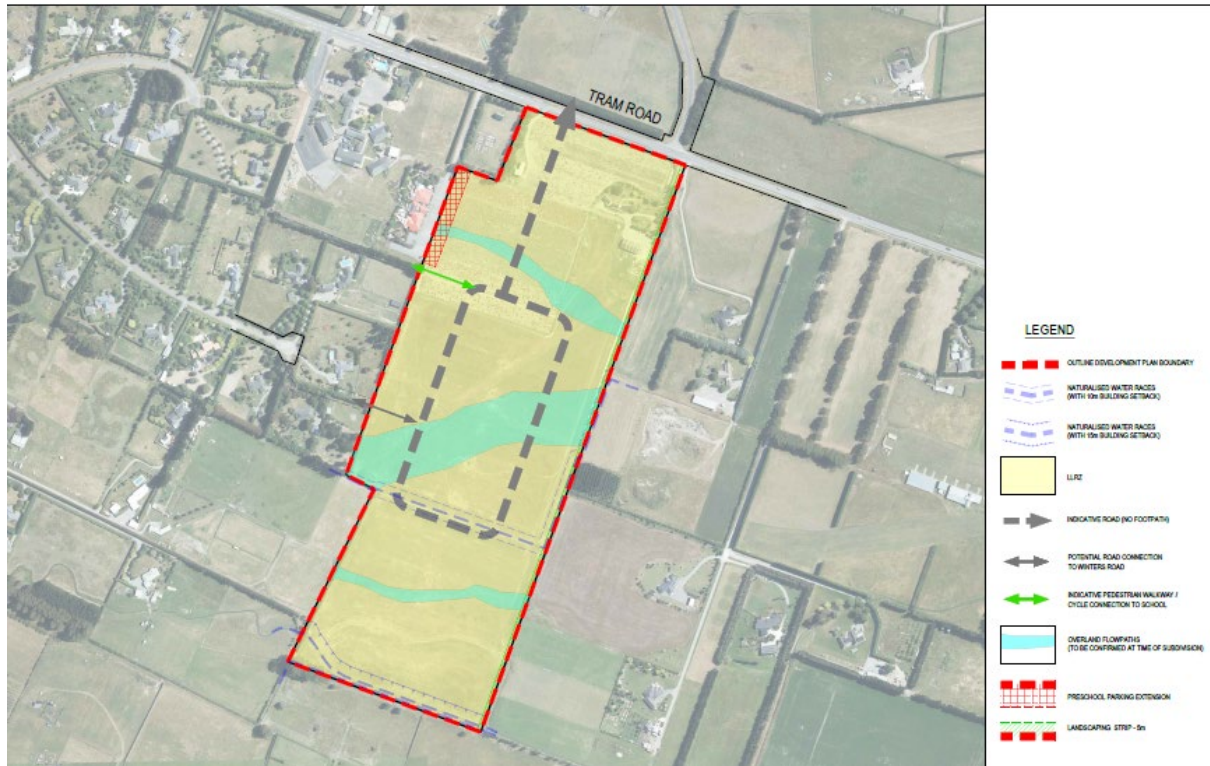
<u>DEV-ES BF1 Wastewater</u>	
a) <u>Wastewater modelling of the development and wastewater catchment will be undertaken by Council prior to or at the time of subdivision to confirm the existing network capacity. Staging of the development shall be based on the wastewater network capacity to accept additional connections.</u>	Activity status where compliance is not achieved: DIS

<p>b) <u>Each property will be required to have a wastewater pump station, located within the property boundary, with a minimum of 24-48 hours storage.</u></p> <p>c) <u>Each property will be required to have a low pressure sewer boundary kit located within the road reserve.</u></p> <p>d) <u>Unless agreed otherwise with Council, a new low pressure sewer main of sufficient capacity must be run from the development to a suitable location downstream of the Bradleys Road Pump station.</u></p>	
<p><u>DEV-ES BF2 Stormwater</u></p>	
<p>a) <u>The primary method of stormwater disposal in the area will be via managed infiltration into land and discharge to surface water to mimic existing natural conditions.</u></p> <p>b) <u>stormwater treatment shall be provided for rainfall runoff generated during the first 25 mm rainfall depth (volume-based treatment devices) or the 5mm/hour rainfall intensity for 5 hours (flow-based treatment devices).</u></p> <p>c) <u>Roof stormwater runoff is to be directed to a dual-purpose retention and detention storage tank.</u></p> <p>d) <u>Stormwater from driveways and road areas shall be treated up to the first flush event. Management of driveway and road stormwater runoff shall be managed to ensure infiltration to ground and discharge to surface water maintains hydraulic neutrality.</u></p> <p>e) <u>Buildings shall be sited away from or on the edge of overland flow paths and building finished floor levels shall have appropriate freeboard.</u></p> <p>f) <u>Accessways shall be designed to ensure access to habitable dwellings is achievable in the 2% AEP flood event.</u></p> <p>g) <u>The two water races shown on the ODP shall be retained and naturalised with riparian planting with required building setbacks as shown on the ODP.</u></p>	<p><u>Activity Status when compliance not achieved:</u></p> <p><u>DIS</u></p>

DEV-ES APP 1 East Swannanoa Outline Development Plan



ESDA –East Swannanoa Development Area



WSDA - West Swannanoa Development Area



16 December 2024

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Dear Ivan

WASTEWATER & STORMWATER – MCALLISTER REZONING

Please find below supplementary evidence pertaining the Andrew McAllister's Bocks A & B rezoning.

Wastewater:

Council has confirmed that there is spare wastewater capacity in the rising main downstream of the Bradelys Road pump station and that any such connection downstream of the pump station would need to be via a dedicated Low Pressure Sewer (LPS) network.

Until the current inflow and infiltration (I&I) issues associated with the existing STEP systems are resolved, the existing wastewater network capacity will remain limited. The permanent solution is to run a new dedicated rising main from Swannanoa to Rangiora. Council would need to confirm where the new rising main would connect into the existing downstream network, but the length of pipe run is likely to be in the range of 7 – 12 km, and several pump stations would be required to aid in the conveyance of the wastewater. The new pressure sewer reticulation would need to take into account future development and have additional capacity to make an allowance for the existing STEP systems to be gradually converted to LPS. The most likely scenario is that the design and installation of a new rising main and associated pump station would need to be a Council lead project; however, the overall cost could be spread between developers via either developer agreements or by development contributions. Given there is a solution to the wastewater capacity issues, it is considered that wastewater is not development prohibitive, rather requires investment by development contributions or developer agreements which will allow investment into the existing network.

Stormwater:

The proposal to discharge stormwater runoff into land is the most logical solution (there are no surface water discharge pathways). Well 35/3285 located within Block B (1275 Tram Road), has 34 recorded groundwater level readings between 1982 – 1989 with a recorded groundwater fluctuation of between 3.3-10.26 m below ground level (bgl), with an average groundwater level of 8.55 m bgl. It is also noted that Block A (1379 Tram Road) is located within an area mapped as having a highest groundwater level of lower than 6 m bgl (Blocks A & B are not located within an area subject to a high groundwater); therefore, the Blocks A & B areas are highly unlikely to be subject to groundwater resurgence.

To ensure any development does not cause an increase in the probability of groundwater resurgence within the downstream environment, it is proposed that stormwater runoff from roof areas be discharged into onsite storage tanks. The storage tanks can be sized to detain all stormwater runoff generated by roof areas during rainfall events up to and including the 50-year storm. The roof water storage tanks will have a small bore outlet that will restrict the discharge from the tanks to the downstream environment, such as a soakage pit (e.g. most stormwater is stored above ground and not immediately discharged). Driveway and road stormwater runoff cannot be discharged to storage tanks, however, can alternatively be discharged to water storage facilities such as swales, raingardens or basins, which in a similar manner to storage tanks capture

the runoff and discharge it to the downstream environment at a rate no higher (or less) than the pre-development stormwater runoff rate. The volume and flow of stormwater runoff discharged by the development, would be no greater than the rainfall that would otherwise fall on the existing ground surface and percolate through the underlying soils. The proposed soakage pits would likely result in less stormwater runoff discharging of site via overland flow, compared to the current status quo, however this could be a positive aspect of the proposal given that some of the groundwater resurgence occurring with the downstream environment could be a result of poorly maintained drains or drains that have insufficient capacity to convey the current stormwater flows. Overall, it is considered that stormwater does not prohibit development within the area, and it can be managed in such as manner to prevent adverse effects on the downstream environment, with the possibility of providing a positive outcome.

We hope that the information provided is satisfactory, should you have any questions or concerns, please do not hesitate in contacting the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cameron Mars', written in a cursive style.

Cameron Mars
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