

AK C PPCs 48, 49 & 50 – JWS Stormwater (Technical & Planning) – 17 September 2021.

AUCKLAND COUNCIL:

PRIVATE PLAN CHANGE 48: DRURY CENTRE PRECINCT – KIWI PROPERTY HOLDINGS

PRIVATE PLAN CHANGE 49: DRURY EAST PRECINCT – FULTON HOGAN LAND DEVELOPMENT LTD

PRIVATE PLAN CHANGE 50: WAIHOEHOE PRECINCT – OYSTER CAPITAL

**JOINT WITNESS STATEMENT (JWS) OF EXPERTS IN RELATION TO STORMWATER
(TECHNICAL & PLANNING)**

17 SEPTEMBER 2021

Expert Witness Conferencing Topic: Stormwater (Technical & Planning)

Held on: 17 September 2021

Venue: 2:00pm online via Microsoft Teams during COVID-19 Level 4 Lockdown

Independent Facilitator: Marlene Oliver

Admin Support: Cosette Saville

1 Attendance:

1.1 The list of expert participants is included in the schedule to this Statement.

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:

Technical Stormwater material

- 1) Discuss pre-circulated technical material for Plan Change 48 and Plan Change 49
- 2) Update on stormwater technical discussion on Plan Change 50

Planning

- 3) Stormwater treatment - discuss pre-circulated memo setting out PC52 provisions
- 4) Other provisions

3.2 The following sections of this Joint Witness Statement address each of these issues, noting where agreement has been reached and, in the event of disagreement, the nature of the disagreement and the reasons for that disagreement.

4 Issue One: Stormwater technical material for Plan Change 48 and Plan Change 49

4.1 The experts agree that there is a technical solution to flooding, for the purposes of the Plan Changes, as set out in 4.2 and 4.3 below.

4.2 Agreement on the technical solution for interim flood management by attenuation devices as demonstrated in Technical Memorandum – Interim Flood Management dated 17 September 2021 (copy attached to this JWS as **Appendix 1**).

4.3 Agreement on amendments to the Drury Stormwater Management Plan section 8.2.6 Flood Management on the application of interim flood management approach, to give effect to 4.2 above (copy attached to this JWS as **Appendix 2**). The full SMP will still need review for consistency and alignment to this section change. The flood modelling assessments referred to will be for events up to and including the 100-year ARI event.

4.4 The full SMP will still undergo a review by Healthy Waters against the NDC schedules prior to adoption into the consent.

5 Issue Two: Update on stormwater technical discussion on Plan Change 50

5.1 Tim Fisher for the Applicant has committed to bring back to the conferencing group following information:

- An updated plan showing the indicative location and extent of permanent flood attenuation devices, building on the plan attached to his rebuttal evidence; and
- Additional assessment of flooding effects due to development on the area upstream of the railway culvert.
- The SMP will be updated accordingly.

5.2 Further expert conferencing will be scheduled to complete this discussion.

6 Issue Three: Stormwater treatment

6.1 The Network Discharge Consent water quality requirements are treatment of all impervious areas by a water quality device designed in accordance with GD01 for the relevant contaminants, or an alternative level of mitigation which is demonstrated to be the Best Practical Option (BPO). All experts agree with the treatment approach for high risk contaminant generating areas, and Public roads and publicly accessible car parks and lower risk contaminant generating areas.

6.2 The area of contention between the Applicant and Auckland Council (as a submitter) is as described below.

6.3 Agreement could not be reached on the following sub paragraphs in section 8.2.3 of the SMP:

Mixed risk contaminant generating areas relating to:

- *Private or jointly owned driveways and carparks/vehicle hardstand (<30 carparks) require risk-based devices requiring water quality treatment for lower contaminant loading and lower risk frequency.*

6.4 Paula Vincent and Danny Curtis do not consider that the approach described above in 6.3 is adequate for the receiving environment. They understate the risks of the activities that may take place, and there isn't enough guidance of the performance standard that would be applied. Paula and Danny consider that contaminant generating surfaces are the trafficked surfaces, including 6.3 above, and are those needing treatment to GD01 level.

6.5 Tim Fisher, Charlotte Peyroux, Pranil Wadan and Trent Sunich agree that a form of treatment is required for 6.3 above, however this is not required at a blanket GD01 level. We consider treatment to a GD01 level is not appropriate as it would be an over design and costly in these circumstances, and does not provide the desired water quality benefit. A risk-based approach to water quality treatment is appropriate for areas identified as potentially lower contaminant loading and lower risk frequency in the SMP. They acknowledged that a 'risk-based' approach sounds good in principle, but can be subjective. To resolve this, an explanation of the 'risk-based' methodology, risk factors to consider (e.g., unique receiving environment, base load contaminants, risks, consequences and mitigation) and application examples will be provided in the SMP by the Applicants experts. These will be drafted for circulation ahead of the next conferencing session.

6.6 At this stage the issue remains unresolved.

7 Issue Four: Stormwater provisions

7.1 This topic was not addressed and subsequent caucusing will be required.

7.2 The experts agree to schedule a further conferencing session on outstanding issues identified in this JWS for 7 October 2021.

8 PARTIES TO JOINT WITNESS STATEMENT

8.1 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 17 September 2021:

EXPERT NAME	PARTIES	EXPERTS CONFIRMATION REFER PARA 8.1
Danny Curtis	Auckland Council (as submitter)	Yes
Paula Vincent	Auckland Council (as submitter)	Yes
David Mead (Plg)	Auckland Council (as regulator)	Yes
Trent Sunich	Auckland Council (as regulator)	Yes
Tim Fisher	Kiwi Property Holdings No2 Limited Oyster Capital	Yes
Charlotte Peyroux	Kiwi Property Holdings No2 Limited Oyster Capital	Yes
Pranil Wadan	Fulton Hogan Land Development Ltd	Yes
Nick Roberts (Plg)	Kiwi Property Holdings No2 Limited Oyster Capital Fulton Hogan Land Development Ltd	Yes
Rachel Morgan (Plg)	Kiwi Property Holdings No2 Limited Oyster Capital Fulton Hogan Land Development Ltd	Yes

Appendix 1

Appendix 2