

**BEFORE THE HEARING PANEL**

**IN THE MATTER**        the Resource Management Act 1991

**AND**

**IN THE MATTER**        of Central Hawkes Bay Proposed District Plan Subdivision  
Section – Submission (S114) by CHBDC to include a  
Precinct Plan and its provisions, and respective  
associated amendments to the General Residential Zone  
Section and Subdivision Section of the Proposed District  
Plan.

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**STATEMENT OF NICHOLAS JW AIKEN FOR CENTRAL HAWKES BAY DISTRICT  
COUNCIL (AS SUBMITTER)**

**Dated 15 November 2022**

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## **INTRODUCTION**

1. My full name is Nicholas John William Aiken.
2. I am the Director of VisionUrban Environmental, a specialist environmental planning and urban consultancy. I am a full member of the New Zealand Planning Institute and have over 30 years experience as an Environmental Planner in New Zealand and the United Kingdom.
3. I was engaged by Central Hawkes Bay District Council (**the submitter**) to prepare submissions to the Proposed District Plan (**PDP**). Among the submissions prepared for the submitter was submission 114 (S114), which relates to the Waipukurau South area. In particular, it seeks that a Precinct Plan be included in the PDP to guide development of the Waipukurau South area, and associated amendments to the General Residential Zone and Subdivision sections of the PDP.

## **COMMENT ON S114 AND S 42A RECOMMENDATIONS**

4. The Section 42A report, prepared by Ms Kydd-Smith, considers S114 at Volume 2, page 31. That discussion includes a comprehensive discussion of the reasons why the Precinct Plan is being sought, in essence to provide for the servicing of the Waipukurau South land to allow development to be 'unlocked'.
5. Ms Kydd-Smith recommends that S114 be accepted in part, with several changes to the text sought in S114 being recommended. Having reviewed that report, I am largely in agreement with the changes recommended by Ms Kydd-Smith. In particular, I agree with the s 42A recommendations in respect of S114.001-S114.009, S114.013, S114.014, S114.016, S114.017, S114.019, S114.021, S114.022, and S114.024–S114.027.
6. There were some matters where I considered further changes were required, and these were discussed at a meeting was held between myself

and Ms Kydd-Smith on 27 October 2022. Further modifications to the relief have now been agreed between us, summarised as follows:

7. For matter S114.003, the S42A report recommends a new stormwater standard (SUB-S7(3)) be included for subdivision in the Waipukurau South Precinct (WSP).
8. While I agree with the intent of this recommendation, in my opinion it would be beneficial for SUB-S7(3) to allow a limited degree of flexibility as to the location and extent of the stormwater detention pond. In my opinion it would also be beneficial for the standard to further define the range of Annual Return Interval (ARI) events to be addressed; and to require all public stormwater infrastructure and facilities to be vested with the Council. In my view the amendments to SUB-S7(3) set out below will be more effective in ensuring improved stormwater management and urban form as was sought in the submission, and ensure necessary public infrastructure is developed and appropriately vested in the Central Hawkes Bay District Council.

*SUB-S7*

*(3). For new lots within the Waipukurau South Precinct (WSP):*

*a. Any land within the subdivision site that is within the ‘Proposed **Stormwater Catchment Detention Pond**’ area identified in Figure WSP 1 of Appendix GRZ-APP1 – Waipukurau South Precinct (WSP) Plan, **and/or any other contiguous stormwater detention pond area of a similar size and extent provided in lieu,** shall be vested in the Central Hawke’s Bay District Council; and*

*~~b. Stormwater attenuation within the WSP shall achieve a rate of discharge at the WSP boundary that is no greater than the predevelopment flow in the 100 year Annual Recurrence Interval (ARI) event. A 1 in 5 year ARI shall be contained within a piped network.~~*

**b. All stormwater peak flows up to and including 1 in 5 year Annual Recurrent Interval (ARI) event shall be contained within a reticulated network, and**

**c. Overland flow paths for flows up to a 1 in 50 year Annual Recurrent Interval (ARI) rainfall (or greater) event shall be provided; and**

- d. Stormwater discharges from the site shall achieve hydraulic neutrality at the WSP boundary for critical storm durations up to and including the 1 in 100 year Annual Recurrent Interval (ARI) peak flow, and**
- e. All public stormwater management infrastructure and facilities including but not limited to pipes, wetlands, drains, streams and/or access lots/areas shall be vested in the Central Hawke's Bay District Council and/or all necessary easements created.**

Notes:

1. *Clause 2. of this standard does not replace regional rules which control the collection, treatment, and disposal of stormwater to land or water. These rules must be complied with prior to the activity proceeding.*
  - 2. In relation to clause 3 of this standard:**
    - (i) hydraulic neutrality should be achieved through a range of measures, including a mix of individual onsite controls and community-based, larger communal attenuation devices, having regard to the principles of low impact design and supported by hydraulic modelling.**
    - (ii) it is anticipated that critical storm durations would be 2 and 6 hours, however this will need to be confirmed by an appropriate engineering assessment.**
9. I also sought further clarification in respect of the recommendations associated with S114.023. Ms Kydd-Smith has recommended that the provisions contained in GRZ-APP1 be included in the Plan as 'Outcomes', and that these Outcomes would be matters of consideration in a new single assessment matter, being recommended GRZ-AM11.
10. While I understand the reasons for this recommendation, and agree with this approach, the various assessment matters as sought in the submission were not drafted as 'Outcomes'. Consequently some, namely WSP-SPO1 and WSP-SPO5, do not read well as Outcomes and/or do not fully capture the intent of the submission.
11. Consequently, I have suggested some minor amendments to WSP-SPO1 and WSP-SPO5. The suggested wording does not change the intent or scope of what was sought, and is consistent with the recommendations contained in the S42A report. The author of the S42A report has agreed that, in her opinion, these further minor amendments are appropriate.

12. The minor amendments related to the GRZ-APP1 Outcomes are attached as **Appendix A** to this Memorandum.
13. A minor change to the 'Plan' in GRZ-APP1 that identifies the Precinct and stormwater detention area has been agreed. This corrects an error, where the stormwater detention area and stormwater catchment areas were mis-labelled. There is no change to the extent or purpose of either. The Plan has also been renamed as a 'Precinct' plan, not a 'Structure' plan, correcting a typographical error in the s 42A report. These changes to the Plan will ensure consistency of labelling on the Plan with the provisions of the Precinct. The amended Plan is attached as **Appendix B** to this Memorandum.

#### **CONCLUSION**

14. I understand that Ms Kydd-Smith will confirm her agreement with these changes at the hearing. Given the lack of difference between the submitter and the reporting officer, and the fact that the appropriateness of the relief sought has been addressed in the submission and the s 42A report, formal evidence has not been called. However, I will attend the Hearing to answer any questions the Panel may have.



Nicholas Aiken

15 November 2022

## Appendix A

Changes to GRAZ-APP1 agreed by the submitter and author of the S42A.

Amended Text is underlined. Deleted text is not shown.

### GRZ-APP1 – Waipukurau South Precinct (WSP) Plan

#### Precinct Plan Outcomes

The following outcomes are to be achieved for subdivision and/or development within the WSP.

##### WSP-SPO1 Stormwater

1. **Stormwater will be appropriately managed, both within the subdivision site and in relation to the balance of the WSP area.**  
**A 'Stormwater Management Plan' (SMP) to be provided at the time of any subdivision of land within the WSP will identify how this will be achieved.** The SMP will specify the mix of measures to be employed to achieve the outcomes in WSP-SPO1, including but not necessarily limited to:
  - a. Any individual onsite measures, including calculations for storage/detention and release of stormwater, and how these are to be implemented, maintained and if necessary enforced.
  - b. Any communal measures and their capacity, design, management and ownership.
  - c. **Land and/or wetlands (including but not restricted to that within the proposed stormwater detention pond area shown on the Precinct Plan in Figure WSP 1) that are required for stormwater management purposes, and other purposes in WSP-SPO1 such as access for maintenance, public safety, amenity landscaping, wetland enhancement, and recreation).**
2. **Stormwater infrastructure within any development will have been designed taking into account the nature, extent and the requirements of stormwater infrastructure within the WSP in its entirety.**
3. It is anticipated **that the stormwater discharge at the WSP boundary will achieve hydraulic neutrality for a range of return**

**periods and storm durations up to and including the 100 year Annual Recurrent Interval (ARI) peak flow, modelling is to be provided to support the subdivision stormwater design. Achieving**

stormwater neutrality is to be achieved through a range of measures and may incorporate a mix of individual onsite controls and community-based larger communal attenuation devices, having regard to the principles of low impact design.

4. Consideration is to be given for control of overland flow in a 1 in 50 year ARI rainfall **(or greater)** event.
5. Any proposals that include adjustments to the location and/or extent of the stormwater detention pond shown in Figure WSP 1, or any other aspects of stormwater management **are supported** by a stormwater assessment and design prepared by a suitably qualified and experienced person.
7. The exact location and size of the ponds/streams/drains/wetlands constructed and/or utilised within the indicative stormwater **detention area** shown in Figure 1, **or any other area or areas utilised in lieu of part or all of that detention area,** are to be confirmed during subdivision. Remaining detention area land identified in Figure 1 that is not required for stormwater management purposes or for any other purpose identified in WSP-SPO1 can be used in accordance with the underlying zoning.
8. The above-ground stormwater management features are to be, wherever possible, integrated into an accessible open space network that integrates with roads to optimise available benefits associated with amenity and local sense of 'place'. An indication of how this could be achieved around the stormwater detention pond **(and wetlands)** is shown in Figure XX (below).
12. Any proposals for use of individual onsite water or stormwater storage devices, including but not restricted to rain water tanks, are **to** contribute to the on-site management of stormwater on the site and any stormwater discharges from any allotment. **How this is to be achieved will need to be demonstrated at the time or subdivision or development.** Any rain water tanks are to be buried underground.

**WSP-SPO5 Open Space Linkages and Neighbourhood Character**

29. The extent of road frontage available to stormwater detention pond(s) or low impact stormwater infrastructure is to be optimised **for enhanced access and visual connection, to the extent appropriate and having regard to ecological values of natural wetlands.**

**Appendix B**

**Waipukurau South Precinct Plan**