

**BEFORE A HEARINGS PANEL
APPOINTED BY NELSON CITY COUNCIL**

IN THE MATTER of Private Plan Change 28 – Maitahi Bayview

**AND IN THE MATTER of Clause 21 of the First Schedule of the Resource
Management Act 1991**

**ADDENDUM EVIDENCE OF DALI SULJIC FOR SAVE THE MAITAI INC
STORMWATER
DATED 7 JULY 2022**

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EXECUTIVE SUMMARY

1. In my opinion, a catchment wide Stormwater Management Plan (SMP) is required to support approval of PPC28, and it is inappropriate to rely on the provisions of PPC28 to develop a catchment wide SMP after approval of the plan change. The catchment wide SMP needs to demonstrate how the proposed PPC28 principles related to the management of stormwater can be implemented for future developments at resource consent stage. The catchment wide SMP needs to demonstrate that the proposed zoning and density is appropriate and that the consequent actual and potential effects in the context of stormwater can be practically managed such that the protection and enhancement of the receiving environment will be achieved.
2. In my view, it is appropriate to include specific provisions in PPC28 that require a site-specific SMP to be prepared in support of future developments at resource consent stage, provided the scope, the information requirements, and the relationship to the catchment wide SMP are clearly defined.
3. In my opinion, there is a high likelihood that the realignment of Kākā Stream, coupled with the filling of the active floodplain, will lead to adverse effects on the existing floodplain hydrology, undermining the intended positive Water Sensitive Design (WSD) outcomes of the realignment.

INFORMATION RELIED UPON

4. I have read the following additional application documents:
 - a. Appendix C to Addendum s 42A Report: Addendum to Statement of Evidence of David Wilson – The Urban Engineers, NCC Consultant, Water Sensitive Design
 - b. Annexure I to Addendum s 42A Report: Addendum to Statement of Evidence of Kate Purton – Beca, NCC Consultant, Stormwater and Flood Risk

ADDENDUM EVIDENCE

Introduction

5. An Addendum s 42A report has been prepared by Nelson City Council (NCC) in response to the evidence and further information submitted by the applicant. The Addendum s 42A Report includes a number of appendices that are addendums to the technical evidence provided with the original s 42A Report. My addendum evidence responds to the two appendices at Paragraph 4 above. Where I refer to the authors' findings and provide paragraph references, those references relate to their addendums.

Scope of addendum evidence

6. My addendum evidence is to be read in conjunction with my evidence dated 27 June 2022.
7. My addendum evidence assesses:
 - a. The adequacy of information provided to support PPC28, and the need for a catchment wide SMP now.
 - b. Effects of PPC28 in relation to stormwater, with a focus on WSD representative of the current state of technical knowledge, and in particular the Kākā Stream catchment hydrology, stream erosion, and water quality.
8. I have identified where my assessment differs from the Addendum s 42A Report.

Assessment of effects

Stormwater Management Plan

9. I agree with the position of Mr Wilson (Paragraph 13) and Mrs Purton (Paragraph 30) with regards to lack of clarity around the implementation requirements of an overarching SMP and the content. However, in my opinion, a catchment wide SMP needs to be developed in support of a plan change and not as a rule or a requirement of a plan change. The catchment wide SMP needs to be referenced in the PPC28 planning provisions as one of the main mechanisms that will direct

the management of stormwater for future developments. The catchment wide SMP needs to demonstrate that any PPC28 principles (Schedule X.9 and Policy RE6.3) relating to the management of stormwater can be realised through the best practice WSD implementation framework set by the catchment wide SMP. A catchment wide SMP needs to be prepared now and to comprise part of PPC28 to ensure that the proposed zoning and density is appropriate for the site and surrounding catchment, and that its actual and potential effects in the context of stormwater can be managed so that the protection and enhancement of the receiving environment can be practically achieved. In my view, it is impracticable to zone an area for a specific activity or density of development, if it does not have the environmental capacity to accommodate that activity or density.

10. I acknowledge that the applicant has provided a catchment wide SMP dated 15 June 2022. However, as presented in my evidence dated 27 June 2022, I do not consider this SMP to entail sufficient level of information and clarity to support PPC28 in a way that, in conjunction with the proposed policies and principles, the protection and enhancement of the receiving environment can be ensured through the resource consent stages.
11. In my opinion, a catchment wide SMP that forms part of PPC28 needs to address the following (as a minimum):
 - a. Constraints and opportunities in the context of stormwater management.
The extent of assessments needs to enable a high-level understanding of the existing hydrology, ecology, topography, geology, and amenity that is sufficient to: support the framing of the environmental outcomes; develop a well-defined overarching stormwater management provisions, practices, and design requirements that achieve those outcomes; and simultaneously inform the appropriate plan change zoning and extents.
 - b. Well-defined provisions, practices and design requirements that guide future developments (at a catchment wide scale). These need to include: clear targets on stormwater management (water quality, hydrology mitigation, etc.), incorporating a toolbox of devices and practices that achieve these targets (with key communal/centralised devices established and located); and protection mechanisms for hydrological features

(riparian margins, protective covenants, etc.). This is to ensure catchment wide consistency in the stormwater management approach and the provided level of mitigation. In my view, and as I stated in my evidence, a well-defined framework does not include wording such as “where possible”, “where practical”, and “where feasible” that impede on the implementation of the intended stormwater management requirements resulting in cumulative adverse effects on the receiving environment.

- c. Stormwater management implementation framework. A clear structure needs to be provided particularly around: the construction of communal/centralised devices; planting within revegetation areas; ultimate asset and land ownership; and requirements for detailed site-specific SMPs (what these need to include and address). In simple terms, the implementation framework should address the questions of who, when, and how.

12. In my view, a site-specific SMP sits under the umbrella of a catchment wide SMP and adheres to the overarching stormwater management approaches, design principles, and requirements. I consider it appropriate that a site-specific SMP can be captured under PPC28 as a requirement to be provided at the resource consent stage. However, there needs to be clear relationship set between the catchment wide SMP and the site-specific SMP so that the elements that need to be addressed by the site-specific SMP are clearly set out.

13. In my opinion, a site-specific SMP needs to address the following (as a minimum):

- a. Detailed assessment of the existing site features within the extents of the proposed development area.
- b. Best-practicable solution that adheres to the stormwater management approach set by the catchment wide SMP and considers the outcomes of the detailed site assessment. In other words, the site-specific SMP establishes which of the devices/practices, or combination of devices/practices, identified in the catchment wide SMP will be utilised to achieve the environmental outcomes set by the catchment wide SMP for the proposed development area and layout.

Kākā Stream Realignment

14. I agree with the position of Mr Wilson (Paragraph 17) that there are limited positive effects in the context of a WSD approach for the realignment of Kākā Stream. I further note that the realignment is coupled with filling of over 3 hectares of active floodplain (estimated). It is my understanding that this is somewhat driven by the intent to maximise developable land and expand residential zoning into the active floodplain. I also note here that good practice WSD¹ promotes the preservation of natural floodplains as a way of preserving the functions of a natural ecosystem.
15. There were no assessments carried out on the permeability of the floodplain soils or the presence of groundwater. There were also no assessments carried out on the hydrological relationship between the floodplain, the Kākā Stream and its tributaries flowing through it. As presented in my evidence dated 27 June 2022 bulk filling operations include stripping of topsoil, compaction of fill material on top and often the installation of underfill drainage. Collectively these practices fundamentally change the existing hydrological regime. The management of these effects is not addressed in the SMP or any other documents supporting PPC28. Consequently, there is a high likelihood that the proposed PPC28 principle seeking to realign the Kākā Stream (coupled with the filling of the floodplain) will lead to adverse effects on the existing floodplain hydrology, undermining the intended positive WSD outcomes of the realignment.

CONCLUSION

16. In my opinion, a catchment wide SMP is required to support PPC28, and it is inappropriate to rely on the provisions of PPC28 to develop a catchment wide SMP subsequently to the approval of the plan change.

¹ In accordance with the Auckland Council Water Sensitive Design for Stormwater Guideline Document 2015/004 (GD04) and the Manaaki Whenua Applying Low Impact (Water Sensitive) Design in Nelson Tasman (2016).

18. In my view, there is a high likelihood that the realignment of Kākā Stream, coupled with the filling of the active floodplain, will lead to adverse effects on the existing floodplain hydrology, undermining the intended positive WSD outcomes of the realignment.

Dali Suljic

7 July 2022