

BEFORE PALMERSTON NORTH CITY COUNCIL

UNDER the Resource Management Act 1991

IN THE MATTER OF a proposed plan change to rezone land at 611
Rangitikei Line to establish the Whiskey
Creek Residential Area

SUMMARY STATEMENT OF TIM PRESTON

10 July 2022

Summary Statement of Tim Preston

- [1] Since my original evidence dated 11 May 2022 there has been a substantial amount of new stormwater evidence introduced by the requestor, prior to, during and since the initial hearing dates¹. This additional work by the requestor, and new information, means that many of the concerns I expressed in my original evidence around uncertainty with the modelling and stormwater approach, and assumptions within the application, have been addressed and/or superseded.
- [2] In this statement I have endeavoured to summarise the key stormwater and flooding issues as I now see them, including where I understand that I differ from or agree with the requestor's position.
- [3] I reconfirm that I agree to comply with the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014, as set out in my original evidence date 11 May 2022.

Major Flooding – Taonui Basin modelling

- [4] The work Phil Wallace has completed for the purposes of his evidence of 18 May 2022, as further described in his summary evidence of 1 June 2022, satisfies the majority of the concerns I expressed in my original evidence. I continue to have some residual concerns (such as the need to have proper topography data for the Benmore Ave stopbanks entered into the model and submitting and reporting detailed results for peer review), but I see no reason to require this level of detail for the purpose of the plan change proceedings, provided that we can ensure with reasonable confidence that these matters will be addressed during the subdivision application process. I understand there is agreement with applicant about this information being provided for subdivision.
- [5] Councillor Barrett's comments at the hearing (on the Thursday) about risks associated with imperfect operation and maintenance should, in my opinion, also be the subject of more detailed consideration at the subdivision stage.

¹ Hearing dates meaning June 2nd and 3rd

- [6] I agree with the requestor on a tolerable model result flood level increase of 50mm in the existing rural areas. I understand that the applicant now agrees with my recommendation for zero tolerable model result flood level increase in the existing urban areas.

Local Stormwater – Paul Mitchell

- [7] While I consider that the Council’s Engineering Standards for Land Development (“ESLD”) are overdue for review and ‘tightening up’, I accept the applicant’s argument that any review of the ESLD is to be the subject of a separate Council process and is outside the reasonable jurisdiction of this hearing. For the purpose of these plan change proceedings, I therefore withdraw any of my recommendations that change or add to requirements prescribed in the ESLD.
- [8] However, if, at any stage, higher standards are imposed by Council through revision of the ESLD (which I understand from discussions with Council’s Stormwater Activity Manager may be later this year) or when exercising its discretion on review of a subdivision proposal, it is likely that the pond volume (and area) required for stormwater detention would materially increase from what is shown on the Structure Plan. Should a materially greater land area need to be set aside for the detention pond, in my opinion, this should take priority over other land use and may require reconfiguring the Structure Plan including the adjacent Conservation and Amenity and/or Commercial Zone land.
- [9] I disagree with some of Mr Mitchell’s verbal evidence where he equates hydraulic neutrality (as defined in ESLD) to ensuring that there would be no increase in flows. In my opinion, this is not a generally correct statement. While I would be happy to expand on this point to the Panel, I do not consider this to be especially material to the matters in issue.

Coincident events

- [10] Some submitters and the Hearing Panel have rightly noted that the major flooding and local stormwater assessments have been carried out separately and that the risk of both discharges occurring at the same time has not been thoroughly evaluated. On this point, I agree with the conclusions reached by Paul Mitchell in

his evidence and hearing evidence as stated in our “Joint Witness Statement Regarding Integration Of Flood Risks”, dated 3 June 2022.

Wide area issues

- [11] Concerns have been expressed by Jon Bell (25 June 2022) and Amanda Coats (25 June 2022) about downstream effects of the proposed changes. In Ms Coats’ case, the land concerned is approximately 4km distant, while in Mr Bell’s case, the land is approximately 10km distant. As I understand the evidence, Ms Coats is concerned about a potential for a 50mm increase in flood levels, and Mr Bell is concerned about an increased volume of discharge.
- [12] The major flooding scenario is akin to a wide river of flood flows. The disturbances to that flow arising from the applicant’s proposed earthworks and other modelled features is geographically small in relation to the extensive flows and has only a localised impact. This is generally to be expected in all iterations of Mr Mitchell’s modelling, but to my knowledge has not been explicitly commented on to date.
- [13] It is most evident in Mr Mitchell’s most recent flood difference result where the extent of the impact >10mm is only about 50m beyond the extent of the applicant’s own property. There is no change in the macro flow regime and no reason for concerns 4km downstream from the bumps created by the proposed earthworks. In my opinion, this addresses the main concern raised by Ms Coats.
- [14] In Mr Bell’s case, the minor additional volumes that would be discharged from the development as indicated by Mr Mitchell’s² table 5 (up to 3,630m³), and in my opinion, this discharge pales into triviality when compared with the 2,500,000m³ discharged from Flyers line in 6 hours of 114m³/s, and not to mention the several other massive sources of inflow into the Taonui Basin system.
- [15] Mr Bell is concerned at the possibility that development will make a poor situation worse. This is a fair point, however, as noted in Mr Mitchell’s oral evidence this is not reasonably avoidable unless development in this area is prevented altogether.

² Paul Mitchell’s evidence dated 18 May 2022 (the same data is also presented in the original application Appendix 12 as then table 8)

Given the less than minor degree of 'worsening' as shown by Mr Mitchell's work, I do not consider this to be an issue of practical engineering concern.

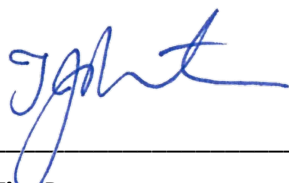
Earthworks and flood prone overlay

[16] Mr Judd outlined that there is still considerable uncertainties in relation to finalising any earthworks design, consenting and construction. Mr Thomas has proposed a condition that would give effect to removal of the flood prone overlay on satisfactory completion of the earthworks.

[17] I agree in principle that the flood prone overlay could be removed once suitable earthworks are completed, however, I consider the proposed provision has insufficient technical definition. Demonstrating flood hazard avoidance is not a simple matter and there is potential for differences of opinion.

[18] I understand that this is predominantly a legal and planning issue, and I understand that disagreement on the planning and legal aspects of this remain unresolved.³

10 July 2022



Tim Preston

³ Refer Joint Witness Statement of Planning Witnesses by Asgar, Duindam and Thomas, dated 4 July 2022, clauses 10-16.