

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

IN THE MATTER Variation 3 to the Waikato District Plan

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

Enabling Housing Supply Variation 3 and PLANNING (2)

30 May 2023

Expert Conferencing Held on: 30 May 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Sandra Kelly

1 Attendance:

- 1.1 The list of participants is included in the schedule at the end of this Statement.
- 1.2 Rangatira Simon (Environmental Advisor) prepared a submission on behalf of the Turangawaewae Marae.
- 1.3 Andrew Wood (Planner) is employed by Next Construction Ltd and contributed to the preparation of their submission.

2 Basis of Attendance and Environment Court Practice Note 2023

- 2.1 All participants agree to the following:
 - (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
 - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
 - (c) They will make themselves available to appear before the Panel;
 - (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

- a. Note from Facilitator:** This first item is an information item and is not part of the formal expert conferencing session.
- Comments from Jake Deadman (Synlait Site Manager at Pokeno): Synlait have significant growth plans over the next 10 years. Wastewater treatment will be the major constraint on the site operations. Synlait is keen to work with the Council and all other stakeholders to ensure that their aspirations and those of the wide community can be planned for together.
- Keith Martin (for the Council) confirmed that the council is in communication with Synlait in relation to their growth aspirations and likely infrastructure implications.
- b. Scope of conferencing on water and wastewater**
- Water and wastewater infrastructure for new development and subdivision within relevant residential zones.
- Separate conference is proposed for stormwater.

The experts for the Council provided background information covering:

- Revised approach to Variation 3 and extent of MDRS zoning that will be applied now.
 - Anticipated growth
 - Te Ture Whaimana
 - The existing wastewater conveyance and water supply networks and what they were designed for.
 - The rule framework
 - The key issues are local network upgrades and capacity checks.
- c. Katja Huls and Will Gauntlett** advised that they did not expect additional growth within the four towns as a consequence of the MDRS although acknowledging there will likely be changes to development form. They confirmed that the council considers that the local network capacity is the issue to be discussed in relation to the proposed Variation 3 and the MDRS. While the treatment plants are part of the scope of this expert conference they are not considered to be an issue as a result of Variation 3. However, it is acknowledged that treatment plant compliance and capacity are issues with regard to giving effect to Te Ture Whaimana.
- d. The experts for the Council** consider that the existing and proposed plan provisions appropriately provide for assessment of local network capacity for most development and subdivision scenarios. The situation that may not be appropriately covered under the plan are:
- 2 or 3 residential units on 1 site without subdivision (permitted activities); and
 - Controlled activity subdivision under SUB-R154 for existing (constructed or approved) residential units; and
 - Possibly controlled activity rule SUB- R154

- e. Where the existing and proposed plan provisions do not appropriately provide an assessment of local network capacity, then **the experts for the Council** propose an approach for managing water and wastewater network capacity through bylaws, building consent and connections approvals. Will Gauntlett (expert for the Council) prepared a “Concept Paper: Water and Wastewater Capacity Assessments at Waikato District Council for Developments Enabled by the Medium Density Residential Standards”. This paper discusses the approach outlined in this para (e). A copy is attached to this JWS.

In reaching this position the experts for the Council noted:

1. That they appreciated the information supplied by Waikato Tainui as part of the conferencing on Te Ture Whaimana and Te Mana o te Wai.
2. The approach described in para (e) will not be applied to a building consent for a single dwelling on a single title because capacity has been approved at the time of subdivision.
3. A building consent application of greater than 1 and less than 4 dwellings on a single title will require a pre-approved water and wastewater connection (including minor dwellings district wide).
4. The Council will develop the concept (para e above) further, and will consider whether amendments are required to waters and wastewater bylaws to enable effective and efficient implementation, including giving effect to Te Ture Whaimana.
5. That the Bylaws are more far-reaching than any amendments that can be made to the network connections and capacity checks under the Variation 3 process.
6. Ensuring a comprehensive education programme is implemented to inform the community in respect to the development opportunities and constraints, which would include engagement and involvement with parties such as iwi, hapu and other stakeholders.
7. The process implementation will be evaluated and future plan changes may be promulgated if the process is not effective at addressing potential issues with network capacity.
8. The Council is considering also applying this approach to areas outside of those affected by Variation 3.

- f. **Melissa McGrath** at this point does not support the approach outlined in para (e) but welcome further refinement from Council to consider this position further.

- g. **All other experts support** the approach outlined in para (e) above subject to further refinement to provide specific wording and analysis of the workability.

Sir William Birch and Kelly Bosgra emphasise the need for the process to be clear and as simple as possible so that property owners have a clear understanding of the obligations at the time of the purchase of the property.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

- 4.1 The participants to this Joint Witness Statement, as listed below, confirm that:
- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
 - (b) They agree to the introduction of the attached information – Refer to para 3(e) above; and
 - (c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
 - (d) The matters addressed in this statement are within their area of expertise; and
 - (e) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 30 May 2023

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Fiona Hill (Planning – 42a reporting officer)	Waikato District Council	Yes
Katja Huls (Planning – 32aa reporting officer)	Waikato District Council	Yes
Will Gauntlett (P)	Waikato District Council	Yes
Phil Jaggard (Three waters infrastructure engineer)	Kainga Ora	Yes
Andrew Wood (P)	61 Old Taupiri Limited, Swordfish Projects Limited, 26 Jackson Limited, 99 Ngaruawahia Limited and Next Construction Limited	Yes
Giles Boundy (P)	Waikato Tainui	Yes
Kahurimu Flavell (Project Advisor)	Waikato Tainui	Note from the facilitator: This expert left the session without confirming their position.
Sir William Birch (Registered Professional Surveyor of Birch Surveyors)	Pokeno West (Chen Shui)	Yes

Will Moore (E)	Pokeno West (Chen Shui)	Yes
Kelly Bosgra (Registered Professional Surveyor)	Pokeno West (Chen Shui)	Yes
Melissa McGrath (P)	Pokeno Village Holdings	Yes
Rangatira Simon (Environmental Advisor)	Turangawaewae Marae	Note from the facilitator: This expert left the session without confirming their position.
Giles Boundy (P)	Turangawaewae Marae	Yes
Alec Duncan (P)	Fire & Emergency New Zealand	Yes
Keith Martin (E)	Waikato District Council	Yes
Jake Deadman	Synlait	Yes – for item 3a only
Mark Tollemache (P)	Havelock Village	Yes
Mark Thode (P)	Kainga Ora	Yes
Mathew Telfer (E)	Watercare Services Ltd	Yes