

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā
District Plan

REBUTTAL STATEMENT OF EVIDENCE OF TONY SHANE COUTTS

Dated 20 April 2023

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1. INTRODUCTION

1.1 My full name is Tony Shane Coutts and I am the Principal Engineer for growth at Waipā District Council (Council), managing the Development Contribution Policy we utilise to recover funding on our growth investments.

1.2 My qualifications and experience were set out in my Statement of Evidence dated 24 March 2023. I repeat the confirmation in my Statement of Evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

1.3 In this rebuttal statement of evidence, I respond to the evidence of:

- (a) Alec Duncan on behalf of Fire and Emergency New Zealand (FENZ).
- (b) Hannah Craven on behalf of Waikato Regional Council (WRC).
- (c) Craig Shearer on behalf of TA Projects Limited (TAPL).
- (d) Gurvinderpal Singh on behalf of Kāinga Ora (KO).
- (e) Philip Jaggard on behalf of KO.
- (f) Michael Campbell on behalf of KO.

1.4 The fact that my rebuttal statement does not respond to every matter raised in the evidence of a submitter within my area of expertise should not be taken as my acceptance of the matters raised. I have focussed this rebuttal statement on the key points of difference that warrant a response.

2. RESPONSE TO ALEC DUNCAN (FENZ)

2.1 Mr Duncan states that FENZ requires all sites to provide a minimum vehicle crossing width of no less than 3.5m at site entrances, provided tight turns are not required, and understands the response provided by Mr McGahan's reasoning. He has also requested that rule 21.1.15.6(c) be amended as follows:

(c) The extent to which the proposal achieves suitable access and manoeuvring for all lots, with particular regard given to emergency service access.

2.2 I acknowledge the reason for inclusion of the suggested addition in the assessment criteria, but I have confidence in the Council's existing vehicle crossing application process to ensure compliance with safety standards, including emergency service access. Increasing the minimum vehicle crossing width may not always be warranted, and the current range allows for flexibility in accommodating varying access requirements.

2.3 Mr Duncan states that FENZ strongly supports new Rule 15.4.2.19 that requires an infrastructure capacity assessment to be required where it is proposed to establish more than two dwellings on a site located within a qualifying matter overlay.

2.4 FENZ supports the new definition in part as it does now provide clarity as to the purpose of an infrastructure capacity assessment, but outlines that it does not include the requirement for a suitably qualified and experienced person to demonstrate that the proposed subdivision or development can be adequately serviced in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

2.5 An infrastructure capacity assessment aims to ensure that the capacity of the more comprehensive network is not adversely affected by the proposed development and to identify any necessary network upgrades

or implementations on-site to minimise demand. This assessment is separate from building code requirements, which is typically what a qualified fire engineer would review and comprise a solution to enable. Therefore, including SNZ PAS 4509:2008 as a mandatory requirement within the definition may not be necessary, as it is already considered by Council in their network planning and design processes.

- 2.6 While FENZ's concerns are acknowledged, I consider that the Council's existing provisions and definitions are comprehensive and sufficient to enable an appropriate review. The outcome of an infrastructure capacity assessment is to ensure that the water network capacity is maintained, and necessary upgrades or contributions (Development and/or Financial) are made, and this can be addressed in the new Rule 15.4.2.19 without duplicating requirements already in place.
- 2.7 To reemphasise the importance of fire water supply capacity, I would support Mr Hardy's recommendation for an amendment to the proposed definition of an infrastructure capacity assessment as follows:

Infrastructure Capacity Assessment means an assessment of the capacity of an existing water, wastewater, or stormwater network to determine if there is enough capacity (including fire water supply) for a proposed development, or to define the requirements for network upgrades that would need to be implemented for the development to be approved. The exact requirements for an Infrastructure Capacity Assessment should be discussed and agreed with WDC on a case-by-case basis.

3. RESPONSE TO HANNAH CRAVEN (WRC)

- 3.1 Ms Craven supports the recommended amendments made to address the WRC submission points and agrees the District Plan will require a full update to better incorporate climate change at a later date, but has requested some further amendments to better integrate transportation and climate change outcomes within PC26 and has related these to chapter 2A – Medium Density Residential Zone.

- 3.2 Ms Craven (at paragraphs 35 and 36) requests the following additional wording within the advice notes of section 2A:

Urban intensification is likely to result in an increase in impermeable surfaces within urban environments. It is important for the district plan to manage potential adverse effects that can result from increased impermeable surfaces such as:

- Increased erosion of waterway channels
- Increased flooding risk
- Decreased drainage levels of service (specifically the Hautapu and Fencourt drainage districts adjacent to the northern boundary of Cambridge)
- Increased temperatures which impact freshwater species
- Increased contaminants and decreased water quality.

- 3.3 While I support the messaging instilled within the advice note, I consider that the District Plan manages these effects through specific infrastructure assessments or larger scale consents. In addition, Hautapu and St Kilda are zoned Industrial and Rural respectively and are subject to structure plans which contain stringent criteria for stormwater management.

- 3.4 Ms Craven (at paragraph 52) requests the following additional objectives and policies:

New policy 2A.3.4: To recognise amenity values and enhance safety in the Medium Density Residential Zone including:

On site for residents;

On adjoining sites, and

For the transport corridor and public open spaces.

Insert new policies 2A.3.4.X and 2A.3.4.Y: Vehicle crossings

Limit the number of vehicle crossings to prioritise pedestrian and cyclist safety and amenity on public roads or publicly accessible spaces used to give access to development. Ensure vehicle crossings are minimised on road frontages where narrow dwellings are proposed and where shared paths and separated cycle ways are located.

Insert new policy 2A.3.4.Z: Tree canopy

Promote the establishment and maintenance of a continuous tree canopy along transport corridors to improve amenity for corridor users and adjoining land use, minimise the urban heat island effects of urban intensification, enhance biodiversity and ecological function, provide summer shade to make the corridors more comfortable for walking, cycling, and micro-mobility during hotter weather, and store carbon.

Insert new objective and policies 2A.3.11: Climate change

Residential development incorporates sustainable features, technologies and methods to minimise the effects of climate change and reduce greenhouse gas emissions.

2A.3.11.1 Ensure development implements methods and technologies to minimise the effects on climate change, including:

- i. Locating land uses and densities in such a way as to support walking, cycling, micromobility and public transport
- ii. Providing for electric mobility and its associated charging infrastructure.

2A.3.11.2 Reduce embodied greenhouse gas emissions and operational greenhouse gas emissions.

3.5 I support the proposed amendment to objective 2A.3.4 as it aligns with the provisions of the Crime Prevention Through Environmental Design (CTPED), which aims to enhance public amenities, promote pedestrian and transit use, and increase public safety. The amendment seeks to recognize and improve amenity values and security in the Medium Density Residential Zone, including on-site for residents, on adjoining sites, and for the transport corridor and public open spaces. The specificity of the proposed amendment ensures the effective implementation of the CTPED's objectives in the specific zone.

3.6 While I support in part the substance of the requested new policies 2A.3.4.X and 2A.3.4.Y, I believe the current District Plan provisions, which may require additional entrances to achieve a forward-facing manoeuvre (provided the separation distances are met), sufficiently cover this topic. Ensuring we are making the forward-facing manoeuvres exiting the proposed developments ensures the safety of the pedestrian/cycle users. The forward-facing and separation distance requirements fulfil this obligation and therefore I do not believe the inclusion will add to the desired outcome.

3.7 While I support the inclusion of new objectives and policies contained within 2A.3.11: climate change, they would in essence reflect our previous compact housing overlay areas, which were strategically located near hubs to encourage the outcomes sought. I support in part the inclusion, but consider that it should not be too prescriptive, and would recommend the following alterations recommended by the Council's s42A report author:

Insert new objective and policies 2A.3.11: Climate change Residential development incorporates enables sustainable features, technologies and methods to minimise the effects of climate change and reduce greenhouse gas emissions.
2A.3.11.1 Ensure Enable development that implements methods and technologies to minimise the effects on climate change, including:
i. Locating land uses and densities in such a way as to support walking, cycling, micromobility and public transport

4. RESPONSE TO CRAIG SHEARER (TAPL)

4.1 Mr Shearer has requested the removal of the Infrastructure Constraint Qualifying Matter Overlay (Infrastructure Overlay) from the growth cells identified for residential development, with specific reference to the T3 growth cell.

4.2 Mr Shearer states in paragraphs 26 and 27 of his evidence:

In respect of water supply and wastewater services, I find it hard to make a significant link to the vision and strategy set out in Te Ture Whaimana being compromised. The vision is:

“Our Vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

I understand the Te Awamutu water supply scheme obtains its water from a number of sources, including from the Mangauika Stream on Mt Pirongia, from a bore on Frontier Road and from the Waikato River. The water will be needed by a growing population regardless of whether that is in medium density developments or low-density developments. I do not see how the vision above will be compromised by tensions in the supply of water and wastewater.

4.3 The statement that water supply and wastewater services will not compromise the vision and strategy of Te Ture Whaimana (TTW) is only partially accurate. As outlined in my Statement of Evidence dated 24 March 2023, the risks associated with local network constraints resulting from poorly planned growth, whether it be greenfield or brownfield, can strain infrastructure and potentially lead to surcharging of wastewater lines, both upstream and downstream. These challenges can compromise the vision of a healthy Waikato River sustaining abundant life and prosperous communities, as outlined in TTW.

- 4.4 The Te Awamutu water supply scheme's multiple water sources do not discount these potential impacts. Council's planning for growth may require significant investment with no guarantee of uptake, further straining infrastructure and potentially compromising the vision and strategy set out in TTW.
- 4.5 The Infrastructure Overlay approach is considered a balanced approach to managing intensification on a case-by-case basis regardless of scale, considering the local network constraints and the need to protect the health and well-being of the Waikato River and its surrounding areas. It is crucial to acknowledge the potential risks and impacts, including surcharging of wastewater lines or drawing of water in dry months, resulting from poorly planned growth and take a prudent approach to ensure the sustainability of the Waikato River, in line with TTW.
- 4.6 Mr Shearer states in paragraphs 29 and 30 of his evidence:
- In my opinion it is notoriously difficult to retrofit local networks in existing housing areas and in my experience far easier to provide water and wastewater services for greenfields developments. In practice councils do not need to provide for reticulation in new greenfields development areas – the developers are required to pay for the full reticulation in the subdivided area, with the Council, funded by development contributions/financial contributions, picking up the tab for network upgrades. It is not so easy in established brownfield areas, with irregular development providing minimal funding opportunities for Council outside rates.
- And I do see the opportunity for greenfields development such as that proposed at 836 Bond Road, to make significant contributions via development and/or financial contributions to the upgrades needed for water and wastewater services.
- 4.7 While I agree that retrofitting local networks in existing housing areas can be challenging, it still does not take away from the effect greenfields may have on those receiving environments, which also needs to be considered when allowing intensification. It is important to review the infrastructure requirements at the time of subdivision consent, and I consider the infrastructure capacity assessment will help allow for innovative ways to demonstrate mitigations on demand.

- 4.8 It is worth noting that the proposed greenfields development at 836 Bond Road falls within the T3 growth cell and is unique in that it is owned by one landowner, which may simplify the infrastructure planning and upgrades process. However, it is important to acknowledge that the majority of other growth cells have fragmented ownership, which can complicate the ability to have an integrated approach to infrastructure planning.
- 4.9 It is important to consider the unique circumstances of each development, including ownership, zoning, location, and regulatory requirements, and work towards a balanced approach that takes into account the needs of the community and the sustainability of the infrastructure, in line with the vision and strategy of TTW.
- 4.10 The Infrastructure Overlay and infrastructure capacity assessment provide a fair and equitable approach to managing infrastructure. Council is willing to work with the developer to assess the necessary contributions and ensure the development is balanced and complies with zoning requirements. Council understands the need for upgrades or mitigations to manage intensified development safely, and is committed to working collaboratively to ensure that the water and wastewater services are provided sustainably and responsibly.
- 4.11 I do not support the removal of the Infrastructure Overlay for greenfield areas, as it serves as an appropriate trigger for infrastructure assessments that can identify potential issues and mitigations, both for brownfield and greenfield developments.

5. RESPONSE TO GURVINDERPAL SINGH (KO)

- 5.1 Mr Singh's evidence (at paragraphs 8.1 to 8.3) seeks the removal of the Infrastructure Overlay proposed by Council in its entirety and also seeks the inclusion of a High Density Residential Zone (HDRZ) surrounding the

Cambridge central business district, but does acknowledge the removal of the request for a HDRZ surrounding Te Awamutu based on the alignment between economists' understanding of uptake within the area. Mr Singh's evidence supports an increase in the height limit within the Commercial Zones of both Cambridge and Te Awamutu from 14m to 24.5m.

- 5.2 An indicative costing exercise was undertaken to determine the potential investment Council would need to undertake to forward fund and enable a HDRZ in Cambridge. The estimated level of investment was close to 90 million dollars in capital expenditure (encompassing transportation, community facilities and three waters) in order to service this potential HDRZ.
- 5.3 Based on the level of projected demand and patterns of capacity within Ms Fairgray's evidence, together with past patterns of growth, it is likely that up to 15% of the plan enabled capacity will be taken up as growth over the long-term through intensification within Cambridge's existing urban area.
- 5.4 This presents a huge risk in the discrepancy between uptake demand and what is plan enabled. Over time, this discrepancy will grow and the debt will increase due to the interest on forward funded investment that was carried out and which needs to be recovered through a fair rated plan enabled catchment.
- 5.5 Given the level of potential uptake foreseen versus expected infrastructure cost, I would not support implementation of a HDRZ in any capacity around the CBD area of Cambridge and I would not currently support a relaxation of the Infrastructure Overlay in this location, as proposed in the Council's Alternative Proposal.
- 5.6 Mr Singh, in paragraphs 10.2 to 10.4 of his evidence, notes that the evidence of Mr Jaggard supports the idea that redevelopment and

intensification of existing urban environments poses an opportunity for Council to improve existing infrastructure networks as well as include infrastructure both on a site and within the wider network to contribute to an overall enhancement of existing systems.

- 5.7 I will respond to the evidence of Mr Jaggard in more detail later in my rebuttal, but the opportunity suggested by Mr Singh is not lost with Council's Infrastructure Overlay being included. Keeping the overlay allows Council to react to market specific requests for intensification in a sustainable way and properly inform and address the effects in a collaborative manner that provide innovative solutions to meet the desired outcomes. This, in turn, allows Council to have a fairer understanding in line with the development market and plan accordingly for proposed development rather than relying on reactive checks of a failed infrastructure network that could occur without the proposed overlay.

6. RESPONSE TO PHIL JAGGARD (KO)

- 6.1 Mr Jaggard's evidence seeks to provide context to the removal of the Infrastructure Overlay in support of KO's planning submission.

- 6.2 Mr Jaggard (paragraph 5.1) states the following:

The proposed Infrastructure Constraint Overlay restricts the permitted density of a lot to two dwellings, in contrast to the proposed permitted density limit of three houses per lot intended by the MDRS legislation. Within the Overlay, development of three dwellings triggers the requirement for a resource consent (restricted discretionary), placing additional controls and requirements on developments than proposed by the MDRS legislation.

- 6.3 I agree that the Infrastructure Overlay restricts uncontrolled permitted activities which is its intention as the extent of permitted development enabled by the MDRS creates massive uncertainty for Council planning of infrastructure as expressed in my Statement of Evidence dated 24 March 2023, backed by the modelling data and report prepared by Mr Hardy that demonstrates the risk. The Infrastructure Overlay still allows for

development at higher density, but enables Council to assess infrastructure effects in a way that is severely lacking under the Building Act 2004. It will also enable the imposition of conditions of consent to ensure ongoing compliance with infrastructure obligations.

- 6.4 In sections 6 and 7 of Mr Jaggard's evidence, he agrees that infrastructure capacity is necessary in order to properly service urban development and that Council is required to provide sufficient infrastructure to service current households and reasonably expected growth, but fails to comment on the difficulty councils face in anticipating the extent and location of growth in order to plan and invest effectively.
- 6.5 For context, as part of the Long Term Plan process Council is currently undertaking, I collated the technical reports for community facilities (prepared by Xyst Ltd), transportation (prepared by BBO) and three waters (prepared by WSP and Te Miro Water) to determine what the Council would need to invest, from an infrastructure perspective, in order to meet the requirements of the MDRS if the Infrastructure Overlay was removed across the urban extents of Cambridge, Te Awamutu and Kihikihi and to ensure we are meeting our level of service requirements and the obligations of the NPS. The requirement for the entirety of the urban extents (including growth cells pre 2035) would mean Council would need to invest upwards of 600 million dollars over above the current capital expenditure it had already committed to in the Long Term Plan. I note that this does not incorporate the operational expenditure that would come from such investment. I also note these expected capital expenditure costs include the sums mentioned above with regards to the HDRZ mentioned in my rebuttal to Mr Singh's evidence, which are hard to exclude in location and function as core infrastructure related to transportation, water and wastewater infrastructure.
- 6.6 This investment would be in conjunction with existing infrastructure upgrades contained within the network models that are supported by Mr

Hardy's evidence. As stated in Mr Hardy's evidence, the network model master planned upgrades up until 2050. This timeframe was utilised in Mr Hardy's reporting in order to demonstrate plan enabled capacity and its effect on the network. In order to meet the MDRS blanket cover with no Infrastructure Overlay in place, if that became plan enabled, the Council would need to invest heavily and early (i.e. within the first 10 years), accelerating these projects along with the ones outlined above. As this is plan enabled growth, it will need to be spread across the assumed catchments based on the enabled growth figures in order to fairly and equitably distribute cost amongst the development community. I note that once it is planned and dedicated, it needs to sit within either the Development Contribution Policy or as a Financial Contribution; it cannot sit within both as that would be seen as a double dip. Ms Fairgray's evidence outlines the significant discrepancy between projected uptake, commercial feasibility and plan enabled capacities. Over time, this discrepancy will create a more substantial development charge as interest is applied with less recovery, which can further limit commercial feasibility over and above the projected uptake due to the additional recovery expected by Council.

- 6.7 This risk cannot be overlooked when assessing the need for an Infrastructure Overlay, which provides a balanced approach to manage the demand, and charge the appropriate level of contribution, in order to ensure growth fairly contributes to growth.
- 6.8 It is on this basis that I do not agree or support Mr Jaggard's statements or conclusions for the removal of the Infrastructure Overlay from either an economic or infrastructure effects perspective.
- 6.9 Mr Jaggard states in paragraph 10.4 of his evidence the following:

The potential adverse impacts from intensification are managed through various guidance documents district plan rules, comprehensive discharge consents and the Building Act 2004 and associated bylaws and technical evidence such as flood hazard mapping undertaken by Council.

6.10 Comprehensive discharge consents look at requirements from a macro level, which need to be instilled on a micro level, which in turn aligns with our proposed Stormwater Overlay inclusion. I therefore do not support this aspect of Mr Jaggard's statement.

6.11 The Building Act 2004 manages stormwater to a degree, but provides only bare minimum requirements which, if not maintained, create wider network issues. This issue is exacerbated over time with no real ability for Council to ensure compliance of devices that may be undersized given the current provisions without transformational reform under the Building Act that looks at sustainable buildings and responds to climate change effectively.

6.12 Mr Jaggard states in paragraph 10.12 of his evidence the following:

In addition, it is important to note that the following requirements under the RITS can provide improved stormwater quality outcomes from redevelopment of sites:

(a) Water quality treatment is provided, unless an alternative criterion is provided within a relevant approved Integrated Catchment Management Plan (ICMP) or Waikato Regional Council Stormwater Consent.

(b) Flow attenuation (2 or 10 year) ARI events - required to match pre-development flow rates through attenuation, noting it is catchment dependent and always required in the upper half of the catchment, but may not be required if the site is the lower half of the catchment.

(c) Flooding - if a downstream flooding is identified, (or risk of) then detention is required limiting the post development 100- year flow rate to 80% of the pre development 100-year ARI event.

6.13 I agree with Mr Jaggard's comments regarding the outcomes of RITS but note that these outcomes are considered as part of an application under the Resource Management Act. While Council can under the Act enforce these requirements, it cannot do so for permitted activities. Council would expect, as an outcome of the infrastructure assessment, to discuss and impose solutions to enable higher intensification.

6.14 Mr Jaggard states in paragraph 10.15 of his evidence the following:

In addition, Council has the stormwater Bylaw to manage compliance with the Councils' CSDC that will contribute to achieving appropriate environmental outcomes consistent with Te Ture Whaimana.

6.15 Council's Stormwater Bylaw does not necessarily provide for treatment outcomes and only assists from a monitoring and enforcement perspective to ensure compliance with the Comprehensive Stormwater Discharge Consents (CSDC) Council has with WRC. The Stormwater Bylaw also does not speak to the minimum requirements in the Building Act 2004. It is the Stormwater Overlay which provides an opportunity for Council to impose the innovative solutions necessary to ensure compliance with the Stormwater Bylaw and overarching consents on a micro level.

6.16 Mr Jaggard states in paragraphs 11.6 – 11.9 of his evidence the following:

The Waipā District Plan - Section 15 Infrastructure, Hazards, Development and Subdivision, includes the following rules in relation to the management of flood hazards and risks:

- (a) Existing rule 15.4.2.14 – site suitability: within or adjoining a Flood Hazard Area – shall have building platforms in a complying location that can achieve a minimum free-board level 500mm above the 1% AEP (100-year flood level)
- (b) Existing rule 15.4.2.15 – no subdivision and development shall occur within a High Risk Flood Zone 26
- (c) Existing rule 15.4.2.26 – development shall not obstruct overland and secondary flow paths - path taken by runoff in excess of the primary design flow for a once in 50 years return period rain event.

Secondary flow paths can be defined as the course taken by excess flood waters when design capacity of the primary drainage system has been exceeded, and therefore include flood plains.

Activities that fail to comply with Rules 15.4.2.14, 15.4.2.15 and 15.4.2.26 will require a resource consent for a non-complying activity.

Therefore, any proposed development within the 50-year flood plain/secondary flow path would require the developer to prepare a flood hazard assessment report on a site by suitably qualified experts as part of any non-complying resource consent application.

6.17 Existing rule 15.4.2.14 does not accurately account for displacement as it only requires a minimum floor level to be provided. This in conjunction with the Building Act requirement to only consider the 50 year overland paths not affecting adjacent property owners creates a gap in terms of

100 year event displacement. The Stormwater Overlay provides the correct return period and allows for consideration of displacement, which in turn ensures up stream and down stream flows are mitigated.

6.18 I also note that existing rule 15.4.2.4.15 does not account for Council's most recent flooding information which has recently been undertaken and is based on regional river flood mapping focussed on Te Awamutu. In comparison, the Stormwater Overlay references the most recent data available to Council and, with the potential flood mapping plan change which is to be explored, may remove the need to update this further.

6.19 Rule 15.4.2.26 typically relies on the known overland flow paths that Council may have an easement over, which is not the best metric to review and confirm overland flow protection. Unlike the Stormwater Overlay, existing rule 15.4.2.26 does not allow for the 100 year events which is not considered as effective when considering TWW. Based on the comparison of the existing rules set out above, I do not support the removal of the Stormwater Overlay.

6.20 Mr Jaggard states in paragraph 11.14 of his evidence the following:

If, following the review of above, Council was concerned about the difference between development obstructing or causing flood displacement effects in the area between the 50 and 100-year flood plain, the most appropriate solution would be to change the "Secondary flow path" definition from a "1 in 50-year return period rain event" to a "1 in a 100-year return period rainfall event".

6.21 I would support such a definition change as it will allow for consistency with what the Stormwater Overlay identifies. If not addressed as part of this plan change, I would recommend that it be thoroughly investigated in any future flood mapping plan change.

6.22 Mr Jaggard states in paragraph 11.16 of his evidence the following:

Therefore, I support Kāinga Ora's position that the Stormwater Constraint Overlay is removed on the basis that:

(a) There are existing acceptable controls that manage flood displacement effects of new buildings constructed in the flood plain/secondary flow path.

(b) Stormwater flows and effects from development of either the 40% or 50% building coverage scenario can be the similar/same and can be appropriately managed by the RITS and Stormwater Bylaw.

(c) The “Secondary flow path” definition is changed from a “1 in 50-year return period rain event” to a “1 in a 100-year return period rainfall event.”

- 6.23 I do not agree that existing controls provide the level of protection to manage flood risk safely without the Stormwater Overlay acting as the trigger to implement the various guidance documents and rules.
- 6.24 The building coverage rule within the Stormwater Overlay should remain as 40% to align with Council’s precautionary approach to managing flood risk and the uncertainty surrounding impacts of infill development and displacement of flood storage when considering TTW.

7. CONCLUSION

- 7.1 Evidence from all of the parties acknowledges the need for growth to be planned sustainably and understands the risk involved with funding such density ranges where there is no evidence supporting such a level of uptake and in uncertain locations. This uncertainty leads to significant risks in ensuring Council meets its obligation under TWW and as an organisation that protects its community from risks outlined by unplanned and uncertain growth. As such, I do not seek any changes to the Infrastructure Overlay provisions implemented through PC 26, other than those recommended changes as set out above.

Tony Shane Coutts
Dated 20 April 2023