

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

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

AND

IN THE MATTER of the Proposed Waikato District Plan

BETWEEN **OHINEWAI LANDS LIMITED**

Further Submitter [No. 3022]

AND **WAIKATO DISTRICT COUNCIL**

Local Authority

**SUMMARY STATEMENT OF EVIDENCE OF MATTHEW WILLIAM
TWOSE FOR OHINEWAI LANDS LIMITED**

HEARING 27C – FLOOD HAZARDS

(PLANNING)

Dated: 10 May 2021

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INTRODUCTION

1. My name is Matthew William Twose. I provided evidence in reply (**EiR**), dated 16 April 2021, on Planning matters related to Ohinewai Land Limited (**OLL**) further submissions on the Proposed Waikato District Plan (**pWDP**) for the Flood Hazards hearing.
2. I outlined my qualifications, experience, and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence-in-chief in relation to Hearing Topic 25, dated 17 February 2021 (**EIC**).

SUMMARY OF EVIDENCE

3. I have prepared this summary statement to highlight the further submissions of OLL which are addressed in the s. 42A Rebuttal Evidence (dated 3 May 2021).

Flood Hazard overlay mapping

4. Mercury Energy Limited (**Mercury**) sought changes to the planning maps to include land in the catchment surrounding Lake Waikare where ground levels are below 8m RL (Moturiki datum) in the Flood Plain Management Area overlay. Department of Conservation made a similar submission requesting that RL 7.37m be used as a basis for High Risk Flood Areas at Lake Waikare.
5. I support OLL's further submission opposing those changes to the planning maps as:
 - (a) Further modelling is required to identify and map any additional areas of land that fall within the 1% Annual Exceedance Probability (**AEP**) floodplain. This exercise requires extensive hydrological assessment and analysis.
 - (b) It is not appropriate to utilise generic metrics such as the 8m RL as a substitute for this modelling exercise.
 - (c) The changes to the overlay potentially have significant consequences for OLL's land holdings, and Mercury has not provided any technical evidence to support their requested changes.

6. The rebuttal evidence of Ms Carter confirms her recommendation in her s. 42A Report to reject the submissions, and accept OLL's further submission. Ms Carter agrees that modelling work to establish a 1% AEP flood level is a separate and complex exercise, and records that this work has been commissioned by the Waikato Regional Council.
7. I agree with Ms Carter that it is appropriate to await the completion of this modelling work and address the outcome in a future plan change. In the case of Ohinewai, it would be preferable to address any change to the Flood Plain Management Area overlay in combination with a plan change introducing live zoning to land areas zoned as Future Urban.

High Risk Flood Areas

8. Mercury also sought (submission 2053.1) a number of amendments to the planning maps, including that areas affected by high risk flood hazards should be included within the Flood Plain Management Area. OLL opposed this submission. The s. 42A Report recommended that Mercury's relief be granted in part and OLL's be rejected.
9. The rebuttal evidence of Ms Carter clarifies that Mercury's submission contains two points, and that her recommendation to accept in part Mercury's submission relates only to the first which is that the approach to management of the high-risk flood areas be retained. Ms Carter confirms that she recommends rejecting the second part of the submission which sought to amend the Flood Plain Management Area to include areas affected by high-risk flood hazards.
10. OLL's further submission opposed the second part of Mercury's submission. Ms Carter has recommended that this further submission be accepted.

Amendments to Chapter 15.1 Introduction

11. The only outstanding matter of disagreement relates to amendments sought to Chapter 15.1 Introduction, para. [1] to acknowledge that the mitigation of risk for new development is an appropriate resource management method (as

not all land uses can avoid risk generated by natural hazards). Ambury sought this change¹ and OLL supported this submission.²

12. The rebuttal evidence of Ms Legarth acknowledges that the Ambury and OLL's submission points were omitted from the s. 42A Report.
13. Ms Legarth recommends rejecting the submission of Ambury, and further submission of OLL, on the basis that:
 - (a) Amending the introduction to use 'should' and 'or mitigated' weakens the policy approach, and does not describe the policy intent for the management of risk associated with natural hazards in the district plan; and
 - (b) The use of 'will' and 'avoid' is clearer and more certain.
14. I agree with Ms Legarth's recommendation and note Chapter 15(1) Introduction acknowledges management through mitigation and adaption measures is required to ensure that risk to property is not increased.

CONCLUSION

15. The rebuttal evidence confirms the recommendations to accept the majority of OLL's further submission points and addresses the prior omission regarding ambury and OLL's requested amendment to the Chapter 15.1 Introduction to replace "will" with "should", and to include a reference to mitigation (in addition to avoidance).

Matthew Twose

10 May 2021

¹ Submission 2180.1.

² Further Submission 3022.6.