

BEFORE THE IHP

TOPIC: Proposed Plan Change 92 Enabling housing supply to the Western Bay of Plenty District Plan

UNDER the Resource Management Act 1991

IN THE MATTER of submissions and further submissions

BETWEEN **BAY OF PLENTY REGIONAL COUNCIL**

Submitter

A N D **WESTERN BAY OF PLENTY REGIONAL COUNCIL**

Respondent

STATEMENT OF EVIDENCE OF MARLENE BOSCH

DATED: 24 AUGUST 2023

Topic: CONSENTING

STATEMENT OF EVIDENCE OF MARLENE BOSCH

Qualifications, experience and background

1. My full name is Marlene Bosch. I am a Principal Advisor in the Consents Team at the Bay of Plenty Regional Council (BOPRC).
2. My area of expertise is as a Consent Planner, processing and making decisions on consent applications in accordance with the BOPRC Regional Policy Statement and all the BOPRC Plans.
3. In my previous role as a Senior Consent Planner I processed a number of consents that relate to earthworks and stormwater discharges in relation to new urban developments and I have processed comprehensive stormwater consents for existing urban areas for both Tauranga City Council and WBOPDC. In my current role I make the final decisions on Consent Planner consent recommendations.
4. I have the following qualifications:

A Bachelor of Science Degree; a Master of Science Degree in Microbiology and a Diploma in Planning (Massey). I am also an accredited decision maker under the MfE Making Good Decisions programme (since 2013).
5. I have attended various meetings with the WBOPDC PC92 project team (Manager, engineers and planners).
6. My expert opinion covers submission points of the Bay of Plenty Regional Council related to my subject area. I will briefly address matters that have been agreed in general approach with WBOPDC as set out in the s42A Report (which has the status of evidence) and where an agreed approach has not possible I set out more fully the reasons for my expert opinion.
7. Where I have not expressly stated in this evidence the reasons why I disagree with other experts or submitters in relation to more minor matters, that should not be interpreted as agreement.
8. I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023 and I agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state I am relying on the specified

evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.

Scope of evidence/summary

9. My evidence covers stormwater discharges and stormwater discharge consents, including submission points:
 - (i) 25.9; and
 - (ii) 25.13.

10. The main points I wish to bring to the Panel's attention are:
 - (i) Many existing urban areas face existing flooding which is being exacerbated by increased rain intensity and the number of rain events as a result of climate change, which is difficult and expensive to retrospectively find solutions for.
 - (ii) Changing the land use from rural/ greenfields to an urban development impacts the quantity and potentially the quality of stormwater discharges.
 - (iii) The Regional Natural Resources Plan contains rules which provide for permitted stormwater discharges and require consent for large rates of stormwater discharges or contaminated stormwater discharges, however, there is no requirement to obtain consent at the planning/subdivision stage, prior to the discharge occurring. This leads to earthworks and/or subdivision consents being granted prior to considering the potential effects of stormwater flows.
 - (iv) In addition, it is almost impossible on a consent by consent basis to have regard to the cumulative effects of individual developments on a case by case basis.
 - (v) Stormwater management, which includes climate change effects, must be considered at the District subdivision consent phase and not left to a post development discharge consent process where there is little or no scope to require consideration of alternative

approaches to provide water quality treatment or to ensure attenuation is adequately managed.

- (vi) For assessment of stormwater effects to be considered in the subdivision consent, there needs to be a stormwater planning framework, per catchment, for an entire structure plan area so that stormwater management can be planned for holistically, in an integrated manner that avoids the potential cumulative effects of individual assessments.
- (vii) For these reasons I support an integrated management approach between the structure plans, district plans and the comprehensive stormwater consents. For PC 92 I support the logic and rationale of that framework, including the explanatory note to support Rule 12.4.5.17 (as amended by Nathan Te Pari).

Stormwater quantity

- 11. The increased quantity of stormwater flows occurs as a result of increased impervious surfaces, reduced infiltration, changes in landform and climate change.
- 12. In my opinion, stormwater quantity effects such as flooding, erosion and scour should form part of the initial urban planning process, i.e. the Structure Plan Phase, and should include a Stormwater Management Plan.
- 13. A Stormwater Management Plan that sets guidelines and standards for stormwater quantity and quality, which forms part of the Structure Plan for a new urban areas, will set the framework for both developers and consent planners so that the potential cumulative effects of urbanisation and natural hazards are considered and included in the planning process from the outset.
- 14. A Stormwater Management Plan which contains the hydraulic and requirements for the new urban environment, will guide developers in their design of the landform and provide planners with minimum standards that reflect the sensitivity of different receiving environments. In Ōmokoroa there are steep erodible gully in some areas, wetlands and high coastal

biodiversity areas in the final receiving environment that requires protection through a planning framework pre-development.

Stormwater Quality

15. Stormwater can be contaminated from vehicle movements on roads, domestic land use practices (e.g. washing cars, pets, litter, chemicals, fertiliser) and industrial discharges.
16. Natural receiving environments should be protected from degradation, which is the directive in the National Policy Statement for Freshwater (NPS-FW), which provides national bottom lines for certain contaminants. Equally the National Environmental Standard for Freshwater (NES-FW) provides protection and standards for natural wetlands. In my opinion, these national instruments set a clear direction that the natural environment requires protection and enhancement and should not be used for stormwater treatment or dilution.
17. Therefore, in my opinion, a Stormwater Management Plan for any new Structure Plan Area, that sets stormwater treatment principles and a treatment train approach that is suited to the sensitivity of the receiving environment will provide guidance to developers and will set a framework to give effect to the NPS-FW and the NES-FW.

Dated: 24 August 2023



Marlene Bosch, Principal Advisor Consents