

**To: The Registrar
Environment Court
Auckland**

1. The Waikato Regional Council (**WRC**) gives notice that it wishes to be a party to the appeal by Kirriemuir Trustee Ltd (ENV-AKL-2022-000088) against a decision of the Waikato District Council on submissions on its Proposed Waikato District Plan (**Proposed DP**).
2. WRC made a further submission about the subject matter of the proceedings (further submission 1277). WRC opposed rezoning of the Kirriemuir Trustee land and requested that the zoning be retained as notified, stating that when determining the extent and location of development, matters such as high class soils must be taken into consideration. The district plan must give effect to the relevant policies and associated implementation methods in the Waikato Regional Policy Statement (WRPS). Further, it was noted that land should not be considered for rezoning to an urban zone without provision for infrastructure.
3. WRC is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
4. WRC is interested in all of the proceedings relating to the Kirriemuir appeal which seeks the following relief:
 - a. Amend the relevant planning map(s) in the PDP by rezoning the Geraghtys Road block, marked in red in Attachment 3, from General Rural Zone to General Residential Zone; and
 - b. Insert the proposed Geraghtys Road Structure Plan into the PDP.
5. The general reasons for WRC's interest in the proceedings are:
 - a. The Land Resource Inventory¹ identifies the site as LUC 2 land. This means this land is considered to contain high class soils which is defined in the WRPS as "those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification".

¹ [Data | Environment and Land GIS | LRIS Portal \(scinfo.org.nz\)](#)

- b. WRPS Implementation Method 14.2.1 relates to managing the form and location of development and states:

District plans shall give priority to productive uses of high class soils over non-productive uses including through:

- a) **restricting urban and rural-residential development** on high class soils;
- b) *restricting the level of impermeable surfaces allowable on high class soils;*
- c) *facilitating the return or continued availability of high class soils to primary production activities, for example through amalgamation of small titles;*
- d) *directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so;*
- e) *accepting that where high class soil removal or disturbance cannot be avoided, the soil should be used to rehabilitate the land or enhance soils elsewhere in the region in order to retain soil versatility and productive capacity; and*
- f) *the development of growth strategies.*

For the purpose of implementing the above method (including in particular development referred to in (a), (b) and (d)), development provided for in:

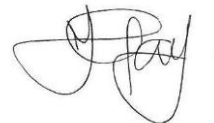
- a) *a growth strategy identified in Chapter 6 of this Regional Policy Statement; or*
- b) *a council-approved growth strategy developed with regard to the development principles in 6A, shall be recognised and provided for where such growth strategies identify development which may occur on high class soils.*

- c. As the land contains high class soils and has not been identified in Chapter 6 of the WRPS or a council-approved growth strategy, rezoning this land to the FUZ is inconsistent with, and does not give effect to, the WRPS.

- d. There is insufficient evidence of infrastructure provision for the land.

- e. The site is partly within and adjacent to a Waikato Regional Council drainage scheme area. Any development within this area needs careful consideration to avoid adverse effects on the drainage scheme.
6. WRC opposes the relief sought in the appeal on the basis that it does not give effect to the WRPS and will not otherwise achieve the sustainable management purpose of the RMA.
7. WRC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Hamilton this 22nd day of March 2022



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