

## **Before Independent Hearing Commissioners In Ngāruawāhia**

---

Under the Resource Management Act 1991 (the Act)

In the matter of The proposed Waikato District Plan – Hearing 18: Rural Zone

---

**Summary Statement of evidence of Marie-Louise (Miffy) Foley for  
Waikato Regional Council**

---

## **1. Introduction**

1.1. Waikato Regional Council's submission is supportive of a number of the recommendations made in the section 42A report but requests a small number of changes to better implement and align with regional direction, as outlined in my evidence. The focus of my evidence is on three areas.

## **2. The first area is afforestation in high and outstanding natural character areas**

2.1. WRC's submission requested amendment to Rule 22.1.5 D15 Discretionary Activities to include afforestation of significant natural areas as a discretionary activity. As noted by Mr Clease, the National Environmental Standard for Plantation Forestry (NES-PF) controls need not be replicated in the district plan and that these address afforestation within an SNA. I accept the s42A recommendation in this regard.

2.2. However, in my opinion there is scope and justification for retaining control over afforestation in natural character areas as addressed in this Rule. The NES-PF does not have controls for high and outstanding natural character of the coastal environment the way it does for afforestation within an SNA. I therefore request that Rule 22.1.5 D15 be retained as notified in the Proposed Waikato District Plan. I consider that such provisions are necessary to address the threats to identified high and outstanding natural character areas, and to implement the NZCPS and WRPS.

2.3. More stringent planning provisions for forestry activities to address the NZCPS are included in the Landscape and Natural Character Section 32 Report with Rule 22.1.5 D15 forming part of the cascade of provisions. I therefore disagree with the s42A recommendation on this point.

2.4. I note that Mr Clease in his rebuttal evidence that he agrees with my assessment of the scope, however, he suggests that this could be addressed through the landscape topic. The s42A for Hearing 21B: Landscapes has already been released and evidence submitted, although the hearing itself has been delayed and has not yet proceeded. The s42A report did not specifically mention this point as it was an existing provision and it is Mr Clease's s42A recommendation that this provision be deleted. I am therefore still of the opinion that that Rule 22.1.5 D15 be should retained as notified in the Proposed Waikato District Plan

## **3. The second area is support for recommended increase in the subdivision threshold to 40 hectares**

3.1. I support the amendment to 22.4.1.2(a)(ii) and Rule 22.4.1.5(v) to provide for a minimum 40ha balance lot. A threshold set at 20 ha has the effect of increasing the area of land within the district for which subdivision may be permitted, thus increasing the potential for more fragmentation of rural land (and high class soils). It could also lead to more diffuse rural residential development. This is inconsistent with policy 5.2.3(a) of the Proposed District Plan around minimising the fragmentation of productive rural land.

## **4. The third area is submission points not included in the s42A report**

4.1. A number of WRC's submission points were coded to Hearing 2: All of plan when they actually request relief in each zone rather than the plan as a whole. These submission

points related to setbacks from waterways for buildings and earthworks, and revegetation of earthworks. I addressed these matters in my evidence for Hearing 2.

4.2. Mr Cleese in his rebuttal evidence has recommended rules to address setbacks for earthworks from waterways, and re-vegetation of earthworks and I support these recommendations. I would also request the inclusion of a building setback from waterways as a permitted activity as included in my evidence.

4.3. Submission point 81.176 also related to the rural zone rules, specifically the Lakeside Te Kauwhata Precinct and Rule 22.8.3 Restricted Discretionary Activities. It requested that an additional assessment criteria be included. I note that this was addressed in the s42A report for Hearing 11 Lakeside Te Kauwhata so does not need to be considered further here.