

Before Independent Hearing Commissioners In Ngāruawāhia

Under the Resource Management Act 1991 (the Act)

In the matter of The Proposed Waikato District Plan – Hearing 22:
Infrastructure

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

1. Introduction

1.1. I am supportive of a number of the recommendations made in the Section 42A report for Hearing 22: Infrastructure and Energy. In my evidence I requested some changes to better implement regional direction and to recognise WRC's regionally significant flood scheme infrastructure. This is summarised below. I also address the rebuttal evidence of Mr Mackie who authored the s42A report for this topic. The focus of my evidence is on three areas.

2. Low impact approach to stormwater management: WRC supports the Proposed District Plan's low impact approach to stormwater management which requires best-practice low impact design for new development or subdivision. However, where a proposal does not meet P1 activity standards and becomes a restricted discretionary activity, discretion is limited. I suggested that an additional matter of discretion be included to address this gap. This would ensure that all developments are required to consider best-practice low impact design approach to the management of stormwater, not just those that comply with the permitted activity standards. I note that Mr Mackie, in his rebuttal evidence¹, agrees with this position and recommends an amendment to include low impact design principles as a matter of discretion. I support this recommendation.

3. Consistency in the provisions for identified areas:

3.1. I support inclusion of additional permitted activity standards and new matters of discretion for identified areas in Section 14.12 Transport, and the recommendation that 14.3.1.3 be amended to exclude earthworks in Significant Natural Areas.

3.2. However, I believed there to still be inconsistencies between permitted activity thresholds and activity status with the zones. I described some examples in my evidence.

3.3. I consider WRPS Policy 11.2 and Implementation Method 11.2.2 regarding significant indigenous vegetation and fauna are currently not given effect to in the notified plan. I acknowledge that some activities have a functional need to be located in or near SNAs, but these activities still need to be considered in context of the whole of method 11.2.2.

3.4. I suggested setting thresholds for vegetation clearance in identified areas and consequently including a matter of discretion relating to effects on the values, qualities and characteristics of any identified area.

¹ Page 10 - Section 42A Report Rebuttal Evidence 13 October 2020

3.5. I note that Mr Mackie, in his rebuttal evidence², agrees with this position and recommends amendments to include a permitted activity threshold identified for clearance of indigenous vegetation within a Significant Natural Area, and a restricted discretionary activity for greater clearance. I support these amendments.

4. The need for a provision framework to provide for regional flood protection infrastructure

4.1. WRC's submission requested that Chapters 6 and 14 be amended to include a policy and rule framework to provide for the ongoing maintenance, repair, replacement and upgrade of flood and drainage scheme infrastructure.

4.2. Waikato Regional Council has a statutory duty under the Soil Conservation and Rivers Control Act 1941 to minimise and prevent damage to property caused by flooding. Waikato Regional Council is a significant landowner and asset manager within the Waikato District. Flood protection reduces the likelihood of floods impacting on our communities. It safeguards lives and property, enables productive use of land, and protects services such as water supply, power, telecommunications and roading networks.

4.3. Within the Proposed District Plan as notified there is limited recognition of this significant infrastructure in terms of issues, objectives and policies, and only limited activities are provided for as rules. The permitted activity standards across all zones do not provide adequately for the ongoing maintenance, renewal and operation of WRC's regionally significant flood scheme infrastructure.

4.4. The implication of this is that the rules in Chapter 14: Infrastructure and energy that relate to 'infrastructure' do not apply to WRC flood infrastructure and there is no specific set of rules that do apply. WRC would therefore be required to lodge non-complying resource consent applications for flood scheme related activities. Gaining resource consent would be an onerous and costly process, the cost of which may increase the level of targeted rates paid by those landowners who benefit from the protection afforded by the flood protection schemes.

4.5. The best fit for the provisions requested would be in Chapters 6 and 14, through the inclusion of a district-wide framework, similar in treatment to the national grid infrastructure. This would also allow for permitted activity standards to be included for

² Page 11 - Section 42A Report Rebuttal Evidence 13 October 2020

uses undertaken by other parties near flood infrastructure. I suggested a provision framework in my evidence.

- 4.6. In his rebuttal evidence³, Mr Mackie confirmed his recommendation to include specific policies for regional flood management infrastructure and further recommends amendments to the Proposed District Plan to provide permitted activity and restricted discretionary activity provisions. I support these recommendations.

Miffy Foley

14 October 2020

³ Page 14 - Section 42A Report Rebuttal Evidence 13 October 2020