



**To: The Registrar  
Environment Court  
Auckland**

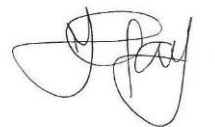
1. The Waikato Regional Council (**WRC**) gives notice that it wishes to be a party to the appeal by Federated Farmers (ENV-AKL-2022-000051) against a decision of the Waikato District Council on submissions on its Proposed Waikato District Plan (**Proposed DP**).
2. WRC made multiple submission points and further submission points about the subject matter of the proceedings (submissions 81, FS1277 and 2102). These included:
  - a. Submission point 81.99 sought to retain notified Policy 3.2.2 which supported the approach of identification and mapping of SNAs.
  - b. Submission point 81.101 sought to retain identification of SNAs on the district planning maps as notified.
  - c. Submission point 81.166 sought to retain the notified rule that prohibits rural subdivision on high class soils.
  - d. Submission points 81.167 and 81.173 sought to amend Rule 22.4.1.2(a)(ii) (SUB-R43 in decisions version) to increase the subdivision threshold in the rural zone from 20ha to 40ha.
  - e. Various submission points relating to natural hazards (submission 2102).
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 the appeal points relating to the following matters of the appeal:
  - a. SNAs and biodiversity
  - b. Natural hazards
  - c. WRC flood infrastructure
  - d. Rural subdivision
5. Specifically, WRC is opposed to the relief sought by Federated Farmers below:
  - a. The request to amend the definition of Significant Natural Area to include SNAs listed in an appendix and described in the individual assessment sheet.
  - b. The request to amend Policy ECO-P1 to require scheduling of SNAs identified under the PDP.

- c. The request to add an explanation note - 'The significant natural areas (SNAs) currently identified on the planning maps are for information purposes only and have no legal effect until a robust identification process, including ground-truthing, has been undertaken.'
  - d. The request to amend Policy ECO-P6 to recognise that management of SNAs on private land requires public investment in a range of incentives.
  - e. The request to amend Policy ECO-P12 to require Waikato District Council in joint responsibility with Waikato Regional Council to meet the costs of an ecological assessment to determine if an area is an SNA, to be carried out prior to an application for resource consent being lodged.
  - f. The request to delete all SNAs from the planning maps, in line with the panel's decision, and also QEII National Trust sites.
  - g. The request to delete Rule SUB-R41 which prohibits subdivision on high class soils.
  - h. The request to amend Rule SUB-R43 to enable a 20ha minimum title size in the rural zone.
  - i. The request to amend provisions within Part Two (Natural Hazards).
6. The general reasons for WRC's interest in the proceedings are:
- a. The relief sought by the appellant does not align with the relief sought by WRC in its own appeal.
  - b. The relief sought by the appellant does not give effect to the WRPS.
  - c. Policy 11.2 and associated methods of the WRPS seek that areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.
  - d. SNAs identified in the notified version of the planning map were based on WRC SNA data. These should only be removed where there is sufficient evidence that the mapping is incorrect and has been verified by a suitably qualified ecologist. This approach provides landowners with greater certainty and assists with achieving Policy 11.2 of the WRPS.
  - e. It is the obligation of people who wish to undertake activities to ensure that the effects of the activities are adequately assessed and managed in accordance with the Act. In this regard it is not the responsibility of councils to undertake necessary assessments.
  - f. WRPS Policy 14.2 seeks to avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development. Implementation Method 14.2.1 directs District plans to give priority to

productive uses of high class soils over non productive uses including through restricting urban and rural-residential development on high class soils.

- g. A subdivision threshold set at 20ha as requested by the appellant 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, than would otherwise be the case (with a 40ha threshold). It may also lead to more diffuse rural residential development. This is inconsistent with Policy SUB-P15 of the Proposed DP relating to minimising the fragmentation of productive rural land, particularly where high class soils are located.
  - h. WRPS Policies 13.1 and 13.2 call for the management of activities to reduce the risks from natural hazards by using an integrated and holistic risk based approach.
7. WRC opposes the relief sought in the appeal for the reasons set out above. Without limitation, the relief sought does not give effect to the WRPS nor will it achieve the sustainable management purpose of the Act.
  8. 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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**Tracey May**  
Director Science, Policy and Information  
Waikato Regional Council

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