

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing 10: Residential Zone

of the Proposed Waikato District Plan

STATEMENT OF EVIDENCE OF MARIE-LOUISE (MIFFY) FOLEY

For the Waikato Regional Council

DATED 3 FEBRUARY 2020

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Introduction

1. My name is Marie-Louise (Miffy) Foley. I am a Senior Policy Advisor in the Integration and Infrastructure Section at the Waikato Regional Council. I have been in this role since February 2019.
2. I hold the academic qualifications of a Bachelor of Sciences from the University of Waikato and a Graduate Diploma in Urban and Regional Planning from the University of New England in New South Wales (NSW), Australia. I am an intermediate Member of the New Zealand Planning Institute.
3. My role with Waikato Regional Council has been as a member of the Policy Implementation Team which involves working with the territorial authorities of the Waikato Region and with neighbouring regional councils to assist in the development of consistent integrated regional policy. I am also involved with Future Proof and a number of the Hamilton to Auckland Corridor Plan work streams. I represent Waikato Regional Council on the Future Proof Technical Implementation Group and on the Hamilton-Waikato Metro Spatial Plan Technical Project Team.
4. I have 14 years' experience working in the planning field. Prior to my role with Waikato Regional Council, I was employed as a policy and strategic planner in local government in NSW for over 13 years.
5. I confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

6. My evidence is given on behalf of Waikato Regional Council.
7. The submission made by Waikato Regional Council addressed several aspects that relate to the Residential Zone. The submission sought amendments to improve consistency with regional policy documents. I was not involved in the preparation of Waikato Regional Council's

submission, dated 18 September 2018. However, I led the preparation of the further submission, dated 15 July 2019.

8. My evidence reinforces the Waikato Regional Council submission and reflects my professional opinions as a resource management policy advisor. The focus of my evidence is on:

- minimum setbacks from waterbodies for earthworks,
- the location of multi-unit development close to public transport, and
- allowing for intensification of subdivision adjoining the Business Town Centre Zones at Huntly, Ngāruawāhia, Pōkeno, Raglan, Te Kauwhata and Tuakau.

Minimum setbacks from waterbodies for earthworks

9. WRC's submission point 81.3 requested that the Permitted Activity standards for all zones for earthworks be amended to provide for a minimum 5 metre distance from any waterbody or overland flow path.

10. This submission point has been rejected by Ms Allwood who suggests an alternative means of managing sediment loadings entering stormwater networks and waterbodies. She recommends that P1 (vii) is amended as follows:

Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the ~~commencement~~ cessation of the earthworks;

11. While I agree that this recommended amendment to Rule 16.2.4.1 is an improvement to the notified rule, I consider that a 5 metre setback for earthworks as a permitted activity is a more precautionary approach that should be implemented across zones. This amendment should be in conjunction with the strengthening of the rule around revegetation of earthworks. My position was outlined in my evidence for Hearing 2. Rather than reiterating that information here, I refer the Panel to that evidence dated 20 September 2019.

Location of multi-unit development close to public transport - Rule 16.1.3

12. WRC's submission point 81.149 requested an amendment to Rule 16.1.3 to include a new condition to require multi-unit development to be serviced by or within 400m walking distance of public transport. This was intended to encourage higher density residential to be

located close to public transport to maximise potential patronage on those routes and minimise private car use. This in turn improves the viability of public transport and reduces the need for future transport infrastructure development. Other benefits include reducing transport impacts on air quality and reducing carbon emissions.

13. This is supported by various regional planning documents:

- The Waikato Regional Policy Statement (WRPS) through Policies *6.1 Planned and co-ordinated subdivision, use and development* and *6.3 Co-ordinating growth and infrastructure*, Implementation Method *6.3.1 Plan Provisions*, and *6A Development Principles*;
- The Waikato Regional Land Transport Plan 2015-2045 through the objective of integration and forward planning which requires collaboration around land use planning to provide an efficient, effective and safe transport system in the Waikato Region; and
- The Waikato Regional Public Transport Plan 2018-2028 through *Objective 3: Provide the infrastructure necessary for an accessible, effective and efficient public transport network*.

14. This position also flows from Policy 4.1.5 (a) of the proposed Waikato District Plan, which encourages higher density housing and retirement villages to be located near to and support commercial centres, and also community facilities, public transport and open space, and Objective 4.2.16(b) which seeks that land near the Business Town Centre Zone and close to transport networks is used for higher density residential living.

15. The implications of WRC's submission point would be that any multi-unit development not within a 400m walking distance would then become a discretionary activity rather than a restricted discretionary activity.

16. This submission point was rejected on the basis that 'the existing public transport infrastructure across Waikato District is currently limited and a 400m walking distance is not necessarily reflective of high-quality, frequent, public transport.' I appreciate Ms Allwood's point in this regard and acknowledge that public transport routes can be changed in response to changes in urban density and form. I am also conscious that any increase in complexity and addition of barriers to achieving multi-unit development may be counter-productive in achieving compact urban environments as per WRPS Policy *6.15 Density targets for Future Proof area*.

17. As an alternative, to avoid making multi-unit development a discretionary activity, I suggest inserting an additional area of discretion into Rule 16.1.3 along the lines of:

The availability of alternative transport modes, particularly access to existing and planned public transport, and the ability of the development to reinforce existing and future investments on the public transport network.

18. This will enable the council to consider the proposed location of any multi-unit development in relation to alternative transport modes without significantly increasing the complexity of the consent process. This will also signal to applicants that access to alternative modes of transport is an important consideration for multi-unit development.

Intensification close to the Business Town Centre Zone - Rule 16.4.1 Subdivision

19. WRC's submission point 81.151 requested that Rule 16.4.1 be amended to allow for more intensive subdivision in residential areas directly adjacent to the Business Town Centre Zone at Huntly, Ngāruawāhia, Pōkeno, Raglan, Te Kauwhata and Tuakau. This is supported by WRPS *Policy 6.1 Planned and co-ordinated subdivision, use and development, Policy 6.3 Co-ordinating growth and infrastructure, and 6A Development Principles*. The Waikato District's Draft Growth and Economic Development Strategy also promotes increasing densities in town centres and identifies these particular locations for growth.
20. This submission point was rejected by Ms Allwood on the basis that the proposed Waikato District Plan Objective 4.2.16(b) and Policy 4.1.5(a) support and encourage higher density residential close to commercial centres. While I acknowledge this position, I consider that the rule does not adequately support the objective and policy. The notified version of the rule makes any variation of the minimum lot size specified a discretionary activity which is a greater imposition of cost and information requirement on the applicant.
21. Therefore, I request that the Panel consider identifying the areas directly adjacent to the Business Town Centre Zone at Huntly, Ngāruawāhia, Pōkeno, Raglan, Te Kauwhata and Tuakau through a distance standard or via an overlay map (as requested in WRC's original submission in Submission Point 81.152 which has been coded to Hearing 25 Zone Extents), as an area to which subdivision is permitted to a minimum lot size of 350m². Suggested wording to amend Rule 16.4.1 is shown below (new text is underlined in red):

D1(a)(i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is in an area within 800m of the Town Business Zone in Huntly,

Ngāruawāhia, Pōkeno, Raglan, Te Kauwhata or Tuakau/identified on the Residential Intensification Overlay, or is *an access allotment or utility allotment or reserve to vest;*

22. Alternatively, a new residential or mixed use zone that provides for more intensive residential development could be applied directly adjacent to the Business Town Centre Zone in these locations (as also requested in WRC's original submission in Submission Point 81.152).

Other submission points

23. WRC made a number of other submission points in relation to the Residential Zone. I support a number of the recommendations made in the Section 42A Report – see Appendix One.

Conclusion

24. WRC is supportive of a number of the recommendations made in the Residential Zone Section 42A report but requests a small number of changes to better implement regional direction as outlined in this evidence.

Miffy Foley

4 February 2020

APPENDIX ONE

The table below outlines the WRC submission points where the s42A recommendations are supported.

Submission Point	Recommendation
81.126 WRC requested the retention of Objective 4.2.16 Housing options.	Accepted Policy proposed to be retained.
81.127 WRC requested the retention of Policy 4.2.17 Housing types.	Accepted Policy proposed to be retained.
81.128 WRC requested the retention of Policy 4.2.18 Multi-unit development.	Accepted Policy proposed to be retained with a minor wording change.
81.148 WRC requested the retention of Rule 16.1.2 P3 Permitted Activities.	Accepted Rule proposed to be retained.
81.209 WRC requested amendment of Policy 4.7.13 (a)(i) Residential Zone – Te Kauwhata Ecological and West Residential Areas as follows: Promote Protect the natural features and landscapes of the Whangamarino Wetland and Lake Waikare;	Accepted Policy proposed to be amended as requested.