

Before the Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Proposed Waikato District Plan – Stage 1

And

In the Matter of Hearing 18 - Rural

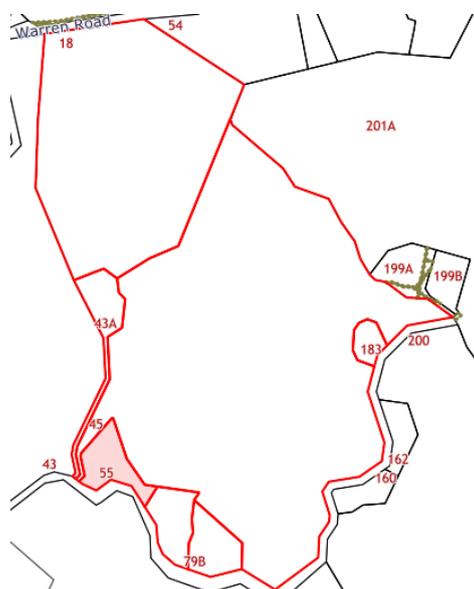
Brief of Evidence of
Kenneth Graham Barry
Dated: 17 September 2020

INTRODUCTION AND SUMMARY

1. My full name is Kenneth Graham Barry and I reside at 185 Checkley Road, Raglan (RT 180717, legally described as LOT 7 DP 343996 BLK III KARIOI SD). In the Waikato District Council (**Council**) databases (rates and District Plan mapping), my property is described as 45 Checkley Road, Raglan (**Property**).
2. I made a submission of the Proposed Waikato District Plan – Stage 1 (**Proposed Plan**) on 9 October 2018.
3. I was only made aware of the submission deadline on the day, so I did not have the opportunity to properly explain my submission.
4. In this evidence I provide further detail as to my submission. In summary, my submission centres on the rezoning of my Property from Coastal under the Operative District Plan (**ODP**) to Rural (with a partial coastal overlay) under the Proposed Plan and that the incorrect inclusion of my property in the 'High Class Soils' classification – thereby demonstrating that the application of a prohibited activity status for subdivision in High Class Soil classified areas is inappropriate.
5. I am advised and understand that the classification of my Property as High Class Soil is most likely a Regional Council function. However, I provide evidence as to why my Property should not be classified as High Class Soils to show that the assessment undertaken to determine this classification was inaccurate, and cannot be relied upon by the Council to the extent that I will not even be given an opportunity to apply for subdivision consent.

PROPERTY

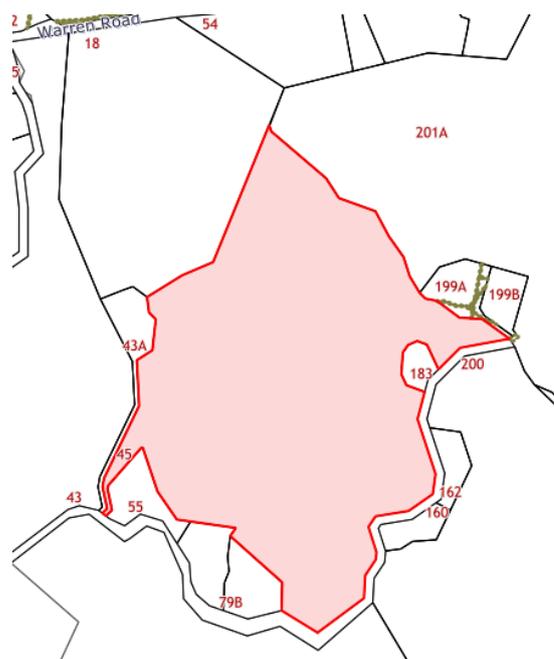
6. I purchased the Property in approximately 1992 and operated it as a dairy farm until approximately 2001. At that time, the full extent of the Property included each of the sections detailed in red outline in the below extract from the Council's Intramaps platform:



7. When the dairy operation ceased in approximately 2001, plans were made to subdivide my Property.
8. The subdivision was completed, with new titles issued in December 2004. It resulted in seven titles, and the 'gifting' of two areas of native bush to the QEII National Trust. The two areas of native bush that were 'gifted' to the QEII National Trust are identified as Significant Natural Areas in the Proposed Plan, as demonstrated below in the extract from the Council's Intramaps platform:



9. The current extent of my Property is detailed in red in the below extract from the Council's Intramaps:

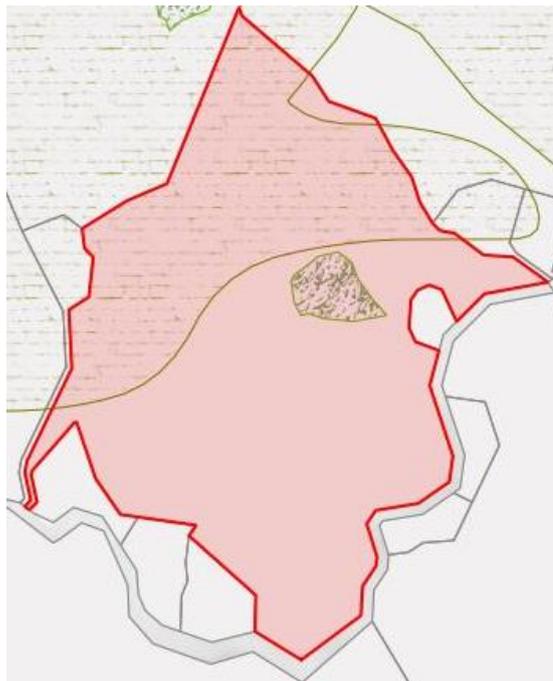


10. The Significant Natural Area within my Property featured in Photo 4 (below) of the Waikato Regional Council Technical Report 2017/36 on Significant natural areas of the Waikato District: terrestrial and wetland ecosystems, which is Appendix 2 to the Council's Section 32 Part 2 – Biodiversity (July 2018) (**Kessels Report**). This demonstrates that good environmental outcomes can be achieved through subdivision.



Photo 4. Podocarp-broadleaf indigenous forest remnant surrounded by farmland in Western Waikato. (Wiea van der Zwan, Kessels Ecology).

11. Under the ODP my Property was zoned Coastal.
12. Under the Proposed Plan, my Property is zoned Rural with a Coastal Environment overlay over part of it:



13. I have also been advised that the full extent of my property is classified as 'High Class Soils', but I have not been able to find any overlays on the Council's Intramaps, or any mapping on the Waikato Regional Council's website confirming that my property is in fact classified as a High Class Soils property.

HIGH CLASS SOILS

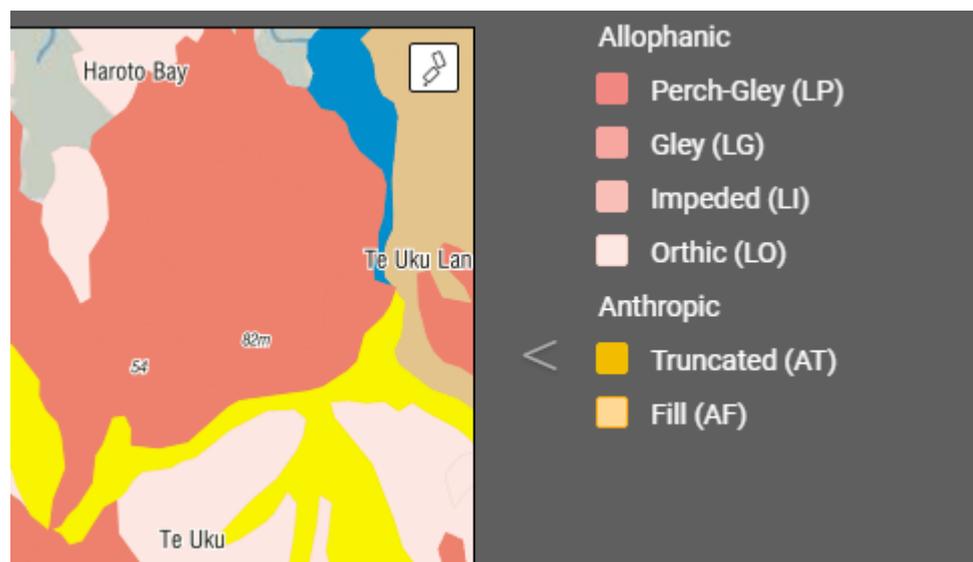
14. I have been advised that my Property is classified as High Class Soil, but I have not been able to confirm this (or the extent of it) either through searching on the Council's website, or searching on the Waikato Regional Council's website.

15. Under the Proposed Plan, as High Class Soil is defined as:¹

Means 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.

16. My property would not be classified under the Land Use Capability Classes I and II because they relate to flat to very gently sloping and flat to gently rolling land respectively.² While not entirely clear, the definition appears to indicate that Allophanic Soils under the New Zealand Soil Classification that are also classified as Land Use Capability Class IIIe1 and IIIe5 are High Class Soils under the Proposed Plan.

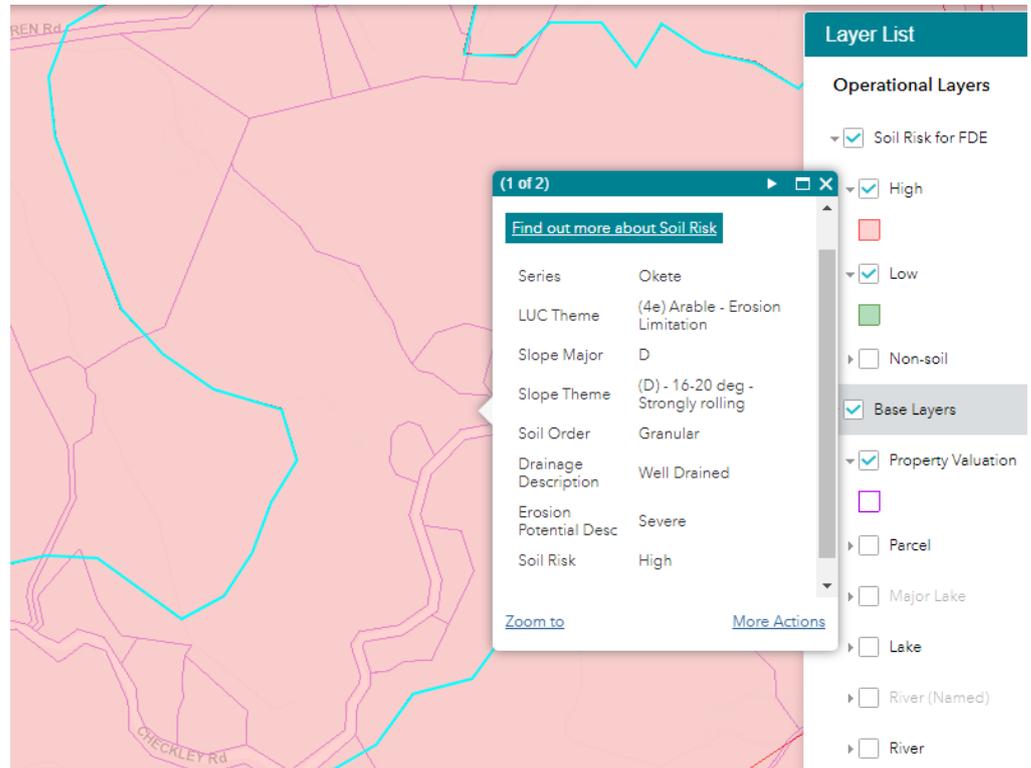
17. In terms of the New Zealand Soil Classification, my Property is classified as Allophanic Perch-Gley (LP) soil. As demonstrated by the Manaaki Whenua Landcare Research map, in the area between Haroto Bay and Te Uku:



¹ Proposed Plan, Chapter 13 – Definitions.

² <https://www.waikatoregion.govt.nz/environment/natural-resources/land-and-soil/managing-land-and-soil/>

18. Land Use Capability Class III has moderate physical limitations for cultivation, while Land Use Capability Class IV has severe physical limitations for cultivation.³
19. The hilly nature of my property means that it would have severe physical limitations for cultivation. The Waikato Regional Council's "Soil Risk for FDE" map indicates that my Property is a 'high risk' for farming dairy effluent, like the majority of the Waikato. However, more importantly the map also confirms the slope theme of my property as strongly rolling, and the erosion risk over my Property as severe.



20. Despite being classified as an Allophanic soil, my Property is unlikely to fit within Land Use Capability Class III, and should not therefore be classified as High Class Soil.
21. Regardless, my Property serves as an example of a property within the Waikato District that could be incorrectly classified, and would therefore be prejudiced by an inability to apply for resource consent (and provide an expert opinion as to soil classification in the application).

PROPOSED RESTORATION

22. Currently my Property is used for grazing of bull calves and dairy cattle. My Property is generally 'hill country' and the grazing of relatively small numbers of stock (around 150 bull calves for half the year, and around 200 dairy cattle for the other half) is contributing to issues with erosion.

³ Above.

23. I am proposing to convert the hill country areas most at risk of erosion into native planted areas. Some of these areas I have photographed as follows:



Photograph 1: Pugging evidence next to the planted area. Proposal to extend that planting along the steep face of the hill. Foreground shows drop down to a gully which a stream runs through.

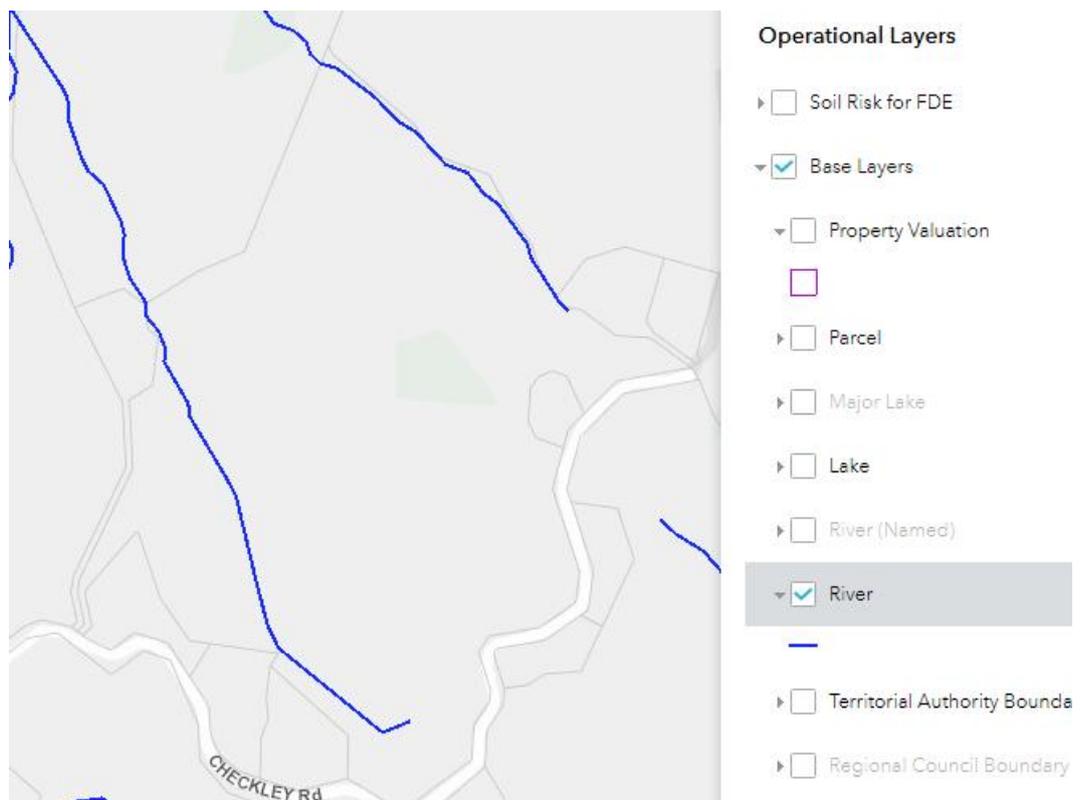


Photograph 2: Again some pugging evident with erosion on the slope, and compaction in the left-hand corner. Proposal for additional planting.



Photograph 3: Demonstration of erosion found in several areas of the farm. Site proposed for restoration.

24. As you can see both from my photographs, and the photograph in the Kessels Report, the gullies between the hills often contain creeks and streams which require protection. There is also two 'rivers' running through my property as demonstrated below:



25. During the hearing I will speak in greater detail as to my proposal for these areas, and other areas across my Property.

SUBDIVISION

26. Given the size of my Property, and the increased costs associated with running a profitable farming business, my Property is not capable of being economically farmed. I can provide further detail to this in my oral presentation at the hearing if required.
27. In order to proceed with and fund my plans to undertake restoration as detailed above, I will need to subdivide and sell sections. I consider that the restoration of parts of my land, with some additional Country Living/Rural Residential style lots, is a better outcome for the land than if it continued to be eroded by grazing.
28. By prohibiting subdivision on land classified as High Class Soils, the Council completely removes the opportunity for better, and more appropriate, use of the land.

CONCLUSION

29. The key issues with the Proposed Plan are the prohibited activity status for subdivision of High Class Soils and the minimum lot sizes for subdivision. They are overly restrictive and may not provide for better environmental outcomes.
30. On that basis, I think that rules 22.4.1.1 P2 and P3 should be deleted, and that realistic minimum lot sizes should be imposed.

Ken Barry

17 September 2020