

Before Independent Hearing Commissioners In Ngāruawāhia

Under the Resource Management Act 1991 (the Act)

In the matter of The proposed Waikato District Plan – Hearing 25: Zone extents

Rebuttal evidence of Marie-Louise (Miffy) Foley for Waikato Regional Council

1. Introduction

1.1. My qualifications are as set out in my primary evidence for Hearing 25 Zone Extents. I support many of the recommendations in the s42A reports, especially those relating to the rejection of requests for additional Country Living and Village zoned land. This rebuttal evidence relates to a small number of recommendations to which I have particular concerns. These are set out below.

2. S42A Report — Te Kowhai – Te Kowhai Airfield

2.1. WRC's submission raised concerns about the proposed rezoning of the Te Kowhai Airfield on the basis that the proposal represents a departure from the Future Proof settlement pattern and that further assessment was required. I acknowledge that the proposal is one that is unique to New Zealand, and as such, the demand is difficult to gauge. For this reason, in my primary evidence I opposed the rural residential zoning and requested that the rural residential component be removed or reduced until it can be demonstrated that there is a demand for airpark living on large lots at this location.

2.2. Consideration of demand should be in the context of ownership of aeroplanes in NZ. The airpark proposes 47 apartments and 87 residential lots, a total of 134 residential units. This represents 4 per cent of aeroplane ownership with many of these aeroplanes being owned commercially as part of a fleet, particularly by airlines¹, defence force, aero clubs etc. According to the NZ Aircraft Register², there are 2072 registered aeroplanes in New Zealand belonging to a variety of owners such as flying schools, aero clubs, tourism companies, charter companies, defence force, agricultural contractors, and commercial airlines. There are a further 312 registered amateur built aeroplanes, mostly in private ownership. A more detailed analysis of aeroplane ownership may assist with identifying potential demand.

2.3. I also raise a procedural issue. The s42A report author (Mr Clese) references the Te Kowhai Airfield but notes that this is being dealt with through Hearing 17. This is not WRC's understanding of the process. We were advised that Hearing 17 was looking at the provisions that could apply while the merits of the zone itself would be dealt with through this hearing. On this basis, WRC did not participate on Hearing 17 as our concerns related to the application and extent of the zone, not the potential provisions. I respectfully ask the Panel to consider our position outlined in my primary evidence, and expanded on above, when making a decision in relation to the Te Kowhai Airfield zoning.

2.4. Further, Mr Clese recommends that two parcels of land that adjoin the airfield at 158 and 176 Limmer Road be zoned for rural residential (submission points 92.1 and 645.1). I disagree with this recommendation. The Framework s42A report sets a clear position on rural residential zonings. The rural residential zoning is only being considered on the land associated with the airfield because it is part of the 'air park' and is a specific style of development that is tied to the airfield. Adding these other two parcels that are straight rural residential with no additional requirements or ties to the airfield is contrary to that position. Rezoning of these parcels also raises the potential for reverse sensitivity effects

¹ As an example, Air NZ currently have a fleet of 114 planes [Operating fleet - About Air New Zealand | Air New Zealand](#)

² [Aircraft registration | aviation.govt.nz](#)

as these lots will be in close proximity to the airfield, and the access to the airfield, but have no affiliation with, or benefits accruing to them from, the airfield.

- 2.5. I therefore request that the Panel consider my primary evidence for Te Kowhai Airfield when deliberating on a decision for Hearing 17, and to reject submission points 92.1 and 645.1.

3. S42A report – Pokeno – CSL proposal

- 3.1. In my primary evidence I opposed CSL's rezoning request (submission point 89.1). The s42A report author (Mr Mead) has rejected the Country Living Zone (CLZ) which I support, but has recommended rezoning of the Residential Zone component. I am opposed to the Residential Zone part of the recommendation.
- 3.2. Mr Mead has supported the rezoning of the residential component on the basis that it adjoins the "Munro Block" and will allow for integrated infrastructure planning. The submitter's evidence and the s42A report acknowledge that there are wastewater capacity and water supply issues that need to be resolved for the live zoned Munro Block (and therefore for this land).
- 3.3. Given that this land has not been identified in Waikato 2070, should the panel support a rezoning, my preference would be for a Future Urban Zone (FUZ) which would signal that the land is being considered for urban development and still allow for integrated infrastructure development. It would also manage expectations as to when the land would be able to be serviced and released, and would allow for a structure plan process to be undertaken.

4. s42A report - Pokeno Havelock Village – Rural Residential

- 4.1. In my primary evidence, I supported in part the submission relating to Havelock Village (submission number 862). I supported the residential component but expressed concern with the proposed rural residential development. Mr Mead, in the s42A report, supports the rural residential as he considers it would help to restrict the likelihood of urban development 'spilling over' Transmission Hill into the south facing slopes.
- 4.2. I disagree that an artificial boundary is needed in this location. The ridgeline, with its significant vegetation, is a natural boundary that provides a clear edge to the urban area. I am still of the opinion that the rural residential should not be supported.
- 4.3. I recognise the potential environmental benefits resulting from the proposed rural residential development. However, if it were to proceed as proposed, I have concerns about the underlying zone of the environmental protection area (EPA) being a rural living/country living zone. I would prefer to see this area rural zoned so that it cannot be further subdivided in the future. From my reading of the notified plan, there is nothing to restrict subdivision of an area of EPA. A scenario where the EPA area is held in multiple ownerships would result in poorer outcomes for this area due to differing management by individual owners, potential for owners to wish to fence off their own part of the area, lack

of coordinated pest management, etc. Further, the term EPA is not defined in the plan. I would like to see a definition of an EPA included to define it and its purpose, particularly if it does end up in multiple ownerships.

- 4.4. Should the rural residential component proceed, in my opinion additional provisions are required to ensure that the proposed benefits are achieved and secured into the future, particularly in the event of a change of ownership. I would like to see provisions included similar to those proposed for conservation lot subdivisions which require the preparation of ecological management, planting, and pest management plans.
- 4.5. Additionally, if the rural residential component proceeds, I believe that proposed rule 23.4.2A should be amended to include a further matter of discretion requiring that an area suitable for on-site effluent disposal is identified at subdivision stage. This would ensure that an adequate area is available as the area required can be quite variable depending on the specific site attributes, particularly the soil types, topography, proximity to water bodies, and the amount of wastewater to be discharged.
- 4.6. The site and soil evaluation process is an integral part of implementing a new on-site effluent management system and is set out in industry wastewater guidelines such as Auckland Council's "On-Site Wastewater Systems: Design and Management Manual" Technical Publication No. 58 (2004); and the NZ Standard for On-site wastewater management, AS/NZS1547:2012. Those guidelines specify a preliminary assessment process to be followed when proposing a subdivision on which on-site systems are required, to determine the lot sizes required to be in accordance with the restrictions the nominated land presents. Including this matter of discretion will reduce the potential for issues with on-site effluent disposal at the development stage.
- 4.7. To summarise, in relation to submission 862 and the zoning of "Havelock Village", I oppose the rural residential component of the proposal; however, should it proceed, I consider the following amendments are necessary:
 - The term 'environmental protection area' is defined in the district plan;
 - The zone underlying the proposed EPA area is zoned rural not rural living/CLZ;
 - Restriction on the EPA area being subdivided into multiple lots;
 - Require ecological, planting, and pest management plans for the EPA area; and
 - Include a further matter of discretion in proposed rule 23.4.2A to require identification of suitable area for on-site effluent disposal at subdivision stage.

5. S42A Report – Tuakau – Kirriemuir Trustee

- 5.1. The s42A Report author (Ms Trenouth) has recommended that an area west of Geraghty's Road (submission number 182) be given the FUZ. I do not support this recommendation on the basis that it does not give effect to the Waikato Regional Policy Statement (WRPS). The Land Resource Inventory³ identifies the site as LUC 2 land. This means this land is considered to contain high class soils which is defined in the WRPS as "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".

³ [Data | Environment and Land GIS | LRIS Portal \(scinfo.org.nz\)](https://scinfo.org.nz/Data/Environment-and-Land-GIS/LRIS-Portal)

5.2. WRPS Implementation Method 14.2.1 relates to managing the form and location of development and states:

District plans shall give priority to productive uses of high class soils over non-productive uses including through:

- a) restricting **urban and rural-residential development** on high class soils;*
- b) restricting the level of impermeable surfaces allowable on high class soils;*
- c) facilitating the return or continued availability of high class soils to primary production activities, for example through amalgamation of small titles;*
- d) directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so;*
- e) accepting that where high class soil removal or disturbance cannot be avoided, the soil should be used to rehabilitate the land or enhance soils elsewhere in the region in order to retain soil versatility and productive capacity; and*
- f) the development of growth strategies.*

For the purpose of implementing the above method (including in particular development referred to in (a), (b) and (d)), development provided for in:

- a) a growth strategy identified in Chapter 6 of this Regional Policy Statement; or*
- b) a council-approved growth strategy developed with regard to the development principles in 6A, shall be recognised and provided for where such growth strategies identify development which may occur on high class soils.*

5.3. As the land contains high class soils and has not be identified in Chapter 6 of this Regional Policy Statement or a council-approved growth strategy, rezoning this land to the FUZ is inconsistent with the WRPS.

6. Conclusion

6.1. I support many of the recommendations made through the s42A reports prepared for Hearing 25: Zone extents. However, I have specific concerns with a small number of the recommendations as outlined in this rebuttal evidence.

Miffy Foley

27 April 2021