

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan

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**OPENING STATEMENT OF EVIDENCE MARIE-LOUISE (MIFFY) FOLEY**

**For the Waikato Regional Council**

**DATED 30 SEPTEMBER 2019**

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## Contents

Introduction .....	3
Scope of Evidence .....	3
The Waikato Regional Council .....	4
The Waikato Regional Policy Statement .....	4
Te Ture Whaimana O Te Awa O Waikato – Vision And Strategy For The Waikato River .....	6
Future Proof – Hamilton to Auckland Corridor Planning .....	8
Location of Development .....	9
Live Zonings – Integrating & Co-ordinating Infrastructure .....	11
Rural Subdivision and High-Class Soils .....	12
Indigenous Biodiversity .....	12
Natural Character .....	13
Low Impact Design Approach to Stormwater .....	14
Earthworks .....	14
Biosecurity .....	15
Natural Hazards .....	15
Waikato Regional Council Assets .....	16
Conclusion .....	17

## **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 nearly 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.
6. Waikato Regional Council appreciates the opportunity to make an opening submission to the Proposed Waikato District Plan (PWDP), and appreciates the effort put in by Council staff to merge the Waikato and Franklin District components into a single, cohesive resource management document.

## **Scope of evidence**

7. My evidence reinforces the Waikato Regional Council submission and reflects my professional opinions as a resource management policy advisor. My evidence begins by outlining the

context within which Waikato Regional Council operates. I then go on to outline the key areas of interest Waikato Regional Council holds regarding the proposed district plan, including the coordination of growth and infrastructure, the location and character of development, rural subdivision and high-class soils, and other matters pertaining to the natural environment.

8. Finally, I highlight Waikato Regional Council's function as an asset owner and operator of the flood and drainage schemes throughout the Waikato District.

### **The Waikato Regional Council**

9. The Waikato Regional Council was constituted as a regional council under the Local Government (Waikato Region) Re-organisation Order 1989 and the Local Government Act 1974. The latter Act has since been largely, but not completely repealed and replaced by the Local Government Act 2002.
10. The Waikato Region is the area defined in the Survey Office Plans specified in the Local Government Orders. Like Waikato District Council, the boundary of the Waikato Region has been adjusted since 1989, most recently resulting from the Auckland Council restructuring. The Waikato Regional Council jurisdiction covers the entire area of the PWDP.
11. Waikato Regional Council is also a landowner, and manager, of flood protection and drainage assets in Waikato District. The effective management and uncompromised operation of flood protection and drainage scheme infrastructure is an integral part of Waikato Regional Council's function.
12. The Waikato Regional Council has the typical ambit of powers, functions, and duties of a regional council under the Resource Management Act 1991 (RMA).

### **The Waikato Regional Policy Statement**

13. In accordance with section 60 of the RMA, Waikato Regional Council has prepared the Waikato Regional Policy Statement (WRPS) which became operative in 2016.
14. The purpose of a regional policy statement is to achieve the purpose of the RMA by "providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region" (s59 RMA). Being a second generation regional policy statement, the WRPS contains a number of policies and directive implementation methods on a range of resource management issues in the region, as well as higher order objectives.

15. The WRPS provides policy direction for the region and does not contain rules. The key implementing documents of the WRPS are district and regional plans which are required to 'give effect' to a regional policy statement including through rules (RMA s75(3)(c)). The Supreme Court states in its decision on Environmental Defence Society Inc v New Zealand King Salmon Company Limited that 'give effect to' simply means 'implement'. It is a strong directive creating a firm obligation on those subject to it.
16. Hence regulatory methods, such as rules, which achieve objectives in the regional policy statement are specified and implemented through regional and district plans. A regional plan cannot direct a district plan, yet a district plan is required to not be inconsistent with a regional plan (RMA s75(4)(b)). The regional policy statement, therefore, provides the means to achieve integration between regional and territorial functions.
17. Figure 1 illustrates the planning framework within which the WRPS sits. This demonstrates the relationship between the WRPS, the Vision and Strategy for the Waikato River and the Waikato District Plan.

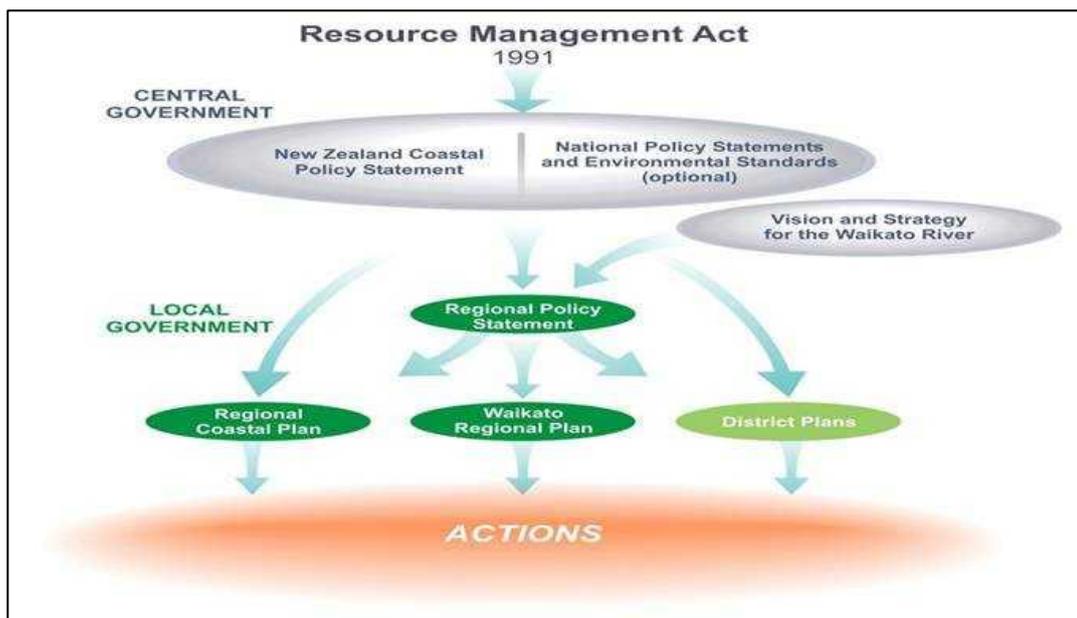


Figure 1 Planning framework and hierarchy of RMA documents

18. The wording contained within the WRPS (Reader's Guide - 2. General Interpretation) is explicit in how the methods should be implemented.
  - 'Shall' has been used where methods are of a directive nature, where little discretion is intended to be exercised.

- 'Should' has been used where it is intended that the direction should be followed, except where there are good reasons not to, as demonstrated in a s32 report or other appropriate evaluation or analysis.
19. The WRPS identifies six significant resource management issues for the region, being:
- 1) State of resources
  - 2) Effects of climate change
  - 3) Providing for energy demand
  - 4) Managing the built environment
  - 5) Relationship of tāngata whenua with the environment
  - 6) Health and wellbeing of the Waikato River catchment.
20. Twenty-six objectives address the issues and identify the desired end state of the region's natural and physical resources. Achievement of these objectives is through the policies and implementation methods set out in the WRPS. Rather than providing a detailed synopsis of the WRPS in its entirety, in the following sections I provide reference to the most relevant provisions of the WRPS as it relates to the PWDP.

### **Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River**

21. The Waikato Raupatu Claims (Waikato River) Settlement Act 2010 gave effect to the 2009 Deed of Settlement in respect of the claims of Waikato Tainui over the Waikato River. The overarching purpose of the Act is to restore and protect the health and wellbeing of the river for present and future generations.
22. Paragraph 21 The Waikato Raupatu Claims (Waikato River) Settlement Act 2010 gives force to Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River (the Vision and Strategy) which has unique legislative status as the primary direction setting document for the Waikato River. Under this legislation, the Vision and Strategy is deemed in its entirety to be part of any WRPS. A WRPS cannot be inconsistent with the Vision and Strategy, and in the event of any inconsistency, the Vision and Strategy prevails over that part of the WRPS. Furthermore, Parliament has directed that the Vision and Strategy prevails over any inconsistent RMA planning instrument, including any national policy statement.

23. The Vision and Strategy contains a number of objectives regarding the restoration and protection of the Waikato River, including but not limited to:
- a) The restoration and protection of the health and wellbeing of the Waikato River.*
  - e) The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*
  - f) The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular, those effects that threaten serious or irreversible damage to the Waikato River.*
  - g) The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River.*
  - h) The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*
24. WRPS Policy 8.5 applies to the Waikato River catchment and recognises the Vision and Strategy as the primary direction-setting document for the Waikato River and the need to develop an integrated, holistic and co-ordinated approach to implementation.
25. The PWDP is required to implement the Vision and Strategy by ensuring that provisions relating to land use will control adverse effects on the health and wellbeing of the river in order that the health and wellbeing of the river is restored. In this regard, Implementation Method 8.5.1 is particularly relevant to the PWDP:

#### **8.5.1 Regional and district plans**

*Regional and district plans shall:*

- a) recognise the Vision and Strategy for the Waikato River as the primary direction-setting document for the Waikato River and its catchment; and*
- b) ensure activities within the Waikato River catchment (refer to Map 8.2) are controlled with respect to any adverse effects on the health and wellbeing of the Waikato River, including activities which:*
  - i) result in the destabilisation of the beds and banks of waterbodies;*
  - ii) result in discharges of contaminants to water bodies;*
  - iii) result in adverse effects on significant sites, fisheries, flora and fauna;*

*iv) result in a loss of public access; and*

*v) adversely affect the cultural association of Waikato-Tainui, Ngāti Tūwharetoa, Te Arawa River Iwi, Maniapoto and Raukawa with the Waikato River.*

### **Future Proof – Hamilton to Auckland Corridor Plan**

26. Future Proof is both a partnership and a growth strategy. The partnership is a collaboration between the Waikato Regional Council, Hamilton City Council, Waipā District Council, Waikato District Council, tāngata whenua, and the New Zealand Transport Agency. The Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region (Future Proof sub-region). It provides a framework for a collaborative approach to manage growth in a coordinated manner and to address complex planning issues, especially cross-boundary matters.
27. The Hamilton to Auckland Corridor Plan (H2A) is a work stream under the Future Proof partnership. It has an expanded implementation committee which includes central government, Auckland Council and South Auckland mana whenua. H2A is intended to provide a framework for development to help manage growth in a way that provides access to the services people need, while protecting and enhancing the corridor's natural and cultural assets.
28. Waikato Regional Council and Waikato District Council are both active partners of Future Proof and the H2A work stream.
29. Whilst Future Proof is not a product of the Resource Management Act framework, the courts have recognised its significance and have held (Judge Harland, AA King v HCC) that strategically important planning provisions take precedence over localised benefit.
30. Furthermore, Future Proof is embedded within the WRPS (refer WRPS Policies 6.14, 6.15, 6.16, 6.17, 6.18 and 6.19) through the inclusion of core components of the Strategy such as the urban limits, population/growth allocations, and development principles.
31. Waikato Regional Council was required to insert dwelling targets into the WRPS under the National Policy Statement for Urban Development Capacity 2016. This occurred in late 2018 and may require some inconsequential amendments be made to the WRPS at some point in the future.

32. However, the underlying strategic premise of the WRPS policies remains valid and is being further refined through work being undertaken as part of the H2A. The outputs of the H2A, including the spatial plans for the Hamilton-Waikato metropolitan area, Huntly and surrounds, and Pokeno and surrounds, will inform an updated Future Proof Strategy. This in turn will inform a future update of the WRPS, consistent with policies 6.18 and 6.19 of the WRPS.
33. In light of the above, I consider it prudent that decisions on submissions that request zoning changes to allow for urban development, and are inconsistent with the existing Future Proof Strategy as included in Section 6 of the WRPS, are deferred until the relevant component of the H2A is complete (likely to be mid/late 2020). This will avoid undermining this important collaborative strategic planning process. Waikato Regional Council will also address this in further PWDP hearings.

### **Location of development**

34. WRPS Policy 6.14 specifies that district councils shall review their district plan to identify locations and limits for future urban development in accordance with the policy. This policy is to ensure that development occurs within the predefined urban limits and any alternative urban areas are created only when the population growth justifies divergence from the strategic Future Proof growth areas. I consider that any rezoning requests, or release of land for development should be addressing and implementing these operative provisions of the WRPS.
35. Criterion for alternative land release has also been provided in WRPS Method 6.14.3. District plans can only consider alternative timing and release of land in instances when it is consistent with this method. I note that whilst WRPS Method 6.14.3 provides for some flexibility in the staged release of residential and industrial land, overall it aims to ensure the relevant growth principles of the Future Proof growth strategy are not compromised.
36. I note that a large number of submissions have been made that request changes to the proposed zone of specific parcels of land. Many of these parcels are outside of the urban limits identified on Map 6C of the WRPS. As per Policy 6.14.3, these rezoning requests will need to satisfy the alternative land release criteria to be able to be included in the PWDP. Further, as per Policy 6.1.8, these rezoning requests are also required to be supported by information which identifies, as appropriate to the scale and potential effects of the development, the following:

- a) *the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;*
- b) *the location, type, scale, funding and staging of infrastructure required to service the area;*
- c) *multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;*
- d) *how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;*
- e) *potential natural hazards and how the related risks will be managed;*
- f) *potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;*
- g) *how stormwater will be managed having regard to a total catchment management approach and low impact design methods;*
- h) *any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;*
- i) *how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;*
- j) *anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;*
- k) *how the design will achieve the efficient use of water;*
- l) *how any locations identified as likely renewable energy generation sites will be managed;*

*m) the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and*

*n) the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.*

37. Waikato Regional Council has submitted on specific aspects of the PWDP relating to growth and to rezoning proposals and will be involved in those matters as hearings progress.

### **Live zonings – integrating and co-ordinating infrastructure**

38. Waikato Regional Council, through the WRPS, supports a growth model that:

- 1) Supports and connects to existing and planned urban areas;
- 2) Provides for urban intensification and redevelopment to minimise the need for greenfield development;
- 3) Integrates land use and infrastructure planning and ensures the operation and use of existing and future infrastructure;
- 4) Promotes compact urban form and maximises opportunities to live, work and play in their local area.

39. I do not support the application of 'live' zoning as proposed in the PWDP. While Section 4.1 Strategic Direction touches on coordination infrastructure and staging of development, there is no strong objective, policy and rule framework to ensure unserviced land is not put forward for development until necessary infrastructure is provided or planned for. Locations where this approach is of particular concern are Tuakau, Pokeno, Te Kowhai and Horotiu. This approach is inconsistent with WRPS Policy 6.3 Co-ordinating growth and infrastructure which directs that the management of the built environment ensures the efficient and effective functioning of infrastructure over time. I consider that the 'live' zoning proposed in the PWDP does not satisfy or give effect to this provision of the WRPS, which requires that the built environment is managed to ensure the nature, timing and sequencing of development is coordinated with the development, funding, implementation and operation of transport and other infrastructure.

40. I further note that the live zoning in the locations of Tuakau, Pokeno, Te Kowhai and Horotiu are inconsistent with the staging (timing or release) adopted in the relevant structure plan documents for those settlements.
41. I also consider that the PWDP should include provisions requiring structure plans, or other like detailed planning, for the areas proposed for new urban development as per WRPS Implementation Method 6.1.7 Urban Development Planning. This will allow for proactive decision making about the future location, form and function of future development.

### **Rural subdivision and high class soils**

42. Policy 14.2 of the WRPS seeks to avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development. Subdivision rules in the PWDP currently provide for subdivision of a minimum 20 hectare allotment size to create one additional rural lifestyle size child lot. This may result in the increased fragmentation of high class soils, and the reduction of economic viability of rural lots, while also increasing urbanisation of the rural environment.
43. Rural lifestyle development should be directed away from high class soils. High class soils are a non-renewable resource, and in most cases, once consumed by residential development the productive capacity is irreversibly lost. Further fragmentation of high class soils should be minimised where possible. Therefore, it is appropriate that the urbanisation and further fragmentation of rural land be subject to strategic planning process as per WRPS Policy 6.17 Rural-residential development in Future Proof area.

### **Indigenous biodiversity**

44. Waikato Regional Council has a particular interest in indigenous biodiversity. Section 6(c) of the RMA and Chapter 11 of the WRPS both require the protection of significant habitats of indigenous fauna. The WRPS includes a region wide approach to the management of indigenous biodiversity generally (through Policy 11.1) and specifically to significant natural areas (SNAs) through Policy 11.2. Waikato Regional Council has submitted on specific aspects of the PWDP relating to indigenous biodiversity and will be involved in those matters as hearings progress.
45. The PWDP contains a suite of provisions in several different chapters to address the clearance of indigenous vegetation. Section 11 of the WRPS identifies a framework for managing indigenous vegetation, with a hierarchy of interventions related to clearance (protect, avoid,

remedy/mitigate, offset). There is the opportunity to provide clearer guidance in the PWDP on the clearance of indigenous vegetation and to set appropriate limits that reflect the value of the vegetation.

46. In regard to indigenous biodiversity, I consider that the PWDP could better implement the WRPS through more consistent provisions around the clearance of vegetation that set limits aligned with the importance of the vegetation. This would better reflect the hierarchy in the WRPS for managing effects on indigenous vegetation. For example, Waikato Regional Council does not support the removal of Manuka or Kanuka from wetlands. Manuka, in particular, can be a permanent and important component of some types of ecosystems.
47. I support the identification and mapping of SNAs that meet the criteria in 11A of the WRPS. This approach can provide a level of clarity and certainty to both Waikato District Council when administering the plan and to landowners. However, the PWDP should also contain a mechanism to manage areas that meet the criteria included in 11A of the WRPS but have not been identified and mapped in the proposed plan.
48. Section 6(c) of the RMA and Chapter 11 of the WRPS both require the protection of significant habitats of indigenous fauna. Consideration needs to be given to the SNAs identified on the planning maps and whether provisions that focus on the clearance of indigenous vegetation and earthworks are enough to ensure that significant habitats are protected. For example, clearance of exotic vegetation may in certain circumstances adversely affect significant habitats of indigenous fauna such as bats.

### **Natural character**

49. The RMA (section 6a) and WRPS (Policy 12.2 and Implementation Method 12.2.1) seek to manage natural character in the coastal environment and wetlands, lakes and rivers and their margins. I consider there is limited policy support for this in Section 3.5 of the PWDP that relates to the wetlands, lakes and rivers and their margins that will only come into play for discretionary and non-complying resource consent applications. Therefore, permitted, controlled and restricted discretionary activities may be allowed to proceed that are inappropriate to the level of natural character.
50. The PWDP provisions for areas of High and Outstanding Natural Character are the same; no distinction has been made between the two areas in terms of the management approach. As a result, the different levels of natural character have not been appropriately recognised and

managed. This is inappropriate given that Policy 12.2 and Implementation Method 12.2.1 of the WRPS seek to recognise the different levels of natural character and therefore set out a different management approach for each.

51. There appear to be no provisions which apply to buildings, structures and subdivision within a landscape or natural character area. This does not give effect to WRPS Policy 12.1, 12.2 and associated Implementation Methods.
52. Waikato Regional Council has submitted on specific aspects of the PWDP relating to natural character and will be involved in those matters as hearings progress.

### **Low impact design approach to stormwater**

53. Sensitive environments can be adversely affected by stormwater from the subdivision and development of land. There is an opportunity to provide in the policies for low impact design, or a water sensitive design approach, especially in the coastal environment, and in the vicinity of wetlands, lakes and rivers, and their margins. This is supported by Policies 6.2 and 6.3 of the WRPS and Implementation Method 8.3.10. This would also assist in achieving the objectives of the Vision and Strategy for the Waikato River as per Policy 8.5 and Implementation Method 8.5.1.
54. WRC promotes the application of low impact design principles as outlined in Waikato Regional Council's Waikato Stormwater Management Guideline. I consider that there is an opportunity for these principles to be included as a matter of discretion across all zones in the Waikato District.

### **Earthworks**

55. Earthworks have the potential to impact upon water quality of waterways. Therefore, when considering district plan provisions for earthworks it is necessary to have consideration to the Vision and Strategy of the Waikato River. The restoration and betterment of the Waikato River is directed through objective f) of the Vision and Strategy whereby the precautionary approach should be applied to decisions which may result in significant adverse effects on the Waikato River.
56. These provisions are supported by related provisions of the WRPS, notably Implementation Method 8.3.10. I do not believe the PWDP provisions as written sufficiently consider a

precautionary approach to managing sediment loadings entering stormwater networks and waterbodies.

57. In order to align with the strategic direction for the region and to mitigate the impacts resulting from earthworks activities near waterbodies, I support Waikato Regional Council's proposal for a more precautionary approach to be applied to the PWDP to better align with better practice earthworks management.
58. Waikato Regional Council has submitted on specific aspects of the PWDP relating to earthworks and will be involved in those matters as hearings progress.

### **Biosecurity**

59. Waikato Regional Council administers a number of responsibilities under the Biosecurity Act 1993, and the subsequent Biosecurity Law Reform Act 2012 which implemented a wide range of changes which underpin New Zealand's biosecurity system. As a result of this legislation Waikato Regional Council has prepared a regional pest management plan.
60. There is potential for a number of activities to exacerbate the spread of pest plants and diseases, e.g. earthworks and filling. The spread of such pests and diseases poses a risk to the regional economy as well as indigenous biodiversity. While the Regional Pest Management Plan provides controls around the management of pests and diseases, it is important to recognise that activities controlled by the PWDP may also have implications in terms of biosecurity. This may be managed through inclusion of assessment criteria for earthworks and fill activities to allow the consideration of effects on pest and disease management.
61. The Environment Court, through decisions on the Thames Coromandel District Plan, has clarified that kauri dieback disease is a biodiversity issue that is a relevant district plan matter. Therefore, there is an opportunity to protect kauri through the inclusion of issues, objectives, policies and rules in the PWDP to address the spread of Kauri dieback disease.

### **Natural hazards**

62. The RMA devolves responsibility to regional councils for identifying hazards through the resource consent and regional planning processes. WRPS Implementation Method 13.1.1 requires that district plans incorporate a risk-based approach into the management of subdivision, use and development in relation to natural hazards.

63. The intent of the WRPS is to ensure that risks from hazards are reduced over time and that sound decision making results in respect to current and future development of hazard prone areas.
64. I understand that Stage 2 of the PWDP will be notified in the coming months and will address natural hazards. Without the detail of what Stage 2 will include, it is difficult to fully appreciate the implications of a number of aspects of the plan, including the rezoning of land for urban expansion.
65. However, I note that Waikato Regional Council is actively involved in working with Waikato District Council on Stage 2 of the PWDP.

### **Waikato Regional Council flood protection and associated assets**

66. 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. Regional Council schemes are built to protect against a certain level of flooding such as a 1 in 20, 1 in 50 or 1 in 100 return period. More intense weather events and higher tides are putting pressure on flood protection assets. Population growth, urban development and changes in land use also add to flood risk.
67. The Waikato District encompasses the 'Lower Waikato Zone', which is a flood protection area managed by Waikato Regional Council. Within this area, about 42,000 hectares of land falls within the flood protection scheme which includes 250km of stop banks, 279 floodgates and 64 pump stations. This infrastructure was constructed between 1961 and 1982.
68. Flood infrastructure was initially constructed and funded through central government led schemes. At present the maintenance and improvement of flooding infrastructure is funded through various methods by Waikato Regional Council. The network has aged considerably since its construction and due to the implications of climate change will require ongoing improvements to maintain the current levels of flood protection.
69. While some Waikato Regional Council properties and pieces of infrastructure have designations in place that assist in the management of this nationally significant infrastructure, others do not, and are reliant on a mixture of existing resource consents and

permitted activity rules to provide for the regular maintenance, renewal and operation of this infrastructure.

70. Within the PWDP there is limited recognition of this significant infrastructure in terms of issues, objectives and policies, and only limited activities are provided for as rules, for example the exemption of pump sheds from building setback requirements in relation to waterbodies. The permitted activity standards across all zones do not provide adequately for the ongoing maintenance, renewal and operation. The best fit for these provisions would be in Chapters 6 and 14, through the inclusions of a district-wide framework, similar in treatment to the national grid infrastructure.
71. Flood and drainage infrastructure managed by the Waikato Regional Council is included in the definition of 'regionally significant infrastructure' under the WRPS, therefore Policy 6.6 and Implementation Method 6.6.1 apply.
72. Flood infrastructure is designed to manage flood events based on particular land uses. For example, the acceptable level of flood risk for pastoral farming, and the subsequent level of infrastructure investment required for this land use, is quite different to the acceptable level of flood risk for residential development. Waikato Regional Council seeks that zoning decisions in pending hearings consider how the change in land use might also change expectations of the level of flooding infrastructure service delivery provided by Waikato Regional Council.
73. I consider it is both appropriate and necessary that flooding infrastructure be considered alongside the other core infrastructure, such as three waters and transport infrastructure, when enabling an increase in land use intensity to accommodate growth.
74. Waikato Regional Council has submitted on specific aspects of the PWDP relating to flood and drainage schemes and will be involved in those matters as hearings progress.

## **Conclusion**

75. The PWDP is supported by the Waikato Regional Council in principle. Through the hearing process, Waikato Regional Council will focus on those areas where the PWDP does not give effect to the WRPS, or could be improved to better align with, and implement, the WRPS. Waikato Regional Council appreciates the ongoing effort being put into the process by Waikato District Council staff, and the opportunity to participate through the hearing process to ensure the PWDP is a robust and effective district plan for the Waikato District.