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23 December 2022

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Tēnā koe,

Waikato Regional Council Submission to the Waitomo District Council on the Proposed Waitomo District Plan (PWDP)

Thank you for the opportunity to make a submission on the Proposed Waitomo District Plan (PWDP). Please find attached the Waikato Regional Council's submission. This submission was formally endorsed by the Council on 15 December 2022. The Waikato Regional Council looks forward to being involved in further discussion on this subject.

Should you have any queries regarding the content of this document, please contact Ashleigh Ngow, Graduate Policy Advisor, Policy Implementation directly on 07 8586075 or by email, Ashleigh.Ngow@waikatoregion.govt.nz. Alternatively, contact Joao Paulo Silva, Senior Policy Advisor, Policy Implementation directly on 07 949 7179 or by email JoaoPaulo.Silva@waikatoregion.govt.nz.

Ngā mihi,

A handwritten signature in blue ink, appearing to read "Tracey May".

Tracey May
Director, Science Policy and Information

Submission from the Waikato Regional Council to the Waitomo District Council on the Proposed Waitomo District Plan (PWDP)

23 December 2022

Introduction

1. The Waikato Regional Council (WRC) appreciates the opportunity to make a submission on the Proposed Waitomo District Plan (PWDP). WRC's primary interest is in relation to the Waikato Regional Policy Statement (WRPS). District Plans are required to give effect to the RPS, pursuant to section 75(3)(c) of the Resource Management Act 1991 (RMA).
2. The key areas of interest for WRC relate to the provisions for vegetation clearance in the Ecosystems and Biodiversity (ECO) chapter, the Natural Features and Landscapes (NFL) chapter and the Hapori Whānui (HW) chapter, the rezoning of land subject to natural hazard risk for future urban development, and the provisions relating to coastal hazards and erosion within the district. Additionally, WRC has concerns regarding natural hazard risk, transportation, biodiversity and climate change. These matters are discussed further in the following paragraphs and in the submission table within this document
3. WRC looks forward to being involved in further discussions regarding the PWDP and collaborating to resolve the issues raised in this submission.

Summary of Submission

4. WRC acknowledges Waitomo District Council's (WDC) partial adoption of our pre-notification feedback in relation to significant natural areas. In particular, WDC's inclusion of the Significant Natural Areas (SNA) layer and a map on significance levels for SNAs in the online PWDP IntraMaps portal. However, WRC considers there are still outstanding matters in regard to the SNA framework.
5. WRC is concerned about the proposed vegetation clearance limits in the PWDP and considers that they are too permissive. WRC recommends that these limits are reduced within SNAs and outside of SNAs to ensure that the PWDP's rule framework aligns with section 6(a) and (c) of the RMA, provisions in the WRPS, including ECO-01, ECO-P1 and ECO-P2, as well as other national and regional direction. We also request a more restrictive approach for earthworks in SNAs. The specific relief sought is detailed in our clause-by-clause analysis in the detailed table attached to this submission.
6. We also highlight that the definition of 'conservation activities' requires further work. The definition provides for the removal of pest plant species identified under the Waikato Regional Pest Management Plan (WRPMP). The pest species list under the WRPMP is limited and therefore, there is a risk that the management of pest species will fail to provide for the removal of species not listed in the WRPMP. Therefore, we strongly recommend broadening the scope of the definition beyond the species listed in the Regional Pest Management Plan and also including animal pests.
7. Another key area of concern for WRC is the proposed rezoning of natural hazard-prone land for urban development. WRC opposes the proposed rezoning and recommends that WDC reconsider the zoning in light of national direction, such as the New Zealand Coastal Policy Statement (NZCPS). We also recommend considering the potential loss of biodiversity and highly productive land associated with rezoning.
8. WRC notes that education and engagement are vital opportunities relating to coastal resilience and adaptation for coastal communities in the Waitomo district. WRC looks forward to continuing conversations with WDC about adaptive relocation and collaborating to provide these opportunities (for example, through the Regional Resilience Programme).

9. WRC provides further recommendations regarding a range of other provisions in various chapters. Please see the table below for the full content of this submission.

Submitter details

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I could not gain an advantage in trade competition through this submission

I am not directly affected by an effect of the subject matter of the submission that:

(a) does not adversely affect the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Vegetation Clearance and Earthworks

10. **WRC recommends that the proposed limits for vegetation clearance are reduced significantly, both for areas within and outside of SNAs, and including areas within outstanding natural landscapes (ONL) and karst overlays (KO). In addition, we consider that time limits should be applied between clearances to avoid significant cumulative loss of vegetation across the life of the plan. Furthermore, we propose a more stringent activity status for vegetation clearance under rule ECO-R16 and recommend that ground-truthing and peer review become requirements for the ecological report required by this rule. We also recommend reducing the permitted standards for earthworks within SNAs. These changes will ensure that the proposed rule framework aligns with section 6(a) and (c) of the RMA and the provisions of the WRPS.**
11. WRC considers that the proposed limits in chapter 26 – Ecosystems and indigenous biodiversity (ECO) for vegetation clearance within significant natural areas (SNA) should be reduced and a timeframe between clearances be introduced. In addition, WRC considers that the activity status for vegetation clearance under rule ECO-R16 should be increased and requirements for the proposed ecologist's assessment include a ground-truthing assessment and peer-review.
12. Provisions for vegetation clearance in chapter 28 - Natural Features and Landscapes (NFL) and chapter 35 – Hapori Whānui (Provisions for community wellbeing, safety and amenity) (HW) are inappropriate and too permissive. Rule NFL-R15 allows for the removal of up to 5000m² of indigenous vegetation in ONL and KO areas per calendar year as a permitted activity. This would allow for up to 50,000m² of indigenous vegetation removal across the life of the plan. For vegetation (both indigenous and non-indigenous) in all other areas, rule HW-R8 allows for vegetation clearance as a permitted activity with no environmental limits.
13. The proposed limits (or lack thereof) could allow for significant and undesirable loss of indigenous and non-indigenous biodiversity at a large scale, resulting in wider adverse effects on climate change, tangata whenua relationships with indigenous biodiversity, and community wellbeing. The widespread loss of non-indigenous vegetation would be enabled, but should be avoided given that it can host habitats of indigenous fauna and provides important shading and carbon sequestration benefits. This would negatively impact habitat protection of highly mobile species such as the long-tailed bat (pekapeka-tou-roa).
14. WRC recommends that provisions for the clearance of indigenous and non-indigenous vegetation outside of SNAs are lowered and a time limit between clearances is prescribed. Furthermore, we recommend that specific provisions are made for a limited number of activities for which vegetation clearance is necessary. For example, customary activities, the operation, maintenance and repair of flood management assets and network utilities, and the avoidance of loss of life and injury. More detailed discussion of these submission points is included in the table within this document.
15. WRC also recommends including a rule requiring vegetation clearance to be set back from water bodies in alignment with the National Environmental Standards for Freshwater (NES-F). Exceptions should apply for activities where this may be necessary (for example, conservation activities, customary activities, the operation, maintenance and repair of flood management assets and network utilities, and the avoidance of loss of life and injury).
16. The provisions in their current form allow for a volume of 2000m³ of earthworks to occur per calendar year and per land holding as a permitted activity in SNAs in the General Rural Zone. Differing volumes are permitted for SNAs in other zones. WRC recommends that the proposed earthworks limits are reduced. These provisions are too permissible and could result in poor environmental outcomes for indigenous biodiversity as a result of dust, sediment, diseases/pathogens, vibration and ecological effects resulting from earthworks.

Proposed Urban Rezoning

17. **WRC opposes the proposed rezoning of land subject to natural hazards, including flood risk in the Future Urban Zone (FUZ) and Rural Lifestyle Zone (RLZ). The proposed rezoning is of particular interest to WRC, given that many of the proposed areas are subject to flood risk, landslide risk and coastal hazard risk (including sea level rise). In addition, WRC recommends that WDC assesses all proposed areas to be rezoned for development against the provisions in the WRPS, the NZCPS, the National Policy Statement for Urban Development (NPS-UD), the National Policy Statement for Highly Productive Land (NPS-HPL) and the NPS-IB (upon its release) and amends the proposed areas accordingly. WRC opposes any rezoning that could cause potential losses of biodiversity and highly productive land.**
18. WRC identified several greenfield areas that are proposed to be rezoned for future urban development (for example, sites in Mokau, Marakopa and Waitomo Village). The section 32 reports provided by WDC do not offer a comprehensive reasoning or justification for the rezoning of these sites. This is of particular interest to WRC, as many of the proposed areas are subject to significant flood risk, landslide risk, sea level rise, coastal erosion, and coastal inundation. The WRPS provides direction to develop in a way that reduces risks from natural hazard to an acceptable or tolerable level (see HAZ-P2). The WRPS also directs development to support existing urban areas in preference to creating new ones (see APP11a). Furthermore, the NZCPS provides direction to avoid redevelopment or change in land use that would increase the risk of adverse effects from coastal hazards (see Policy 25(b)). Proposing future urban development in locations affected by natural hazard risk does not align with this national and regional direction.
19. To avoid future damage to life and property and the need to undertake risk mitigation or managed retreat, WRC recommends that WDC reconsiders the proposed FUZ areas on this basis. Further, we would like to see an assessment addressing the provisions of the proposed rezoning against national direction and the provisions of the WRPS, in particular LF-O5 which provides strong direction for high class soils to be protected from inappropriate subdivision, use or development. We could not find an assessment of the proposed areas for rezoning and the associated potential losses of highly productive land.
20. In addition, WRC is concerned about the possible effects that the proposed rezoning may have on indigenous biodiversity outcomes. Many of the areas proposed for urban development are directly adjacent to natural open space zones, which act as important habitats and ecological corridors for indigenous biodiversity (for example, the proposed Future Urban Zone area in Awakino). The potential impacts of urban development and intensification on the migration paths, habitats, and roosting and feeding areas of indigenous fauna must be considered. This is particularly relevant for coastal areas (including Awakino and Mokau) which are experiencing increased pressure from sea level rise and erosion (resulting in processes such as coastal squeeze). This does not align with the direction provided in the WRPS to ensure development of the built environment promotes positive indigenous biodiversity outcomes (see UFD-O1), nor does it align with Policy 11 of the NZCPS which provides direction to avoid adverse effects of activities on indigenous biodiversity.
21. WRC considers that the proposed FUZ development areas must be located in places that are already developed and are experiencing demand for urban growth. WRC acknowledges that WDC is not an urban environment as defined in the NPS-UD. However, the NPS-UD provides valuable commentary and direction for district plans to enable more people to live in locations where there is a centre zone, employment opportunities, existing or planned public transport or high demand for housing relative to other areas (see Objective 3 NPS-UD). Many of the proposed FUZ areas do not align with this direction. We also recommend that all proposed rezonings are assessed under the NPS-HPL and any rezonings proposed upon highly productive land are avoided.

Coastal Hazard Risk for Existing Urban Development

22. **WRC recommends that WDC considers and investigates opportunities for community education and engagement in relation to coastal hazards, such as sea level rise, coastal erosion and inundation. These issues are significant within the Waitomo district and are likely to increase in intensity and frequency in the future. Exploring different ways to manage and adapt to these environmental changes, such as adaptive relocation, is essential for creating resilient coastal communities. WRC extends its support to WDC (for example, through the Regional Resilience Programme) and looks forward to being involved in future discussions on this matter.**

Submission on the Proposed Waitomo District Plan

Provision <i>The specific provisions that my submission relates to e.g., provision number, map number</i>	Support/ Oppose/Amend	Relief Sought <i>What decision are you seeking from Council? What action would you like (e.g. retain, amend, add, delete)?</i> Text that is shown as <u>underlined</u> is proposed to be added. Text shown with strike through formatting is proposed to be deleted.	Reasons <i>Why are you seeking this action?</i>
<i>General – Whole Plan</i>			
General comment	Amend	Amend the rules and performance standards to be consistent with amendments made as a result of the changes sought in this submission.	WRC considers it is essential to have alignment and consistency between objectives, policies and rules.
<i>Chapter 9 – Definitions</i>			
HW-Table 1 – Activities Rules	Amend	Add a definition for “maara kai.”	There is no definition provided in the definitions chapter for “maara kai.” A definition for this term is necessary for interpreting HW-Table 1 - Activities Rules.
Conservation activities	Support with amendments	Amend using the following wording (or similar): (i) <u>Ecosystem protection, rehabilitation or restoration works including removing plant pests for the management of a nuisance plant or animal species that is impacting on the values of a site or area as identified in the Waikato Regional Pest Management Plan</u> and riparian fencing, including crossings and their approaches that are consented, permitted or otherwise authorised by Waikato Regional Council.	WRC has identified an issue with the definition for conservation activities. This relates to (i); mentioning of ‘pest control’ as limited to pests listed under the Waikato Regional Pest Management Plan. WRC has approved a new WRPMP, which has limited the number of listed pest species. There is risk that conservation activities to protect human health or ecological values that includes management of weedy or nuisance non-indigenous species will be severely limited if the definition connects only to the WRPMP. We recommend broadening the scope of the definition beyond the scope of the Regional Pest Management Plan and also including animal pests.
Upgrading (in relation to a network utility)	Amend	Add a definition for ‘upgrading’ (in relation to a network utility) in the definitions chapter	There is no definition for upgrading (in relation to a network utility) in the Definitions chapter and the definition of ‘maintenance’ specifically excludes upgrading. A definition for this term is necessary for interpreting NU-R14, NU-R17, NU-R43 and NU-R44.

Telecommunications kiosk	Amend	Add a definition for 'telecommunications kiosk'.	There is no definition provided for a telecommunications kiosk. A definition for this term is necessary for interpreting Rule NU-R22.
<i>Chapter 15 – Mana whenua</i>			
General comment	Amend	Update the PWDP to incorporate the Maniapoto Claims Settlement Act 2022.	The chapter does not include a reference to the Maniapoto Claims Settlement Act that became operative in September 2022. WRC considers that this treaty settlement legislation must be listed in the plan.
General comment – page 1	Amend	Amend so that the term “te ao Māori” is used consistently throughout the plan (Māori world view).	As mentioned before, WRC considers that there should be consistency throughout the district plan regarding the common use of the terms.
<i>Chapter 16 – Strategic direction, urban form and development</i>			
District-Wide Matters objectives	Support	Retain the District-Wide Matters objectives.	We support the objectives for District-Wide Matters.
Urban Form and Development objectives	Support	Retain the Urban Form and Development objectives subject to minor amendments below.	We support the objectives for Urban Form and Development, particularly the references to creating well-functioning urban environments which aligns with the National Policy Statement on Urban Development 2020 and objective UFD-O1 of the WRPS.
SD-O1	Support	Retain objective SD-O1.	WRC considers this objective to be reflective of the expected relationship between WDC and mana whenua.
SD-O2	Support with amendments	Amend this objective to: “Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved <u>given effect</u> through active measures to protect and restore the health and well-being of the Upper Waipa Catchment.”	The statutory direction from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 is for regional and district plans to ‘give effect’ to Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River).
SD-O16	Support	Retain SD-O16	Vehicles reliant on fossil fuels are the fastest growing source of greenhouse gas contributions to the environment. A low carbon transport system will assist to achieve this objective. This aligns with objective UFD-O1 of the WRPS.
SD-O24	Support with amendments	Amend SD-O24 to: “Promote livable, sustainable, well-functioning urban environments by incorporating low impact, <u>low-carbon</u> design solutions”	WRC considers that including low carbon as an objective provides a link to policies in chapter TRAN in relation to mode shift. This would also ensure alignment with objective UFD-O1 of the RPS.

SD-O26	Support with amendments	Amend the objective to state “avoids ribbon development along coastal margins <u>and areas of natural hazard risk</u> and ensures planned, cohesive, compact growth.”	We consider that development in coastal settlements needs to take into account natural hazard risk (i.e., sea level rise, flooding, erosion). This is an important matter highlighted in objective HAZ-O1 and policy HAZ-P2 of the WRPS.
SD-O28	Oppose	Amend the wording of the objective to state “ <u>Avoid</u> Minimise urban expansion onto highly productive land...”	We consider the objective should read ‘avoid’ rather than ‘minimise’ development on highly productive land to align with the National Policy Statement for Highly Productive Land. We support the reference to intensification as an alternative to expansion onto highly productive land. This amendment will ensure alignment with national direction and provisions of the WRPS.
<i>Chapter 19 – Network Utilities</i>			
General Comment	Amend	Remove identical or near identical duplicates from different chapters. (e.g., Rule NU-R8 regarding electric vehicle charging, Rule NU-R9 regarding new public walkways and cycleways, and Rule NU-R10 regarding new stock underpasses).	<p>WRC considers that there are some inconsistencies regarding the provisions in the plan. One example is the almost identical rules for electric vehicle charging stations. In rule TRAN-R3 this activity is permitted in all zones and all precincts, but in rule NU-R8 it is restricted discretionary on scheduled sites (but otherwise the same as in the Transport chapter).</p> <p>The rule for new walkways and cycleways is similarly inconsistent. In rule TRAN-R4 walkways and cycleways are permitted in all zones and all precincts, but in rule NU-R8 it is restricted discretionary on scheduled site and with different matters of discretion.</p> <p>The rule for stock underpasses is different in the Network Utilities chapter compared to the Transport chapter, with different categories of consent and matters of discretion.</p>
General Comment	Amend	Amend Chapter 19 – Network Utilities by moving provisions relating specifically to transport to Chapter 20 – Transport (excluding provisions relating to the co-location of network utilities within the transport corridors).	Although WRC understands that the transport network is a network utility, we suggest that all transport and roading matters remain in the transport chapter. This will ensure consistency across similar objectives, policies and rules, especially as submissions can result in amendments that are not always made across all instances. Examples of provisions to be moved are NU-O4, NU-P2.2, NU-R27 – NU-R29. Note that matters of discretion relating to effects on the

			transport network (and listed in other rules) may not need to be moved.
General Comment	Amend	Relocate the provisions in the Network Utilities Chapter that are not necessarily specific to network utilities to other more appropriate chapters (e.g., Rule NU-R33 regarding earthworks generally and NU-R45 regarding Earthworks in a hazard area or coastal area).	WRC considers that the provisions that are not necessarily specific to network utilities would be more appropriately located in chapters that are more relevant as required by the National Planning Standards e.g., earthworks for a network utility in an outstanding natural feature is about protecting the feature from earthworks of a certain scale and from any activity, as opposed to just from network utilities.
General Comment	Amend	Add objectives and policies that explicitly refer to mitigation of and adaptation to climate change.	The term “resilient” is included in NU-O1, NU-O5 and NU-P2, but we consider that it needs to be more explicit, not only for adaptation to climate change, but also mitigation of the effects of network utilities on emissions and therefore climate change.
NU-P5 and NU-P6	Amend	Move these provisions to the Transport Chapter.	These provisions relate specifically to transport and not network utilities more generally.
NU-P7	Amend	Remove NU-P7.	As mentioned before, WRC considers that there are some inconsistencies regarding the provisions in the plan. This is an example of almost identical policies in two different chapters (see EW-P1 in Chapter 33 – Earthworks) running the risk of becoming misaligned over time.
NU-P8	Oppose	Reword rewording the policy to, “ <u>Manage/restrict</u> clearance of indigenous vegetation <u>within/near</u> overlays, scheduled sites ...”. And in line with other submission points, WRC recommends moving NU-P8 to the natural environment section of the plan.	This policy is ambiguous. We support the intention of the policy, but the wording “Enable clearance of indigenous vegetation outside of ... cave entrances and sinkholes...” could be potentially interpreted as being immediately outside the entrance. It also does not reference vegetation clearance as being related to network utilities and also reads like a double-negative, particularly as rule NU-R35 suggests that vegetation clearance is being restricted within certain areas (as opposed to being permitted further away).
General Comment on NU-P4 to NU-P8.	Amend	Relocate policies NU-O4, NU-O5, NU-O7, NU-O7 and NU-O8 to the chapters that they more directly relate to e.g., Signs, Earthworks and Indigenous Vegetation.	The National Planning Standards enable a crossover of topics between chapters, especially where they do not fit neatly into one chapter or another. It is considered that policies NU-P4 – NU-P8 are not specific to network utilities.
NU-P9	Amend	Amend the wording of the policy as follows: “ For roads in all locations and all land located outside of overlays, scheduled sites and features, manage the ”	The policy wording is ambiguous and could be misinterpreted, clarity is required.

		adverse effects of network utilities whilst taking into account their functional and operational needs, by: <u>Manage the adverse effects of network utilities in roads and other land outside of overlays, by...</u>	
NU-R4, NU-R12 and NU-R15	Amend	Provide an explanation regarding the difference in activity status levels or amend these rules so that the activity status levels are consistent. Further, we suggest adding a heading for column 4 of the table in NU-R12.	There is a difference in activity levels between the outstanding natural features and outstanding natural landscapes areas. However, these are treated equally in section 6 RMA. The table for rule NU-R12 is missing a heading for column 4.
NU-R4, NU-R8 to NU-R10, NU-R13.	Amend	Reassess the rules and delete if appropriate.	It is considered that the rules fall in the same issue raised in the general comment above regarding having almost identical rules in different chapters.
NU-R19 and NU-R23	Amend	Provide a justification regarding the difference in activity status levels or amend these rules so that the activity status levels are consistent, by changing the coastal environment, karst overlay and landscapes of high amenity value to Restricted Discretionary or Discretionary.	It is noted that there is a difference in activity levels for the coastal environment, karst overlay and landscapes of high amenity value. No justification provided for this difference in the section 32 report.
NU-R27 and NU-R29	Amend	Relocate these rules to the Transport chapter.	These provisions relate specifically to transport and not network utilities more generally.
NU-R31 and NU-R32	Amend	Relocate these rules to the Signs chapter.	These provisions relate specifically to signs and not network utilities more generally.
NU-R33 to NU-R36	Amend	Relocate these rules from this chapter to the earthworks chapter or the natural environment values chapter.	These rules should not be specific to network utilities. In addition, some of the provisions in NU-R33 do not align with provisions in the earthworks chapter e.g., NU-R33 allows for “less than or equal to 2000m ³ in a single activity/project in any one calendar year” in the “Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3”, whereas Rule EW-R6 requires that “Earthworks must not exceed a total volume of 25 m ³ or a total area of 250 m ² in a single activity or in cumulative activities in any one calendar year, per holding” for the “Residential, commercial, tourism, rural lifestyle, settlement & future urban zones.”

NU-R37	Amend	Relocate these rules to the ecosystems and biodiversity chapter.	These provisions relate specifically to the removal of indigenous vegetation and not network utilities more generally.
NU-R38	Amend	Relocate this rule to the coastal environment chapter.	WRC supports this provision but maintains that it relates specifically to the coastal environment and not network utilities more generally.
NU-R39	Amend	Relocate this rule to the coastal environment chapter.	This rule relates specifically to the coastal environment and not network utilities more generally.
NU-R40	Amend	Relocate this rule to the chapters within the Natural Environment Values section as appropriate.	While this rule does address network utilities, it is almost identical to rule NATC-R2.
NU-R46	Amend	Relocate this rule to the noise chapter.	These rules will be better placed in different chapters.
NU-R47	Amend	Relocate this rule to the transport chapter.	
NU-R51	Amend	Relocate this rule to the signs chapter.	
NU-R52	Amend	Relocate relocating this rule to the light chapter.	
<i>Chapter 20 – Transport</i>			
General	Amend	Add a road hierarchy in the PWDP.	Several objectives and policies refer to the transport corridor function and hierarchy but there is no hierarchy listed in the plan. Including a hierarchy will ensure that the objectives and policies of this chapter can be interpreted clearly.
Overview	Amend	Amend the second line of the first paragraph to use the defined terms “walkways and cycleways.”	This term is defined in chapter 9 of the PWDP and should be used consistently.
Overview	Oppose	Add a reference to the contribution of transport to climate change and carbon emissions.	The contribution that transport makes to climate change and carbon emissions is not recognised in the overview of this chapter. This is an important issue to address, given that transport contributes 16% of the total carbon emissions in the Waikato region (according to data from the WRC Climate Action Road Map) ¹ , and the Waitomo District has the highest transport emissions per capita (based on fuel sales data).
Objectives general	– Oppose	Add a new objective: “A low carbon, energy efficient and environmentally sustainable transport system that supports emission reductions” or wording to similar effect.	The objectives are consistent with regional policy direction, including the WRPS and the Regional Land Transport Management Plan (RLTP). However, transforming to a low carbon transport system is a national and regional priority and requires councils to put climate change at the forefront of decision-making. Waitomo District has the highest

¹ [Climate Action Roadmap | He Mahere Ārai Āhurangi \(waikatoregion.govt.nz\)](https://www.waikatoregion.govt.nz/Climate-Action-Roadmap)

			amount of transport emissions per capita in the Waikato region. We would like to see a more explicit objective regarding transport emissions included.
TRAN-O1	Support	Retain the specific inclusion of “2. Maximises opportunities to link with land use and development; and 3. Promotes the use of walking and cycling and reduces the dependency on private motor vehicles.”	WRC supports reference to integrated land use and transport planning, promoting walking and cycling and reducing reliance on private motor vehicles. Private motor vehicles (either with a single occupant or not) account for almost 90% of transport emissions in the region, according to data from the Waikato Region Transport Emissions Model developed by MRCagney. ² Every opportunity to avoid short car trips and encourage walking or cycling to activities and services within a local area should be prioritised. This will reduce transport emissions and assist in meeting national and regional transport emission targets.
TRAN-O2	Support	Retain objective TRAN-O2.	WRC supports “safe, efficient and effective in moving people and goods” rather than moving vehicles, and enabling a range of mobility options. This enables the mode shift required to meet national and regional transport emission reduction targets. A safe transport system is paramount.
TRAN-O5	Support in part	Retain objective TRAN-O5.	WRC supports “... safe and efficient functioning of the activity and the transport system”.
TRAN-P1	Support with amendments	Amend TRAN-P1.6 to read: “ Accommodating and encouraging <u>Prioritising</u> alternative modes of transport” or words to similar effect. Further, amend TRAN-P1.10 to read: “Minimising energy consumption, environmental effects <u>and carbon emissions</u> , and whole of life costs <u>including embodied carbon</u> in construction, maintenance and operation.”	This policy is consistent with the RLTP. We particularly support provisions that prioritise safety for all users of the land transport system. However, WRC would prefer to see alternative modes being prioritised, rather than just accommodated and encouraged. Additionally, minimising environmental effects should refer to carbon emissions and embodied carbon as this is a major contributor to greenhouse gases influencing climate change.
TRAN-P2	Support	Retain policy TRAN-P2.	WRC supports this policy in that it seeks to avoid adverse effects on the safe and efficient operation of the transport system, in particular “1. Avoiding conflict between vehicles, pedestrians and cyclists;” and “5. Appropriately locate, maintain and operate electric vehicle

² [Waikato Transport Emissions \(mrcagney.works\)](http://mrcagney.works)

			charging stations;”. These policies contribute to a multi-modal transport system and in turn will help to reduce carbon emissions.
TRAN-P4	Support with amendments	Add new point in TRAN-P4 that requires an assessment of vehicle kilometres travelled (vkt) by light vehicles and demonstration of mitigation of the associated carbon emissions generated.	WRC supports this policy in terms of avoiding, remedying or mitigating adverse effects on the transport system, but note that there is no consideration of the adverse effects on the wider environment, including as a contributor to climate change. To address this, we recommend including an assessment of vehicle kilometres travelled (vkt), and demonstration of mitigation of the associated carbon emissions generated.
TRAN-P9	Support with amendments	Amend TRAN-P9.4 to “Ensuring accessibility for all users including transport disadvantages disadvantaged and mobility impaired; and through the provision of features such as dropped kerbs and tactile paving; and” Further, WRC recommends amending TRAN-P9.7 by deleting “and;” at the end of the sentence and replacing this with a full stop.	WRC supports TRAN-P9 with some exceptions. While we support 4., we note that WRC (in the Regional Public Transport Plan) considers the transport disadvantaged to include: <ul style="list-style-type: none"> • People with disabilities • People without a driver license or access to a vehicle • Children or elderly • People with low income and/or living in ‘high deprivation’ neighbourhoods • People living in isolated communities with no easy transport access to essential services. <p>Including the provision of features such as dropped kerbs and tactile paving is unlikely to assist all the transport disadvantaged. This could be resolved by separating transport disadvantaged and mobility impaired into two different sentences or delete reference to kerbs and paving.</p>
TRAN-P10	Support with amendments	Amend TRAN-P10.2 to read “ Minimise <u>Avoid</u> conflict between vehicles, pedestrians and cyclists...”	WRC supports this policy but would like to see 2. amended to read <u>avoid</u> conflict...”. The aim is not to have little or less conflict, but to have no conflict at all.
TRAN-R1	Support with amendments	Amend TRAN-R1 as follows: <ol style="list-style-type: none"> 1. All of the performance...; and 2. a) the activity requires a new vehicle access point...; or b) there is an existing vehicle access point...; and	The conjunctive ands and ors confusing in this rule.

		<p>3. The vehicle access point complies with the standards ...; and</p> <p>4. the vehicle access point complies with the dimensions...</p>	
TRAN-R3	Support	Retain the permitted activity status for electric vehicle charging stations.	WRC supports this rule as it enables the provision of EV charging stations in all zones across the district. This will support and encourage the uptake of EVs which is an important factor in addressing transport emissions.
TRAN-R4	Support	Retain the permitted activity status for new walkways and cycleways.	Walking and cycling play an important role in a multi-modal transport system. Enabling infrastructure to support these modes of transport is an important factor in addressing transport emissions.
TRAN-R6	Support with amendments	Add a new matter of discretion in TRAN-R6 that requires an assessment of vehicle kilometres travelled (vkt) by light vehicles and whether the applicant can demonstrate mitigation of the associated carbon emissions generated.	WRC supports this rule for high trip generating activities but would like to see the matters of discretion include the extent to which measures to reduce carbon emissions are used in the activity or development.
TRAN-R8	Support with amendments	<p>Amend as follows:</p> <p>1. All of the performance standards...; and</p> <p>2. a) the activity requires a new vehicle access point...; or</p> <p>b) there is an existing vehicle access point and the on-site activity...; and</p> <p>3.the activity complies with the access way standards...; and</p> <p>4. the vehicle access point complies with...</p>	WRC considers the conjunctive ands and ors confusing in this rule.
TRAN-R15	Support with amendments	<p>Reduce or delete minimum car parking requirements particularly in town centres.</p> <p>Further, amend TRAN-R15.9 so that vehicles must access a road in a forward-facing position in all zones.</p>	<p>We note that WDC is not a tier 1, 2 or 3 territorial authority and therefore does not need to comply with Policy 11 in the NPS on Urban Development in relation to minimum car parking rates. However, in enabling a well-functioning urban environment, and in the interests of promoting mode shift, car parking requirements could be deleted in line with central government direction.</p> <p>We support the requirement in the Industrial and Rural Production Zones that all vehicles must access the adjoining road in a forward-</p>

			facing position. We would like this requirement to be extended to other zones.
TRAN-R26	Support	Retain TRAN-R16.	WRC supports the requirement that vehicles access the adjoining road in a forward-facing position.
TRAN Table 3	Oppose	Add a bicycle parking requirement for those developments that require an ITA.	Cycling plays an important role in a multi-modal transport system. Enabling infrastructure, including cycle parking, to support this mode of transport is an important factor in addressing transport emissions.
Figure TRAN 7	Oppose	Amend Figure TRAN7 to include provision for off road cycleways on district roads where appropriate and to align with best practice.	The cycleway requirements are in direct conflict with TRAN-O1 and TRAN-P2 because it either does not require a cycleway at all, or the cycleway is shared with other road users. Cyclists are always much safer on an offroad cycleway.
General comment on transport provisions	Oppose	<p>WRC recommends rewriting TRAN-O3 to “Activities are compatible with the function of the transport corridor they obtain access to and from.”</p> <p>Further WRC recommends rewriting TRAN-P11 to “Avoid interrupting a road frontage with a new vehicle access point in the Te Kuiti CBD precinct (PREC5) due to adverse potential effects on pedestrian safety.”</p>	We note that sometimes objectives are written as policies and vice versa. For example, TRAN-O3 uses the word “enabled” which is better suited to a policy as it is an action (that will be taken to achieve the objective).
<i>Chapter 23 – Natural Hazards</i>			
General chapter comment	Amend	<p>Review the naming terminology used throughout the chapter and updating to ensure consistency.</p> <p>Provide definitions for:</p> <ul style="list-style-type: none"> • Flood management • Protection works <p>Include overall provisions that consider and address flooding in areas that are not mapped.</p>	<p>WRC has identified that there is some terminology used in the chapter that is not defined. Providing a definition for ‘flood management’ and ‘protection works’ is necessary to interpret policy NH-P8 and rule NH-R3.</p> <p>Consideration should be given to flooding in areas that are not mapped. WRC suggests creating overall provisions to address this.</p>

<p>General comment – page 2</p>	<p>Amend</p>	<p>Amend the wording of paragraph 3 on page 2 to:</p> <p>“Building Platform Suitability Area C which is the floodplain area in Te Kūiti and Piopio identified on the planning maps for 100-year ARI events (current climatic conditions) with rainfall projected to a 2120 future time horizon based on RCP 8.5. It is also the floodplain area identified in Waitomo Valley Road which is the extent of a 1% AEP flood event with future climate change rainfall projections of RCP 8.5 identified on the planning maps in Te Kuiti and PioPio.”</p> <p>Create another layer specifically for the Waitomo Valley flood modelling, with the following description: <u>“the floodplain identified in the Waitomo Valley by a qualitative assessment.”</u></p> <p>Or alternatively, state at the beginning of paragraph three that Building Platform Suitability Area C is made from two separate datasets, one for the Waitomo Floodplain and one for Te Kuiti and Pio.</p>	<p>The wording in its current form to be confusing and considers that clarification is necessary on whether the modelling is for the current climate for an RCP 8.5 climate. WRC also notes that it should be expressed in terms of AEP rather than ARI as the modelling is for a 1% AEP event, not a 100-year ARI.</p> <p>In addition, it is not appropriate to group the Waitomo Valley modelling in with the Building Platform Suitability Area C, as the modelling undertaken in the Waitomo Valley is very different to the modelling undertaken in Te Kuiti and PioPio.</p> <p>We acknowledge that the preceding paragraphs recognise that there is a difference between the two modelling approaches. However, the explanation in its current form insinuates that the Waitomo modelling was undertaken in the same way as the Te Kuiti and PioPio modelling, which is not accurate.</p>
<p>General comment – page 5</p>	<p>Amend</p>	<p>Reword paragraph 5 to: “In Te Kūiti and Piopio, Building Platform Suitability Area C is the 100-year average recurrence interval (ARI) 1% annual exceedance probability...”</p> <p>Amend the wording of “for current climate conditions with rainfall projected to a 2120 future horizon based on RCP of 8.5...”</p>	<p>The 1% AEP measure should be used, not the 100-year average return interval.</p> <p>In addition, the wording “for current climate conditions with rainfall projected to a 2120 future horizon based on RCP of 8.5...” is confusing, as the modelling must be done based on either the current climate or RCP8.5, but not both.</p>
<p>General comment</p>	<p>Amend</p>	<p>Change all references to “100-year ARI” to 1% AEP (Annual Exceedance Probability).</p>	<p>Annual Exceedance Probability is the most appropriate terminology to be used.</p>
<p>NH-P5.2</p>	<p>Amend</p>	<p>Amend the policy to read “In the High Risk Flood Zone avoiding earthworks unless the natural hazard</p>	<p>Earthworks for flood protection infrastructure may be required in certain circumstances in areas within the High Risk Flood Zone.</p>

		risk can be adequately avoided, remedied or mitigated; and, unless for flood protection purposes ".	
NH-R5.3.i	Amend	Amend this rule to state 500mm rather than "0.5" to be consistent with Rule SUB-R19.3.	This clause should mirror the relevant subdivision standard.
NH-R6	Amend	Amend and revise Clause 1 so that it addresses the size of the building platform and the associated displacement of floodwaters. Further, we recommend removing Clause 2.	This rule does not give consideration to the size of the building platform and the associated displacement of floodwaters. The impacts of displacement on adjacent properties needs to be understood to ensure that development is resilient to natural hazard risk (in alignment with objective HAZ-O1 and policy HAZ-P1 of the WRPS).
NH-R7.2	Amend	Amend the rule so that it states that no hazardous materials may be stored in farm buildings without a floor, or consider adding a rule in Chapter 22 – Hazardous Substances that reflects this.	Within a High-Risk Flood Zone, no hazardous materials should be stored in farm buildings that do not have a floor.
General comment	Amend	<p>Include an advice note after Rule NH-R4 requiring that WRC must be notified of any activities proposed to be undertaken in the area below, along the Mangaokewa River through the Te Kuiti township. The notification must allow appropriate time for WRC to assess the application. The advice note must cover the area between the following properties:</p> <ul style="list-style-type: none"> • Upstream extent Property Valuation ID:0588473300 (X 1790312, Y 5754572 NZTM Coordinate System); and • Downstream extent Property Valuation ID:0581128801 (X 1787630, Y 5756978 NZTM Coordinate System) <p>within in the Lower Waikato Waipa Control Scheme Section A works area.</p>	<p>This defined area is a constructed flood protection asset that WRC is responsible for maintaining. Therefore, WRC must be notified of any works or activities occurring within this area to ensure that the integrity and function of the asset is maintained. This will ensure WRC has the opportunity to assess the application and provide comments.</p> <p>WRC would like to start conversations with WDC to reach an understanding on how to collaborate to manage the Mangaokewa River in and out of Te Kuiti.</p>
<i>Chapter 25 – Sites and areas of Significance to Māori</i>			
General comments	Support	Retain provisions.	<p>WRC supports:</p> <ul style="list-style-type: none"> • the approach used to recognise and provide for the relationship Māori and their culture and traditions have with their ancestral lands, water, sites, wāhi tapu, and other

			<p>taonga, through the identification of sites that are of significance to mana whenua</p> <ul style="list-style-type: none"> • the distinction between scheduled sites (Sites and Areas of Significance to Māori, wāhi tapu Sites, and Cultural Alert Layer sites) and how activities around them and the sites themselves are managed • the work WDC has done to engage with mana whenua who have identified significant sites and their boundaries. • the list not being exclusive and anticipating that more sites will be added to the plan over time • the plan encouraging people undertaking developments and activities on sites and areas of significance to Māori to consult with mana whenua early in the development process, using the Maniapoto Environmental Management Plan and the Waikato Tainui Environmental Management Plan that provide a step-by-step process on how to engage with mana whenua.
SASM-O1-SASM-O4	Support	Retain provisions.	WRC supports these objectives.
SASM-P1 to SASMP4, ASM-P7 to SASM-P12 and SASM-P13 to SASM-P14.	Support	Retain provisions.	WRC support these policies and considers that they maintain the purpose and overview of the chapter.
SASM-P5	Amend	Amend the policy to “Provide flexibility when considering the development of <u>Enable increased scope to sustainably develop</u> land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land located within a scheduled site by...”	The term “provide flexibility” does not provide clarity on how a decision can be made and does not encourage sustainable development.
<i>Chapter 26 - Ecosystems and indigenous biodiversity</i>			
ECO-O1	Oppose	Reword the objective to: <u>“Maintain, enhance and where possible restore district-wide indigenous biodiversity.”</u>	To achieve better alignment with Policy ECO-P1 of the WRPS, the objective should address biodiversity in a more holistic way, also including indigenous biodiversity outside of SNAs.

ECO-03	Oppose	Reword the objective to “Provide for identified permitted activities which have been assessed as having no more than minor adverse effects on the values of significant natural areas <u>indigenous biodiversity.</u> ”	Any adverse effects on indigenous biodiversity should be avoided completely. In its current form, the wording of this policy implies that a certain level of adverse effects is appropriate or acceptable. WRC recommends that the policy is reworded accordingly. We also recommend that ‘significant natural areas’ is replaced by ‘indigenous biodiversity’, to ensure that indigenous biodiversity outside of places identified as SNAs are afforded the same protection. This will help to achieve better alignment with section 6(c) of the RMA and Policy ECO-P1 of the WRPS.
ECO-P2.1 and ECOP2.2	Oppose	<p>Remove clause ECO-P2.1. Or alternatively, amalgamate ECO-P2.1 and ECO-P2.2 and reword the policies to: <u>“Limiting the removal of indigenous vegetation in significant natural areas, and where this is not possible only allowing removal of indigenous vegetation in sustainable quantities and in limited circumstances”</u> or words to a similar effect.</p> <p>Further, it is recommended that WDC provide a definition for ‘sustainable quantities’ and ‘limited circumstances.’ This is essential for achieving the purpose of the policy.</p> <p>We also recommend including an additional clause that promotes the enhancement of degraded SNAs.</p>	<p>The reference to “locally significant natural areas” is inappropriate, as the majority of these sites act as important steppingstones and ecological corridors. This clause does not align with the overarching intention of the policy to enhance indigenous biodiversity values. Allowing indigenous vegetation removal is not considered to be protecting or enhancing indigenous biodiversity.</p> <p>WRC also queries the intention of the term ‘sustainable quantities’ (of vegetation to be removed) and how these will be calculated and monitored. The reference to ‘the removal of indigenous vegetation in sustainable quantities’ is vague and could cause confusion. It could also be seen as inconsistent with the rule framework.</p> <p>WRC considers it important that the enhancement of degraded SNAs (such as wetlands) are specifically referenced in this policy.</p> <p>Making these changes will ensure that the PWDP’s provisions align with section 6(c) of the RMA and policy ECO-P1 of the WRPS.</p>
ECO-P2.4	Amend	Reword the policy to “Protecting the health and ingality <u>functionality</u> of significant natural areas, including, that are wetlands and other habitats of indigenous fauna or include part of a wetland, by avoiding inappropriate land use practices, subdivision and development.	WRC suggests amending the wording and adding reference to other habitats of indigenous fauna. This will help protect indigenous fauna in other habitats while also protecting the wetlands’ ecosystems. This will achieve better consistency with policy ECO-P1 of the WRPS.

ECO-P3.3	Oppose	Review and update the provisions for indigenous vegetation clearance in SNAs to achieve better alignment with WRPS APP11 – Development Principles (k), as well as Policy 3.2.1 and Rule 16.2.1 of the Waikato Regional Coastal Plan.	Residential units and other buildings should be directed away from SNAs to avoid adverse effects on indigenous biodiversity. This will ensure alignment with ECO-M2 of the WRPS.
ECO-P3.5	Amend	Reword the policy to “Sustainable harvesting of indigenous vegetation and/or removal of manuka or kanuka where the indigenous biodiversity values and ecological characteristics of the significant natural area are maintained or enhanced; and in limited circumstances; and” Provide a definition for ‘limited circumstances’ and for ‘sustainable harvesting.’	As previously expressed, allowing indigenous vegetation removal (ECO-P3) is not protecting or enhancing indigenous biodiversity, as required in ECO-O4. Therefore, this rule is somewhat contradictory and could be misinterpreted. WRC suggests amending the wording of this clause to remove ambiguity and to ensure better alignment with the broader policy framework. There is no definition provided for ‘limited circumstances’ and ‘sustainable harvesting’ in the plan. These definitions are necessary to interpret the meaning of this policy.
ECO-P3.6 and ECOP3.7	Amend	Reword the policy to: 6. Limited indigenous vegetation removal to <u>The management of fire risk in limited circumstances;</u> and 7. Limited indigenous vegetation removal <u>The operation of for small scale renewable energy generation in limited circumstances.</u> As stated previously, WRC recommends that a definition for ‘limited circumstances’ is provided.	These two clauses did not flow or read cohesively with other clauses in the policy.
ECO-P3(i)	Oppose	Reword the policy to clarify that indigenous vegetation removal is only allowable in very limited and specific circumstances.	This clause is contradictory to the overarching policy. It states that indigenous vegetation removal can only be enabled where the adverse effects on indigenous biodiversity values and connectivity are adequately avoided, remedied or mitigated. Indigenous vegetation is an inherent part of indigenous biodiversity values, so its removal will always have an adverse effect. Making this amendment will ensure alignment with policy ECO-P1 of the WRPS.
ECO-P3(iv)	Oppose	Reword this clause to: “(iv) <u>The proposed activity addresses an unacceptable risk to public health and</u>	The benefits of an activity on people’s health and safety is the more valid and relevant consideration, rather than people’s health and wellbeing. Listing health and wellbeing as a criterion could result the

		safety." Consideration is given to the positive benefits of the activity in respect of people's health and wellbeing.	clearance of indigenous vegetation for inappropriate reasons (e.g., clearance to provide better views).
ECO-P5	Amend	Add the following clause: <u>"11. Whether the area contains indigenous ecosystems or native fauna habitat that are threatened by climate change factors, such as sea level rise, fire or pathogen diseases. ."</u>	Acknowledging the role of climate change in exacerbating impacts on indigenous ecosystems is an important matter that must be given regard to. This direction is provided in SRMR-I2 of the WRPS.
ECO-P5.1	Amend	Reword this clause to: 1. Whether the area contains nationally significant examples of indigenous community types and indigenous ecosystems and/or vegetation types that are threatened in the coastal environment, or are naturally rare; and As previously expressed, WRC recommends that a definition for 'limited circumstances' is provided.	In its current state, this clause implies an emphasis on indigenous ecosystems and vegetation types in the coastal environment, over other environments.
ECO-P4 and ECO-R16	Oppose	Amend ECO-R16 to classify large scale clearances as non-complying. As previously expressed, WRC also recommends providing a definition for 'limited circumstances.' WRC also recommends providing a definition for 'larger scale.'	Large scale clearances for larger scale activities should be assessed as non-complying activities, instead of discretionary. This will ensure applications are assessed under the threshold test of Section 104(d) of the RMA.
ECO-R9	Amend	Amend wording as below (or similar): For pest management activities as identified in the Waikato Regional Pest Management Plan <u>relating to the management of nuisance plants that are impacting on the values of a site or area.</u>	This rule is limited to species identified under the Waikato Regional Pest Management Plan (WRPMP). Please see our submission point under the Chapter 9 section regarding the definition of conservation activities.
ECO-R10, ECO-R14	Oppose	Reduce the vegetation clearance limits and set an appropriate time limit between removals.	The proposed limit is high for vegetation clearance within an SNA and does not align with ECO-O1, ECO- P1 and ECO-M13 of the WRPS. WRC recommends that WDC assesses this standard against Policy 11 of the NZCPS in the context of the coastal environment, and the Waikato RPS,

		In addition, amend and reduce the length of the sentences used for ECO-R14.1 and ECO-R14.2 so that they are easier to interpret.	and reduces the vegetation clearance limit to reflect the respective directions in these documents. The rule must also have a time limit to avoid the cumulative effects that could result from several clearances of 500m ² occurring across the life of the plan. In addition, WRC considers that the wording is confusing and could cause misinterpretations for plan users, this must be corrected.
ECO-R12	Oppose	Include the following clause (or similar) as the first clause in the rule: <u>“1. There are no other suitable sites for the proposed activity.”</u>	The removal of vegetation should only be permitted if there are no other suitable sites. This amendment will ensure alignment with provisions ECO-O1, ECO- P1 and ECO-M13 of the WRPS.
ECO-R13 and ECO-R3	Amend	Amend the wording of ECO-R3 as below: “To remove, dead, <u>diseased</u> or damaged indigenous vegetation or indigenous vegetation presenting an imminent danger to human life.”	Mānuka and kānuka infected by Myrtle rust may require removal in greater quantities than what is permitted by this standard. WRC suggests adding the word ‘diseased’ to ECO-R3 to enable the removal and replanting of mānuka and kānuka in cases where it has become infected by pathogens such as myrtle rust.
ECO-R16	Oppose	Change the activity status from Discretionary to Non-complying. Amend the wording of 3. to: A report from an experienced <u>a suitability qualified and reputable</u> ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range. <u>The report must be informed by a ground-truthing assessment in accordance with the Department of</u>	A more stringent activity status is appropriate. The removal of indigenous vegetation within an SNA – local category or SNA – local or regional category on land that has been returned under Te Tiriti o Waitangi settlements should be minimised. These areas have been identified as SNAs because of the significant indigenous biodiversity values that they hold and the functions they undertake, such as providing habitat for indigenous species (that are declining and are at risk of extinction). There is strong direction in section 6 of the RMA and provisions ECO-O1, ECO- P1 and ECO-M13 of the WRPS. In addition, greater requirements for the ecologist’s report are necessary to ensure that the report adequately assesses the indigenous biodiversity values present. By requiring ground-truthing in accordance with DOC’s standard operating procedures as part of the assessment, and requiring peer-review of the report, greater certainty is provided in regard to the actual and potential impacts of the proposed activity on indigenous biodiversity.

		<u>Conservation (DOC) standard operating procedures and must be peer-reviewed.³</u>	
ECO - Table 1 – Activities rules	Amend	<p>Add a new rule as below (or similar):</p> <p><u>All Zones Activity status: PER Where vegetation disturbance, including indigenous vegetation, is necessary for:</u></p> <ul style="list-style-type: none"> • <u>conservation activities;</u> • <u>customary activities;</u> • <u>the operation, maintenance or repair of existing pasture, fences, drains, structures, including existing roads or tracks (including walking or cycling tracks);</u> • <u>the operation, maintenance, repair or upgrading of existing network utilities;</u> • <u>for flood protection and erosion control purposes;</u> • <u>the purposes of emergency response by Fire and Emergency New Zealand;</u> • <u>compliance with the Waitomo District Council Reserve Management Plan; or</u> • <u>the avoidance or loss of life, injury or serious damage to property.</u> <p><u>Where the clearance is not for the purpose of those activities identified in ECO-R11 and ECO-R12 and the extent of indigenous vegetation disturbed and/or cleared per site does not exceed an area of 500m² in area in any five-year period.</u></p> <p><u>Activity status where compliance not achieved: DIS</u></p>	<p>WRC recommends adding a new rule regulating the removal of vegetation outside of SNAs in the ECO chapter.</p> <p>There is a rule under the Hapori whānui chapter (HW-R8) which allows for vegetation clearance outside of SNAs as a permitted activity with no environmental limits. This rule to be too permissive and recommends that clearance of indigenous and non-indigenous vegetation outside of SNAs should only be permitted for a limited area size per site and with a time limit. This will achieve better alignment with the WRPS objective ECO-01 and policies ECO-P1 and ECO-P2 as the proposed rule will help protect indigenous biodiversity that are not classified as SNA. The rule will also provide for ecological integrity by providing limits for non-indigenous vegetation disturbances, as non-indigenous vegetation can be habitat of indigenous fauna. Further, the proposed rule will help achieve the purpose of the RMA, in terms of Section 6(a) and (c).</p> <p>In addition, rule HW-R8 would be better placed under the ECO chapter.</p>

³ <https://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/>

<p>General comment – vegetation clearance setback from water bodies</p>	<p>Amend</p>	<p>Include a rule that addresses setbacks for vegetation clearance from water bodies. WRC recommends that exceptions to this rule are made and should include:</p> <ul style="list-style-type: none"> • conservation activities; • customary activities; • the operation, maintenance or repair of existing pasture, fences, drains, structures, including existing roads or tracks (including walking or cycling tracks); • the operation, maintenance, repair or upgrading of existing network utilities; • for flood protection and erosion control purposes; • the purposes of emergency response by Fire and Emergency New Zealand; • compliance with the Waitomo District Council Reserve Management Plan; or • the avoidance or loss of life, injury or serious damage to property. 	<p>The effects of vegetation clearance on natural waterways, freshwater ecosystems, habitats and networks are significant, and are identified as a key matter to be given regard to in ECO-P5. This should be regulated by way of a rule requiring vegetation clearance activities to be set back from water bodies. This will ensure alignment with national direction, such as the NES-F.</p>
<p>General comment – kauri dieback provisions</p>	<p>Amend</p>	<p>Include provisions relating to the prevention of the spread of kauri dieback disease. Guidance can be taken from the Thames-Coromandel District Plan, which includes provisions relating to the prevention of kauri dieback disease. For example, see section 6 - policy 1a(c) and policy 1c(c), the kauri dieback advice notes included in the earthworks standards, and the recognition of the kauri root zone throughout the plan.</p>	<p>In its current form, there are no provisions relating specifically to Kauri dieback (<i>Phytophthora agathidicida</i> (PA)) prevention in this chapter. This is a major threat to biodiversity in the Waitomo district and the wider Waikato region.⁴</p>
<p>Chapter 27 – Natural Character</p>			

⁴ [Kauri disease | Waikato Regional Council](#)

NATC-P1.7 and NATC-P2.6	Amend	Reword these policies to: “Providing for the continued operation of lawfully established farming activities and recreational hunting, <u>only where the ensuing the operations do not adversely affect the qualities and values of wetlands, and lakes and rivers and their margins</u> ” or words to a similar effect.	Amending the wording will achieve greater consistency with NATC-P1.6, will avoid unintended consequences, and will remove conflict with the rule framework.
NATC-P1 X	Amend	Add the following clause (or similar) to the policy: <u>“Promoting the enhancement, restoration, and rehabilitation of the natural character of wetlands and lakes and rivers and their margins, giving special regard to areas where the natural character of wetlands and lakes and rivers and their margins were compromised.”</u>	This additional clause will create greater consistency with Policy NATC-P1.4 and method NATC-M2 of the WRPS.
NATC-P1 X	Amend	Add the following clause (or similar) to the policy: <u>“Safeguarding the life-supporting capacity of the freshwater habitats and maintaining or enhancing indigenous biodiversity and the functioning of its ecosystems.”</u>	This additional clause will achieve greater consistency with method NATC-M2.4 of the WRPS.
NATC-P2.5	Amend	Amend the wording of this policy to: <u>“Ensuring that activities are carried out in a way that maintains or enhances water quality and ecosystems of indigenous biodiversity”</u> or words to similar effect.	This additional clause will achieve greater consistency with method NATC-M1.4 of the WRPS.
<i>Chapter 28 – Natural Features and Landscapes</i>			
NFL-P1.10	Amend	Amend the wording to: “10. Providing for the continued operation of lawfully established farming activities, <u>as long as the associated adverse effects in outstanding natural features and landscapes are avoided</u> ” or words to a similar effect.	Amending the clause will achieve greater consistency with policy NFL-P1 of the WRPS and will avoid unintended consequences and will reduce conflict with the policy framework.
NFL-P4.5	Amend	Amend the wording to: “Minimising <u>Avoiding</u> the removal of indigenous vegetation as far as practicable. ”	Amending the wording will provide better protection for the values of high amenity landscapes.

NFL-P4.6	Amend	Amend the wording to: “Ensuring that the effects of any activities which could compromise the qualities and values of the landscapes of high amenity value are minimised <u>avoided</u> .”	Amending the wording will achieve consistency with Method NFL-M1.1.a of the WRPS and NFL-P1.1 of the PWDP, and to provide better protection for the values of landscapes of high amenity.
NFL-P5.7	Oppose	Amend the wording to: “7. Providing for the continued operation of lawfully established farming activities, <u>as long as adverse effects of farming activities on the values of the karst overlay are avoided.</u> ”	Amending the wording will assist in avoiding unintended adverse effects on karst ecosystems and provide greater consistency with the rule framework. WRC maintains that in the context of this rule, farming activities should not be treated differently from other activities. This is because karst ecosystems are sensitive natural environments that can be adversely affected by all land use activities, not just farming activities.
NFL-R2, NFL-R2 and NFL-R4	Oppose	Reconsider and amend the activity status for activities regulated by this rule to a more stringent category.	Rules should be developed in consideration of the ‘avoid’ policies (Policy 11) from the NZCPS for the sites in the coastal environment, such as the Kawhia Harbour.
NFL-R15	Oppose	Reduce the proposed limit and apply a timeframe to this provision. Develop and include provisions for vegetation removal in outstanding natural features and outstanding natural landscapes within the coastal environment, ensuring that these provisions align with the ‘avoid’ policies from the NZCPS.	Vegetation removal outside of an SNA (of 5000m ² per holding per calendar year) for ONLs and KO overlays as a permitted activity is not appropriate. In its current form, this rule would allow for 50,000m ² of vegetation to be cleared over the life of the plan as a permitted activity. Clearances of this scale could result in significant, widespread adverse effects on indigenous biodiversity. This is particularly concerning for karst ecosystems and cave mouths, which can host threatened and indigenous species such as the spleenwort (huruhuruwhenua) and cave wētā. ⁵ WRC notes that the section 32 report for this chapter did not provide justification for the proposed 5000m ² clearance limit. In its current form, this rule contravenes ECO-P1 of the WRPS. This limit should be reduced to ensure consistency with the WRPS, which provides strong direction for district plans to avoid the loss or degradation of indigenous biodiversity (ECO-M3).

⁵ [Significant natural areas of the Waikato region: karst ecosystems](#)

			<p>WRC recommends that WDC reduces these limits and applies a time limit to this provision to avoid significant loss of indigenous vegetation over the life of the PWDP.</p> <p>WRC advocates for the reduction of indigenous vegetation removal in the first instance, but also considers it appropriate for this rule to apply to all vegetation (not just indigenous vegetation) given that non-indigenous vegetation can act as important habitat for indigenous fauna and provides important shading and carbon sequestration benefits.</p> <p>Furthermore, removals over 5000m² should be assessed by WDC as a Discretionary activity (not a Restricted Discretionary activity). This would allow for WDC to assess the ecological significance of the proposed removals with full discretion.</p> <p>It is necessary that provisions for natural features and natural landscapes within or adjoining the coastal environment are developed to align with the 'avoid' policies from the New Zealand Coastal Policy Statement.</p>
NFL-R19, NFL-R20 and NFL-R21	Oppose	Amend these standards so that the required setback from the coastal marine area to a minimum of 30m, to be consistent with clause 68(4)(c) the NES for plantation forestry.	Setbacks from the coastal environment must be consistent with the National Environmental Standards for Plantation Forestry.
<i>Chapter 29 - Subdivision</i>			
Subdivision objectives	Support in part	Add a new objective to promote positive indigenous biodiversity outcomes, that aligns with ECO-O1, ECO-P2 and UFD-P1 of the WRPS.	WRC supports the subdivision objectives but considers that there could be an additional objective for indigenous biodiversity. WRPS objective ECO-O1 and policy ECO-P1 seek to support indigenous biodiversity. Policy UFD-P1 directs that development should promote positive indigenous biodiversity outcomes. It is important that the subdivision chapter aligns with this direction.
Subdivision policies	Support	Retain the subdivision policies as notified.	WRC supports the extensive subdivision policies which cover the scope of matters set out in the WRPS urban form and development chapter.

SUB-P17	Support with amendments	Provide clarification regarding what 'significant risk' means in the context of this policy.	It is unclear (in the context of this policy) what 'significant' risk from natural hazards are. We support the reference to the WRPS in the overview section of the chapter and consider this would be an appropriate place to expand upon what 'significant' means in this context.
Matters of discretion for subdivision	Support with amendments	Amend matter of discretion (a) to: "Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration, <u>and productive capacity.</u> "	WRC supports the matters of discretion for the different types of subdivision activity. However, we consider that matter (a) for rules R1.1-R1.20, R2, R5, R6, R7.1-R7.19 could be broadened to include consideration of the productive capacity of the land, which is a key consideration and measure of land efficiency.
SUB-R20	Support with amendments	Include an advice note that directs plan users to the Waikato Regional Council Stormwater Management Guideline. ⁶	We recommend that the rule provide a reference to the WRC stormwater management guideline to provide plan users with best practice information for stormwater management.
<i>Chapter 30 – Activities on the surface of water</i>			
ASW-R2	Oppose	Include an exemption under ASW-R7 for flood protection and erosion control purposes.	This matter could create difficulties for WRC to undertake its functions in terms of flood protection. Flood protection structures can impact natural character and amenity values. WRC suggests an exemption under ASW-R7 for flood protection and erosion control purposes.
<i>Chapter 32 Coastal Environment</i>			
CEHA-2 (page 2)	Amend	Amend the wording so that it is consistent with the wording used in CE-P22.2. For example: "The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120, assuming a continuation of existing coastal trends and the likely impact of projected sea level rise of 1.0 m- of the <u>projected increase in sea level, as determined by national guidance, but being not less than 1m by 2120.</u> "	Sea level rise should not be a fixed figure as it will continually change.

⁶ [TR20-07.pdf \(waikatoregion.govt.nz\)](#)

CFHA (page 3)	Amend	<p>Provide reasoning for why only a part of the coastal hazard area is considered and included for Awakino.</p> <p>In addition, WRC recommends amending the wording of the following sentence: “In Awakino, Marokopa and Kiritehere the upstream area is also the 1% AEP floodplain is based off the 1% AEP <i>coastal or river flooding</i> extent because ... “</p>	<p>Only parts of the coastal hazard area in Awakino are considered and represented in this chapter and the PWDP Intramaps.</p> <p>WRC also suggests rewording the following phrase “the upstream area is also the 1% AEP floodplain” as the meaning is unclear and it may cause confusion for plan users.</p>
CE-P1.1	Amend	<p>Amend the wording to (or similar): “Encouraging any new activities to consolidate within and around existing developments, or in <u>areas that are identified as not possessing significant natural values</u> locations where the natural character values have already been compromised.”</p>	<p>The wording of this policy could create confusion. 75% or more of the entire coastal area within Aotearoa New Zealand is modified or compromised to some extent. Therefore, in its current form, this wording could encourage new activities almost anywhere within the coastal environment. The policy should be reworded to avoid ambiguity and unintended consequences resulting in further development in the coastal environment.</p>
CE-P1.8	Amend	<p>Amend the wording to (or similar): “8. Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure, <u>but not providing sea walls for the protection of private property;</u> and”</p>	<p>It may be worth amending this clause so that it explicitly states that sea walls will not be provided to protect public property. WRC has received various enquiries from private landowners in the Waitomo district in relation to this and considers it necessary to provide clear direction.</p>
CE-P3.1(i)	Amend	<p>Amend the wording to (or similar): “(i) Areas containing nationally significant examples of indigenous flora or fauna community types; and”</p>	<p>All indigenous biodiversity must be protected. Therefore, we recommend deleting the reference of ‘nationally significant examples’. This will better provide for achieving the purpose of Section 6(c) of the RMA and policy ECO-P1 of the WRPS.</p>
CE-P3.2(i)	Amend	<p>Amend the wording to (or similar): “Areas of predominately indigenous vegetation in the coastal environment; and”</p>	<p>WRC recommends removing the word ‘predominantly’ as there are remnants of indigenous vegetation in largely exotic matrices that can be significant, even if they are not the dominant vegetation type in that area.</p>
CE-P3.3(ii)	Amend	<p>Amend the wording to (or similar): “(ii) <u>Inanga/Whitebait spawning areas;</u>”</p>	<p>The Te Reo Māori name for this species should be used.</p>
CE-P9	Oppose	<p>Amend the wording to: “Provide for the appropriate use of natural resources <u>assets</u>, including land and water, within areas of outstanding, high and very high natural character by:”</p>	<p>“Resources” can imply that natural assets are there to be used or exploited which does not consider the intrinsic value of the natural environment.</p>

CE-P14.4	Amend	Provide a definition for an 'extreme coastal inundation event' or removing the word 'extreme' from the policy: "4. Requiring minimum floor levels and a freeboard suitable to the setting that will provide protection from flooding during an extreme coastal inundation event, including 1.0 m of sea level rise;"	Clarity around what constitutes an 'extreme coastal inundation event' is necessary and will reduce the likelihood of confusion for plan-users interpreting the rule. Further, people's safety and protection of property should be provided for regardless of the intensity of the flood event. Therefore, alternatively we recommend deleting the word 'extreme' from the policy.
CE-P17	Amend	Amend the wording to: "Provide for the restoration of coastal ecosystems by local authorities <u>or contractors and beachcare groups endorsed by local authorities</u> . Where private organisations or individuals wish to undertake restoration works, ensure the values of the area are protected by requiring that the works are designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer."	There is inconsistency between this policy and rule CEH-R9, which states that restoration of coastal ecosystems is a permitted activity provided that it is undertaken by "the Waitomo District Council, Waikato Regional Council, or on their behalf by an approved contractor, or a beachcare group endorsed by the Waikato Regional Council." The wording of CE-P17 should be updated to align with CEH-R9.
<i>Chapter 33. Earthworks</i>			
Overview/provisions	Amend	Include provisions that recognise integrated management and reference objective IM-O1 and policy IM-P1 of the WRPS.	Earthworks is a function where district and regional functions overlap (WRPS method LF-M32). The proposed plan directs applicants to read the provisions of the relevant Regional Plan. However, the chapter could provide better recognition of integrated management (objective IM-O1 of the WRPS) by introducing provisions to reflect an integrated approach (Policy IM-P1 of the WRPS).
General comment - rules	Oppose	Include environmental standards for permitted earthworks activities.	There should be better tailored rules for earthworks. The earthworks rules basically permit all earthworks for certain purposes, or in certain zones provided they do not exceed certain scale thresholds. Beyond those thresholds, restricted discretionary activity consent is required. We believe this instrument should not be used as there are no environmental standards for anything that is permitted (the activity just has to be below the scale threshold) and there is no permitted pathway for anything beyond those thresholds. WDC should consider the potential risks such as the ones associated with the location, the slope of land, etc. Please see implementation methods 5.1.4.11 and 5.1.5 of the Waikato Regional Plan.

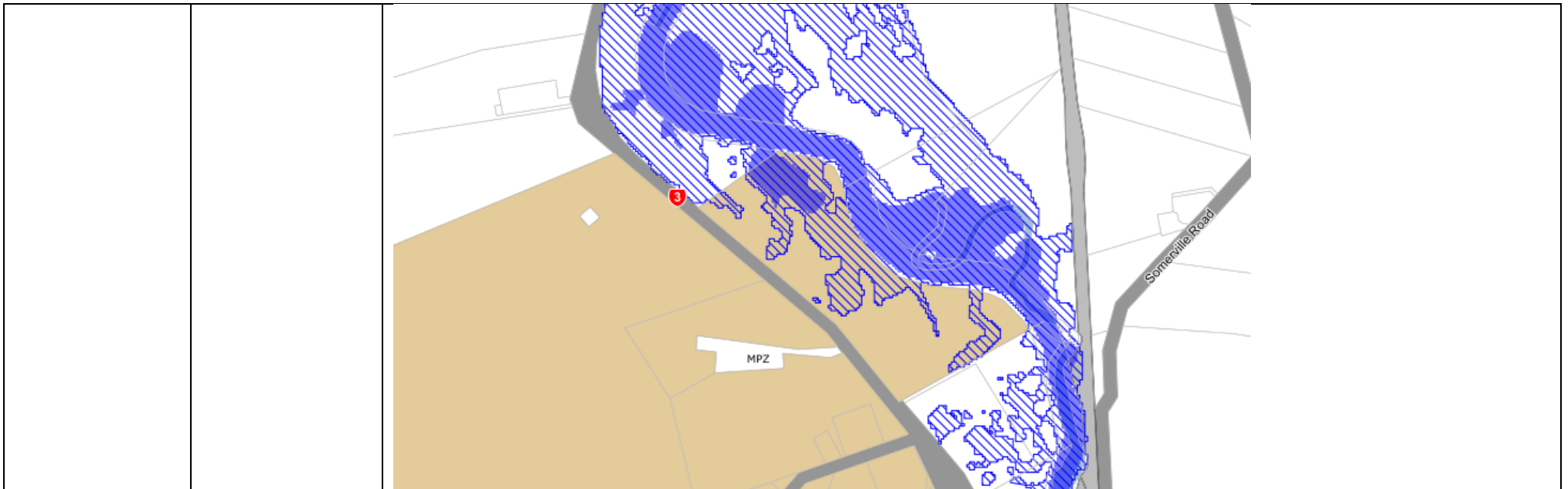
EW-R1.1.i	Amend	Amend the wording of 'Flood management area' so that it is consistent with terminology used throughout the plan.	WRC is unclear on what 'Flood Management Area' is referring to. We the naming terminology throughout the plan is consistent.
EW-Table 2 – Performance Standards	Amend	Include an advice note that directs plan users to the WRC Erosion and Sediment Control Guidelines: http://waikatoregion.govt.nz/assets/WRC/WRC-2019/TR0902.pdf	Plan users should be directed to these guidelines as they provide direction for undertaking earthworks activities in a way that minimises adverse effects on the surrounding environment.
General comment earthworks provisions	Oppose	Include a rule (in chapter 33. Earthworks or alternatively, in chapter 26 – Ecosystems and Indigenous Biodiversity) with a limit of 250m ³ for earthworks undertaken within a significant natural area as a permitted activity. WRC recommends that earthworks exceeding this limit have a Discretionary activity status.	<p>The effects of earthworks on indigenous biodiversity, habitats, and significant natural areas can be significant. Currently, rule EW-R1 states that for earthworks in significant natural areas, the provisions applicable to the underlying zone apply. The provisions in their current form allow for a volume of 2000m³ of earthworks to occur per calendar year and per land holding as a permitted activity in the General Rural Zone. Differing volumes are permitted in other zones.</p> <p>These provisions are too permissible and could result in poor environmental outcomes for indigenous biodiversity as a result of dust, sediment, diseases/ pathogens, vibration and ecological effects resulting from earthworks. Additionally, large volumes of earthworks could affect fauna breeding and feeding habitats. Minimal disturbance should occur in significant natural areas, with exceptions only in limited circumstances (for example, maintenance of existing wetland structures and scientific research). This is a direction provided in the National Environmental Standards for Freshwater Management (regulations 38 – 51). Although wetlands are not synonymous with significant natural areas, the principle of enabling only specific activities for the overall benefit of the wetland can and should be applied to SNAs, given the direction in the WRPS to achieve no net loss of indigenous biodiversity.</p> <p>WRC recommends the inclusion of a rule with more stringent limits for earthworks volumes in significant natural areas. WRC proposes a limit of 250m³ of earthworks within a significant natural area as a controlled activity. This will ensure consistency with standard 5.1.4.14 of the Waikato Regional Plan (WRP), which limits earthworks in high-risk erosion areas (HREA), the closest equivalent to an SNA in the WRP.</p>

			As an example, the provisions of the Hamilton City Council District Plan state that earthworks occurring in an SNA require resource consent for a non-complying activity (see rule 20.3(g)(i) in the Natural Environments chapter).
<i>Chapter 35. Hapori whānui (Provisions for community wellbeing, safety and amenity) – HW</i>			
General	Support	No specific relief sought.	WRC supports the provisions in this chapter that provide for community wellbeing, safety and amenity. In particular, HW-O3 which celebrates cultural creativity and HW-O5 which takes a holistic approach to wellbeing. In addition to this HW-P6 further provides for holistic wellbeing by providing for Māori cultural and customary uses of natural resources and ensuring provisions are made for maara kai in all zones.
HW-R8	Oppose	Move this rule to the ECO chapter and prescribe environmental standards and clearance limits. Additionally, include environmental standards relating to the protection of bat habitats and the corridors of mobile fauna.	This rule would be better placed under the ECO chapter. There is a risk the rule would be missed under the HW chapter. In addition, vegetation clearance outside of SNAs should only be permitted for a limited area size, per site, with a time limit. The rule is too permissive with no environmental standards and is not in alignment with Policy ECO-P1 of the WRPS. Non-indigenous vegetation can also host habitats of indigenous fauna and is also important for providing for shading and carbon sequestration. Therefore, it must also be protected. Habitat protection of highly mobile species such as bats are a priority for local government.
<i>Chapter 39. Signs</i>			
General comments about sign provisions	Support	Retain provisions that seek to promote or enhance the safety of the road network.	WRC supports all objectives, policies and rules that seek to promote or enhance the safety of the road network and in particular support provisions that: <ul style="list-style-type: none"> • Minimise the number of signs so as not to be a distraction to road users • Require signs not be a colour, shape or appearance similar to a traffic control device

			<ul style="list-style-type: none"> • Require signs that are on footpaths not be a danger to pedestrians • Avoid locations that protrude over a road or railway line • Require consideration of road users, cyclists and pedestrians in performance standards and matters of discretion.
SIGN-O2	Support	Retain SIGN-O2.	Road safety is paramount, and it is important that road signs are visible at all times.
SIGN-P3	Amend	Split SIGN-P3 into two policies.	WRC suggests separating this policy into two as it combines road safety, amenity and reverse sensitivity matters. The second policy should focus solely on avoiding adverse effects on the safety and functioning of roads as a result of illuminated, flashing or digital signs.
SIGN-P4	Amend	Amend the font size.	There is an inconsistent font size.
<i>Chapter 41. Residential zone</i>			
RESZ-O2 and RESZ-O3, RESZ-P1, RESZ-P2 and RESZ-P9	Support	Retain these objectives and policies.	WRC supports provisions which enable different housing options and encourage compact urban form.
RESZ-O5	Oppose	Amend this objective so that it considers the heritage values outside of PREC1.	There may be heritage values outside of PREC1 (if there any other heritage buildings outside of PREC1) that are not captured by this objective.
RESZ-O10	Amend	Amend this objective to state “Protect <u>existing</u> lawfully established industrial development...”	This objective should clarify its intention to protect <i>existing</i> lawfully established industrial development in line with policy RESZ-P17.
RESZ-O11	Support	Retain RESZ-O11.	WRC supports this objective.
RESZ-O12	Amend	Define ‘significant risk’ and clarify what it means in the context of this policy.	It is unclear (in the context of this policy) what ‘significant’ risk from natural hazards are. We support the reference to the WRPS in the overview section of the chapter and consider this would be an appropriate place to expand upon what ‘significant’ means in this context.
RESZ-P15 and RESZ-P16	Amend	WRC recommends removing references to providing car parking in these policies.	WRC understands that WDC is not a Tier 3 authority under the NPS-UD 2020. However, we suggest removing the provisions for car parking. This is the direction from central government moving forward.

RESZ-P18	Amend	Reword the policy so that it also caters for social services, such as papakāinga, kōhanga, kura and wānanga and urupā.	This policy should also cater for social services, such as papakāinga, kōhanga, kura and wānanga and urupā, as per Method UFD-M21 of the WRPS.
RESZ-P18	Amend	Amend this policy to state “Where reticulated wastewater networks are not available, <u>manage</u> restrict the scale and intensity of development and subdivision to ensure it can be serviced by on-site non-reticulated wastewater and <u>best practice</u> stormwater methods.”	WRC supports the intention of this policy but considers that some minor amendments will better achieve the desired outcome.
RESZ-P20	Amend	Amend the policy to direct new development to align with areas that in the future could be serviced by public transport, in alignment with the 2022-2032 Waikato Regional Public Transport Plan.	The WRPS directs new development to promote a compact urban form, including maximising opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport (WRPS APP11 General Development Principles (i)(iii)). We suggest that the policy is worded directing new development to align with areas that in the future could be serviced by public transport.
RESZ-P21	Support	Retain RESZ-P21.	WRC supports this policy.
RESZ-R29	Amend	Amend this rule to include an advice note directing plan users to the Waikato Regional Plan rule framework.	Sites not serviced by wastewater reticulation may require consent under Waikato Regional Plan rules 3.5.7.4(a) and 3.5.7.6. It is important that plan users are aware of the regional plan rule framework.
<i>Chapter 42. General rural zone</i>			
General	Oppose	Include a definition for “highly productive soils” based on the definition provided in the WRPS (1.6 - Definitions).	There is no reference to a definition “highly productive soils” (e.g. used in Subdivision Policy SUB-P10 in Chapter 29, and also used in Chapter 42 for rule GRUZ-R16). The term “highly productive land” is defined in the text in Chapter 42 (as LUC classes 1-3) but the differentiation or relationship between “highly productive soils” and “highly productive land” is not explained. These terms should not be used synonymously as they suggest different things, and this will lead to confusion. The lack of a definition around “highly productive soils” could lead to variable interpretation of the policies and rules that use the term and a lack of consistency in the implementation of the District Plan. We suggest using the term

			'highly productive land' rather than highly productive soils to ensure consistency with the National Policy Statement for Highly Productive Land (NPS-HPL). Guidance for the definition of this term can be taken from the NPS-HPL directly.
GRUZ-P12.8	Oppose	Add to GRUZ-P12.8 that if removal of high class soils cannot be avoided, the soil should be used to rehabilitate land or soils elsewhere in the region.	Minimising the removal of indigenous vegetation and soil as far as practicable is not in alignment with WRPS LF-M41.5 if this is classed as high class soil.
GRUZ-P12.9	Oppose	Amend the wording to "Controlling and filtering sediment movement at source to prevent entry of sediment into karst <u>and other</u> hydrological systems.	The policy should not be limited to karst ecosystems. We suggest extending the protection to other hydrological systems.
<i>Chapter 44. Rural Lifestyle Zone</i>			
General comment	Oppose	Do not rezone the proposed area north of Te Kuiti on the eastern side of the river. to rural lifestyle zone and do not rezone any other area that could represent potential losses of biodiversity and highly productive land as rural lifestyle zone	The proposed rural lifestyle zoned area north of Te Kuiti on the eastern side of the river (see image below) is also partially covered by the Building Platform Suitability Area C overlay and the High Risk Flood Zone overlay. WRC queries whether this land area is appropriate for residential development and the proposed rezoning and notes that if it is successfully rezoned, several rules will need to be followed for allotments in this area to mitigate natural hazard risk.



Chapter 45. Settlement zone

SETZ-R42	Oppose	Include an advice note directing applicants to the Waikato Regional Plan rule framework.	WRC is concerned some of the options under the rule such as six residential units/tiny homes, and one set of duplex dwellings would have the potential to exceed the 1.3m ³ discharge limit prescribed under rule 3.5.7.4(a) Permitted Activity Rule – Discharge of Domestic Sewage from Existing OnSite Systems of the Waikato Regional Plan (WRP). In this case compliance would be sought under rule 3.5.7.6 Permitted Activity Rule – Discharge of Sewage from Improved On-Site Domestic Sewage Treatment and Disposal Systems of the WRP.
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Chapter 50. Future urban zone

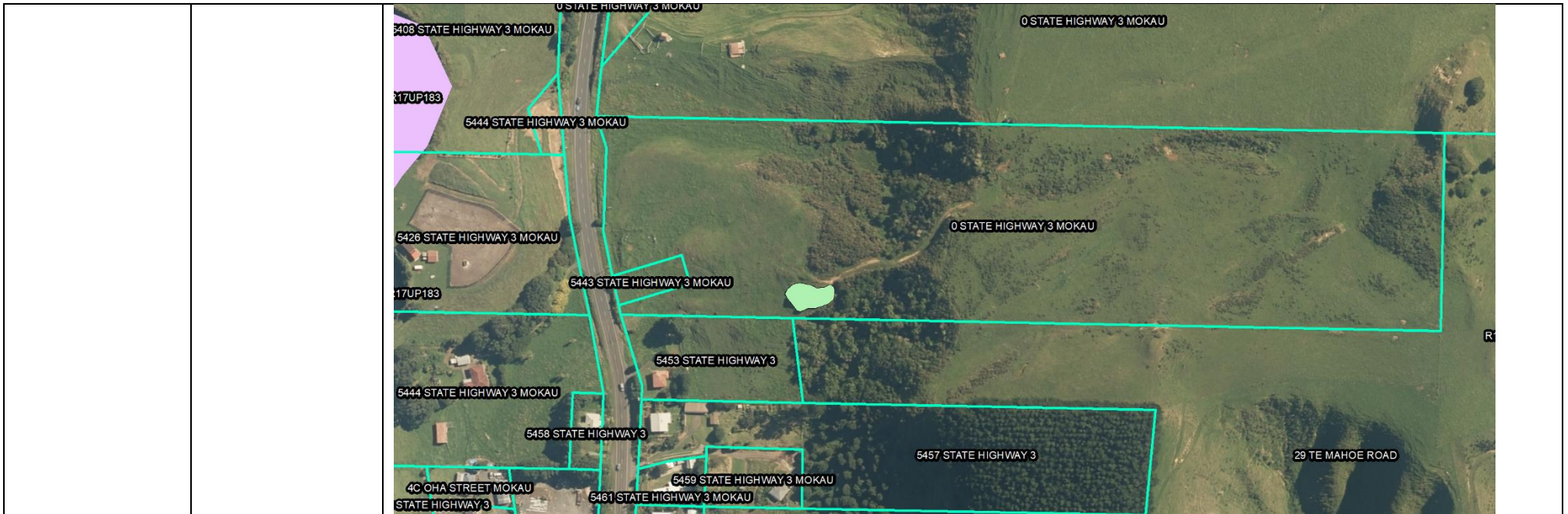
General comment	Oppose	Do not rezone any area subject to natural hazards risks as 'Future Urban Zone' and do not rezone any other area that could represent potential losses of biodiversity and highly productive land as 'Future Urban Zone'.	Almost all of the areas around Te Kuiti proposed to be rezoned to Future Urban Zone area subject to heightened landslide risk (specifically, the building platform suitability A and B overlays). In addition, many of the areas proposed to be rezoned to FUZ are subject to coastal hazard risks (such as sites in Mokau, Awakino and Marakopa which are subject to coastal inundation risks with 1m of sea level rise,
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			<p>as shown by the Waikato Regional Hazards Portal coastal inundation tool).</p> <p>Development in areas subject to natural hazard risk should be avoided, in line with HAZ-O1 and HAZ-P2 of the WRPS. It is necessary to consider whether areas proposed to be rezoned area adjacent to natural hazard risk, as these could affect access to and from residential areas during a flooding event (an example of this is the proposed FUZ in Mokau upstream of the river mouth, where the only current road into the area is subject to flooding).</p>
FUZ policies	Amend	<p>Add a new policy which directs future development to consider cumulative effects and the WRPS general development principles, in particular the following:</p> <ul style="list-style-type: none"> • Connect with existing or planned infrastructure • Efficiently use water • Promote positive biodiversity outcomes • Avoid adverse effects on hydrological processes • Allow adaptation to climate change. 	<p>The WRPS sets out general principles for development in APP11. WRPS Policy UFD-P1 directs that development occurs in a planned and coordinated manner which has regard to the principles in APP11 and recognises and addresses potential cumulative effects. It would be useful for the plan to include or reference the principles and cumulative effects to guide new development in the future urban zone.</p>
FUZ-P2	Amend	<p>Add wording as follows or to the same effect: <u>“3. The activity takes into account the timeframe in which the area is expected to develop.”</u></p>	<p>New development and activities undertaken in the FUZ should take into account the timeframe in which the area is expected to develop.</p>
<i>Chapter 52. Māori Purpose Zone</i>			
General	Support		<p>WRC supports:</p> <ul style="list-style-type: none"> • the purpose of the Māori purpose zone to provide for the social, cultural, environmental and economic needs of mana whenua and to seek to enable reconnection with sites of ancestral importance to mana whenua. • the zone allowing the development and use of marae complexes and papakāinga to a level of intensity/range of activities greater than what would be permissible in the general rural zone.

			<ul style="list-style-type: none"> that the zone also acknowledges that the nature of multi-ownership tenure can be problematic when trying to align with the current legislation pertaining to land. recognition that in order to allow mana whenua to utilise land resources sustainably and to contribute to restoring customary activities on Māori whenua, the zone must allow marae complexes and papakāinga as a permitted activity.
MPZ-O1 to MPZ-O4 and MPZ-P1 to MPZ-P7	Support	Retain these provisions.	WRC supports these provisions and considers that they align with the purpose and intent of the zone.
<i>Chapter 52. Tourism zone</i>			
TOUZ-R40	Oppose	Include an advice note directing the applicant to the Waikato Regional Plan (WRP) rule framework. That way applicants will know compliance is also needed under the WRP framework.	As above, WRC is concerned some of the options under the rule such as six residential units/tiny homes, and one set of duplex dwellings would have the potential to exceed the 1.3m3 discharge limit prescribed under rule 3.5.7.4(a) Permitted Activity Rule – Discharge of Domestic Sewage from Existing OnSite Systems. In this case compliance would be sought under rule 3.5.7.6 Permitted Activity Rule – Discharge of Sewage from Improved On-Site Domestic Sewage Treatment and Disposal Systems.
<i>Schedule 3 – Sites and areas of significance to Māori – wāhi tapu sites</i>			
General	Support	Retain these provisions.	This schedule is comprehensive and well-defined. There is a clear set of rules that apply to the schedule sites. WRC commends WDC on generating it in consultation with mana whenua and for acknowledging that it may be added to over time.
<i>Schedule 4 – Site and areas of significance to Māori – cultural alert layer</i>			
General	Oppose	Cross-reference the list in Schedule 4 with the New Zealand Heritage List/Rārangi Kōrero (formerly the register). Link: Search the List Heritage New Zealand	The New Zealand Heritage List/Rārangi Kōrero (formerly the Register) which contains information about Aotearoa New Zealand's significant heritage places, including Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu/National Historic Landmarks, may include sites that are not listed in Schedule 4.
<i>Schedule 6 – Significant Natural Areas</i>			

General	Amend	Change the title for the final column of the table in Schedule 6 from 'WRC Karst' to 'Top 58 Karst SNA.'	This title is more appropriate for the column.																								
General	Oppose	Include the three sites listed below in the table in Schedule 6.	Some of the sites included in the top 58 karst SNA list are missing from the table in Schedule 6. These are listed below in the table below.																								
		Three sites missing from the table in Schedule 6:																									
		<table border="1"> <thead> <tr> <th>Site Code</th> <th>Site Name</th> <th>Criteria</th> <th>Significance</th> <th>Current text of the WRC Karst</th> <th>WRC Comments</th> </tr> </thead> <tbody> <tr> <td>R16P1703 9.01</td> <td>Taumatotora A5 North (NWR)</td> <td>1, 3, 5, 9, 11</td> <td>National</td> <td>Taumatotora karst and dolines</td> <td>Add 'Marakopa River natural tunnel and Te Ana Kapiti Cave' to WRC Karst column (See figure 1)</td> </tr> <tr> <td>R17074</td> <td>Marginal Strip - Mangaorongo Stream</td> <td>1, 3, 4, 5, 9, 11</td> <td>Regional</td> <td>Mangaorongo Gorge and natural bridges</td> <td>Add 'Ten Acre Tomo system' to WRC Karst column (See figure 2)</td> </tr> <tr> <td>S16UP074 .02</td> <td></td> <td>1, 3, 5, 7, 8, 9, 11</td> <td>National</td> <td>Ruakuri Cave</td> <td>Add 'Lake Rotokawau' to WRC Karst column (See figure 3)</td> </tr> </tbody> </table>		Site Code	Site Name	Criteria	Significance	Current text of the WRC Karst	WRC Comments	R16P1703 9.01	Taumatotora A5 North (NWR)	1, 3, 5, 9, 11	National	Taumatotora karst and dolines	Add 'Marakopa River natural tunnel and Te Ana Kapiti Cave' to WRC Karst column (See figure 1)	R17074	Marginal Strip - Mangaorongo Stream	1, 3, 4, 5, 9, 11	Regional	Mangaorongo Gorge and natural bridges	Add 'Ten Acre Tomo system' to WRC Karst column (See figure 2)	S16UP074 .02		1, 3, 5, 7, 8, 9, 11	National	Ruakuri Cave	Add 'Lake Rotokawau' to WRC Karst column (See figure 3)
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S16UP074 .02		1, 3, 5, 7, 8, 9, 11	National	Ruakuri Cave	Add 'Lake Rotokawau' to WRC Karst column (See figure 3)																						
General	Oppose	<p>Include Criterion 5 from the WRPS Table 28 (Criteria for determining significance of indigenous biodiversity) in the 'Criteria' column for the following sites:</p> <ul style="list-style-type: none"> • R16092 • R16094.02 • 16P17037 • 16UP055.04 • 1870439.03 • 16UP074.01 • 17UP143.01 	The listed sites are karst ecosystems and therefore, criterion 5 from Table 28 in the WRPS applies and should be recognised in Schedule 6.																								
General	Oppose	Include the 'Description of Values' column in Schedule 6 and reformat the information in this column so that it is easier to read and has a consistent layout.	WRC has concerns regarding the removal of the 'Description of Values' column that was included in the draft PWDP. This column provided important contextual information about the listed sites based on a desktop assessment that provide value to the SNA inventory.																								

		Alternatively, include an advice note above the table in Schedule 6 stating that further information relating to the biodiversity values of each site is available on request, including a link to the approach for requesting this information.	In a circumstance where this information will not be included in the table, the information should be available upon request and provided in a prompt manner.
General	Oppose	<p>Overlay the scheduled plan layers with the following GIS layers to ensure that there are no outstanding natural features missed by the PWDP:</p> <ul style="list-style-type: none"> • New Zealand Geopreservation Inventory, Outstanding Natural Features: https://naturemaps.nz/maps/#/viewer/openlayers/484. 	It is vital that the scheduled plan layers are reflective of the latest data to ensure that there are no outstanding natural features missed by the PWDP.
General	Amend	Include the site identified as a green polygon in the image below in Schedule 6.	<p>This site should be listed in Schedule 6 as an SNA, given its significant ecological value. The subject site contains the Tainui, New Zealand Hazel plant species (<i>Pomaderris tainui</i> Hector; <i>Pomaderris apetala</i>), a very rare, nationally critically endangered indigenous plant species that has only been identified on two sites in the area (this site and the Tainui Scenic Reserve, SNA number R18001). This site triggers criteria 9 within the WRPS APP5 – Criteria for determining significance of Indigenous Biodiversity. The site is located on private land but is managed by the Department of Conservation. WRC is open to discussing this matter further with WDC and can provide additional information (such as the GIS data) on the site as required.</p>



Appendix 2 – Cultural Impact assessments process

General	Support		WRC supports the approach outlined in this appendix as this is the approach recognised by the Maniapoto Iwi authority (Te Nehenehenui Regional Management Committee), who as an iwi have the largest area of interest in the Waitomo district.
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Appendix 5 – Structure Plan Requirements

APP-5.1	Oppose	<p>Amend the matters to be addressed as part of a structure plan to include:</p> <ul style="list-style-type: none"> • how development shows delineation between urban and rural areas • water requirements and how development will use water efficiently • any alternatives considered where development cannot be directed away from high class soils 	<p>Method UFD-M1 of the WRPS directs local authorities to have regard to the general development principles in APP11 of the WRPS when preparing or reviewing structure plans. The following principles should be included in the structure plan requirements in Appendix 5:</p> <p>Development should:</p> <ul style="list-style-type: none"> • occur in a manner that provides clear delineation between urban areas and rural areas (WRPS APP11 – General Development Principles (b)).
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		<ul style="list-style-type: none"> • how development avoids adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems • any sustainable design technologies adopted or considered • climate change mitigation • reference to the Te Ture Whaimana – the Vision and Strategy for the Waikato River • plans for waste and waste minimisation. 	<ul style="list-style-type: none"> • identify water requirements necessary to support development and ensure the availability of the volumes required (WRPS APP11 – General Development Principles (f)). • be planned and designed to achieve the efficient use of water (WRPS APP11 – General Development Principles (g)). • be directed away from high class soils, and primary production activities on those high class soils (WRPS APP11 – General Development Principles (h)) • avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (WRPS APP11 – General Development Principles (m)) • adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate (WRPS APP11 – General Development Principles (n)) • be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes (WRPS APP11 – General Development Principles (p)) • support the Vision and Strategy for the Waikato River in the Waikato River catchment (WRPS APP11 – General Development Principles (r)) • encourage waste minimisation and efficient use of resources (WRPS 6 APP11 – General Development Principles (s))
	Amend	Amend the matters to be addressed as part of a structure plan to include reverse sensitivity.	Method UFD-M2 of the WRPS directs local authorities to have particular regard to the potential for reverse sensitivity when preparing or reviewing structure plans.
	Oppose	Amend Appendix 5 to include a provision or note that requires consultation with WRC and other parties referenced in WRPS Method UFD-M9 when preparing a structure plan.	Method UFD-M9 of the WRPS directs territorial authorities to ensure that Waikato Regional Council, neighbouring regional and territorial authorities, infrastructure providers, health authorities, tāngata whenua, industry organisations and affected landowners are provided

			the opportunity to have meaningful involvement in development planning, including preparation of a structure plan.
	Amend	Amend the matters to be addressed as part of a structure plan to include a reference to policy CE-P1 of the WRPS, in circumstances where the site/area is within the coastal environment.	Method CE-M1 of the WRPS directs local authorities to give effect to Policy CE-P1 when developing structure plans for the coastal environment. This policy sets out matters to guide development in the coastal environment.
<i>Intramaps</i>			
General comment	Amend	Publish the 'Significant Natural Areas' data layer, including the significance levels, on the Waikato Data portal: Waikato Data Portal (waikatodistrict.govt.nz)	Making this data available on the Waikato Data portal will increase accessibility and wider public understanding of SNAs. This would also showcase a good example of SNA mapping that includes detail on the level of significance.
General comment – ONF Layer	Amend	Include the Hikurangi Falls ONF14 site in the PWDP Outstanding Natural Features (ONF) Layer.	WRC has assessed the sites included in the ONF layer of the PWDP against the ONF sites in the Geopreservation Inventory (see link: New Zealand Geopreservation Inventory (geomarine.org.nz)) and has identified that the Hikurangi Falls ONF14 site is missing.
General comment	Amend	Include the coastal flooding hazard area (CFHA) for the Mokau River Mouth Area.	The CFHA is not shown for the Mokau River Mouth area. This makes it difficult to assess whether the proposed land to be rezoned as Future Urban Zone and Rural Lifestyle Zone is appropriate from a natural hazards perspective.
General comment	Amend	Change the transparency of the 'High Risk Flood Zone' layer to 0%, or making it hashed in a dark colour (e.g., red).	The current level of transparency of the 'High Risk Flood Zone' area, when viewed with the grey base-map, can cause confusion and make it look as though there are two different colours for 'High Risk Flood Zone.'
General comment	Amend	Review and amend the 'Zoning' layer of the PDP Intramaps so that they identify and reflect the natural features present (such as rivers and their margins).	The 'Zoning' layer of the Waitomo District Plan online PDP Intramaps is not reflective of the actual features and function of land. An example of this is provided below – as shown, the land margins along the Mangaokewa stream are not recognised and appear to be classified in the same colour and category as road reserves. WRC considers it necessary for WDC to review this layer and amend it so that it is reflective of natural features and riparian margins, such as the Mangaokewa stream.



Further Information and Hearings

23. WRC **wishes to be heard** at the hearings for Waitomo District Council in support of this submission and is prepared to consider a joint submission with others making a similar submission.

24. WRC **could not** gain an advantage in trade competition through this submission.