

2 June 2022

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ES:PAT

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Dear Alex,

DRAFT WAITOMO DISTRICT PLAN FEEDBACK

Thank you for the opportunity to review and provide feedback on the Draft Waitomo District Plan DWDP).

This feedback considers the Draft District Plan in the context of giving effect to the regional policy statement components of Horizons Regional Council (Horizons) One Plan, and ensuring that provisions would not be inconsistent with the regional plan provisions (as per section 75 of the Resource Management Act 1991). We acknowledge that this requirement applies equally to the Waikato Regional Council regional planning documents, and that Waitomo District Council (WDC) has had to reconcile these within the DWDP.

We have focused our attention on the following draft chapters: feedback on:

- Cross boundary matters
- Energy, infrastructure and transport chapters
- Natural hazards
- Historical heritage
- Sites and areas of significance to Māori
- Ecosystems & indigenous biodiversity
- Natural features and landscapes
- Subdivisions
- Earthworks
- Area specific matters – General Rural Zone and Natural Open Space Zone

Where we have not commented, we have not identified anything substantive. The main issue we have noted is that the approach to managing natural hazards (particularly flood hazard outside identified Hazard Areas) may not give effect to the regional policy statement (One Plan Chapter 9).

In general, we note our support for the inclusion of advice notes throughout the DWDC indicating that resource users may need also need consent from one of the regional councils, for example in the earthworks and subdivisions chapters.

Cross boundary matters

Chapter 10 of the One Plan provides for the regional approach to cross-boundary issues, particularly in relation to defining regional and territorial authority responsibilities in relation to maintaining indigenous biodiversity and natural hazards. It is noted that the DWDP

provides consistency and a degree of integration between the DWDP and the plans and policy statements of adjoining territorial authorities and the affected regional councils, including the One Plan.

Energy, infrastructure and transport chapters

We consider the energy, infrastructure and transport objectives and policies in the DWDP give effect to corresponding provisions in Chapter 3 of the One Plan.

Natural Hazards

We see that Chapter 23 Natural Hazards has been framed to acknowledge and give effect to One Plan Chapter 9, which sets the Manawatū-Whanganui regional approach to natural hazards. We generally consider that the approach gives effect to the responsibilities allocated to territorial authorities in One Plan Policy 9-1. In particular we support objectives NH-O1, NH-O4 and NH-O5 and policies NH-P12 and NH-P13

We note that the DWDP identifies areas where some types of new development must be avoided because of the risk from natural hazards; none of these Hazard Areas are within the Manawatū-Whanganui Region. Horizons therefore supports in particular policy NH-P11, which acknowledges the presence and potential impact of natural hazards outside these defined areas and appears to signal an adaptive management type approach. We also note that there is an associated objective for the General Rural Zone (GRUZ-O14) as well as Subdivision policy SUB-P17. We can see that subdivision in the General Rural Zone is a restricted discretion activity that retains discretion over "(e) Site suitability including the potential for the subdivision and consequential development to create new or exacerbate existing natural hazards", and that the performance standards require that "each allotment must provide a stable, flood-free building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations".

One Plan Policy 9-2 sets a framework for avoiding or mitigating hazard from a 0.5 % (1 in 200 year) Annual Exceedance Probability flood event. It is our understanding that the standard set by the Building Code is considerably less rigorous. We would welcome the opportunity to better understand and discuss with you the implications of the DWDP approach to subdivision and development in areas where the presence of a risk is not identified until a proposal is brought forward, as it does not appear to give effect to Policy 9-2.

Horizons also acknowledges the enabling policy and regulatory framework for activities undertaken by or on behalf of the regional councils in hazard areas, including flood control and drainage works and a range of activities associated with public access, pathways and cycleways, which would facilitate a number of operational activities should these areas come into effect within the Manawatū-Whanganui Region in future.

Historical heritage

One Plan Objective 6-3 and Policies 6-11 - 6-12 establish the regional approach to protecting historical heritage from activities that would significantly reduce heritage qualities (such as inappropriate subdivision). One Plan Policy 6-12(a) states that "Territorial Authorities must develop and maintain a schedule of known historic heritage for their district to be included in their district plan", including a statement of the qualities contributing to each site. We consider that the approach in the DWDP generally gives effect to these policies.

Sites and areas of significance to Māori

One Plan Objective 2-1 and Policy 2-2(a) set out the regional approach to sites and areas of significance to Māori identified in district plans. The DWDP recognises the importance of Maori involvement in resource management, and records (including mapping) sites and areas of significance to Māori. We consider that Chapter 25 generally gives effect to the One Plan provisions.

Ecosystems & indigenous biodiversity

We support the approach to providing for the One Plan approach to maintaining and enhancing indigenous biodiversity in the region, in particular the following explanations:

“In the Manawatū-Whanganui region part of the district it is the Regional Council’s function to provide for the protection of indigenous biodiversity and SNAs. This is managed through the regional plan. Waitomo District Council has mapped the SNAs in the Manawatū-Whanganui part of the district, but these are for information purposes only. As such, this chapter only applies to the Waikato region.”

and

“Note: Rules ECO-R1 to ECO-R17 do not apply to the part of Waitomo district which is within the Manawatū-Whanganui Region. In this part of the district, clearance or removal of indigenous vegetation is controlled by the provisions of the Manawatū-Whanganui Regional Plan.”

We understand this approach is to ensure you’re giving effect to One Plan Indigenous Biological Diversity provisions (in Chapter 6 and Chapter 13), in particular Policy 6-1 which allocates responsibility for developing objectives, policies, methods and rules to protect and enhance indigenous biodiversity to the regional council. As you are aware, the One Plan does not identify specific sites; instead in Schedule F it describes habitat types (which includes an element of extent) that are classified as rare, threatened or at-risk, and regulate these by category (see Rules 13-8 and 13-9 in particular).

We also acknowledge the benefit in mapping SNAs in the Manawatū-Whanganui Region for information purposes, particularly the flexibility this enables should the forthcoming National Policy Statement for Indigenous Biodiversity require a different approach involving the mapping and regulation of SNAs in district plans in the future.

Natural features and landscapes

The One Plan Policy 6-6 requires identification (mapping) and protection of regionally significant outstanding natural features and landscapes (ONFL) identified in Schedule D, and Method Policy 6-7 provides criteria for identifying and assessing outstanding natural features and landscapes. We note you have acknowledged this and that the following is included in the DWDP:

“Both the Waikato Regional Policy Statement and the Manawatū Whanganui One Plan contain assessment criteria and guidance which have been used to identify the outstanding natural landscapes that are protected by the provisions in this plan.”

We see from your mapping that no outstanding natural landscapes or landscapes have been identified in Manawatū-Whanganui Region, and it is our understanding that none of the ONFL described in Schedule G are located in Waitomo District. We therefore consider that the One Plan policies would not currently apply.

Subdivisions

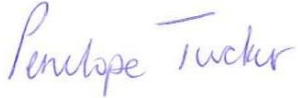
One Plan Objective 3-4 seeks to ensure that territorial authorities “consider the benefits of retaining Class I and II versatile soils for use as production land when providing for urban growth and rural residential subdivision”; this objective is supported by Policy 3-5. However, we note as there do not appear to be Class I or II versatile soils in the Manawatū-Whanganui region within the District, these provisions will not apply.

We also note our support for the establishment of a minimum lot size for subdivision in the Rural Zone greater than 5,000 m², which One Plan Rule 14-14 sets as the minimum size where new discharges of onsite domestic wastewater can be established as a permitted activity.

Please also see our previous comments in relation to the natural hazards provisions included in this chapter.

Please do not hesitate to contact me if you would like to discuss any of the matters we have raised in this feedback.

Yours sincerely,



Penelope Tucker
SENIOR POLICY PLANNER