

## **APPENDIX 11:**

# **WAIKATO REGIONAL POLICY STATEMENT AND PROPOSED WAIKATO REGIONAL POLICY STATEMENT ISSUES, OBJECTIVES AND POLICIES**

## **Waikato Regional Policy Statement and Proposed Waikato Regional Policy Statement (Appeals Version)**

The Waikato Regional Policy Statement (RPS) became operative on October 2000.

The Proposed Waikato Regional Policy Statement PWRPS was publicly notified on 3 November 2010 and 200 submissions were received. The PWRPS incorporating Council's decisions on submissions (the "Decisions Version – November 2012") was publicly notified on 2 November 2012; 37 appeals were lodged with the Environment Court. Provisions that have not been appealed still remain 'proposed' until such time as they are officially made operative. However, the provisions must be given due consideration with the weight that is assigned to the provisions varying as the document moves through the appeal process (i.e. provisions that have been appealed generally have less weight as they may change through the appeal process).

Given that unchallenged provisions in the PWRPS are considered to have greater relevance (weight) than the corresponding provisions in the Operative RPS, the starting point for assessment in regard to this Plan Change is the PWRPS. The relevant objectives and policies of the PWRPS, together with their legal status at the time of preparing this report follow under the heading 'Proposed Waikato Regional Policy Statement'. Provisions which are the subject of an appeal are highlighted in red. Where provisions are the subject of an appeal, and thus in a state of flux, an assessment against the equivalent provisions of the Operative RPS is subsequently provided under the heading 'Operative Waikato Regional Policy Statement'.

### **Proposed Waikato Regional Policy Statement**

#### **Objectives:**

##### ***Objective 3.1A Resource use and development***

*The sustainable management of natural and physical resources, and of their use and development, recognises the social, economic and cultural benefits to the regional and national community.*

##### ***Objective 3.7 Ecosystem services***

*The range of ecosystem services associated with natural resources are recognised and maintained or enhanced to enable their ongoing contribution to regional wellbeing.*

##### ***Objective 3.9 Sustainable and Efficient Use of Resources***

*Use and development of natural and physical resources occurs in a way and at a rate that is sustainable, efficient and minimises the generation of waste.*

#### **Objective 3.11 Built Environment**

*Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which provides for positive environmental, social, cultural and economic outcomes, including by:*

- a) promoting positive indigenous biodiversity outcomes;*
- b) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
- e) minimising land use conflicts, including minimising potential for reverse sensitivity;*

#### **Objective 3.13 Mauri and health of fresh water bodies**

*Recognise and provide for the mauri and health of fresh water bodies by:*

*a) maintaining the following:*

- i) natural character and natural function, including flow regime variability;*
- ii) health and functioning of indigenous biodiversity, ecosystems and habitats;*
- iii) human relationships with fresh water including:*

- i. the cultural and traditional relationship of tāngata whenua with fresh water;*
- ii. availability and suitability of water for domestic or municipal supply;*
- iii. harvesting of aquatic food species and mahinga kai that is safe to eat; and*
- iv. recreation values including swimming;*

- b) improving the life supporting capacity of fresh water bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030; and*

*c) ensuring that high value fresh water bodies are protected;*

- d) enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety; and*

*e) managing adverse cumulative effects of land use activities on fresh water bodies.*

#### **Objective 3.15 Riparian areas and wetlands**

*The extent and quality of riparian areas (including coastal dunes) and wetlands is increased and these areas are managed to maintain and enhance the following:*

- d) water quality;*
- h) riparian habitat quality.*

#### **Objective 3.24 Values of soil**

*The values of the soil resource are maintained or enhanced, including:*

- a) the existing and foreseeable range of uses; and*
- b) its life-supporting capacity.*



### **Objective 3.25 High class soils**

*The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.*

## **Policies and Implementation Methods:**

### **6 Built environment**

#### **Policy 6.1 Planned and co-ordinated development**

*Development of the built environment, including transport, occurs in a planned and co-ordinated manner which:*

- a) has regard to the principles in section 6A;*
- b) recognises and addresses potential cumulative effects of development; and*
- c) is based on sufficient information to allow assessment of the potential long-term effects of development.*

#### **Implementation methods**

##### **6.3.9 Integrated Transport Assessments**

*Territorial authorities should ensure an Integrated Transport Assessment is prepared to support a structure plan, plan change or resource consent application where the development may result in additional major trip-generating activities.*

### **6A Development principles**

#### **General development principles**

*New development should:*

- a) support existing urban areas in preference to creating new ones;*
- ab) occur in a manner that provides clear delineation between urban areas and rural areas;*
- b) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*
- c) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;*
- d) connect well with existing development and infrastructure;*
- e) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, locations identified as likely renewable energy generation sites, and high class soils;*
- f) promote compact urban form, design and location to:*
  - i) minimise energy and carbon use;*
  - ii) minimise the need for private motor vehicle use;*
  - iii) encourage walking, cycling , use of public transport and multi-modal transport connections; and*
  - iv) maximise opportunities for people to live, work and play within their local area;*

- g) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;*
- h) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;*
- i) maintain or enhance public access to and along the coastal marine area, lakes and rivers;*
- j) 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 (LIUDD);*
- k) 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;*
- l) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;*
- m) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;*
- n) where appropriate, promote opportunities to visually recognise tāngata whenua connections within an area by considering the effects on relationships, values, aspirations, roles and responsibilities;*
- o) support the Vision and Strategy for the Waikato River in the Waikato River catchment;*
- p) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and*
- q) avoid adverse effects on ecosystem services.*

## **8 Fresh Water Bodies**

### **Policy 8.3 All fresh water bodies**

*Manage the adverse effects of activities to maintain or enhance the values of fresh water bodies and coastal water by:*

- a) reducing:*
  - i) sediment in fresh water bodies and coastal water (including bank instability);*
  - ii) accelerated sedimentation of estuaries;*
  - iii) microbial and nutrient contamination;*
  - iv) other contaminants; and*
- b) protecting and improving:*
  - i) riparian and wetland habitat;*
  - ii) instream habitat diversity;*
  - iii) [Deleted]*



- iv) indigenous biodiversity; and
- c) providing for migratory patterns of indigenous freshwater species up and down rivers and streams and to the coastal marine area; and
- d) avoiding:
  - i) physical modification of fresh water bodies where practicable; and
  - ii) inappropriate development in flood plains; and
- e) managing:
  - i) groundwater and surface water flow/level regimes, including flow regime variability;
  - ii) linkages between groundwater and surface water; and
  - iii) pest and weed species where they contribute to fresh water body and coastal water degradation.

#### **Implementation methods**

##### **8.3.7 Natural functioning and ecological health of fresh water bodies and coastal water**

*Regional and district plans shall ensure that the natural functioning and ecological health of fresh water bodies and coastal water is maintained and where appropriate enhanced, including by:*

- a) controlling water abstraction;
- d) controlling structures in or on the banks or beds of fresh water bodies and coastal water;
- e) avoiding the modification of fresh water bodies including the piping, excavation, infilling, widening or straightening of the fresh water body where practicable;
- h) providing for appropriate development setbacks from fresh water bodies.

## **11 Indigenous Biodiversity**

### **Policy 11.1 Maintain or enhance indigenous biodiversity**

*Promote positive indigenous biodiversity outcomes to maintain or enhance the full range of ecosystem types to the extent necessary to achieve continued functioning of ecosystems, including through restoration of, indigenous biodiversity with particular focus on:*

- a) the continued functioning of ecological processes;
- ab) the re-creation and restoration of habitats and connectivity between habitats;
- b) supporting (buffering and/or linking) ecosystems, habitats and areas identified as significant indigenous vegetation and significant habitats of indigenous fauna;
- c) providing ecosystem services;
- d) the health and wellbeing of the Waikato River and its catchment;
- e) natural character and amenity values;
- f) tāngata whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment; and
- g) managing the density, range and viability of indigenous flora and fauna.

## ***Implementation methods***

### ***11.1.1 Maintain or enhance indigenous biodiversity***

*Regional and district plans shall maintain or enhance indigenous biodiversity, including by:*

- a) providing for positive indigenous biodiversity outcomes when managing activities including subdivision and land use change;*
- b) having regard to any local indigenous biodiversity strategies developed under Method 11.1.10; and*
- c) creating buffers, linkages and corridors to protect and support indigenous biodiversity values, including esplanade reserves and esplanade strips to maintain and enhance indigenous biodiversity values*

### ***11.1.2 Adverse effects***

*Regional and district plans shall recognise that adverse effects on indigenous biodiversity within terrestrial, freshwater and coastal environments are cumulative and may include:*

- a) fragmentation and isolation of indigenous ecosystems and habitats;*
- b) reduction in the extent and quality of indigenous ecosystems and habitats;*
- c) loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats ;*
- ca) the loss of ecological sequences;*
- d) loss or disruption to migratory pathways in water, land or air;*
- e) effects of changes to hydrological flows, water levels, and water quality on ecosystems;*
- f) loss of buffering of indigenous ecosystems;*
- g) loss of ecosystem services;*
- h) loss, damage or disruption to ecological processes, functions and ecological integrity;*
- i) changes resulting in an increased threat from animal and plant pests;*
- j) effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems;*
- k) noise, visual and physical disturbance on indigenous species, particularly within the coastal environment; and*
- l) loss of habitat that supports or provides a key life-cycle function for indigenous species listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System lists.*

## ***14 Soils***

### ***Policy 14.1 Maintain or enhance the values of the soil resource***

*Manage the soil resource to:*

- aa) avoid sedimentation and erosion;*
- a) [Deleted]*
- b) maintain or enhance biological, chemical and physical soil properties; and*



*c) retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.*

***Policy 14.2 High class soils***

*Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.*

***Implementation methods***

***14.2.1 Manage the form and location of development***

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

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

***Policy 14.3 Soil contaminants***

*Ensure that accumulation of contaminants in soils is avoided and does not cause a reduction in the range of existing and foreseeable uses of the soil resource.*

The Plan Change is considered to be consistent with the PWRPS provisions as follows:

- Future development of the Waitoa site will inevitably require earthworks for carparking and building platform and / or foundation purposes. Unmanaged, stormwater run-off associated with earthworks has the potential to cause accelerated erosion. Inghams will avoid, remedy or mitigate the effects of accelerated erosion by adopting industry best practice for the management of stormwater run-off during earthworks activities. This will include, for example, the adoption of erosion and sediment control measures during earthworks activities in accordance with Waikato Regional Council's Technical Report 2002/01 "Erosion and Sediment Control Guidelines for Soil Disturbing Activities" dated January 2009. It is not yet known whether future development will require earthworks consents, though it is considered likely. If earthworks consents are necessary, Waikato Regional Council will ensure compliance with relevant PWRPS policies as part of that process.
- Inghams Waitoa facility has a long-established and integrated waste management system. The site contains a number of reservoirs, settlement ponds, wetlands and waste



treatment areas. Collectively these facilities combine to reduce the levels of waste produced, and to recycle waste where practical. The applicant also holds a number of Regional consents for the discharge of stormwater to the Waipuna Stream and for the discharge of treated wastewater to both land and streams. The conditions associated with Regional discharge consents ensure the appropriate treatment and disposal of wastes and thus compliance with PWRPS waste management policies.

- The PWRPS seeks to ensure that growth proceeds in an integrated and planned manner and is aligned with infrastructure requirements. The proposal is considered generally consistent with this objective insofar as development resulting from the Plan Change is planned to integrate with existing service infrastructure without compromising regionally significant transport corridors (e.g. State Highways 26 & 27). By its very nature, a Concept Development Plan is a forward-planning document which seeks to provide development certainty. The resultant development can be considered 'planned' and 'coordinated'.
- The proposal is also considered an efficient use of natural and physical resources because the Plan Change seeks to intensify existing on-site activities (for the most part using existing on-site infrastructure) rather than duplicating or re-creating production facilities on other greenfield sites. The Plan Change is considered to represent an efficient use of resources because the land affected (by the Plan Change) is already set aside and zoned for Inghams purposes.
- The Plan Change proposes riparian planting to enhance water quality and instream ecological values consistent with Objectives 3.13 and 3.15.
- The extension of the Building and Plant Management Area will be wholly on land classified as high quality soil. However, the site is entirely comprised of high class soil and the extension area is in the only practical place. The site is also zoned Industrial so is already considered compromised in terms of rural productivity. The extension has therefore been managed as far as practicable to avoid the use of highly productive land.
- The Inghams poultry processing site is a significant employer in the region. Its expansion will thus benefit the economic and social wellbeing of the community.
- Recognition has been given to the interrelationship between water bodies and their riparian margins through the design and location of the 'Building and Plant Management Area'.
- The protection of stream habitats will inevitably have downstream benefits for the rivers and streams in the locality.
- Methodologies have been devised to minimise impacts upon riparian margins. This includes avoiding development alongside watercourses and the implementation of erosion and sediment control measures to manage the effects of stormwater run-off.
- Consultation with tangata whenua has ensured that the relationship of tangata whenua with the environment is recognised and provided for.
- Design imperatives have been used to provide for the mauri and health of the waterways and their margins. The protection of water quality will also be maintained through a combination of best practice stormwater management and riparian planting.

## **Operative Waikato Regional Policy Statement**

### **Issues, Objectives and Policies:**

#### ***2.2.2 Achieving Integrated Management***

***Issue:*** *Ad hoc decision making has the potential to prevent integrated management of natural and physical resources.*

***Objective:*** *The integrated management of natural and physical resources in the Waikato Region achieved*

#### ***Policy One: Natural and Physical Resources***

*When managing the use, development and protection of natural and physical resources recognise and provide for:*

- a. the interconnected nature of all elements of the environment*
- b. the inter-relationships between natural and physical resources*
- c. the potential for adverse environmental effects to occur*
- d. the range of social, cultural and economic values within the Region.*

#### ***3.3 Land and Soil***

##### ***3.3.9 Maintenance of Soil Health***

***Issue:*** *Some land use practices may adversely affect soil health and reduce soil versatility and productivity in the Region.*

***Objective:*** *Maintain versatility and productive capacity of the Region's soil resources.*

#### ***Policy One: Avoid, Remedy or Mitigate Degradation of Soil Versatility and Productive Capacity***

*Land use practices should occur in a manner designed to avoid degradation of soil versatility and productive capacity.*

#### ***3.11 River and Lake Beds Management***

***Issue:*** *Some activities and natural processes can destabilise the beds and banks of rivers and lakes.*

***Objective:*** *A net reduction in the adverse effects of the destabilisation of river and lake beds.*

#### ***Policy One: Catchment Based Approach***

*Adopt a catchment based approach integrating the management of land and water resources to achieve a net reduction in the adverse effects of river and lake bed instability.*

***Policy Two: Manage Extractions, Structures, Water Level Fluctuations and Surface Water Activities***

*Sand, metal and gravel extraction, placement of structures, water level fluctuations and surface water activities managed so as to avoid, remedy, or mitigate the adverse effects of the destabilisation of the beds and banks of lakes and rivers.*

***3.4 Water***

***3.4.5 Water Quality***

***Issue:*** *There is potential for the reduction of water quality from:*

- 1. The cumulative effects of point source and non-point source discharges of contaminants.*
- 2. Land uses which affect the margins and beds of water bodies.*
- 3. The taking or impoundment of water.*

***Objective:*** *Net improvement of water quality across the Region.*

***Policy Three: Riparian Management***

*Ensure that the adverse effects of land use on water quality and aquatic habitats are avoided, remedied, or mitigated.*

***3.11 Plants and Animals (Biodiversity)***

***3.11.4 Maintenance of Biodiversity1***

***Issue:*** *Biodiversity is important in maintaining ecosystem viability. Biodiversity tends to be lost when ecosystems are broken up or damaged by inappropriate use of land or water, invasion by exotic plants or animals or unsustainable use of species. There has been a reduction in the range, extent and health of indigenous vegetation and habitats of indigenous fauna and this trend is continuing.*

***Objective:*** *Biodiversity within the Region maintained or enhanced.*

***Policy One: Avoid, Remedy or Mitigate Adverse Effects on Biodiversity***

*Allow the use and development of natural and physical resources while avoiding, remedying or mitigating adverse effects on biodiversity in the Region.*

***3.13 Structures (Infrastructure)***

***3.13.2 Infrastructure***

***Issue:*** *Infrastructure (including network utilities) enable people and communities to meet their social, economic and cultural needs and is therefore important to the Region. Inappropriate subdivision, use and development of land can result in conflicts and*



*incompatibilities between activities which may significantly compromise the operation of regionally significant infrastructure.*

**Objective:** *The continued operation of regionally significant infrastructure (including network utilities) maintained or enhanced.*

***Policy One: Maintenance of Infrastructure***

*Avoidance of significant adverse effects (including cumulative effects) on the safe and efficient operation of regionally significant infrastructure. Where significant adverse effects on regionally significant infrastructure cannot be avoided they shall be remedied or mitigated.*

The above objectives and policies of the Operative RPS have the same or similar aims as those of the PWRPS. The assessment provided for the PWRPS (above) therefore is also considered relevant to the Operative RPS.

Making a broad overall judgement, there are no aspects of the proposal that are contrary to either the Operative or the Proposed Waikato Regional Policy Statement.