



**SOUTH WAIKATO DISTRICT COUNCIL
WHAKAMARU PRIVATE PLAN CHANGE**

**RECOMMENDATIONS OF THE HEARING PANEL | NGĀ TŪTOHUNGA A TE
PAEWHIRI WHAKAWĀ**

Date: 21 January 2026 | Te 21 o Hānuere 2026

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Executive Summary | Whakarāpopototanga

Tuia te rangi e tū iho nei

Tuia te papa e takoto ake nei

Tuia te here tangata

Tihei wā mauri ora!

1. Private Plan Change 5 - RM220139 (**Whakamaru PPC** or **plan change**) by J & T Quigley Ltd (**Applicant**) to the South Waikato District Plan (**District Plan**) proposes to alter the zoning of 31.68 hectares (**ha**) of land¹ at 1861 Ongaroto Road – State Highway 30 (**SH30**) Whakamaru (**Site**), from General Rural Zone (**GRUZ**) to Rural Lifestyle Zone (**RLZ**). Seven amendments, bespoke to the Site, are requested to the District Plan provisions.
2. This plan change is recommended to be **APPROVED** with the relevant plan provisions as determined by us set out in **Appendix 1**.
3. We have largely adopted the final version of the plan change provisions jointly agreed by the Applicant and the South Waikato District Council (**SWDC**),² but have made a small number of changes for consistency and to provide greater clarity and certainty. The changes we have made are minor such that a further s.32AA assessment is not necessary, and instead the original s.32 assessment as updated by the final s.32AA assessment,³ can be relied on for these purposes.
4. The reasons for our recommendations are set out in the sections that follow, and in summary include that the Whakamaru PPC (with the minor amendments we have made):
 - a) will assist SWDC in achieving the purpose of the RMA and implementing its functions under the RMA;
 - b) is consistent with the provisions of Part 2 of the RMA;
 - c) will give effect to Te Ture Whaimana, the relevant national direction instruments (including as recently amended)⁴ and the Waikato Regional Policy Statement - | Te Tauākī Kaupapa Here ā-Rohe o Waikato (**WRPS**);
 - d) is supported by the necessary evaluation in accordance with s.32;

¹ Being Lot 9 DP 425239 and Part Lot 1 DP 24479 Record of Title 499514.

² These were the provisions received by us on 14 November 2025 together with the updates we received to the RLZ provisions on 19 November 2025.

³ Louise Feathers, Final s.32AA Assessment, 14 November 2025.

⁴ Noting seven national direction instruments were amended and three new national direction instruments were released on 18 December 2025, and came into effect on 15 January 2026.

- e) is supported by all of the technical experts who appeared before us on behalf of SWDC and the Applicant; and
 - f) accords with s.18A of the RMA.
5. All key documents referred to can be found on the SWDC website.⁵ A glossary of the abbreviations used throughout this report is set out in **Appendix 2**, with a list of appearances contained in **Appendix 3**.
6. The Panel expresses their thanks to all those who assisted in the smooth running of this process, as well as all those who contributed and participated – whether successful or not in terms of the relief sought. Those contributions ensured that issues were identified, ventilated, and where relevant to the Resource Management Act 1991 (**RMA**) context, addressed through the resultant plan provisions.

E pari atu nei te tai o reo mihi ki a koutou katoa.

⁵ <https://www.southwaikato.govt.nz/our-council/consultation/district-plan-change-public-notification-j-t-quigley-limited>.

1 Introduction | Kupu Whakataki

1.1 Hearing Panel

1. This report is provided on behalf of SWDC by Independent Hearing Commissioners, Vicki Morrison-Shaw (Chair) and Brad Coombs, (together the **Panel**), appointed and acting under delegated authority pursuant to section (s.) 34A of the RMA.
2. The Panel has been delegated authority by SWDC to hear and provide recommendations on the Whakamaru PPC⁶ which seeks to rezone the 31.68 ha Site from GRUZ to RLZ together with some bespoke amendments to the District Plan provisions.

1.2 Site and Surrounding Context

3. The Site is located on the northern side of Waikato River (**River**) and the Lake Whakamaru Reserve (**Reserve**), and the southern side of Ongaroto Road (SH30). It is approximately 1.6km long and 270m wide, tapering at both ends. **Figure 1** below shows the location of the Site (with the Site boundaries outlined in red).⁷



Figure 1: Site Location

4. The Site is currently zoned GRUZ. It is subject to an Outstanding Natural Landscape (**ONL**) overlay due to its proximity to Lake Whakamaru (ONL5)⁸ which is part of the

⁶ Noting that the Panel's recommendations will be put to SWDC for ratification before a decision is formally issued.

⁷ Whakamaru PPC as Notified, Figure 1, p.13.

⁸ We have used the abbreviation ONL to refer to the ONL overlay at Lake Whakamaru as that is how it was referred to by the witnesses in their evidence.

Waikato River.⁹ The Site does not contain any Significant Natural Areas (**SNAs**) but is affected by the SNA Bounds overlay.¹⁰ The Waikato River and the Ongaroto Scrub upriver of the Site are both SNAs. There are also SNAs on the opposite side of the Lake.

5. The Site generally has a gentle to moderate slope with some steep sections of slope near the existing accessway to the Whakamaru Reserve. The Site was in pine forestry until harvest in 2018, and was replanted in pine trees by the Applicant, with the trees now between 3-4m in height.¹¹ There are visible undulations from forestry earthworks on the northern portion of the Site, and some contouring on the south-eastern portion of the Site is evident.¹²
6. The Site is not a hazardous activities and industries listed (**HAIL**) site,¹³ and contains no high class soils.¹⁴
7. The south-west portion of the Site contains a few temporary relocatable buildings for personal use.¹⁵ There is no reticulated infrastructure to the Site. Water supply is via roof catchment and tank storage, stormwater is soaked to ground, there is a long-drop toilet and consented primary treatment system for the temporary buildings.¹⁶
8. The Site adjoins the Lake Whakamaru Reserve which SWDC leases from the Crown for public recreational use purposes.¹⁷
9. The Waikato River Trail (**River Trail**) is located (mostly) adjacent to the western boundary of the Site within the Lake Whakamaru Reserve, but there is a portion of the Trail which is currently located within the Site.¹⁸
10. There is a boat ramp to the north-west of the Site, with an informal access road from the Site to the boat ramp. The existing vehicle crossing to SH30 is located approximately 350m south of the Site's northern boundary. Access is currently gained to the reserve through the Site.
11. The Site is subject to a number of easements and covenants which provide rights of way, rights to convey water, transmit electricity and communications, and rights to emit dust smoke and light.¹⁹
12. The surrounding environment comprises a mix of uses including rural (pasture), recreational, electricity generation, forestry, conservation, lifestyle and residential

⁹ Section 42A Report, at [4.2].

¹⁰ Primary Evidence of Louise Feathers, 10 October 2025, at [2.2].

¹¹ We note the evidence referred to the height as 2m or 3m, however, by the time of our site visit they appeared to be around 3 – 4m in height (or taller).

¹² Section 42A Report, at [4.4]-[4.8]; and Primary Evidence of Louise Feathers, 10 October 2025, at [2.13]-[2.14].

¹³ Whakamaru PPC, Appendix 4; and Primary Evidence of Louise Feathers, 10 October 2025, at [2.15].

¹⁴ Whakamaru PPC, Appendix 5.2, section 7.

¹⁵ The location of the temporary buildings is outlined in Black on the Concept Plan, below.

¹⁶ Primary Evidence of Louise Feathers, 10 October 2025, at [2.17].

¹⁷ SWDC Legal Submissions, 30 October 2025, at [3].

¹⁸ Primary Evidence of Louise Feathers, 10 October 2025, at [2.10].

¹⁹ Whakamaru PPC as Notified, Appendix 1.

village. Whakamaru Dam is located approximately 1km to the north-west, with the Site being approximately 1km to the east of the Whakamaru (Hydro) Village,²⁰ 13km southeast of Mangakino and 30km south of Tokoroa.²¹

13. The territorial boundary between SWDC and Taupō District Council follows the Lake's southern edge.

1.3 Purpose, Scope and Description of the Whakamaru PPC

14. The purpose of the Whakamaru PPC is to provide for a rural lifestyle subdivision on the eastern shores of Lake Whakamaru for permanent residents and holiday-makers.²²
15. To give effect to this purpose the Whakamaru PPC proposes the following changes:²³
 - a) amendments to the Subdivision (**SUB**) and RLZ chapters of the District Plan; and
 - b) the insertion of a new Structure Plan into the District Plan (which includes both text and a plan referred to as Figure 1) to be known as the Lake Whakamaru Development Area (**Development Area**) to guide subdivision and development within the Site.
16. While subdivision is not sought as part of this application, an illustrative subdivision concept plan (**Concept Plan**) is provided (copied below) that identifies the potential for 66 lots ranging from 2,488m² to 12,661m², as well as other matters.²⁴

²⁰ Noting the Whakamaru Village is in two parts – the hydro village, which is approximately 1km from the Site, and the more recent section which appears to be smaller and is approximately 2km from the Site.

²¹ Primary Evidence of Louise Feathers, 10 October 2025, at [2.4]-[2.5].

²² Primary Evidence of Louise Feathers, 10 October 2025, at [3.3].

²³ SWDC Legal Submissions, 30 October 2025, at [2].

²⁴ This version of the Concept Plan was included with the Applicant's closing. While the Concept Plan above is not binding in terms of a final subdivision outcome, we note that the smallest lot on the Concept Plan is 2,488m². We think this may be an error as we understand that the Applicant does not intend to include any lots smaller than the minimum 2,500m² size.



17. SWDC advised that the Whakamaru PPC if approved would become Plan Change 5 to the District Plan.²⁵

2 Procedural Matters | Ngā Mea Tukanga

2.1 Plan Lodgement, Further Information and Submissions

18. The Whakamaru PPC was lodged by the Applicant with SWDC on 15 March 2023,²⁶ and formally accepted for processing²⁷ on 11 April 2023.²⁸
19. Further information was requested on 31 May 2023 (RFI), and the Applicant's response to that request was provided on 1 August 2023.
20. The Applicant sought a cultural values assessment (CVA) from Raukawa Charitable Trust (Raukawa CT), but having not received a CVA by 6 June 2024, the Applicant requested that SWDC proceed with the processing of its plan change.²⁹
21. The Whakamaru PPC was publicly notified on 9 April 2025, with the submissions period closing on 12 May 2025. At that time 93 submissions had been received, with 39 submitters in support and 51 in opposition.³⁰

²⁵ SWDC Legal Submissions, 30 October 2025, at [5].

²⁶ Section 42A Report, at [3.6].

²⁷ Following receipt of fees.

²⁸ RFI, 31 May 2023.

²⁹ Section 42A Report, at [3.7]-[3.8].

³⁰ Section 42A Report, at [3.2].

22. The further submissions period closed on 13 August 2025 with 9 further submissions having been received within time.³¹ One late further submission was received – which we address in the next section.
23. A list of all of the submitters and further submitters along with their respective submissions are available from SWDC’s website.³²

2.2 Late Submission

24. One late further submission was received from Ms Anita Lord on behalf of the Whakamaru Water Ski Association Incorporated (**Whakamaru Water Ski Club**). The submission was received on 15 August 2025, two working days after the closing date for further submissions.³³
25. The s.42A Report author opined that there would be no prejudice in accepting the late submission given the late submitter raises issues already covered by other submitters.³⁴ Counsel for both the Applicant and SWDC confirmed they had no objection to this late submission being accepted.³⁵

2.2.1 Evaluation and Findings

26. We agree with the s.42A Report author and counsel. We find that acceptance of this late submission would not cause prejudice to any party given:
 - a) it was a further (rather than original submission);
 - b) the further submitter is already an original submitter;
 - c) no new issues were raised in the further submission; and
 - d) the delay in filing was short.
27. Accordingly, the late submission by Ms Lord on behalf of the Whakamaru Water Ski Club is accepted for consideration.

2.3 Hearing Reports, Expert Technical Evidence, Legal Submissions, Cultural Evidence, Submitter Statements and Responses to National Direction

28. SWDC prepared a s.42A Report³⁶ for the hearing which was made publicly available on 3 October 2025. This Report attached the following technical reviews:

³¹ Section 42A Report, at [3.3].

³² <https://www.waikatoregion.govt.nz/council/policy-and-plans/proposed-rcp/proposed-rcp-hearings/>.

³³ Section 42A Report, at [3.4].

³⁴ Section 42A Report, at [3.5].

³⁵ Applicant Legal Submissions, 30 October 2025, at [4]; Applicant Oral Legal Submissions, 3 November 2025; and SWDC Oral Legal Submissions, 3 November 2025.

³⁶ Section 42A Hearing Report, Private Plan Change – J & T Quigley Ltd to South Waikato District Plan, 3 October 2025 (**s.42A Report** or **Section 42A Report**).

- a) Landscape and Visual Amenity Report: Mr Timothy Lander of LOAM Landscape Architects, 28 September 2025;
 - b) Land Contamination Report: Ms Kylie Eckersley of HAIL Environmental, 17 September 2025;
 - c) Economics Memorandum: Mr Steve Gow, Economic Development Manager at SWDC, 22 September 2025;
 - d) Reserves Memorandum: Mr Phil Parker, Parks and Reserves Manager at SWDC, 22 September 2025; and
 - e) Access and Servicing Memorandum: Mr Andrew Pascoe, Development Engineer at SWDC, 26 September 2025.
29. The Applicant filed corporate evidence from Mr Jonathan Quigley and expert technical evidence from the following nine independent experts on 10 October 2025:
- a) Mr David Mansergh - Landscape and Visual Effects;
 - b) Mr Gerardus Kessels – Ecology;
 - c) Ms Trisha Simonson – Wastewater;
 - d) Ms Judith Makinson – Transportation;
 - e) Mr Adam Thompson – Economic;
 - f) Mr Alex Jacob – Acoustic;
 - g) Mr Anthony (Tony) Richardson - Infrastructure/Engineering;
 - h) Ms Rebecca Foy - Social Impact; and
 - i) Ms Louise Feathers – Planning.
30. No expert technical evidence was filed on behalf of submitters.
31. The following expert technical evidence was filed by SWDC (in reply to our Direction #2 and the Applicant’s evidence) on 24 October 2025:
- a) Mr Pascoe – Infrastructure;
 - b) Ms Eckersley – Contaminated land;
 - c) Mr Parker – Parks and reserves;
 - d) Mr Gow – Economics;
 - e) Mr Lander – Landscape; and
 - f) Ms Putt – Planning.
32. Legal submissions were filed by:

- a) Dr Joan Forret on behalf of the Applicant;³⁷ and
 - b) Ms Bridget Parham on behalf of SWDC.³⁸
33. Oral cultural evidence was provided by Dr Andrea Julian on behalf of Raukawa CT. Both written and oral cultural evidence was provided by Mr Craig Ahipene on behalf of himself, and in his role as Chair of Pouākani Trust, and Te Ngare o Te Kohera.
34. In addition a number of lay submitter statements were provided. These included written statements from:
- a) Ms Lord on behalf of herself, her family and the Whakamaru Water Ski Club;
 - b) Forest and Bird;
 - c) Ms Hope Woodward;
 - d) Ms Melissa Verryt; and
 - e) Ms Sarah Bolt.
35. On 18 December 2025, the Government released a package of new and amended national directions. As these directions came into effect after we had finished writing our report, but before the report could be ratified and released by SWDC, we invited written comments from the parties of the effect of these changes. We received the following in response:
- a) a statement of evidence from Ms Putt for SWDC;³⁹
 - b) a letter from Dr Forret for the Applicant;⁴⁰ and
36. Statements were also received from the following submitters:
- a) Ngāti Te Kohera Hapū;⁴¹
 - b) Sarah Bolt;⁴²
 - c) Hope Woodward;⁴³
 - d) Peter Martin;⁴⁴ and
 - e) Raukawa CT.⁴⁵

³⁷ Applicant Opening Legal Submissions, 30 October 2025.

³⁸ SWDC Legal Submissions, 30 October 2025.

³⁹ Second Supplementary Statement of Evidence of Karla Putt, 23 December 2025.

⁴⁰ Letter from Dr Joan Forret of NZEnviro Law, 23 December 2025.

⁴¹ Ngāti Te Kohera Hapū Submission, 2 January 2026.

⁴² Sarah Bolt Statement, 14 January 2026.

⁴³ Hope Woodward Email, 15 January 2026.

⁴⁴ Peter Martin Email, 20 January 2026.

⁴⁵ Raukawa CT Submission, 21 January 2026.

37. We also received a submission from Ngāti Whaita Hapū on 21 January 2026 ostensibly in response to our Direction #5 setting out their opposition to the proposal. However, Direction #5 provided a limited opportunity to *existing* submitters to comment on the impact of the new and changed national direction instruments on matters raised in their submissions. As Ngāti Whaita is not already a submitter in this process (i.e. they did not file an original or further submission at the time this matter was publicly notified), and as their submission was not in relation to the new and amended national directions, their submission is out of scope. We have therefore not considered it further in making our recommendations.
38. A copy of all of the material provided by parties to the Whakamaru PPC before, during, and following the hearing is available on the SWDC website.⁴⁶
39. We confirm in reaching our recommendations we have considered all of the above material – other than the out of submission from Ngāti Whaita for the reasons noted above.

2.4 Pre-Hearing Meetings and Expert Conferencing

40. No formal pre-hearing meetings or expert conferencing were undertaken prior to the lodgement of the s.42A Report.
41. Following receipt of the parties' expert primary evidence, the Panel considered whether expert conferencing should be directed. However given the nature of the issues in dispute and the fact that the Applicant and SWDC were already liaising with each other, we did not consider formal conferencing directions to be necessary. We did however encourage the parties to continue informal discussions and to report on any outcomes of that at the hearing.⁴⁷

2.5 Consultation

42. The Applicant consulted or sought to engage with a number of stakeholders and community groups. This included tangata whenua, local councils, the New Zealand Transport Agency Waka Kotahi (**NZTA**), the Department of Conservation (**DOC**), Forest and Bird, Fish and Game, neighbouring property owners, Land Information New Zealand, Mercury Energy Ltd, the Waikato River Trails Trust, local residents, the Whakamaru Ratepayers and Residents Association, the Mangakino Health Centre, Whakamaru School, Fire and Emergency New Zealand (**FENZ**); St John Hato Hōne (**St Johns**), and a local real estate agent.⁴⁸

⁴⁶ <https://www.southwaikato.govt.nz/our-council/news?item=id:2tqr43s7p1cxbyaqhgcy>.

⁴⁷ Direction #2, 17 October 2025.

⁴⁸ Whakamaru PPC as Notified, Section 7 and Appendix 14; and Primary Evidence of Jonathan Quigley, 10 October 2025, at [21]-[31].

2.6 Site Visit

43. We undertook a Site visit on the afternoon of 2 November 2025. The weather was fine with high cloud during the site visit, and the visibility was excellent.
44. We drove around the outside of the Site and viewed it from publicly accessible points including those which had been assessed as part of the landscape and visual assessment, as suggested by the Applicant. We also visited the Sandy Bay reserve area as was recommended by SWDC's landscape expert Mr Lander, and the Waipamu Station subdivision which had been referenced by a number of the parties.
45. As we did not enter onto the Site itself we did not require any person to accompany us on the Site visit.⁴⁹

2.7 Hearing and Appearances

46. The hearing for the Whakamaru PPC took place on 3 and 4 November 2025 at the SWDC Chambers in Tokoroa.
47. A list of the persons appearing for the Applicant, SWDC and submitters on each of the two hearing days is set out in **Appendix 3**.

2.8 Directions

48. In order to respond to matters arising before, during and following the completion of the hearing, the Panel issued a total of 6 Directions.⁵⁰
49. These directions related to the following:
 - a) evidence exchange and hearing (Direction #1);
 - b) witnesses to be excused, expert conferencing and request for clarification/information (Direction #2);
 - c) table of lot sizes and Word version of provisions (Direction #3);
 - d) close of hearing (Direction #4);
 - e) new national directions (Direction #5); and
 - f) request for extension (Direction #6).
50. The Panel wishes to record its' appreciation to all parties, and where relevant, their respective experts and counsel, for the constructive and timely manner in which they responded to the Directions.

⁴⁹ The Site is largely covered with pine trees and therefore access to the Site would be difficult.

⁵⁰ All of our Directions are available on <https://www.southwaikato.govt.nz/our-council/consultation/district-plan-change-public-notification-j-t-quigley-limited>.

3 Statutory Provisions and Requirements | Ngā Kupu Ture me Ngā Herenga

3.1 Introduction

51. Clause 21 of Sch.1 of the RMA enables private plan change requests to be made to a council. The provisions of a private plan change request must comply with the same mandatory RMA requirements as council-initiated plan changes, including a s.32 assessment.⁵¹

3.2 Relevant RMA Provisions and Plan and Policy Documents

3.2.1 Identification of Provisions and Documents

52. The SWDC Legal Submissions and the s.42A Report identified the relevant RMA provisions as comprising: ss.31, 32, 74-76 (for assessment purposes), and Part 2 of Sch.1 of the RMA (in relation to process).⁵² This was not contested.

3.2.2 Assessment of Provisions and Documents

53. An assessment of the relevant RMA provisions and plans was set out in the Applicant's s.32 assessment which formed part of the notified plan change.⁵³
54. Some submitters expressed the view that the proposal would be inconsistent with Part 2 of the RMA and/or the uses anticipated for the area under the District Plan.⁵⁴
55. The s.42A Report assessed the development against all of the relevant RMA provisions (including Part 2) and the relevant policies and plans - largely agreeing with the assessment in the s.32 assessment. Table 1 below summarises the outcome of the s.42A Report assessment (prior to the filing and hearing of evidence of the other parties):⁵⁵

Table 1: Summary of Original s.42A Assessment

RMA Provision or Document	Assessment (Summary)
Part 2	- As the Applicant primarily seeks to adopt the existing (tested) District Plan provisions it meets the sustainable management purpose (s.5) - Changes are required to ensure that the Application recognises and provides for some of the relevant matters in s.6 – namely (a), (b), (c)

⁵¹ Clause 22(1) of Sch.1 to the RMA.

⁵² SWDC Legal Submissions, 30 October 2025, at [20]-[22]; and Section 42A Report, at [6.2]-[6.9].

⁵³ Whakamaru PPC as notified, Section 10.

⁵⁴ For example, see: Craig Ahipene #40.02, Pouākani Trust #41.02, Te Ngare o Te Kohera Trust #42.02, Barbara Gilmour #80.02, Margaret Trueman #84.01, Maia Doig #90.01, and Sarah Bolt Written Statement, 30 October 2025.

⁵⁵ Section 42A Report, at [6.10]-[6.31] and Section 7.

RMA Provision or Document	Assessment (Summary)
	and further information is required to assess s.6(e) - Of the relevant matters in s.7 ((a)-(c) and (f)), further information is required to assess impacts on (a) kaitiakitanga, and changes are required to (c) and (f) regarding amenity values and the quality of the environment - The absence of a CVA limits the ability to assess Te Tiriti principles (s.8)
Section 31	The Application meets the functions of achieving integrated management of the effects of land use, development and protection and the control of any actual or potential effects
Section 32	The Application includes a s.32 assessment which evaluates the plan change against the purpose of the RMA, the relevant higher order instruments, the District Plan policy framework, assesses options for achieving the objectives, weighs efficiency and effectiveness, and outlines why in the s.32 author's view the proposal is the most appropriate
<i>Sections 74-76</i>	
National Policy Statement for Highly Productive Land (NPS-HPL)	Land is not highly productive land so the NPS-HPL does not apply
National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)	The Site does not contain open water bodies, wetlands or indigenous vegetation that trigger assessment under the NPS-IB
National Policy Statement for Freshwater Management 2020 (NPS-FW)	The Site does not contain open water bodies, wetlands or indigenous vegetation that trigger assessment under the NPS-FM
National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)	The proposal for solar generation gives effect to the NPS-REG
National Policy Statement for Urban Development 2020 (NPS-UD)	The NPS-UD is not relevant as the location is not an urban environment
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS)	The Site does not contain any known HAIL sites so there is no need for a preliminary site investigation and no NES-CS consents are required
Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy	The Whakamaru PPC will result in improvements to ecological habitats via additional planting and

RMA Provision or Document	Assessment (Summary)
for the Waikato River (Te Ture Whaimana)	appropriate management of wastewater and stormwater on-site There is no direct discharge to the Lake which is physically separated from the Site
WRPS	Overall the Whakamaru PPC is consistent with the WRPS objectives relating to mauri and values of freshwater bodies, riparian areas, values of soils, natural hazards and natural character as well as the development principles relating to rural residential development
Waikato Regional Plan (WRP)	Overall the Whakamaru PPC is consistent with the relevant objectives and policies of the WRP relating to kaitiakitanga, integrated management of land and water and discharges to land and water
District Plan	<u>Chapter 6 Strategic Direction</u> : Generally consistent with the relevant objectives and policies given the measures proposed to manage the health of the River and to provide access to the River
	<u>Chapter 7.2 Infrastructure</u> : Generally consistent with the relevant objectives and policies as there will be little impact on existing or future infrastructure (SH30, national grid and Lake levels for power generation)
	<u>Chapter 7.3 Transport</u> : Generally consistent with the relevant objectives and policies, as it provides a single point of access from SH30, integrates to the transport network, provides cycling opportunities and connectivity to Whakamaru businesses
	<u>Chapter 8.3 Natural Hazards</u> : Generally consistent with the relevant objectives and policies as the development is situated well above the operating level of the Waikato River hydroelectric activity and future structures will be required to comply with the recommendations of the site suitability and natural hazard report provided by the Applicant
	<u>Chapter 9.2 Sites and Areas of Significance to Māori</u> : No sites listed in the District Plan but note submissions regarding nearby wāhi tapu - unable to assess against the relevant objectives and policies due to a lack of information
	<u>Chapter 10.1 Ecosystems and Biodiversity</u> : Generally consistent with the relevant objectives and policies given the mitigation measures proposed, the absence of any wetland, and the proposed indigenous planting which will contribute to the betterment of the Site and the health of the Waikato River

RMA Provision or Document	Assessment (Summary)
	<u>Chapter 10.2 Natural Character:</u> Generally consistent with the relevant objectives and policies as additional land is provided for recreation, pines are to be removed, indigenous planting is to occur, public access is to be improved and ONLs will be maintained and enhanced through the measures proposed
	<u>Chapter 10.3 Natural Features and Landscape:</u> Generally consistent with the relevant objectives and policies due to the removal of the pine trees, the betterment restoration planting and mitigation proposed, the controls proposed on development and earthworks, the establishment of a planted bund and onsite mitigation, and the enlargement of reserve areas – but insufficient information regarding providing for relationship of tangata whenua with landscape
	<u>Chapter 10.4 Public Access:</u> Generally consistent with the relevant objectives and policies given the additional recreation areas, new and improved public access, vegetation corridors and reserve enhancement via planting – but insufficient information regarding providing for relationship of tangata whenua with the River
	<u>Chapter 11 Subdivision:</u> Generally consistent with the relevant objectives and policies, in particular: • Proposed development is consistent with RLZ-P5(a)-(f) and can be considered suitable for RLZ • Access services, reserves assessment and measures proposed consistent with SUB-P13
	<u>Chapter 12 District Wide Matters:</u> Generally consistent with relevant objectives and policies given earthworks and amenity controls, setback from River, and other matters to be addressed at consent stage
	<u>Chapter 13.3 RLZ:</u> Overall consistent with relevant objectives and policies, as it is physically separated from adjoining production properties and Mercury hydro easement, there are no SNAs within the Site, development is to be provided for through the Development Area Plan which addresses infrastructure and key design matters, and realignment of the River Trail will provide improved accessibility
South Waikato Growth Plan (Growth Plan)	Could be considered inconsistent as Site is outside the three towns (Tokoroa, Putaruru and Tirau) where growth is anticipated, but the Growth Plan did not

RMA Provision or Document	Assessment (Summary)
	consider demand for RLZ and the land is not highly productive land
South Waikato District Reserve Management Plan (Reserve MP)	Will not affect the ability to give effect to the purpose of the Reserve MP (being informal recreational use and access to the River), but is likely to lead to higher use and demands on Reserve
South Waikato District Play, Active Recreation and Sport Plan (PARS Plan)	Consistent with the PARS Plan as it proposes to formalise access to the Reserve and River Trail
Raukawa Environmental Management Plan 2015 (Raukawa EMP)	Generally consistent with some of the Raukawa EMP objectives and methods by recognising the significance of the River, providing for indigenous vegetation, managing access to the River and providing for onsite wastewater treatment
Te Arawa River Iwi Trust Environmental Plan 2015-2025	Generally consistent with some of the objectives by recognising the significance and health of the River and landscapes of cultural significance and providing for indigenous vegetation including corridors
Mahere Waka ā-Rohe o Waikato - Waikato Regional Land Transport Plan (Land Transport Plan)	Generally inconsistent as it is not located within an existing urban area, it requires a relocation of the vehicle crossing and new internal roads

56. Overall the s.42A Report concluded that the proposal was generally consistent with the relevant RMA provisions and relevant planning documents. The exceptions were where the s.42A Report author was reserving her view, pending any cultural evidence being provided at the hearing; and the Raukawa EMP, the Growth Plan, and the Land Transport Plan, where the proposal was only considered to be partially consistent.
57. Ms Feathers, in her planning evidence for the Applicant, confirmed her view that:⁵⁶
- a) the plan change achieves sustainable management;
 - b) accords with sections 6-8 of the RMA;
 - c) aligns with Te Ture Whaimana, the RPS, and the District Plan;
 - d) all relevant effects had been addressed; and
 - e) it was appropriate to grant the plan change.
58. In her Supplementary Evidence, Ms Putt (the s.42A Report author) updated her position to state that subject to hearing the cultural effects evidence, there are no

⁵⁶ Primary Evidence of Louise Feathers, 10 October 2025, at [1.11]; and Summary Statement of Louise Feathers, 3 November 2025, at [38].

matters that would preclude the Whakamaru PPC being granted subject to the amendments to the provisions she had recommended.⁵⁷

59. The SWDC Legal Submissions outlined the statutory framework and noted that:

a) while the:

- i) s.42A Report had assessed Part 2 of the RMA “...arguably such an assessment is not required because there is no ambiguity, lack of coverage or invalidity in the higher order planning documents”;⁵⁸
- ii) Raukawa EMP, the Growth Plan, and the Land Transport Plan must be considered, the plan change is not required to implement/give effect to those planning documents;⁵⁹

b) Te Ture Whaimana is relevant given the Site’s proximity to Lake Whakamaru, which is part of the Waikato River,⁶⁰ and that:⁶¹

- i) Te Ture Whaimana is the primary direction setting document for the River;
- ii) its overarching purpose is to restore and protect the health and wellbeing of the River for future generations;
- iii) Te Ture Whaimana is deemed to be part of the Waikato Regional Policy Statement | Te Tauāki Kaupapa Here ā-Rohe o Waikato (**WRPS**) and must be given effect to by the plan change;
- iv) Te Ture Whaimana prevails over any inconsistent provision in a national policy statement (**NPS**), the New Zealand Coastal Policy Statement, any national planning standard, and the WRPS;
- v) every person exercising functions or powers under the RMA must have particular regard to Te Ture Whaimana; and
- vi) any person changing a planning document (here the District Plan) where Te Ture Whaimana applies, must explicitly state how Te Ture Whaimana has been given effect to.

60. The Applicant adopted the SWDC summary of the relevant legal framework.⁶²

61. At the hearing, Ms Putt further updated her position by:⁶³

⁵⁷ Supplementary Evidence of Karla Putt, 24 October 2025, at [37].

⁵⁸ SWDC Legal Submissions, 30 October 2025, at [24].

⁵⁹ SWDC Legal Submissions, 30 October 2025, at [23].

⁶⁰ As confirmed by the broad definition of “River” in s.2 of the RMA, the broadness of which was emphasized in the Environmental Protection Authority, Board of Inquiry Decision, January 2022.

⁶¹ SWDC Legal Submissions, 30 October 2025, at [26]-[30].

⁶² Applicant Opening Legal Submissions, 30 October 2025, at [3].

⁶³ Oral Evidence of Karla Putt, 4 November 2025.

- a) noting that no new or additional information had been identified by the cultural presenters, the management of wastewater and earthworks had been addressed and she considered the plan change would give effect to Te Ture Whaimana;
 - b) opining that the effects of the proposal could be mitigated by the changes to provisions she had recommended and which had been agreed to by the Applicant; and
 - c) concluding that as the plan change was consistent with all the relevant statutory tests, it was appropriate to grant the plan change.
62. Ms Parham in her oral legal submissions for SWDC reinforced this position submitting that:⁶⁴
- a) the RMA is not a “no-effects” based statute;
 - b) the technical evidence is that the risk is very low and there is alignment with the relevant planning documents;
 - c) there are no outstanding issues as between SWDC and the Applicant; and
 - d) there is nothing that would preclude the plan change being granted.
63. Dr Forret in her reply submissions for the Applicant, confirmed that they were in the “happy position” of being in agreement with the views expressed by SWDC, and given the relevant technical experts were in agreement, there was appropriate support for the rezoning.⁶⁵
64. As noted earlier, following the close of the hearing, but before our report was formalised, the Government released a package of new and amended national directions that came into effect on 15 January 2026. These comprised:
- a) three new national direction instruments, namely:
 - i) Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 (**NES-DMRU**);
 - ii) National Policy Statement for Natural Hazards 2025 (**NPS-NH**);
 - iii) National Policy Statement for Infrastructure 2025 (**NPS-I**); and
 - b) seven amended national direction instruments, being:

⁶⁴ SWDC Oral Legal Submissions, 4 November 2025.

⁶⁵ Applicant Oral Legal Submissions, 4 November 2025; and Applicant Written Reply Submissions, 14 November 2025.

- i) NPS-HPL Amendment 2025;
 - ii) New Zealand Coastal Policy Statement Amendment 2025;
 - iii) NPS-IB Amendment 2025;
 - iv) NPS-FW Amendment 2025;
 - v) Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025;
 - vi) NPS for Renewable Electricity Generation Amendment 2025; and
 - vii) NPS for Electricity Networks Amendment 2025.
65. We sought and received comments on the implications of those directions for our recommendations.
66. Ms Putt for SWDC advised that the only two directions of relevance were the new NES-DMRU and NPS-NH.
67. In relation to the NES-DMRU she noted that:⁶⁶
- a) makes one minor dwelling per site a permitted activity provided certain requirements are met (relating to minimum floor area, building coverage, setback distances, health and safety, natural hazard risk, reverse sensitivity and site-specific infrastructure requirements);
 - b) exempts other District Plan rules from applying including amenity values, minimum requirements for individual outdoor open space, privacy or sunlight access, glazing and parking;
 - c) would enable up to 66 minor dwellings within the Whakamaru Development Area if all landowners took up the opportunity (noting that some may choose not to); and
 - d) all minor dwellings would be required to provide on-site servicing and the evidence at the hearing confirmed on-site secondary wastewater treatment systems can be designed to accommodate a minor dwelling for each lot.
68. In relation to the NPS-NH, Ms Putt advised that:⁶⁷
- a) it relates to flooding, landslips, coastal erosion and inundation, active faults, liquefaction and tsunami hazards, and applies to all environments and all zones;
 - b) it requires the use of risk matrix, a proportionate approach to the management of natural hazard risk (with high hazard risks to be avoided), assessments and

⁶⁶ Second Supplementary Statement of Evidence of Karla Putt, 23 December 2025, at [12]-[19].

⁶⁷ Second Supplementary Statement of Evidence of Karla Putt, 23 December 2025, at [20]-[25].

decisions to be based on the best available information, and the consideration of potential climate change impacts at least 100 years in the future;

- c) the Site Suitability and Natural Hazard Report provided with the plan change, provides a risk matrix assessment, and together with Mr Richardson's evidence at the hearing, have been accepted by SWDC as being suitable for the Site and proposed development; and
 - d) the assessment is consistent with that required by the NPS-NH and therefore the plan change is considered to give effect to the NPS-NH.
69. Ms Putt also confirmed that in her view no changes to provisions are required to address the NES-DMRU or NPS-NH. There is no reference to the potential number of residential units in the provisions only a maximum lot number (66), and the Development Area Plan does not specify a residential unit type, meaning it would apply to all housing typologies.⁶⁸
70. Dr Forret in her response for the Applicant made similar comments to Ms Putt and added further that:⁶⁹
- a) the amendments to the existing relevant national direction instruments do not affect the Whakamaru PPC as the changes to the NPS-HPL relate to aggregate and mineral extraction and for the NPS-IB and NPS-FM the changes related to quarrying and mineral extraction;
 - b) the NPS-NH does not require any additional information or assessment given the natural hazard risk assessment carried out in the reports that support the plan change application;
 - c) the NES-DMRU permits a minor residential unit of up to 70m² on residential, rural and mixed use sites;
 - d) the NES-DMRU allows councils to have more lenient rules and requires the minor dwellings comply with certain rules including those that relate to stormwater and wastewater treatment;
 - e) the NES-DMRU will apply to the Site since the RLZ is a rural zone;
 - f) neither the s.32AA nor the original s.32 evaluation specify the number of residential units (it only limits the number of lifestyle lots);
 - g) Ms Simonson confirmed in response to a question from the Panel that the secondary wastewater systems proposed for the Site will be sufficient for the 66 residential units and also for an additional minor dwelling on each lot – meaning

⁶⁸ Second Supplementary Statement of Evidence of Karla Putt, 23 December 2025, at [26].

⁶⁹ Letter of Dr Forret of NZEnviro Law, 23 December 2025, at [3(b) and (c)] and [4].

the additional permitted minor dwellings will not adversely affect the environment nor increase the likelihood of any adverse risk to water quality of the Lake;

- h) although visual amenity is not an effect relevant to the permitted activity status conferred by the NES-DMRU, Mr Mansergh also confirmed that an addition minor dwelling on each potential new lot would not affect his assessment of landscape effects for the Site; and
- i) the relevant matters under the new national direction documents have been addressed as part of the Application and no further assessment or evaluation under s.32AA is required.

71. Submitters noted the following (which we have summarised):⁷⁰

- a) Ngāti Te Kohera Hapū's primary concern was with the NES-DMRU. This they said would increase population density and wastewater volumes heightening cumulative risk of wastewater discharge into the Lake adversely affecting the Lake's mauri and the submerged urupā. Ngāti Te Kohera considered such intensification and further wastewater discharge was inconsistent with the precautionary approach in the NPS-IB and the NPS-FM, and that the NPS-I does not override those requirements. Ngāti Te Kohera sought that any additional residential intensification including detached minor residential units be excluded or restricted in this location, or if intensification proceeds, it must be subject to a discretionary consent process incorporating full CVA and hapū involvement.⁷¹
- b) Ms Bolt considered that the new and amended national direction instruments increased the weight to be given to the matters raised in her original submission. Particularly those relating to the scale of development, cumulative effects, natural hazards, indigenous biodiversity, and effects on freshwater health.⁷²
- c) Ms Woodward considered the relevant new and amended national direction instruments to be the NPS-HPL (which reinforced her submission on the loss of rural productive capacity) and the NPS-NH (which supports denying the plan change to avoid unmitigated hazards).⁷³

⁷⁰ Noting we discuss further aspects of the submissions in later parts of this Report.

⁷¹ Ngāti Te Kohera Hapū Submission, 2 January 2026.

⁷² Sarah Bolt Submission, 14 January 2026.

⁷³ Hope Woodward Email, 14 January 2026.

- d) Mr Martin considered the NPS-HPL and NPS-FM meant that the land could not be rezoned and that NPS-IB reinforced concerns regarding indigenous plant and animal species.⁷⁴
- e) Raukawa CT provided a detailed submission with the key concerns being the new NES-DMRU and the amended NPS-FM. Raukawa submitted that:⁷⁵
 - i) The NES-DMRU would enable more intensive development (132 dwellings as opposed to 66) which would be more culturally and environmentally impactful (particularly in terms of wastewater and the potential effects on the wāhi tapu but also in terms of landscape and naturalness effects) than was assessed at the hearing. Such a development is inconsistent with Te Ture Whaimana which requires betterment not just the mitigation of effects.
 - ii) In terms of the NPS-FM, Raukawa submitted that the amendments place greater emphasis on cumulative effects, long-term outcomes and permanence of land use change, and that proposals affecting waters associated with wāhi tapu must clearly demonstrate positive outcomes for freshwater health and values.
 - iii) Raukawa considered that the NPS-I, NPS-IB, NPS-NH, and NES-FW had some limited relevance due to the matters they covered but the remaining national instruments were not relevant.

3.3 Evaluation and Findings

- 72. We accept that the relevant legal framework and planning documents were correctly identified by SWDC (as summarised in section 3.2.1 above).
- 73. We also accept the assessment of the plan change against those documents as set out in the s.42A Report and as updated through the subsequent evidence and legal submissions provided by SWDC and the Applicant for the reasons set out in those documents (as summarised in section 3.2.2 above).
- 74. In terms of the new and amended national directions, we accept the supplementary evidence of Ms Putt and the legal submissions of Dr Forret outlined (in paragraphs [65] to [69]) above. We also accept that the matters addressed by the new national directions were sufficiently addressed in the evidence and/or through questioning at the hearing, such that no further evaluation is required.

⁷⁴ Peter Martin Email, 20 January 2026.

⁷⁵ Raukawa CT Submission, 21 January 2026.

75. We note the concerns of Raukawa CT and Ngāti Te Kohera hapū and address wastewater effects in the next section of our report, and statutory assessment matters (including the changes we have recommended to provisions) in section 5.
76. In relation to the points raised by submitters regarding the existing national direction instruments (NPS-HPL, NPS-IB, NPS-FM and NES-FW) we note that the changes made in December 2025 related to aggregate, quarrying and mineral extraction which are not relevant to the Whakamaru PPC.
77. Similarly, the new NPS-I is not directly relevant since the development is a rezoning to enable a rural lifestyle use.
78. In relation to the new NPS-NH, we have found (based on the SWDC and Applicant evidence and legal submissions) that natural hazard matters were sufficiently addressed in the reports that supported the Whakamaru PPC application.
79. As a result, for all of the reasons set out above and in the sections that follow later in this report, we are satisfied the matters set out in the relevant RMA sections and policy and plan documents have been appropriately addressed.

4 Assessment of Environmental Effects | Te Mātai i Ngā Āhuatanga Ka Pā ki te Taiao

80. Both the s.42A Report and planning evidence for the Applicant assessed the actual and potential effects of the plan change by topic. Both used the same headings, although the Applicant added separate headings for cumulative and noise effects.⁷⁶ While by the end of the hearing there were no outstanding issues as between the Applicant and SWDC, as issues remained in contention with submitters, we address the full suite of issues in this section. However before we list those issues, we address a preliminary issue regarding trade competition effects.

4.1 Trade Competition

81. In her oral closing Dr Forret submitted that there was an element of trade competition in the submission made by Mr Houlahan (given he was a director of Waipamu Station and had, she understood, been seeking to sell his property for two years). When pressed, she conceded, that Mr Houlahan did not meet the test to be a trade competitor.

4.1.1 Evaluation and Findings

82. Given the above concession by the Applicant's counsel, we find there is no disqualifying trade competition interest, and no need to consider the issue of trade competition further. Accordingly, we have had full regard to the submission made by

⁷⁶ Section 42A Report, at [8.3] and Primary Evidence of Louise Feathers, 10 October 2025, at [6.2].

Mr Houlahan (in the same way as we have for other submitters) in reaching our recommendations.

4.2 List of Effect Topics

83. We have adopted the topic headings used by the s.42A Report; however, we have amended the order to place positive effects at the end of the section. Accordingly, we have assessed the potential effects in the following order and under the following headings:
- a) Landscape and Natural Character, Visual Effects and Effects to ONL5;
 - b) Transportation;
 - c) Stormwater;
 - d) Wastewater;
 - e) Water Supply;
 - f) Natural Hazards and Geotechnical;
 - g) Solid Waste;
 - h) Ecological;
 - i) Recreational;
 - j) Social;
 - k) Economic;
 - l) Cultural;
 - m) Reverse Sensitivity;
 - n) Loss of Rural Production Land;
 - o) Cumulative Effects;
 - p) Noise Effects; and
 - q) Positive Effects.
84. We note that while we have read and considered all submission points, in the interests of brevity, we have not always referenced all submitters where more than one submitter has made a submission on the same topic. For similar reasons, we have not set out in full all points made in submissions on each topic – instead we have summarised key points made by topic (as is permitted by cl.10 of Sch.1).

4.3 Landscape and Natural Character, Visual Effects and Effects to ONL5

4.3.1 Submissions and Evidence

85. Common themes of submissions were the potential visual, landscape and natural character effects. The majority of submitters did not support increased density at the Site and were concerned that the development would have “large”/“huge”⁷⁷ visual effects, that the planting mitigation would not be adequate to screen the development,⁷⁸ and that landscape and natural character would be “eroded”,⁷⁹ “irreversibly altered”⁸⁰ or “lost”.⁸¹
86. These issues were emphasised by submitters in opposition appearing at the hearing, who raised concerns about light pollution, the loss of natural character experience and the loss of a “pristine natural environment”.⁸² These submitters were concerned about the scale of the change to the landscape, its’ effect on access to the Lake and questioned the likelihood of a positive landscape outcome.⁸³ One submitter opined that even if it was a good design, it is the “wrong thing in the wrong place”.⁸⁴ Accordingly, submitters in opposition favoured the status quo.
87. A few submitters took a contrary view opining that the proposed controls would reduce visual impacts,⁸⁵ and would preserve the tranquillity and natural character of the Lake.⁸⁶
88. The Applicant provided a detailed assessment of the potential effects on landscape and natural character with the Application.⁸⁷ This material was supplemented by expert landscape evidence from Mr Mansergh,⁸⁸ which responded to concerns raised in submissions, the s.42A Report and in the peer review undertaken by SWDC’s independent landscape expert Mr Lander.⁸⁹
89. Further concerns raised by Mr Lander in his rebuttal evidence⁹⁰ were responded to by the Applicant at the hearing. By the close of the hearing, the issues as between the landscape experts had been resolved for all landscape related topics, including a cap

⁷⁷ Richard Harcourt #65.01 and Anita Lord #7.10.

⁷⁸ Peter Martin #81.04.

⁷⁹ Kay Logan #17.01.

⁸⁰ Jason Mills #4.04.

⁸¹ Anita Lord #7.07.

⁸² Anita Lord Emailed Statement, 30 October 2025, Oral Evidence of Anita Lord 3 November 2025, Oral Evidence of Sarah Bolt Written Statement, 30 October 2025; Oral Evidence of Sarah Bolt, 3 November 2025, and Oral Evidence of Chanel Houlahan 4 November 2025.

⁸³ Verbal evidence of Dr Andrea Julian for the Raukawa Charitable Trust.

⁸⁴ Verbal evidence of Hope Woodward.

⁸⁵ Joshua Prouse #9.01, Delwyn Brown #58.01, and Lily Unternahrer #60.01.

⁸⁶ Tim Pearson #45.01.

⁸⁷ Whakamaru PPC as notified, Appendix 7.

⁸⁸ Primary Evidence of David Mansergh, 10 October 2025.

⁸⁹ Section 42A Report, Appendix A, pp.1-11.

⁹⁰ Rebuttal Evidence of Timothy Lander, 24 October 2025.

of 66 lots in any subsequent subdivision development, as illustrated in the Concept Plan.

Landscape and Natural Character

90. Mr Mansergh concluded that the landscape and amenity values are moderate to moderate-high, and natural character is moderate at the catchment scale with higher values at the Lake margins.⁹¹ Mr Mansergh assessed that the proposal would have a low-moderate effect on landscape character and a neutral effect on the natural character of the Site catchment, with provisions ensuring that development would remain subservient to the dominant lake and landform backdrop.⁹²
91. Mr Lander agreed that he and Mr Mansergh were in agreement over 'most landscape matters'⁹³ and addressed some specific matters of detail in his evidence at the hearing.
92. By the end of the hearing all experts (planning and landscape) were in agreement that the landscape and natural character effects of the proposal were acceptable and could be appropriately managed by provisions.⁹⁴

Visual Amenity Effects

93. Mr Mansergh's assessment of the visual effects concluded that:⁹⁵
 - a) Visual effects, arising from the change in the appearance and land use within the Site, will range from *very low* to *low* along Ongaroto Road.
 - b) The development will have a *low* to *low-moderate* effect on existing visual amenity from the village, dam and lakeside reserve.
 - c) From the more elevated southern viewpoints, change will be more apparent due to the more open, direct and elevated nature of the available views. From these locations effects on visual amenity are expected to be moderate until such time as the planting required by the Development Area Plan becomes established, after which the effect levels will drop to *low-moderate*.
94. Mr Lander agreed with Mr Mansergh that the potential visual effects of the proposal were acceptable. While originally there was some difference of opinion between whether a lot size averaging rule was required, the bund planting, and mitigation planting before, by the end of the hearing all of those matters had been agreed by the experts.

⁹¹ Speaking Notes of David Mansergh, 3 November 2025, at [7].

⁹² Primary Evidence of David Mansergh, 10 October 2025, at [13]-[14].

⁹³ Evidence of Timothy Lander, speaking notes. 3 November 2025.

⁹⁴ Oral Evidence of David Mansergh, 3 November 2025; Oral Evidence of Louise Feathers, 3 November 2025; Oral Evidence of Timothy Lander, 4 November 2025, and Oral Evidence of Karla Putt, 4 November 2025, and as confirmed via SWDC and Applicant Oral Legal Submissions, 4 November 2025.

⁹⁵ Speaking Notes of David Mansergh, 3 November 2025.

95. The final provisions jointly proposed included provisions requiring consideration of lot sizes, separation and planting rather than a lot size averaging rule; a requirement to develop in accordance with the Development Area Plan which requires a Landscape Delivery and Maintenance Plan (**LDMP**), a planted visual mitigation bund, a 90% canopy closure requirement within 5 years of planting, and building design and reflectivity controls (also included directly in the provisions).

Effects on ONL5

96. Mr Mansergh assessed the effects of the plan change and concluded that up to 66 lots can be developed within the relevant landscape without an unacceptable level of effect on the existing ONL, subject to the implementation of the various design requirements and constraints identified for the Development Area.⁹⁶
97. Mr Lander did not directly address the effects of the proposal on the ONL5 values of the Site in his evidence at the hearing. He had however earlier expressed the view that the effects on ONL5 are significantly reliant on lot density and the achievement of mitigation,⁹⁷ and as noted, by the end of the hearing there was agreement between SWDC and the Applicant on a cap of 66 lots.

NES-DMRU

98. At the hearing, and in light of the Government announcement regarding pending changes to permit minor residential dwellings, we canvassed the landscape experts views on effects. Both landscape experts referred to the cap limiting lots to 66 – that is while each lot may be able to construct a minor dwelling, the total number of lots was still limited to 66. Mr Lander did however note it may change the dynamic a bit in terms of open space on the lots.⁹⁸ Ms Feathers added from a planning perspective it would not make much difference as long as there was compliance with the minimum lot size.⁹⁹ As noted earlier (in section 3 above), following the hearing the anticipated change to permit minor dwellings (the NES-DMRU) came into effect, with both SWDC and the Applicant confirming that the plan change sufficiently provided for/addressed these matters and no further s.32 evaluation was required.
99. Raukawa CT in their comments on the new and amended national directions submitted that the NES-DMRU increases the likelihood of additional buildings, increased visual clutter and greater domestication of the landscape, thereby weakening the effectiveness of the proposed landscape mitigation, and reinforcing their concerns regarding cumulative impacts on the naturalness of the area and views from the River.¹⁰⁰

⁹⁶ Speaking Notes of David Mansergh, 3 November 2025, at [7].

⁹⁷ Section 42A Report, Appendix A, Review of the Landscape Report, Tim Lander, 28 September 2025, at p.7.

⁹⁸ Oral Evidence of Timothy Lander, 4 November 2025.

⁹⁹ Oral Evidence of Louise Feathers, 3 November 2025.

¹⁰⁰ Raukawa CT Submission, 21 January 2026.

4.3.2 Evaluation and Findings

Landscape and Natural Character

100. As noted, the positions of SWDC and the Applicant on the effects of the proposal on the landscape and natural character were well aligned by the time of the hearing.
101. The main issues to be considered are whether the change of use of the Site from plantation pine forestry to a rural lifestyle subdivision with indigenous mitigation planting and design controls over the density of lots and eventual residential development is an appropriate outcome in terms of the landscape and natural character of the site and the surrounding landscape context. The 'domestication' of the landscape proposed comes with design controls on planting and other ecological enhancements which would alter the character and natural values of the Site.
102. We acknowledge the concern from local submitters regarding changes to the landscape and natural character of the area, however the retention of the status quo is not a valid reason to decline a plan change application.
103. The incorporation of an extensive framework of indigenous planting and residential development into the Site will retain a high level of landscape amenity, even if there is a change of character from rural to residential lifestyle. The indigenous vegetation and habitat values of the areas will lead to some improvement in landscape and natural character values. The Development Area provisions address the effects that are of concern to submitters and will mitigate adverse landscape and natural character effects.
104. We agree with Mr Mansergh and Mr Lander that any effects on the landscape and natural character of the location would be limited and that the proposal can be integrated into the landscape of Lake Whakamaru and the banks of the Waikato River.

Visual Amenity Effects

105. The transition of land use from rural plantation forestry to a rural lifestyle development will lead to a visual change in the environment. Visual change in a landscape is not necessarily an adverse effect. The broader landscape (including the Site) has seen visual change over time as plantation forests have been harvested, re-established and grown to be harvested again. Such changes will continue in the surrounding environment for the blocks that remain in forestry use.
106. The change from plantation forestry to a residential lifestyle subdivision on the Site will not appeal to everyone in the area, however this type of landscape character is already evident in the wider area and can be accommodated with the appropriate level of density and design controls and mitigation planting and vegetation control.
107. Planting will be designed and located to visually integrate the proposal into the landscape and to reduce the overall visibility of earthworks and development. The

planting proposal and design of the subdivision provides a buffer between the Lake and the Reserve and the Development Area.

108. Night lights are present in the area on both sides of the Lake. Night light visual effects will be limited with provisions controlling the type and brightness of lights for bat habitat and local amenity reasons.
109. While no submitter filed expert landscape or visual evidence, we acknowledge, as counsel for SWDC noted,¹⁰¹ that submitter evidence is relevant to amenity values given the RMA definition of that term.¹⁰² We also acknowledge that the amenity values of people affected by a proposal should be objectively assessed.¹⁰³
110. We acknowledge the concerns raised by submitters regarding the visual change to the environment around Lake Whakamaru however we note that the banks of the River are not a pristine natural environment in this location and are capable of accommodating carefully located and designed residential development, with appropriate design and mitigation controls.
111. We accept and agree with Mr Mansergh that there will be some visual effects from the proposal on users of Ongaroto Road, the dam and lakeside reserve and elevated southern viewpoints, which are generally of a low order. Those effects are in the context of views of other residential developments at Lake Whakamaru within an otherwise working rural context. We consider the level of visual effect from the proposal to be limited and appropriate to the landscape context.

Effects on ONL5

112. As noted above, by the time of the hearing there did not appear to be any challenge to Mr Mansergh's conclusions that:¹⁰⁴

The rezoning will have only a small effect on ONL5. Because the change that it enables is visually contained and subject to the structure plan's mitigation and integration measures, any adverse effects on ONL5's key values and attributes will be **low** and limited to the immediate locality.

113. While as noted above, Mr Lander opined that the effects are reliant on lot density, we understand that with the adoption of the cap of 66 lots, there were no remaining concerns.
114. We agree with Mr Mansergh that any effects on ONL5 would be very limited in nature and within the immediate vicinity of the proposal site. We are satisfied that the lot density cap of 66 lots, the requirement to comply with the Development Area Plan and the detailed provisions will appropriately mitigate any residual effects on

¹⁰¹ SWDC Legal Submissions, 30 October 2025, at [44].

¹⁰² RMA s.2 "amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".

¹⁰³ *Scholfield v Auckland Council* [2012] NZEnvC 68.

¹⁰⁴ Primary Evidence of David Mansergh, 10 October 2025, at [92]-[104].

ONL5. Accordingly we find that the landscape, natural character and visual amenity matters are no barrier to approving the plan change application.

NES-DMRU

115. We have already set out our findings regarding the NES-DMRU in Section 3 above. While we acknowledge Mr Lander’s concern that the NES-DMRU would change the dynamic in terms of open space on the lots if the opportunity to provide minor dwellings is taken up; and while we also acknowledge Raukawa CT’s concerns regarding the addition of minor dwellings giving rise to visual clutter and increased domestication; to the extent that the concerns relate to visual amenity, the NES-DMRU is clear that we are not able to take those into account.¹⁰⁵
116. In relation to Raukawa’s concerns regarding mitigation, we are satisfied that the controls we have imposed in the Development Area Plan will apply to any buildings/dwellings whether a primary residence or minor dwelling. We therefore find that there is no ability (nor need) to amend the provisions to address landscape and amenity effects of minor dwellings.

4.4 Transportation

4.4.1 Submissions and Evidence

117. A few submitters supported the proposal on the basis it would provide better access to the Lake.¹⁰⁶
118. The key transportation concerns raised by lay submitters opposed to the plan change related to impacts of additional traffic on road and water safety,¹⁰⁷ intersection design and sight lines,¹⁰⁸ construction traffic,¹⁰⁹ alleged inaccuracy of traffic reports,¹¹⁰ the lack of public transport,¹¹¹ and the lack of boat parking.¹¹²
119. Ms Lord filed a statement and appeared at the hearing on behalf of herself, her family and the Whakamaru Water Ski Club. She emphasised safety and congestion issues resulting from an increase in boats, given the small size of the existing boat ramps and the limited carparking available.¹¹³ Ms Bolt, also filed a written statement

¹⁰⁵ NES-DMRU, Reg.7(4).

¹⁰⁶ Tim Condor #12.01, and Mark Atkinson #33.01.

¹⁰⁷ Michael and Debbie O’Hanlon #2.02 and #2.05 to #2.06; Mark Lord #3.04; Anita Lord #7.04; Melissa Verryt and Gareth Knight #15.10; Kay Logan #17.04 and #17.09; Maria Somers #21.03; Daren Porteous #22.03; Raukawa CT #43.04, Daryll Lay #70.01, Theresa Kenny #75.02, Julie Dyson #76.02, and Sarah Bolt #77.15.

¹⁰⁸ Anne and Brett Davies #8.08.

¹⁰⁹ Jason Mills #4.09.

¹¹⁰ Anita Lord #7.02, Kay Logan #17.10, John Hanna #30.07, Chanel Houlahan #50.08, Leanne Martin #51.07, Luke Needham #57.02, Beven Verryt #61.09, Sarah Bolt #77.09 and Karen Treloar #89.06.

¹¹¹ Anita Lord #7.09, Tony and Sheila Verryt #16.01, Kay Logan #17.05, John Hanna #30.05, Chanel Houlahan #50.06, Leanne Martin #51.05, and Beven Verryt #61.08.

¹¹² Melissa Verryt and Gareth Knight #15.10, and Theresa Kenny #75.02.

¹¹³ Anita Lord Emailed Statement, 30 October 2025.

and appeared at the hearing, emphasising her view that the traffic reports were out of date and not comprehensive.¹¹⁴

120. NZTA made a neutral submission noting that while it did not seek any specific changes to the plan change and did not seek to be heard, the following further information/clarification would be required at the consenting stage:¹¹⁵

- a) a detailed design for the proposed access intersection and right-turn bay treatment on SH30 together with an updated integrated transportation assessment (**ITA**);
- b) confirmation of whether stormwater would be directed away from or discharge to the SH network; and
- c) a reverse sensitivity assessment regarding dwellings adjacent to the SH road frontage.

121. The Application was supported by an ITA¹¹⁶ and expert transportation evidence by Ms Makinson. Ms Makinson provided an overview of the ITA, an update of traffic volume and crash data, and a response to matters raised in the s.42A Report and in submissions.¹¹⁷ In summary, Ms Makinson concluded that:¹¹⁸

- a) the proposed new intersection on SH30:
 - i) improves sight distance to the existing access;
 - ii) can be designed to meet the relevant requirements with details to be resolved at the subdivision stage;
- b) the traffic data used in the ITA remains representative of current conditions;
- c) SH30 and SH32 remain well within their practical capacity limits and will continue to operate satisfactorily once development traffic is added;
- d) road safety effects are likely to be less than minor in the context of the wider road network and when assessed against the 5-year crash record;
- e) construction traffic effects are temporary and can be appropriately managed by a construction traffic management plan at the subdivision stage;
- f) all lot access will be from local roads and not direct from SH30;

¹¹⁴ Sarah Bolt Written Statement, 30 October 2025.

¹¹⁵ NZTA #1.02.

¹¹⁶ Whakamaru PPC as notified, Appendix 10.

¹¹⁷ Primary Evidence of Judith Makinson, 8 October 2025.

¹¹⁸ Primary Evidence of Judith Makinson, 8 October 2025, at [72]-[73].

- g) the location of roads and accesses are required to be “in accordance with”¹¹⁹ the Development Area Plan with an allowable variation limited to 20m either side of the centre line of the intersection/access roads;
 - h) the boat ramp has its own vehicle access and any existing issues are matters for SWDC and NZTA to address; and
 - i) there are no traffic or transportation reasons why the plan change should not proceed.
122. Mr Pascoe, SWDC’s Development Manager, filed evidence confirming there were no matters of disagreement between him and Ms Makinson, and he supported the proposal to relocate the existing entrance to improve visibility, with the final location to be approved by both NZTA and SWDC.¹²⁰
123. At the hearing, the Panel questioned Ms Makinson about transportation matters and she confirmed that:
- a) in terms of the intersection with SH30 and the entrance road:
 - i) the NZTA Access Guide is a guide not a standard and each case should be assessed on its own merits;
 - ii) there is an existing access to the Site and the Reserve and the proposal will make that access safer;
 - iii) she was satisfied that what is proposed in terms of the intersection is best practice and will appropriately manage the traffic impacts;
 - iv) the gradient and design of the entrance road is a matter for detailed design;
 - b) in terms of the bund, while offsetting it from the immediate carriageway by up to 5m would be best practice, she was satisfied that what was proposed would make things safer than the current situation; and
 - c) her overall conclusions had not changed.
124. Following the presentation of Ms Makinson’s evidence, Mr Pascoe confirmed he remained satisfied that all relevant transport matters had been satisfactorily addressed.

4.4.2 Evaluation and Findings

125. We acknowledge the concerns raised by submitters regarding transport matters, particularly around safety. Some of these concerns however relate to existing issues (such as parking by the public boat ramp) which go beyond what this plan change can

¹¹⁹ As noted in the provisions section below, the Applicant and SWDC subsequently agreed to replace “in general accordance with” to “in accordance with” to provide greater certainty.

¹²⁰ Primary Evidence of Andrew Pascoe, 24 October 2025, at [12]-[13].

reasonably be required to address. To the extent the submitter concerns relate to the potential transportation effects of this development, we are satisfied that the technical evidence of the Applicant and SWDC (as summarised in section 4.4.1 above) has demonstrated that these matters can be appropriately managed.

126. In terms of the transport matters we explored at the hearing:

- a) We acknowledge that the proposal does not incorporate a 5m offset of the bund from the carriageway. However, we understand that such an offset while “best practice” is not a requirement; and both technical experts maintained their support for the proposal irrespective of such an offset not being included.
- b) We are satisfied that all other transport matters can be dealt with through the consenting process and at detailed design as provided for via the plan change and wider District Plan provisions.

127. We therefore find that the transportation matters have been appropriately addressed.

4.5 Stormwater

4.5.1 Submissions and Evidence

128. Some submitters were concerned about increased stormwater run-off from the development to the campground and into the Lake.¹²¹ Others, such as Forest and Bird, were concerned about sedimentation from development of the Site affecting water quality and potentially posing a health risk to humans and wildlife, and therefore sought the use of nature based solutions.¹²²

129. NZTA, as noted earlier, provided a neutral submission but sought that clarification be provided at the subdivision stage as to whether stormwater would be directed to or away from SH30.¹²³

130. Other submitters considered that stormwater would be appropriately controlled.¹²⁴

131. The Application was supported by an Engineering Assessment and Infrastructure Design report,¹²⁵ as well as expert stormwater evidence from Mr Richardson,¹²⁶ and planning evidence from Ms Feathers.¹²⁷

132. In relation to stormwater, Mr Richardson stated:¹²⁸

¹²¹ Michael and Debbie O’Hanlon #2.04, Mark Lord #3.05, Robyn Bastin #62.03, Andrew Bastin #63.03, Sarah Bolt #77.13 and Peter Martin 81.06.

¹²² Forest and Bird Tabled Statement, undated but received on 31 October 2025.

¹²³ NZTA #1.04.

¹²⁴ Vicki Greene #10.01, and Mark Atkinson #32.02.

¹²⁵ Whakamaru PPC as notified, Appendix 8.

¹²⁶ Primary Evidence of Anthony Richardson, 7 October 2025.

¹²⁷ Primary Evidence of Louise Feathers, 7 October 2025.

¹²⁸ Primary Evidence of Anthony Richardson, 10 October 2025, at [11(g)], [12] and [19]-[21].

- a) no stormwater will discharge to SH30 (given the Site slopes away from SH30), and all discharges can be designed to be contained within the Site;
- b) water quantity and quality management will be addressed via a combination of swales and soakage systems;
- c) secondary flow paths are available/will be designed to direct run-off to reserves and roading areas/swales;
- d) sediment run-off during construction will be managed in strict accordance with the relevant regional requirements for erosion and sediment control;
- e) stormwater matters would be addressed at the consenting stage; and
- f) there was no engineering reason to preclude the rezoning.

133. Ms Feathers' planning evidence supported Mr Richardson's evidence and noted that:

- a) there would be no direct discharges to the Lake; and
- b) Mr Richardson's recommendations had been included as text in the Development Area Plan to provide certainty as to how stormwater would be treated.¹²⁹

134. The s.42A Report for SWDC included a memorandum from SWDC's Development Manager, Mr Pascoe noting that he considered stormwater could be managed in an appropriate manner with rules or conditions.¹³⁰ To provide further certainty around the treatment of stormwater, in her Supplementary evidence, Ms Putt recommended that new policies (SUB-P17(b) and RLZ-P7(b)) and new rule (SUB-R5(4)(k)(ii))¹³¹ be included.¹³²

135. By the time of the hearing, all stormwater matters had been agreed between the Applicant and the Council, with further minor refinements made to provision wording and numbering during and post the hearing (via the Applicant's reply).

4.5.2 Evaluation and Findings

136. In the absence of any technical evidence to the contrary, we accept the expert evidence and reasons given by the Applicant and SWDC (and as summarised in section 4.5.1 above) that stormwater matters will be satisfactorily addressed through the measures included in the proposal and confirmed via the plan change provisions. We therefore find that stormwater matters do not preclude the rezoning.

¹²⁹ Primary Evidence of Louise Feathers, 10 October 2025, at [5.5] and [6.36].

¹³⁰ Section 42A Report, Appendix A, Memorandum Re RM220139 – 1861 Ongaroto Road – Precision Built Ltd, 26 September 2025, p.2 Conclusion.

¹³¹ Note this was referred to as (k)(b) in Ms Putt's evidence, but evolved to k(ii) in the final agreed version of provisions between the Applicant and SWDC.

¹³² Supplementary Evidence of Karla Putt, 24 October 2025, at [6(h)], [31(f)] and Attachment A.

4.6 Wastewater

4.6.1 Submissions and Evidence

137. Wastewater was a key concern raised by tangata whenua, as well as other submitters.¹³³
138. A key concern for tangata whenua is that sewage from the development may flow into the Lake. The Lake, which is part of the Waikato awa, is culturally significant in and of itself. However, that significance is heightened here as the Lake also contains a wāhi tapu (burial ground) beneath the Lake, where we were told that tūpuna whose remains were unable to be moved prior to the creation of the Lake, still lie.¹³⁴
139. Some submitters were also concerned that sewage could flow from the development into the campground/adjoining Reserve, and that the proposal for self-monitored treatment may lead to long-term environmental risks.
140. Forest and Bird in their tabled statement raised the potential for discharges due to what they viewed as the small size of the buffer (30m) and current flood risk.¹³⁵
141. Conversely there were a few submitters who considered that the proposal was well planned with wastewater controls and treatment systems.¹³⁶
142. The Application was supported by a wastewater assessment,¹³⁷ and independent evidence by Ms Trisha Simonson.¹³⁸ Ms Simonson's view was that the Site can be serviced by on-site secondary wastewater treatment with all discharges to land (not water), planting would provide mitigation, and the discharges would be less than the existing rural land uses. Ms Simonson recommended:¹³⁹
- a) the Development Area Plan specify that onsite wastewater secondary treatment systems will be required for each lot with disposal to land;
 - b) a consent notice be imposed at the subdivision stage requiring:
 - i) the secondary wastewater treatment system;
 - ii) disposal to be located >30m from the Lake or any watercourse (noting the WRP only requires 20m for a permitted activity);
 - iii) 300mm separation between the highest groundwater level and dripper lines;

¹³³ Michael and Debbie O'Hanlon #2.03, Mark Lord #3.06, Hope Woodward #25.03, Craig Ahipene #40.01, Pouākani Trust #41.01, Te Ngare o Te Kohera Trust #42.01, Raukawa CT #43.04, Luke Needham #57.02, Chayne Walker #69.02, Ian and Karen Morris #73.01, and Peter Martin #81.06.

¹³⁴ Oral Evidence of Dr Andrea Julian, 4 November 2025; and Oral Evidence of Craig Ahipene, 4 November 2025.

¹³⁵ Forest and Bird Tabled Statement, undated but received on 31 October 2025.

¹³⁶ Vicki Greene #10.01, and Christopher Allen #13.01.

¹³⁷ Whakamaru PPC as notified, Appendices 11.1-11.3.

¹³⁸ Primary Evidence of Trisha Simonson, 9 October 2025.

¹³⁹ Primary Evidence of Trisha Simonson, 9 October 2025, at [39].

- iv) continued monitoring and maintenance of the systems; and
- v) the land disposal area to be planted in water tolerant vegetation to aid uptake of water and nutrients from the discharge.

143. Overall, Ms Simonson concluded there was no wastewater reason precluding the rezoning.¹⁴⁰

144. The s.42A Report noted the cultural concerns raised by submitters with respect to wastewater, and that the absence of a CVA made it difficult to fully assess the issue against the relevant RMA provisions.¹⁴¹ However, the Report drew attention to the following:¹⁴²

- a) on-site secondary wastewater treatment systems are proposed for all lots, with all wastewater disposal areas (on-site) to be planted in appropriate water tolerant vegetation to aid the uptake of water and nutrients from the discharge;
- b) secondary on-site wastewater treatment systems are consistent with the land-based treatment of wastewater advocated for in the Raukawa EMP;¹⁴³
- c) the technical wastewater report for the Applicant had been peer reviewed by SWDC's expert who considered it demonstrated that wastewater can be appropriately managed onsite with rules or conditions;¹⁴⁴ and
- d) the Lake is physically separated from the Site by the Whakamaru Reserve further reducing the risk of discharges to that waterbody.

145. The s.42A Report concluded that the potential wastewater effects can be mitigated by the measures recommended in the technical wastewater report, and recommended changes be included in the provisions to address these matters.¹⁴⁵

146. The subsequent SWDC evidence by:

- a) Mr Pascoe, confirmed there was no matters of disagreement with the Applicant's wastewater expert, and that he supported requiring the provision of onsite secondary wastewater treatment and planting with water tolerant vegetation;¹⁴⁶ and
- b) Ms Putt, the s.42A Report author, confirmed that wastewater issues had been resolved with the Applicant with relevant rules included.¹⁴⁷

¹⁴⁰ Primary Evidence of Trisha Simonson, 9 October 2025, at [20].

¹⁴¹ Section 42A Report, at [6.19] and [7.10].

¹⁴² Section 42A Report, at [4.16(d)], [7.10], [7.23(a)], [7.62], [8.35] and [8.37].

¹⁴³ Raukawa EMP, section 2.2.6, M6.

¹⁴⁴ Section 42A Report, Appendix A, Memorandum of Development Engineer, 26 September 2025, wastewater section and conclusion.

¹⁴⁵ Section 42A Report, at [8.38] and [10.2].

¹⁴⁶ Primary Evidence of Andrew Pascoe, 24 October 2025, at [9]-[11].

¹⁴⁷ Supplementary Evidence of Karla Putt, 24 October 2025, at [6(h)].

147. During the Applicant's presentation at the hearing Ms Simonson was asked about the impacts that the (then) pending law change to permit minor dwellings would have. Ms Simonson confirmed that the proposed secondary wastewater treatment systems would be sufficient for any such minor dwellings.¹⁴⁸
148. During submitter presentations at the hearing, Dr Andrea Julian, the Regional Strategy Manager for Raukawa CT appeared and spoke to Raukawa CT's position. Dr Julian acknowledged that there had been engagement with the Applicant which had resulted in some issues being addressed. In relation to wastewater, Dr Julian acknowledged that Applicant had "done a good job" and the secondary treatment and discharge to land was compatible with the measures included in the Raukawa EMP, which sought to restore the mauri of the wai through discharge to land. However, the lack of a centralised system meant that the maintenance was left to individual landowners, which resulted in a lack of certainty that the systems would function as intended, with the number of lots/systems (66) increasing the risk, and providing a greater monitoring and enforcement burden on SWDC.¹⁴⁹
149. Mr Craig Ahipene, who appeared for himself, as well as the Pouākani Trust and Te Ngare o Te Kohera, emphasized that any discharge of sewage – even a single drop - would constitute a serious cultural desecration and offence to his people.¹⁵⁰
150. Ms Parham, in her oral legal submissions noted that the position expressed by Mr Ahipene effectively amounted to a veto and the RMA was not a no effects statute. The technical evidence was that the risk was very low, and there was alignment with planning documents, including Te Ture Whaimana given the proposal would lead to reduced contaminant run-off from the Site. In relation to the functioning of wastewater systems she noted that obligations would be placed on landowners to maintain individual systems via consent notices, and that these obligations would be enforceable by SWDC.¹⁵¹ Mr Pascoe in his oral evidence confirmed that SWDC had an enforcement officer who, if the development proceeded, would be responsible for monitoring and enforcing consent conditions.¹⁵²
151. Dr Forret in her reply submissions made similar points and noted that secondary systems come with management contracts for maintenance as well as alarms which alert homeowners/occupiers to any malfunction at the time the system is being used. Further, and in reliance on Ms Simonson's evidence Dr Forret submitted that secondary systems are not like primary systems where there can be an overflow. She noted that all parties wanted to see improved environment for the awa, and this proposal would achieve that through improved run-off and planting.¹⁵³

¹⁴⁸ Oral Evidence of Trisha Simonson, 3 November 2025.

¹⁴⁹ Oral Evidence of Dr Andrea Julian, 4 November 2025.

¹⁵⁰ Oral Evidence of Craig Ahipene, 4 November 2025.

¹⁵¹ SWDC Oral Legal Submissions, 4 November 2025.

¹⁵² Oral Evidence of Andrew Pascoe, 4 November 2025.

¹⁵³ Applicant Oral Reply, 4 November 2025.

152. As noted above,¹⁵⁴ following the hearing and in response to our Direction #5:

- a) Dr Forret filed a further letter confirming that Ms Simonson's response at the hearing addressed the change regarding minor dwellings, such that minor dwellings would not result in adverse wastewater or water quality effects;¹⁵⁵
- b) Raukawa CT filed a submission that (in summary):¹⁵⁶
 - i) the NES-DMRU exacerbates wastewater effects on a wāhi tapu already identified as unacceptable by Raukawa, weakens the mitigation relied on, and fails to provide restoration and protection of the awa as required by Te Ture Whaimana; and
 - ii) the NPS-FM amendments reinforce the concern regarding a lack of better by strengthening national expectations that freshwater management decisions give effect to Te Mana o te Wai and protect cultural relationships with water bodies over the long term.
- c) Ngāti Te Kohera Hapū filed a statement (which in summary) expressed concerns about the cumulative risk that additional intensity arising from the detached minor residential units would pose in terms of wastewater discharges to the Lake.¹⁵⁷

4.6.2 Evaluation and Findings

153. We acknowledge, as did both the Applicant and SWDC, that the *direct* discharge of wastewater to water is culturally offensive, especially where, as here, we had received cultural evidence that there is a burial ground beneath the Lake. We agree that direct discharges should be avoided. We also agree that *direct* discharges to the adjacent Reserve and camping ground should be avoided. However, we note that no such discharges are proposed here.

154. As noted above (in section 4.6.1), all wastewater is proposed to be treated onsite using secondary wastewater treatment systems and there is no direct discharge to the Lake or to land within the Reserve. Any wastewater discharges are required to be to land within the Site boundaries, located at least 30m (and in most cases significantly further)¹⁵⁸ from the Lake edge, and into areas planted with water tolerant vegetation to aid in the uptake of water/nutrients.

155. We accept the technical evidence that what is being proposed is best practice and goes beyond what is required by the WRP standards, in terms of both treatment level (secondary as opposed to primary) and setback distance from the Lake (minimum of 30m as opposed to 20m). As Dr Julian for Raukawa CT acknowledged, there are no

¹⁵⁴ In Sections 3 and 4.3 of this Report.

¹⁵⁵ Letter of Dr Forret of NZEnviro Law, 23 December 2025, at [3(c)(vii)].

¹⁵⁶ Raukawa CT Submission, 21 January 2026, at [3.18] and [4.6].

¹⁵⁷ Ngāti Te Kohera Hapū Submission, 2 January 2026.

¹⁵⁸ Given the Lake Whakamaru Reserve sits between the Site and the edge of the Lake.

other steps that could be taken to address wastewater, which are not already incorporated into the proposal, and the measures align with those set out in the Raukawa EMP.

156. We acknowledge Dr Julian’s concerns around maintenance, monitoring and enforcement. However, we are satisfied that there are sufficient controls in the plan change to address these matters, and we accept the evidence and submissions from the Applicant and SWDC regarding these matters (as summarised in section 4.6.1 above).
157. We also acknowledge and accept the legal submissions that the RMA is not a no effects statute. Imposing a requirement, such as that sought by Mr Ahipene, that not a single drop of wastewater from the development end up in the Lake, would effectively veto any development due to the difficulty, if not impossibility of determining whether the standard has been met or breached. This is particularly the case where, as here, there is a public toilet facility in the Reserve adjacent to the Lake, other houses and buildings/facilities with toilets located in close proximity to the Lake, and where users of the Lake may not always exit the water to use the toilet facilities, as one submitter admitted to.
158. In relation to minor dwellings, we acknowledge the concerns of Raukawa CT and Ngāti Te Kohera’s about potential wastewater effects. However, we find that the steps that the Applicant is proposing (as outlined above), Ms Simonson’s expert advice that the secondary wastewater treatment systems proposed for the development will be sufficient for both a primary residence and a minor dwelling, and the provisions of the plan we are imposing (which require consents to be obtained for the development), mean that wastewater will be appropriately addressed.
159. In conclusion, based on the evidence and legal submissions before us, and as noted earlier (in Section 3 above) we find that the way that the plan change addresses wastewater meets the relevant RMA tests and gives effect to the relevant wastewater provisions in the higher order planning documents. Accordingly, we find that the proposal has appropriately addressed wastewater effects.

4.7 Water Supply

4.7.1 Submissions and Evidence

160. Submitters generally did not comment on water supply proposals for the Site¹⁵⁹
161. Water supply was however addressed by the Applicant via a technical assessment¹⁶⁰ and independent expert evidence from Mr Richardson.¹⁶¹ Mr Richardson noted that

¹⁵⁹ Comments instead focused on Lake water quality and safety, for example refer to: Mark Lord #3.09 and Michael and Debbie O’Hanlon #2.02.

¹⁶⁰ Whakamaru PPC as notified, Appendix 8.

¹⁶¹ Primary Evidence of Anthony Richardson, 7 October 2025.

water supply was to be via roof rainwater capture to on-site water tanks with no demand placed on SWDC infrastructure.¹⁶²

162. The s.42A Report noted that Mr Pascoe had reviewed the technical assessment and was satisfied that water services can be provided onsite in an appropriate manner with rules or conditions. The s.42A Report author agreed that the Site could be serviced for both potable and firefighting water,¹⁶³ and subsequently noted water matters as being resolved.¹⁶⁴

4.7.2 Evaluation and Findings

163. We accept that appropriate provision has been made for both potable and firefighting water supply for the development through the Development Area Plan and existing District Plan provisions. We therefore find that water supply matters have been satisfactorily addressed.

4.8 Natural Hazards and Geotechnical

4.8.1 Submissions and Evidence

164. One submitter was concerned that localised land slips could create hazards for residents.¹⁶⁵ Forest and Bird also raised the issue of climate resilience and the need to adopt nature based principles into the development design.¹⁶⁶
165. The Application was supported by a site suitability and natural hazard assessment¹⁶⁷ and independent expert evidence from Mr Richardson.¹⁶⁸ Mr Richardson noted that while there were some steeper sections of the Site where there was a slope instability risk, these matters could be addressed via building restriction zones and a requirement for specific engineering design for development within these zones. In any event, these areas were generally on the margins of the Site and unlikely to affect the building development. As a result, Mr Richardson concluded that there are no significant hazards on the site or risks to the environment which cannot be effectively managed using well established engineering practice within the district, and therefore there are no engineering reasons to preclude the rezoning.¹⁶⁹
166. The s.42A Report noted that Mr Pascoe had reviewed the technical report and considered regrading or slope stability assessments will be required for those steeper areas, tree roots and stumps would need to be removed, and a geotechnical assessment undertaken for the steeper areas with a consent notice registered on relevant titles where steep ground conditions are identified.¹⁷⁰ Ms Putt's

¹⁶² Primary Evidence of Anthony Richardson, 7 October 2025, at [23].

¹⁶³ Section 42A Report, at [8.43].

¹⁶⁴ Supplementary Evidence of Karla Putt, 24 October 2025, at [6(h)].

¹⁶⁵ Sarah Bolt #77.13.

¹⁶⁶ Forest and Bird Tabled Statement, undated but received on 31 October 2025.

¹⁶⁷ Whakamaru PPC as notified, Appendix 9.

¹⁶⁸ Primary Evidence of Anthony Richardson, 7 October 2025.

¹⁶⁹ Primary Evidence of Anthony Richardson, 7 October 2025, at [12] and [24]-[25].

¹⁷⁰ Section 42A Report, at [8.46], and Appendix A, Memorandum of Development Manager, 26 September 2025, p.2.

Supplementary Evidence recommended provisions to address the geotechnical risk.¹⁷¹

167. At the hearing Mr Richardson acknowledged that flooding could potentially affect parts of three lots on the Concept Plan, (Lots 62, 65 and 66) at the lower (southern) end of the proposal site, however that all finished floor levels would be designed to be 0.5m above the probable maximum flood level of Lake Whakamaru.¹⁷²
168. Mr Richardson acknowledged that some of the areas of the Site had a slope of up to 25% and where these slopes are present building restriction zones will be noted, with any built development within these areas requiring specific engineering design.¹⁷³ These areas are at the lower end of the indicative lots on the Concept Plan and are outside of the areas intended for built development.¹⁷⁴
169. The Development Area Plan requires the avoidance of the use of retaining walls when visible from outside of the lot. When questioned at the hearing Mr Richardson confirmed that it would be possible to develop the Site for residential purposes without the requirement for large retaining walls.¹⁷⁵
170. As noted earlier, following the hearing and in response to the new NPS-NH being issued we received comment from the Applicant, SWDC, Raukawa CT, Ms Bolt and Ms Woodward on the implications for the Whakamaru PPC.
171. Ms Putt's planning evidence was that the Whakamaru PPC gives effect to the NPS-NH as the Applicant's Site Suitability and Natural Hazard Report provided with the plan change, provides a risk matrix assessment consistent with that required by the NPS-NH.¹⁷⁶ Dr Forret also provided legal submissions in support of that conclusion.
172. Ms Bolt's view was that the NPS-NH reinforces a focus on risk reduction and avoidance.¹⁷⁷ Ms Woodward considered that the NPS-NH required balanced management of risks like run-off, erosion and stormwater on pumice soils, worsened by subdivision. Her view was that the NPS-NH supported denying the plan change to avoid unmanaged hazards.¹⁷⁸ Raukawa CT noted that the hazard risk was not a primary concern raised by them and the NPS-NH did not materially alter the issues raised in their submission.¹⁷⁹

¹⁷¹ Primary Evidence of Anthony Richardson, 7 October 2025, at [34(a)] and [34(c)(iii)].

¹⁷² Speaking Notes of Anthony Richardson, 3 November 2025; and Primary Evidence of Anthony Richardson, 7 October 2025, at p.7.

¹⁷³ Primary Evidence of Anthony Richardson, 7 October 2025, at [11(d)].

¹⁷⁴ Primary Evidence of Anthony Richardson, 7 October 2025, at p.6.

¹⁷⁵ Oral Evidence of Anthony Richardson, 3 November 2025.

¹⁷⁶ Second Supplementary Statement of Evidence of Karla Putt, 23 December 2025, at [20]-[25].

¹⁷⁷ Sarah Bolt Submission, 14 January 2026.

¹⁷⁸ Hope Woodward Email, 14 January 2026.

¹⁷⁹ Raukawa CT, 21 January 2026, Appendix A.

4.8.2 Evaluation and Findings

173. We are satisfied that Mr Richardson has undertaken a thorough site suitability and natural hazard assessment in a manner which is proportionate to the risk and, as per our finding in section 3 above, gives effect to the NPS-NH.
174. Based on that assessment we find that the Site can be developed without any particular risk from slope stability or natural hazards. Further, we note that the plan change includes specific provisions addressing natural hazards and geotechnical hazards, and references other operative District Plan sections such as earthworks and natural hazards as potentially also being relevant. We therefore find that natural hazards and geotechnical matters have been satisfactorily addressed.

4.9 Solid Waste

4.9.1 Submissions and Evidence

175. One submitter was concerned that the development would result in an increase in rubbish.¹⁸⁰
176. The s.42A Report noted that SWDC does not operate a solid waste service (refuse or recycling) in this part of the District, and therefore any such collection would need to be via private operators. SWDC also noted that it did not support a communal collection point as this could encourage illegal dumping. However, provided a consent notice can be imposed on a future subdivision ensuring private solid waste management is undertaken, the effects are considered acceptable.¹⁸¹
177. The Applicant acknowledged that solid waste would need to be by way of private collection, and proposed the inclusion of text on the Development Area Plan to require that any subdivision application demonstrate how solid waste is to be collected to ensure the development is maintained in a tidy state.¹⁸² Ms Rebecca Foy, in her social impact evidence for the Applicant, also noted that one positive arising from the development is that the Site is unlikely to continue to be used as a dumping ground for other people's rubbish.¹⁸³
178. Ms Putt in her Supplementary Evidence confirmed that solid waste issues had been resolved with the inclusion of text in the Development Area Plan.¹⁸⁴

4.9.2 Evaluation and Findings

179. We accept that appropriate provision has been made for solid waste for the development through the Development Area Plan and through the proposal to

¹⁸⁰ Dr Hillary Wilson #88.01.

¹⁸¹ Section 42A Report, at [8.50], [8.52] and Appendix A, Memorandum of Development Manager, 26 September 2025, p.2.

¹⁸² Primary Evidence of Louise Feathers, 10 October 2025, at [6.44].

¹⁸³ Primary Evidence of Rebecca Foy, 10 October 2025, Table 3, p.9.

¹⁸⁴ Supplementary Evidence of Karla Putt, 24 October 2025, at [6(h)] and Appendix A.

impose a consent notice at the time of subdivision. We therefore find that solid waste matters have been satisfactorily addressed.

4.10 Ecological

4.10.1 Submissions and Evidence

180. Many submitters raised concerns about the potential effects of the development on native species (such as bats), the ecological values of the Waikato River and ecosystems.¹⁸⁵ Both Forest and Bird (who tabled a statement), and Ms Sarah Bolt (who filed a statement and appeared at the hearing), were concerned that the bat survey was insufficient to determine bat activity and expressed concerns that the development would adversely affect bats through lights and impacting foraging sources.¹⁸⁶ Forest and Bird also sought the inclusion of nature based solutions to ensure climate resilience and habitat resilience. At the hearing, submitters in opposition emphasized the concerns around potential impacts on bats and important ecological habitat,¹⁸⁷ as well as the effect that the introduction of people into the environment could have on ecological values.¹⁸⁸
181. There were other submitters who did not appear at the hearing but were supportive of the proposal. They considered the proposed planting, buffer areas, and management plans would protect the environment and key native species.¹⁸⁹
182. The Application was supported by an ecological assessment, Primary Evidence and a further wetland assessment report from Mr Kessels.¹⁹⁰ The key conclusions of these documents are that:¹⁹¹
- a) the Site has little ecological value in itself;
 - b) while birds with a threat status use the adjacent Lake/River habitats and may visit the Site from time to time there is no high quality habitat for these species within the Site;
 - c) long tail bats periodically use and feed at the Site (and may roost in close proximity to the Site), and due to their threatened-nationally critical status, any such habitat within the Site is significant;

¹⁸⁵ Matthew and Jessica Algie #6.02, Anne and Brett Davies #8.05, Melissa Verryt and Gareth Knight #15.06, Kay Logan #17.06, Susan Leitch #19.01, Maria Somers #21.02, Hope Woodward #25.01, Wendy Simpson #27.05, John Hanna #30.02, Leanne Martin #51.02, Paul and Mandi Taylor #55.02, Luke Needham #57.06, Beven Verryt #61.03, Robyn Bastin #62.04, Andrew Bastin #63.04, Maddie Waikato #74.02, Sarah Bolt #77.03 and #77.04, Peter Martin #81.07, Dr Hilary Wilson #88.02, and Karen Treloar #89.02.

¹⁸⁶ Forest and Bird Tabled Statement, undated but received on 31 October 2025; and Sarah Holt Written Statement, 30 October 2025.

¹⁸⁷ Oral Evidence of Hope Woodward, 3 November 2025.

¹⁸⁸ Oral Evidence of Peter Martin, 3 November 2025.

¹⁸⁹ Christopher Allen #13.02, Hayley McGuinness #59.01.

¹⁹⁰ Whakamaru PPC as notified, Appendix 6; Primary Evidence of Gerardus Kessels, 10 October 2025; and Wetland Assessment Report, 13 October 2025.

¹⁹¹ Primary Evidence of Gerardus Kessels, 10 October 2025, at [8]-[19] and [77]-[80]; and Wetland Assessment Report, 13 October 2025, Section 3, and at [50] and [59].

- d) lizards and copper skinks are unlikely to be present or if present in low abundance due to the high level of disturbance at the Site;
- e) no freshwater streams are present on the Site and a sedge grassland has been assessed and found not to be a natural inland wetland;
- f) there are no SNAs located within or directly abutting the Site;
- g) the main potential effects arise from earthworks, sediment and stormwater on terrestrial indigenous fauna habitats in the adjacent Lake SNA and these can be addressed by requirements for further detailed assessments and management plans at the subdivision stage;
- h) the proposed ecological management measures combined with the benefits identified in the LDMP will contribute positively to the ecological values of the area;
- i) the proposal is expected to result in improved ecological connectivity for native flora and fauna and buffering of native habitats as a result of the 7.2 ha of new native plantings;
- j) in terms of bats, adverse effects can be avoided through:
 - i) a bat management plan which incorporates DOC pre-felling protocols if potential roost trees are felled;
 - ii) a detailed ecological restoration planting plan, addressing planting (ahead of development), eco-sourcing of plants, weed-controls, and ongoing maintenance obligations;
 - iii) establishment of a buffer zone to separate the public reserve from private lots to mitigate the effects of vegetation removal which provide commuting and foraging habitat;
 - iv) the restrictions on artificial light emissions, namely 0.3 lux at boundary, downward facing, shielded and not to exceed a temperature of 3000k;
 - v) a domestic cat ban and pest animal control measures;
- k) some of the measures proposed to avoid adverse effects on bats (such as planting, buffer, cat ban and pest control measures) will also address other ecological effects; and
- l) the proposal aligns with the relevant ecological provisions of the RMA, the NPS-IB, the WRPS, and the (operative) District Plan.

183. Mr Kessels therefore indicated that he supported the plan change as it relates to ecological values.¹⁹²

¹⁹² Primary Evidence of Gerardus Kessels, 10 October 2025, at [77].

184. The s.42A Report, in reliance on the above assessment, concluded that any potential ecological effects could be mitigated by Mr Kessels' recommendations and those in the landscape visual assessment. The Report author did however recommend an amendment to the RLZ and/or Development Area Plan to include a bat management plan with recommendations for tree felling and lighting restrictions; limitations on livestock and the requirement for an ecological restoration and management plan.¹⁹³
185. Ms Feathers, for the Applicant confirmed agreement with these recommendations,¹⁹⁴ and Ms Putt noted that all of the ecological recommendations had been resolved by inclusion in the Development Area Plan or associated plan provisions.¹⁹⁵
186. At the hearing, in response to questioning Mr Kessels confirmed that:¹⁹⁶
- a) in relation to planting:
 - i) it should be undertaken in advance of each stage, and it was his understanding that this is what was proposed;
 - ii) approximately 26% of the Site would be planted, which was considerably better than best practice (which generally aimed for 10%);
 - b) in relation to bats:
 - i) he was satisfied that sufficient bat monitoring had been undertaken for the plan change stage;
 - ii) further monitoring would not change his view as the provisions and measures proposed to mitigate effects on bats would be the same no matter the level of usage;
 - iii) further bat monitoring would be undertaken as part of the bat management plan at the resource consent stage;
 - c) the proposal followed the hierarchy of the NPS-IB and was best practice; and
 - d) the proposal incorporated nature based principles (as was sought by Forest and Bird).
187. Finally, and as noted earlier, following the hearing we received evidence from SWDC and Legal Submissions from the Applicant that the changes to the NPS-IB were not relevant to the plan change; and submissions from Raukawa CT, Ms Bolt and Mr Martin who considered the changes strengthen requirements to avoid further loss of

¹⁹³ Section 42A Report, at [8.66].

¹⁹⁴ Primary Evidence of Louise Feathers, 10 October 2025, at [6.47].

¹⁹⁵ Supplementary Evidence of Karla Putt, 24 October 2025, at [6(c), (i), (j), and (l)].

¹⁹⁶ Oral Evidence of Gerardus Kessels, 3 November 2025.

indigenous biodiversity and to consider cumulative effects, ecological health and diversity.¹⁹⁷

4.10.2 Evaluation and Findings

188. We are satisfied that Mr Kessels has undertaken a thorough assessment of the existing ecological values of the Site and the surrounding area. We accept Mr Kessels evidence and recommendations (as summarised in section 4.10.1 above) that the proposal will adequately manage any potential ecological effects – including on bats – through the requirements for the preparation of a bat management plan and a detailed ecological restoration plan, the establishment of a buffer zone for bat commuting and foraging, limitations on lighting levels, a domestic cat ban and pest animal control measures..
189. We also note that as the ecological recommendations are integrated with the landscape and natural character recommendations and outcomes they are expected to lead to some wider landscape and ecological benefits outside of the immediate proximity of the Site.
190. Our findings in relation to the NPS-IB – including that the amendments in December 2025 are not relevant to the Whakamaru PPC – are set out in Section 3 above.
191. We therefore find that ecological matters have been satisfactorily addressed.

4.11 Recreational

4.11.1 Submissions and Evidence

192. A few submitters were concerned about the effects the development may have on recreational activities. In particular: on the limited resources at the campground and perceived safety issues arising from an increase in boat/jet ski traffic.¹⁹⁸ Most submitters on recreational effects however supported the proposal on the basis it would support/boost local recreation, increase the reserve size, improve the alignment of the River Trail and community access to the Lake.¹⁹⁹
193. At the hearing one submitter noted their support for the formalisation of the River Trail through the Reserve and for the Site to provide ongoing access to the Lake.²⁰⁰ Another submitter was concerned about the effect of the proposal on the water ski community and the Whakamaru Water Ski Club.²⁰¹

¹⁹⁷ Raukawa CT Submission, 21 January 2026, Appendix A; Sarah Bolt Statement, 14 January 2026, Section 3; and Peter Martin Email, 20 January 2026.

¹⁹⁸ Anita Lord #7.04, Melissa Verryt and Gareth Knight #15.01 and #15.11, Kay Logan #17.02, Theresa Kenny #75.02,

¹⁹⁹ Mark Atkinson #33.03, Blair Wigglesworth #38.02, Abbie Barnes #52.01, Delwyn Brown #58.03, Lily Unternahrer #60.02, Ian King #66.01, Stephanie Morrison #67.01, Hayden Marshall #82.02, S Tesselaar #87.01, and Zorina Wigglesworth #92.02.

²⁰⁰ Oral Evidence of Dr Andrea Julian, 3 November 2025.

²⁰¹ Oral Evidence of Anita Lord, 3 November 2025.

194. The Application was supported by a social impact assessment, which noted the Site was well-positioned to provide access to nature and recreational activities adjacent to the Site.²⁰²
195. The s.42A Report noted that the development had the potential to result in both positive and adverse recreational effects.²⁰³ The memorandum attached to the s.42A Report from SWDC's Parks and Reserves Manager, Phil Parker, explained the potential effects as including increased costs as a result of vegetation management, a change in the demographic use of the reserve, higher reserve management expectations, higher access road service expectations, increased use of facilities and road planting maintenance.²⁰⁴ The s.42A Report author noted that the intended use of the reserve is in accordance with SWDC's Reserve MP and PARS Plan, and that there are mechanisms that sit outside the RMA to address such effects such as upgrades which could be funded via rates and authorised through inclusion in Long Term and Annual Plan provisions.²⁰⁵
196. The Applicant addressed the concerns raised by submitters and the matters raised by the s.42A Report in their evidence as follows:
- a) Mr Quigley explained that he had liaised with:²⁰⁶
 - i) the harbour master, who confirmed that current Lake usage did not warrant a regular patrol, he had no concerns with the development or any potential increased lake usage, and if demand grew WRC would change its deployment;
 - ii) the Waikato River Trails Trust, who were in full support of the proposal to realign the trail on land to be vested with SWDC, giving them permanent legal access;
 - iii) SWDC, regarding the proposal to gift 1.4 ha of land abutting the reserve for permanent camping land; and
 - iv) the camping community, including the Responsible Campers Association, who indicated support for the development.
 - b) Ms Rebecca Foy addressed the social effects and opined that access to active modes and recreation adjacent to the Site (Lake Whakamaru, the Reserve and the River Trail) will help to improve health and wellbeing.²⁰⁷
 - c) Ms Feathers, who addressed the planning related matters and:²⁰⁸

²⁰² RFI Response, Appendix 4, Formative, Social Impact Assessment, 24 July 2023, at section 2.3.4.

²⁰³ Section 42A Report, at [8.86].

²⁰⁴ Section 42A Report, Appendix A, Memorandum Re Quigley Section 42A Report, 22 September 2025.

²⁰⁵ Section 42A Report, at [8.85].

²⁰⁶ Primary Evidence of Jonathan Quigley, 10 October 2025, at [23(b)], and [35]-[37].

²⁰⁷ Primary Evidence of Rebecca Foy, 10 October 2025, Table 3, p. 10.

²⁰⁸ Primary Evidence of Louise Feathers, 10 October 2025, at [6.52].

- i) agreed with the s.42A Report author that any additional financial demand to maintain the campground could be offset through targeted rates; and
- ii) opined that the implementation of the LDMP will assist in getting the additional planting to a self-sustaining level, thus minimising the input needed from the SWDC reserves team.

197. In their evidence in reply, Ms Putt and Mr Parker acknowledged the benefits the development would offer for recreation, but recommended some changes to provisions to ensure that potential adverse effects were appropriately addressed. These included new policies referencing incorporating best practice and crime prevention through environmental design (**CPTED**) for open spaces, efficient and safe walkways, a requirement for a LDMP to be provided at the time of subdivision and to be in accordance with the Development Area Plan.²⁰⁹ Both Mr Mansergh and Mr Lander agreed that CPTED could be incorporated into the design and implementation of any reserve and access planting.²¹⁰

198. At the hearing, Mr Parker noted the seasonal nature of the use of the Reserve, with the busiest period being over the Christmas and New Year holidays when 500-800 people could be on site.²¹¹ Mr Parker also noted that the successful implementation of the LDMP would be critical to the management of effects on the recreational values of the reserve²¹².

4.11.2 Evaluation and Findings

199. We are satisfied that the recreational effects of the application have been adequately assessed and addressed through the Application, evidence and through liaison and agreement with SWDC's Parks and Reserves Manager on issues relating to the Reserve and Lake Whakamaru itself.

200. Making provision for a new residential community close to the Reserve and the Lake will bring with it increased recreational pressure. There are obvious positive outcomes of the proposal. These include formalising access to the Reserve and the River Trail and the vesting of 1.4ha of land to be added to the Reserve. This additional reserve land will assist with the buffering and management of effects on the Reserve, but will also benefit the wider community. Reserve and access way planting will be a benefit to the Reserve and its' users.

201. We consider that the increased use of the Lake and the Reserve is a positive aspect of the proposal, making the SWDC's recreational assets available to more residents and visitors to the area. As already noted, the recreational assessment recommendations are interrelated with the landscape planting and ecological recommendations and

²⁰⁹ Supplementary Evidence of Karla Putt, 24 October 2025, at [34(b), (k)] and Appendix B.

²¹⁰ Speaking Notes of David Mansergh, 3 November 2025, and Oral Evidence of Timothy Lander, 3 November 2025.

²¹¹ Oral Evidence of Phil Parker, 3 November 2025.

²¹² Oral Evidence of Phil Parker, 3 November 2025.

have been discussed and agreed with the SWDC's Parks and Reserves Manager. The core recreation components have also been included in the Development Area Plan through the LDMP as well as through express reference to reserve areas in the text and in Figure 1 of that Plan. These provisions together with the existing District Plan provisions will ensure recreational effects are appropriately managed and expected benefits realised.

202. We therefore find that recreational matters have been satisfactorily addressed.

4.12 Social

4.12.1 Submissions and Evidence

203. A number of submitters were concerned about potential negative social effects such as the development causing division in the community, health and safety impacts for those using the Lake and campground, the existing lack of public transport, and the potential for the development to strain access to health care, schools, and emergency services.²¹³ Ms Sarah Bolt, who filed a written statement and appeared at the hearing, expressed concerns about the lack of community consultation, and the stress this proposal had caused for residents of the village and Waipamu.²¹⁴ These concerns were reiterated/expanded on by submitters in opposition at the hearing, with one submitter expressing concern for the human social effects of the proposal as separate from the environmental effects.²¹⁵ Another submitter opposed the proposal based on a 'world view' that the Site is and should be rural and that introducing a new residential community brings no benefit to the environment.²¹⁶ Submitters in opposition were also concerned about the social impact of the history of land confiscation and the hurt felt by members of the local community, particularly tangata whenua.²¹⁷ This matter is considered in more detail in the Cultural Effects section below.

204. In contrast, there were several other submitters who considered the proposal would improve access to the Lake, provide more infrastructure and resources for the area for increasing visitors, and that the increased population would provide social benefits and support local businesses and community clubs.²¹⁸

²¹³ Michael and Debbie O'Hanlon #2.05, Jason Mills #4.13, Matthew and Jessica Algie #6.07, Anita Lord #7.08 and #7.14, Tony and Shiela Verryt #16.01, Kay Logan #17.05, Hope Woodward #25.05, Cynthia Mann #29.02, John Hanna #30.05 and #30.08, Danielle Schouten #47.02, Chanel Houlahan #50.06 and #50.09, Leanne Martin #51.05 and #51.08, Luke Needham #57.01, Beven Verryt #61.08, Maddie Waikato #74.03, Jude Dyson #76.03, Sarah Bolt #77.10 and #77.16, Karen Treloar #89.05, Atarau Doig #91.02, and Frances Anderson #93.03.

²¹⁴ Sarah Bolt Written Statement, 30 October 2025.

²¹⁵ Oral Evidence of Chanel Houlahan, 3 November 2025.

²¹⁶ Oral Evidence of Peter Martin, 3 November 2025.

²¹⁷ Oral Evidence of Chanel Houlahan, Craig Ahipene, Dr Andrea Julian, Hope Woodward, and Peter Martin, 3 November 2025.

²¹⁸ Richard Tucker #11.02, Christopher Allen #13.02, Anna-Louise Gwynne #14.02, Marlene Johnson #23.02, Stephen McEwen #24.01, Jamie Toon #26.02, Adam Greene #28.01, Brylee Kennedy #36.01, Rusell Sifleet #37.01, Blair Wigglesworth #38.01, Amber King #83.01, and Brendon England #85.01.

205. The Application was supported by a social impact assessment,²¹⁹ which the s.42A Report author relied on to reach her conclusion that the proposal will result in potential positive effects.²²⁰ It was also supported by evidence from Ms Foy, an independent social effects expert,²²¹ Mr Quigley, and Ms Feathers.
206. Ms Foy summarised the positive and negative social wellbeing effects likely to arise from the plan change in her evidence as relating to:
- a) spatial form – including style, location and degree anticipated on the Site;
 - b) environment – including planting, water quality, rubbish management, reduced reliance on the national grid, temporary pollution effects and change to rural vista/outlook;
 - c) social cohesion –sense of place, new friendships/social conflicts, degree of change of community and environment, and views on those changes;
 - d) access – proximity to Whakamaru village, camping ground, use of active modes, but increased vehicle travel distances for employment and goods and services;
 - e) mental and physical wellbeing – active recreation access, health and safety, new healthier homes, opportunities for social interaction, stress/anxiety due to changes;
 - f) livelihoods – additional housing choice, employment, new workers/professionals, increased tourism, greater rates base and potentially increased land values; and
 - g) social equity – new household types, cultural issues associated with the River.
207. Ms Foy noted that due to the scale of the development (some 3 to 7 new dwellings per year for a 10 or 20 year timeframe respectively), the effects are likely to be relatively limited in scale and geographical extent, and that the likely negative amenity effects have been addressed in the subdivision design. As a result Ms Foy concludes the plan change will generate mostly positive social wellbeing effects.²²²
208. Mr Quigley outlines the consultation he (and in some cases Ms Feathers) undertook to confirm the availability of social services and the demand for this form of development. In summary:²²³
- a) in terms of health services, the Mangakino Health Centre is not closed to new local patients and has the capacity to accept more;

²¹⁹ RFI Response, Appendix 4, Formative, Social Impact Assessment, 24 July 2023.

²²⁰ Section 42A Report, at [8.90].

²²¹ Primary Evidence of Rebecca Foy, 10 October 2025.

²²² Primary Evidence of Rebecca Foy, 10 October 2025, at [58]-[61].

²²³ Primary Evidence of Jonathan Quigley, 10 October 2025, at [23]-[24] and [35]0[36].

- b) the harbourmaster has no immediate concerns with the development or any potential increased lake usage;
- c) the Whakamaru School has capacity and could extend the school bus run to the Site if there was enough demand and a bus shelter could be accommodated within the development;
- d) there is a growing demand by lifestyle lot buyers, semi-retirees and those seeking more space for larger fee simple sections with simple ownership structures;
- e) FENZ and St John's do not expect the development to negatively affect emergency response;
- f) the Waikato River Trails Trust supports the realignment proposed for the River Trail; and
- g) feedback from the camping community has been mostly positive.

209. In reliance on the above assessments and evidence, Ms Feathers, for the Applicant concluded the social effects of the plan change and future subdivision are acceptable.²²⁴

4.12.2 Evaluation and Findings

- 210. We are satisfied that a thorough social impact assessment of the proposal has been carried out to support the application. We are aware that a new lifestyle residential community of this type will change the social fabric of the area. Similar residential and lifestyle communities are reasonably common along the banks of the Waikato River and they all have their own cultural and social characteristics.
- 211. The Applicant has illustrated that there is sufficient capacity in local social services, particularly health and education, to accommodate an addition of this scale to the Whakamaru community. We note that the proposal provides for a certain type of lifestyle residential property that will be attractive to some parts of the wider community.
- 212. We are satisfied that the proposal has been appropriately assessed for its' social impacts and that social wellbeing effects will be largely positive. Accordingly, we find that consideration of social effects supports the plan change being granted.

4.13 Economic

4.13.1 Submissions and Evidence

- 213. Both positive and negative economic effects were raised by submitters. Those in support pointed to the development supporting lifestyle diversity, higher quality homes, employment, greater contribution to the local economy than forestry, long-

²²⁴ Primary Evidence of Louise Feathers, 10 October 2025, at [6.58].

term resilience, growth of the community /towns, and providing the opportunity for holiday homes.²²⁵ Those opposing considered there was no demand or need for the development (as other developments had struggled), it could lead to further subdivision in future, and there was limited local employment.²²⁶ These concerns were emphasised by Ms Bolt who filed a written statement and appeared at the hearing,²²⁷ and Mr Peter Martin who gave an oral presentation at the hearing.

214. The Application was supported by an economic assessment,²²⁸ further economic comment provided in response to the RFI,²²⁹ and the expert evidence of Adam Thompson.²³⁰

215. Mr Thompson summarised the positive and negative effects and concluded:²³¹

- a) the development will displace a small amount of agricultural production activity;
- b) however, the development will:
 - i) meet demand for lifestyle properties within the District, that is not otherwise being met;
 - ii) bring additional residents and holiday home occupants to the District, increasing total growth and economic activity;
 - iii) result in significant economic benefits, in terms of additional GDP and employment;
- c) the development has market potential as evidenced by the nearby Waipamu Station development; and
- d) overall the proposal has notable economic benefits, negligible economic costs, and is therefore recommended for approval.

216. The s.42A Report noted the Council's Economic Development Manager, Steve Gow, had reviewed the economic reports and considered the development would have positive economic benefits as it provides housing options not commonly available within the District, and assists in attracting investment and new businesses to the

²²⁵ Christopher Allen #13.04, Anna-Louise Gwynne #14.01, Jamie Toon #26.02, Joshua Llewellyn #31.01, Glyn Wooller #44.01, Nigel Rowling #46.01, Scott Brownhill #48.01, Ben Turner #49.01, 49.01, Abbie Barnes #52.02, Delwyn Brown #58.02, Hayley McGuinness #59.02, Hayden Marshall #82.01 and #82.02.

²²⁶ Matthew and Jessica Algie #6.08, Anita Lord #7.01, Anne and Brett Davies #8.02, Melissa Verryt and Gareth Knight #15.03, Kay Logan #17.11, Maria Somers #21.04, Daren Porteous #22.04, Wendy Simpson Fox #27.03, Cynthia Mann #29.03, John Hanna #30.09, Raukawa CT #43.05, Chanel Houlahan #50.10, Leanne Martin #51.09, Paul and Mandi Taylor #55.04, Beven Verryt #61.01, Theresa Kenny #75.03, Sarah Bolt #77.10, Karen Treloar #89.08, and Frances Anderson #93.05.

²²⁷ Oral Evidence of Sarah Bolt, 3 November 2025; and Written Statement of Sarah Bolt, undated but received 30 October 2025; and Oral Evidence of Peter Martin, 4 November 2025.

²²⁸ Whakamaru PPC as notified, Appendix 6.

²²⁹ Urban Economics Response to Request for Information, 23 July 2023.

²³⁰ Primary Evidence of Adam Thompson, 10 October 2025.

²³¹ Primary Evidence of Adam Thompson, 10 October 2025, at [8].

region by providing higher quality housing and lifestyle solutions.²³² Mr Gow's subsequent evidence confirmed he had read and agreed with Mr Thompson's evidence and had no issues to raise.²³³

217. As noted earlier, Mr Gow and Mr Thompson were excused from attending the hearing. Following the submitter presentations at the hearing, Dr Forret in her oral reply submitted that establishing demand was not as simple as considering the number of houses for sale. There was a need to compare "apples with apples". This meant considering both the relevant zoning and age of the housing as well as other factors.

4.13.2 Evaluation and Findings

218. We accept the evidence of Mr Thompson and Mr Gow that the proposal if developed would result in economic benefits, would meet a demand for lifestyle properties within the District, and bring people to the District increasing growth and economic demand. We also accept that economic disbenefits associated with a loss of agricultural land would be low given the relatively small size of the Site and its particular characteristics. Accordingly, we find that consideration of economic effects supports the plan change being granted.

4.14 Cultural

4.14.1 Submissions and Evidence

219. A number of submitters raised cultural concerns with the proposal. Submitters expressed concern that:²³⁴
- a) there had been a lack of appropriate consultation with tangata whenua;
 - b) insufficient consideration had been given to cultural values given no CVA has been prepared;
 - c) the Waikato River is culturally significant;
 - d) Te Ture Whaimana requires a proposal to demonstrate betterment for the River;
 - e) there is a wāhi tapu, beneath part of Lake Whakamaru in close proximity to the Site where there are known to be kōiwi interred, and it is inappropriate and culturally offensive for wastewater to be discharged from the Site into that area;
 - f) the proposal is not culturally safe;
 - g) there is a need to honour the Treaty of Waitangi; and

²³² Section 42A Report, at [8.93] and Appendix A, Memo re Zoning of Land at 1861 Ongaroto Road, Whakamaru, 26 September 2025.

²³³ Primary Evidence of Steve Gow, 24 October 2025, at [8].

²³⁴ Jason Mills #4.14, Hope Woodward #25.04, Wendy Simpson #27.04, Craig Ahipene #40.01-#40.02, Pouākani Trust #41.01-#41.02, Te Ngare o Te Kohera Trust #42.01; Chanel Houlihan #50.03, Luke Needham #57.05, Chayne Walker #69.03, Sarah Bolt #77.04-#77.05, Barbara Gilmour #80.02, Margaret Trueman #84.01, and Atarau Doig #91.01-#91.02.

- h) the development is proposed on land that historically was confiscated by the Crown – a breach which has been acknowledged in Treaty settlements.
220. The s.42A Report noted that both SWDC and the Applicant had engaged with Raukawa CT since 1 August 2023 to facilitate the preparation of a CVA, however, no such CVA had been forthcoming.²³⁵
221. The evidence for the Applicant outlined the steps that had been taken to engage with tangata whenua, understand and respond to issues of concern:
- a) Mr Quigley noted in his evidence that iwi feedback helped inform the final direction of the development including the protection and extension of the River Trail, the inclusion of covenants to control external colour palettes, the intersection location, and the requirement to provide the best currently available treatment level for wastewater. He also noted that there had been some discussion around sculptures, panels, storyboards, street names, assisting in job creation, engagement of trades and work/experience skill training, as well as a desire to work with tangata whenua to see how the restoration of the mauri of the Lake can be best achieved.²³⁶
 - b) Ms Feathers, noted that Raukawa’s concerns regarding landscape, accessibility and road safety concerns had been addressed, and the unresolved issues related to the wāhi tapu, the need for additional RLZ land, cumulative impacts on naturalness and the view from the River, as well as the small lot size. Ms Feathers opined that these matters were addressed via Ms Simonson’s evidence regarding wastewater proposals (secondary treatment, discharge to land and intervening land), Mr Thompson’s evidence on demand, Mr Mansergh’s evidence on visual impacts, and Mr Quigley’s explanation about the development following a landscape-led solution to development rather than a focus on lot size.²³⁷
222. In her Supplementary Evidence, Ms Putt acknowledged the steps the Applicant had taken towards addressing cultural effects and stated that subject to hearing the cultural effects evidence at the hearing, there were no matters that preclude the plan change being approved.²³⁸
223. The SWDC Legal Submissions (filed before the hearing), noted that SWDC remained open to considering further recommendations from iwi as to how the plan change can better address concerns relating to the River and Te Ture Whaimana.²³⁹ However, in relation to Te Ture Whaimana SWDC counsel also noted that while betterment is

²³⁵ Section 42A Report, at [3.7]-[3.8].

²³⁶ Primary Evidence of Jonathon Quigley, 10 October 2025, at [25]-[31].

²³⁷ Primary Evidence of Louise Feathers, 10 October 2025, at [6.64]-[6.65].

²³⁸ Supplementary Evidence of Karla Putt, 24 October 2025, at [37].

²³⁹ SWDC Legal Submissions, 30 October 2025, at [40].

required, such betterment is proportionate to the scale of the activity and its effects. Here, there was evidence that such betterment would result, given:²⁴⁰

- a) Ms Simonson's evidence that contaminants discharged from residential use are lower than rural uses, are below the permitted level in the WRP, and would be further mitigated by the planting of buffer and disposal system areas;²⁴¹ and
- b) Ms Putt's assessment that the plan change would result in improvements to ecological habitats via additional planting, and the management of stormwater and wastewater to land rather than to water.²⁴²

224. Ms Hope Woodward, a resident of Mangakino and environmental advocate, filed a written statement prior to the hearing, stating that the land had been wrongly confiscated under the Public Works Act and attaching excerpts from Waitangi Tribunal reports in this regard.²⁴³

225. At the hearing, Dr Julian appeared and gave an oral presentation on behalf of Raukawa CT. She explained that:

- a) there had been engagement with the Applicant and a number of the issues they had raised (such as landscape design and accessibility) had been appropriately addressed by the Applicant;
- b) their main concern was with the potential for wastewater discharges and the impact that would have on the mauri of the awa, on the wāhi tapu, and on the people whose tūpuna are buried there;
- c) the River is an indivisible entity and there was concern about the intensity and scale of the development in close proximity to the River, which could impact water quality and change the character of the area.

226. Mr Ahipene, filed a written statement and appeared at the hearing on behalf of himself, Pouākani Trust and Te Ngare o Te Kohera.²⁴⁴ Mr Ahipene made the points that:

- a) tangata whenua are not just another submitter, they are Treaty partners, and the Treaty and tikanga need to hold precedence;
- b) approximately 1km upstream from the Site was a former village (Waimahana) with geothermal areas, and approximately 1km downstream was a burial ground;
- c) the land had been taken in breach of the Treaty;

²⁴⁰ SWDC Legal Submissions, 30 October 2025, at [38]-[39].

²⁴¹ Primary Evidence of Trisha Simonson, 9 October 2025, at [42] and [53].

²⁴² Section 42A Report, at [7.11].

²⁴³ Written Statement of Hope Woodward, 17 October 2025, Cover Email and Attachments 6 and 7.

²⁴⁴ Written Submission of Craig Ahipene 30 October 2025.

- d) both the village and the burial ground had been inundated by the creation of the Lake in 1956, and not all tūpuna remains were able to be removed before the area was flooded – this was a continuing source of mamae for the descendants of those tūpuna;
 - e) any discharge of wastewater into the Lake – even a single drop – was culturally abhorrent and would constitute a serious cultural desecration of mana;
 - f) tangata whenua had a duty to protect the mauri of the water and the land.
227. Also at the hearing, individual submitters Mr Houlahan and Ms Bolt spoke in support of cultural concerns and in particular of the need to ensure compliance with Treaty obligations and sections 6(e) and 8 of the RMA.²⁴⁵
228. Following the presentation of the cultural evidence:
- a) Counsel for SWDC provided an oral response, submitting that:²⁴⁶
 - i) the Waitangi Tribunal claims did not relate to the Site itself;
 - ii) there was no s.27B memorial on the title of the Site;
 - iii) Dr Julian had acknowledged that what was proposed in terms of wastewater was consistent with the Raukawa EMP and did not have any further suggestions to put forward;
 - iv) there was no clear solution to Mr Ahipene’s concerns, which effectively amounted to a veto, when the RMA is not a “no-effects” statute;
 - v) the development would give effect to Te Ture Whaimana as it would result in betterment to the awa through a decreased contaminant load as a result of a change in use.
 - b) Ms Putt noted that no new or additional information had been provided by cultural submitters, and that overall she was satisfied that the effects of the proposal (including cultural) could be addressed through the measures being proposed as part of the plan change;²⁴⁷
 - c) Dr Forret agreed with the SWDC oral submissions and submitted further that:²⁴⁸
 - i) Mr Quigley had done nothing wrong in purchasing the land and had purchased it from Carter Holt Harvey at market value;
 - ii) the cultural evidence confirmed that consultation was appropriate – with Mr Ahipene describing it as “faultless”;

²⁴⁵ Sarah Bolt Written Statement, 30 October 2025.

²⁴⁶ SWDC Oral Submissions, 4 November 2025.

²⁴⁷ Oral Evidence of Karla Putt, 4 November 2025.

²⁴⁸ Applicant Oral Legal Submissions, 4 November 2025, and Applicant Reply Submissions, 14 November 2025.

- iii) the proposal will result in an improved environment for the awa (due to the reduced runoff) and the land surrounding it (due to the proposed planting, reserve and access areas);
- iv) the evidence acknowledged that the plan change had been designed with the best parameters available;
- v) secondary wastewater treatment systems are more advanced and higher quality than primary systems, and the distance of the proposed lots from the Lake edge, the proposed planting and maintenance obligations would ensure no adverse effects on the mauri of the Lake;
- vi) there will be a lot of monitoring, including from the development design review board, from the residents themselves who get the benefit (and obligations) arising from the covenants; and
- vii) there were numerous mechanisms – consent notices, conditions and normal monitoring and enforcement under the RMA to ensure the development proceeds in accordance with its requirements.

229. Following the hearing, as noted earlier, both Raukawa CT and Ngāti Te Kohera Hapū filed submissions noting that the effect of the new and amended national direction instruments was to strengthen the concerns raised in their submissions – including in relation to cultural effects.²⁴⁹

4.14.2 Evaluation and Findings

230. We acknowledge, as Mr Ahipene submitted, that tangata whenua are not just “another submitter” and that they have a deep ancestral connection to their whenua, wai and other taonga. This relationship is recognised by the RMA which provides strong directions regarding providing for cultural wellbeing (s.5), recognising and providing for the relationship of Māori with their ancestral whenua, wai, wāhi tapu and other taonga, having particular regard to kaitiakitanga (s.7) and taking into account the principles of the Treaty (s.8). These directions are also reflected in the relevant planning and policy documents.
231. We also acknowledge the deep and continuing mamae that historical Crown land confiscations and flooding of the burial ground has had. While such matters are outside our remit to address, we consider it is important context, and accordingly, we have borne those matters in mind when assessing the potential cultural effects.
232. In that regard, we acknowledge that it is for tangata whenua to identify cultural values that may be impacted by a proposal, and how/to what extent they consider such impacts can be addressed. While a formal CVA was not prepared, we received evidence from tangata whenua which outlined the significance of the River, the wāhi

²⁴⁹ Raukawa CT Submission, 21 January 2026; and Ngāti Te Kohera Hapū Submission, 2 January 2026.

tapu beneath the Lake, the surrounding sites of significance, and the effects they were concerned about.

233. Evidence from both the Applicant and tangata whenua confirmed that fulsome consultation had occurred, and had resulted in a number of changes to the proposal, including a tightening of controls, and significantly, secondary onsite wastewater treatment, disposal to land, extended buffer distances, and planting of disposal areas. All parties agreed these wastewater measures were best practice and there were no other measures (short of refusal) that could be adopted to address these effects. We consider that the adoption of these more stringent measures recognises and provides for the relationship of tangata whenua with the Lake and their wāhi tapu. Accordingly, and as we noted in the wastewater section above, we are satisfied that the wastewater effects, including those of any minor dwellings, can be acceptably managed.
234. The evidence also confirmed that the proposal would result in an expanded reserve area, additional indigenous planting, and improved accessibility - with new pedestrian accesses through the Site, a safer intersection with SH30 and formal legal access for the realigned section of the River Trail. We consider that the proposal will facilitate kaitiakitanga through enabling better access to the Lake, and will, to an extent, recognise and provide for the relationship of tangata whenua through making previously private land publicly accessible and through planting of local native species on the Site.
235. We consider the approach the Applicant has taken in engaging with tangata whenua and making changes in response to feedback received is consistent with Treaty principles of participation and (active) protection. In terms of the principle of partnership, we noted above that there had been some discussions between the Applicant and tangata whenua around other measures to further recognise and provide for their relationship (such as sculptures, panels, storyboards, street names, assisting in mauri restoration, job creation, engagement of trades and work/experience skill training). While these have not yet resulted in an agreement it appeared to us that the Applicant has not closed the door on such matters. In any case, the requirement in s.8 is to take into account Treaty principles, which we consider the Applicant has done.
236. We also note that while the plan change will enable the land to be rezoned, there is a further consenting process to be stepped through before the land can be developed.
237. Accordingly, we find that the Applicant has appropriately responded to the cultural effects raised at this stage, and that the measures incorporated into the plan change are consistent with the requirements in Part 2, and will appropriately address any cultural effects of the plan change.

4.15 Reverse Sensitivity

4.15.1 Submissions and Evidence

238. Reverse sensitivity concerns arose in relation to three primary issues. Noise and disturbance from camping and water based activities (raised by individual submitters),²⁵⁰ noise from SH30 (raised by NZTA)²⁵¹ and noise and disturbance from adjacent forestry operations (raised by Red Stag Forests)²⁵² - potentially giving rise to complaints by new occupiers leading to costs/restrictions on those uses and/or increased levels of service being required for the Reserve.
239. Both Ms Lord (on behalf of herself, her family and the Whakamaru Water Ski Club), and Ms Bolt filed statements and appeared at the hearing. They were particularly concerned that new occupiers in the development would complain about existing camping uses leading to camping activities being restricted.²⁵³
240. The s.32 Assessment noted that following correspondence with Fish and Game, it was proposed that consent notices be imposed on each individual lot at the time of subdivision so that lot owners acknowledged the effects that may be generated from lawful recreational activities on the Reserve and Lake including effects on amenity and noise.²⁵⁴
241. The s.42A Report noted that the other reverse sensitivity concerns raised by submitters could (also) be addressed by private reverse sensitivity covenants or consent notices, with the latter being SWDC's preference given private covenants could be removed without SWDC involvement.²⁵⁵
242. Alex Jacob, the Applicant's acoustic's expert, assessed the potential reverse sensitivity effects from a noise perspective and concluded that:²⁵⁶
- a) the noise levels received by most of the development would comply with noise limits, although habitable spaces within 80m of SH30 would need noise attenuation measures but this could readily be achieved with commonly used materials and designs;
 - b) activities in the vicinity of the Site are unlikely to give rise to reasonable reverse sensitivity concerns from future occupancies at the Site;
 - c) however, an increase in occupant numbers has the potential to increase the statistical likelihood of introducing occupants with a lack of awareness of the existing noise environment; and

²⁵⁰ Jason Mills #4.06 and #4.12, Anita Lord #7.15, Danielle Schouten #47.01 and Peter Martin #81.05.

²⁵¹ NZTA #1.03,

²⁵² Red Stag Forests #53.01.

²⁵³ Anita Lord Emailed Statement, 30 October 2025; and Sarah Bolt Written Statement, 30 October 2025.

²⁵⁴ Whakamaru PPC as notified, at [7.2.7.2].

²⁵⁵ Section 42A Report, at [8.100].

²⁵⁶ Primary Evidence of Alex Jacob, 9 October 2025, at [57]-[60] and [71]-[73].

- d) reverse sensitivity covenants would ensure new occupants acknowledge and are aware of the noise environment in proximity to the Site and provide an opportunity for those with higher noise sensitivities to avoid living close to a noise source.

243. Ms Feathers described the measures the Applicant was proposing to use to address reverse sensitivity concerns as comprising:²⁵⁷

- a) reverse sensitivity covenant or consent notice (as per SWDC's preference) to be imposed at subdivision;
- b) acoustic insulation to protect internal amenity of habitable rooms within 80m of the SH; and
- c) restrictions on the keeping of livestock and animal husbandry (which would be noted on the Development Area Plan).

244. Ms Feather's view was that with these measures in place, the effects of reverse sensitivity would be managed to an acceptable level at the time of subdivision/building.²⁵⁸

4.15.2 Evaluation and Findings

245. We are satisfied that reverse sensitivity concerns have been appropriately considered and addressed through the proposal for covenants or consent notices at the consent stage. These measures, through registration on the development lot titles, will put potential purchasers on notice about the existing uses and potential effects associated with those uses at the time they are considering purchasing.

246. While there is no express requirement in the plan change provisions for such covenants or consent notices, we are satisfied that the objectives, policies and rules in the SUB and RLZ chapters of the District Plan adequately provide for reverse sensitivity matters to be considered and such covenants or consent notices to be imposed. Accordingly, we find that reverse sensitivity matters have been appropriately addressed.

4.16 Loss of Rural Production Land

4.16.1 Submissions and Evidence

247. One submitter was concerned that the development would fragment rural land and reduce its viability for primary production.²⁵⁹ Another submitter raised concerns about the impact that forestry removal would have on emissions trading and long-term climate risks.²⁶⁰

²⁵⁷ Primary Evidence of Louise Feathers, 10 October 2025, at [6.68]-[6.75].

²⁵⁸ Primary Evidence of Louise Feathers, 10 October 2025, at [6.76].

²⁵⁹ Mark Lord #3.01.

²⁶⁰ Hope Woodward #25.07.

248. The notified plan change included an assessment of the land use classification (**LUC**) of the land, considering the types, useability, limitations and topography of the soils on site. This assessment found that the majority of the land is classed as 4e26, with a small area classed as 6e, which are not high class soils (such soils being limited to land use classifications 1 to 3).²⁶¹
249. The s.42A Report acknowledged that the development would result in the loss of 31.6 ha of rural zoned land, but noted that this was not a significant loss when compared with existing forestry plantations, and that the Site was not classified as highly productive land.²⁶² Ms Feathers for the Applicant agreed, and noted that there is no apparent shortage of non-highly productive land in the District.²⁶³
250. Following the hearing, and in response to our Direction #5 regarding the amended and new national direction, Ms Woodward filed a submission noting that the changes to the NPS-HPL were relevant as the land was potentially highly productive land (as demonstrated by existing forestry use and the climate change response act notice on the Site's title) and the forest's viability for timber/carbon production means that the proposal remains inconsistent with protecting highly productive land.²⁶⁴ Mr Martin made a similar submission but went further in expressing his view that the provisions of the NPS-HPL meant the rezoning could not be granted.

4.16.2 Evaluation and Findings

251. We accept the Applicant's technical assessment that the Site has a LUC of 4e26 and 6e, and note that the existing (and historic) forestry use was acknowledged in that assessment.
252. We also accept the evidence of the Applicant and SWDC that as the Site is not LUC 1 to 3 it does not meet the definition of highly productive land, and therefore the restrictions in the NPS-HPL do not apply.
253. Further, and while the proposal will result in the Site no longer being available for rural production uses, as noted by SWDC and the Applicant, the loss of the land for such uses is not significant given its low land use capability status and given the existing surrounding land available for rural productive uses. Any impacts on emissions trading and long-term climate change are likely to be similarly limited given those same factors.
254. Accordingly, we find that the loss of a very small amount of land for rural production purposes is not a barrier to the rezoning.

²⁶¹ Whakamaru PPC as Notified, Appendix 5.2.

²⁶² Section 42A Report, at [8.101]-[8.103].

²⁶³ Primary Evidence of Louise Feathers, 10 October 2025, at [6.77].

²⁶⁴ Hope Woodward Email, 14 January 2026.

4.17 Cumulative Effects

4.17.1 Submissions and Evidence

255. Cumulative effects were not generally expressly raised by submitters, except in relation to specific topics, such as the naturalness of the area or bat habitats.²⁶⁵
256. The s.42A Report addressed such concerns under the primary topics rather than as standalone effects.
257. For completeness, Ms Feathers addressed these matters separately in her evidence, noting that:²⁶⁶
- a) potential cumulative effects included reduced agricultural productivity, loss of rural character, pressure on infrastructure and services, social conflict and fragmentation and peri-urbanisation of the countryside;
 - b) each proposal had to be assessed against the relevant planning framework to ensure effects would be acceptable and that the proposal fits in the planning framework; and
 - c) given this high threshold, the risk of cumulative effects is limited.
258. As noted above, following the hearing, and in response to our Direction #5, both Raukawa CT and Ngāti Te Kohera expressed concerns about the potential for cumulative wastewater impacts arising from detached minor residential units, and Ms Bolt raised concerns about cumulative environmental impacts.²⁶⁷

4.17.2 Evaluation and Findings

259. We acknowledge that cumulative effects are relevant RMA effects and must be considered.²⁶⁸
260. We have generally addressed the potential for cumulative effects in the relevant topic areas above, including the concerns of Raukawa CT and Ngāti Te Kohera about potential cumulative wastewater impacts, and Ms Bolt's more general concern about cumulative environmental effects. To the extent that there are any other cumulative effects that have not been specifically addressed separately, we accept the evidence of Ms Feathers that the risk of cumulative effects is limited, and note that the plan change has been comprehensively assessed against the relevant planning framework. We find that the plan change provisions will appropriately address any cumulative effects and such effects therefore do not preclude the rezoning.

²⁶⁵ Raukawa CT #43.01, and Susan Leitch #19.01.

²⁶⁶ Primary Evidence of Louise Feathers, 10 October 2025, at [6.79]-[6.80].

²⁶⁷ Raukawa CT Submission, 21 January 2026; Ngāti Te Kohera Hapū Submission, 2 January 2026; and Sarah Bolt Statement, 14 January 2026.

²⁶⁸ As per s.3(d) of the RMA.

4.18 Noise Effects

4.18.1 Submissions and Evidence

261. Many submissions raised the potential noise effects arising from the increased number of houses, people and boating activities.²⁶⁹
262. The s.42A Report, while not including a separate section on noise effects, listed the noise concerns that had been raised, as well as the Applicant's proposal for a planted bund for noise and visual screening purposes between the development and SH30.²⁷⁰
263. As a result of the submitter concerns, the Applicant commissioned an acoustic assessment and expert evidence from Mr Jacob.²⁷¹ Ms Feathers provided a helpful summary²⁷² of Mr Jacob's key findings as follows:²⁷³
- a. The character of noise that would be enabled by the proposed zone would not be materially different from the character of noise from the existing zone, notwithstanding levels associated with increased density.
 - b. That proposed zoning would not introduce noise with material adverse effects on the surrounding environment.
 - c. Construction noise effects can be managed to a reasonable level via management plans developed at the time of subdivision approval.
 - d. Noise from a residential development enabled by the Plan Change can readily comply with the noise limits, provided the design, selection, and location of mechanical services and inverters are acoustically reviewed to the satisfaction of the Council. Any noncompliance would be a matter of enforcement and furthermore would likely affect adjacent lots within the subject site (between lots) before affecting the surrounding area.
 - e. The increase in traffic along SH30 would conservatively result in an increase of noise levels at circa 3dBA which is barely noticeable for most people.
 - f. Within the subject site, buildings containing noise sensitive activities can readily be designed to comply with the internal noise limits from traffic noise; and
 - g. The proposed plan change would not introduce unreasonable noise with adverse effects that are minor or more than minor on the surrounding environment.
264. On the basis of Mr Jacob's evidence, Ms Feathers concluded that the noise effects would be acceptable.²⁷⁴
265. At the hearing, Mr Jacob's further explained that:²⁷⁵
- a) noise does not affect all parts of the Site equally with potential noise sources for different parts of the Site arising from power generation at the northern end,

²⁶⁹ Jason Mills #4.07, Matthew and Jessica Algie #6.03, Anita Lord #7.06, Anne and Brett Davies #8.05, Melissa Verryt and Gareth Knight #15.06, Kay Logan #17.08, Wendy Simpson Fox #27.06, John Hanna #30.04, Chanel Houlahan #50.05, Leanne Martin #51.04, Luke Needham #57.04, Beven Verryt #61.06, Rataki Lay #71.01 and Sarah Bolt #77.02.

²⁷⁰ Section 42A Report, at [7.43].

²⁷¹ Primary Evidence of Alex Jacob, 9 October 2025., and Appendix 1 – Acoustic Assessment, 18 September 2025.

²⁷² Noting we have checked and agree that Ms Feather's summary is an accurate summary of Mr Jacob's findings.

²⁷³ Primary Evidence of Louise Feathers, 10 October 2025, at [6.82].

²⁷⁴ Primary Evidence of Louise Feathers, 10 October 2025, at [6.83].

²⁷⁵ Oral Evidence of Alex Jacob, 3 November 2025.

SH30 on the eastern side, the camping ground on the western side, and within the Site from the proposed dwellings;

- b) there is a lower attenuation for noise over flat water bodies and noise would travel across the Lake – however any such noise would be around 35dB, which is not atypical and well below the compliance limit;
- c) while noise may be audible within and outside of the Site there was no issue in terms of compliance for noise received by, or generated from the Site, and the Site could operate with or without the bund in terms of acoustics; and
- d) all noise effects can be appropriately addressed at the consent stage where there would be further monitoring and any residual noise effects could be addressed through the selection of mechanical plant, shielding, trickle vents or other standard measures (as necessary/appropriate).

266. At the hearing, Ms Putt confirmed she agreed that all noise effects can be appropriately mitigated.²⁷⁶

4.18.2 Evaluation and Findings

267. We accept the evidence of Mr Jacob, Ms Feathers and Ms Putt that noise effects can be appropriately addressed at the consent stage. While the plan change does not incorporate any specific noise controls or provisions, it refers to the noise chapter (12.7) of the existing District Plan which contains objectives, policies and rules that will manage noise effects *from* the development. We have already addressed the reverse sensitivity effects of noise from other activities *on* those living within the development Site above (in section 4.15).

268. On the basis of the technical and planning evidence, we therefore find that noise effects can be managed and do not preclude the rezoning.

4.19 Positive Effects

4.19.1 Submissions and Evidence

269. As noted in earlier sections, some submitters considered the proposal would result in positive economic, social and/or environmental effects, whereas other submitters expressed doubts about the claimed positive effects eventuating or reaching the scale anticipated.

270. The s.42A Report summarised the positive effects of the proposal as follows:²⁷⁷

- (a) Introduction of new community members to the district add vibrancy to the community
- (b) Will support businesses in the nearby Whakamaru Village and Mangakino.

²⁷⁶ Speaking Notes of Karla Putt, 4 November 2025, at [19].

²⁷⁷ Section 42A Report, at [8.104].

- (c) Provides variety of residential opportunities in the district. New housing choice could free up existing housing stock and would provide more choice. The proposed development is a relatively small scale in an area of high natural amenity which would make it attractive to both permanent residents and short-term visitors.
- (d) Supports construction sector employment.
- (e) Vesting of land for public use and Waikato River Trails connection.
- (f) Investment and consideration of design for biodiversity and environmental benefits (onsite water treatment and solar power).
- (g) Bulk infrastructure funded by the developer (not Council or ratepayers)
- (h) Removal of forestry waste and debris.
- (i) Some potential for accessing daily goods and services in Whakamaru by active modes using the Waikato River Trails.
- (j) Larger population will support the school, community organisations and events.

271. Ms Feathers confirmed she agreed with that summary,²⁷⁸ and added that the proposal will improve public access, provide a net ecological gain and support the social and economic wellbeing of the community.²⁷⁹ The ecological, social, and economic benefits were detailed in other technical evidence for the Applicant, and supported by the technical evidence for SWDC in those areas, as noted earlier in the respective effect sections above.

4.19.2 Evaluation and Findings

272. We accept the evidence of the Applicant and SWDC that the proposal would result in a number of positive effects – generally as summarised in section 4.19.1 above. We do however acknowledge that some of the listed effects – such as the introduction of new community members adding to “vibrancy” – are somewhat subjective. What one person may view as vibrant, another may regard as busy. We have addressed these types of concerns in the social effects section above.
273. We note from our discussion of effects in previous sections that there are also other positive effects of the proposal. These relate to: improved ecological function and values as a result of indigenous planting and habitat creation; traffic safety, as a result of the redesigned intersection with SH30; water quality, as a result of the conversion from forestry to rural lifestyle uses producing less run-off; and renewable energy, as a result of the proposal for solar power.
274. While we acknowledge and agree that the precise scale of positive effects may be difficult to accurately estimate, we find the evidence is clear that the proposal will have a number of positive effects.

²⁷⁸ Primary Evidence of Louise Feathers, 10 October 2025, at [6.78].

²⁷⁹ Speaking Notes of Louise Feathers, 3 November 2025, at [38].

4.20 Overall Summary of Effects and Findings

275. In summary, the totality of the expert evidence before us was that all potential adverse effects of the development could be appropriately avoided, remedied or mitigated by the measures proposed and the development would result in positive effects.
276. Based on that evidence, we find that the effects of the plan change will be acceptable, and subject to the minor changes to the provisions we discuss in the next section, appropriately managed by the provisions.

5 Statutory Assessment, s.32 and Provisions | Aromatawai ā-Ture, Tekiona 32 me Ngā Herenga

5.1 RMA Assessment

277. The RMA sets out a range of matters that must be addressed when considering a private plan change. These matters have been identified, correctly in our view, in the s.42A Report,²⁸⁰ the SWDC Legal Submissions²⁸¹ (which the Applicant adopted),²⁸² and in Ms Putt's Supplementary Evidence and Dr Forret's letter addressing the new and amended national direction instruments.²⁸³
278. A summary of those requirements was set out earlier in the Statutory Provisions and Requirements section (Section 3) above. We noted there that the Whakamaru PPC was considered by the Applicant and SWDC to satisfy those requirements, and that we accepted that analysis.²⁸⁴

5.2 Section 32

5.2.1 Original Assessment

279. The s.32 Report which accompanied the Whakamaru PPC contained a detailed assessment of risks and alternatives (status quo, rezone and bespoke changes, status quo plus consent), concluding as follows:²⁸⁵

10.4.3.1 The proposal is to provide for a rural-residential zoning on the eastern shore of Lake Whakamaru in a manner that provides for choice in lifestyle and will add to the development capacity of the locality. The rezoning will also help address declining housing stock, enhance tourism and economic benefits resulting and enable persons and the community provide for their health and wellbeing. While the proposal will result in a change to a rural-residential form from the rural form that exists currently, the proposal is considered to be an efficient use of the

²⁸⁰ Section 42A Report, section 6.

²⁸¹ SWDC Legal Submissions, 30 October 2025, at [20]-[25], and [26]-[30].

²⁸² Applicant Opening Legal Submissions, at [3].

²⁸³ Second Supplementary Statement of Evidence of Karla Putt, 23 December 2025; and Letter of Dr Forret of NZEnviro Law, 23 December 2025.

²⁸⁴ SWDC Legal Submissions, 30 October 2025, at [47], and as updated through oral submissions at the hearing, following the presentation of the cultural evidence.

²⁸⁵ Whakamaru PPC, as notified, Section 10.3; and Section 32 Evaluation of Options, Response 2 to SWDC Request for Information.

physical land resource. The existing local community stand to benefit socially and economically from the proposed growth.

10.4.3.2 The rezoning of this site does not pose a risk of compromising the ability of natural resources in the area to provide for future generations and has generous scope for modifications of any adverse effects on the environment.

10.4.3.3 The proposal is consistent with the relevant objectives and policies of the ODP

280. The s.42A Report author agreed that the rezoning and bespoke changes option was the most appropriate, but recommended a number of additional changes to better address effects and ensure greater consistency with the relevant plan and policy framework.²⁸⁶
281. Both expert planning witnesses concluded that the Whakamaru PPC should be approved and by the conclusion of the hearing, there was no disagreement between the planners on any matter – including s.32 matters.²⁸⁷

5.2.2 Changes to Provisions

282. By the conclusion of the hearing the Applicant and SWDC had reached agreement on the provisions, with an agreed set being filed with the Applicant's closing submissions.²⁸⁸
283. The key changes to provisions in the agreed set from the notified version are (in summary):²⁸⁹

Subdivision Chapter

- a) The addition of two new subdivision policies to:
- i) manage services within the Site (SUB-P17); and
 - ii) ensure the design of reserves and open spaces within the Site (SUB-P18).
- b) A separate discretionary activity rule for subdivision of RLZ within the Site (SUB-R3(5)).
- c) A non-complying activity rule for subdivision that does not comply with the Development Area Plan (SUB-R4(2)(d)).
- d) Addition of text to exempt the Development Area from compliance with the average lot size rule (SUB-R5(4)-RLZ(a)).
- e) Amendment of a performance standard (SUB-R5(4)-RLZ(k)) to require that subdivision is "in accordance with" the Development Area Plan and to clearly

²⁸⁶ Supplementary Evidence of Karla Putt, 24 October 2025, at [37]-[38].

²⁸⁷ Oral Evidence of Louise Feathers and Karla Putt, 4 November 2025.

²⁸⁸ On 14 November 2025.

²⁸⁹ Louise Feathers, Final s.32AA Assessment, 14 November 2025.

define what “in accordance with” the Development Area Plan means, being provision of:

- i) an on-site secondary wastewater treatment system;
- ii) an on-site stormwater system meeting certain specifications;
- iii) the intersection with SH30 being within 20m of that shown on Figure 1 of the Development Area Plan;
- iv) a maximum of 66 lots;
- v) the visual mitigation bund;
- vi) the LDMP;
- vii) a variety of lot sizes, clusters within development, clear separation between clusters, and opportunities for additional planting; and
- viii) lot access from local roads.

RLZ Chapter

- f) Addition of a new objective to maintain the valued landscape character and amenity values while enabling development that is consistent with the components of the Development Area Plan (RLZ-O4)).
- g) Addition of three new policies to:
 - i) manage the effects on the landscape and visual sensitivity of development within the RLZ at Lake Whakamaru in a manner consistent with the Development Area Plan through various measures (RLZ-P6);
 - ii) manage infrastructure services within the Development Area through various measures; and
 - iii) ensure the design of reserves and open spaces within the Development Area incorporate CPTED Principles.
- h) Amendment of a performance standard (RLZ-R6(7)) to require that any building or development activity within the Site is “in accordance with” the Development Area Plan and to clearly define what “in accordance with” the Development Area Plan means, being provision of:
 - i) secondary wastewater treatment system;
 - ii) post and rail fencing with a visual permeability of 50% or greater;
 - iii) bund planting requirements; and
 - iv) an LDMP which is in accordance with the Development Area Plan.

Development Area

- i) Amendment to the objective to reflect its purpose is to direct future subdivision and development within the Whakamaru RLZ in accordance with the Development Area Plan.
- j) Add a new item regarding pest control.
- k) Add a new bullet under the LDMP relating to assessing planting performance.
- l) Add a new item to water tanks to clarify that any above ground tanks are subject to building design requirements.
- m) Add a new item to lighting regarding lux levels and temperatures to avoid adverse effects on bats/bat habitats.
- n) Add a new item under Building Design to reference the exclusion of permitted built protrusions from the 6m maximum height limit.

284. In addition, the Applicant and SWDC also proposed a number of minor and/or consequential changes to ensure consistency of wording, update references to plan names, and adjust numbering. Neither party considered any changes were necessary to the provisions as a result of the new and amended national direction instruments coming into force.²⁹⁰

285. Raukawa CT sought decline rather than any changes to provision in response to the amended national direction instruments.²⁹¹ Ngāti Te Kohera sought that if the additional residential intensification is not excluded from the Development Area, then at least a discretionary activity consent be required, incorporating a full CVA and active hapū involvement.²⁹²

5.2.3 Section 32AA

286. To support the agreed changes Ms Feathers provided a detailed s.32AA evaluation as part of the Applicant's closing. Ms Feathers' explained that:

- a) she had assessed:
 - i) the plan change objectives against the purpose of the RMA;
 - ii) whether the provisions are the most appropriate way to achieve the purpose of the plan change,
 - iii) costs and benefits of the economic, social, environmental and cultural effects of the provisions – including whether opportunities for economic growth and employment are reduced or increased;

²⁹⁰ Second Supplementary Statement of Karla Putt, 23 December 2025; and Letter of Dr Forret of NZEnviro Law, 23 December 2025.

²⁹¹ Raukawa CT Submission, 21 January 2026, at [6.1].

²⁹²

- iv) the risk of acting or not acting where uncertain information exists; and
 - v) the reasons for deciding on the provisions.
- b) the changes proposed were “refinements” made in response to issues raised by submitters, mana whenua and SWDC during the hearing, and did not challenge the original s.32 evaluation nor the intent of the plan change.

287. Ms Feathers concluded that:²⁹³

- a) there is a sufficient level of information provided through evidence to inform decision-making and a corresponding low risk of acting (s.32(2)(c));
- b) the objectives of the plan change are the most appropriate way to achieve the purpose of the RMA (s.32(1)(a)); and
- c) the rezoning and provisions (including for the Development Area) are the most appropriate ways to achieve the objectives of the plan change (s.32(1)(b)).

5.2.4 Evaluation and Findings

288. Having considered all of the evidence, submissions, legal advice, and relevant background documents, we are satisfied that:

- a) there is scope for the more substantive changes given they are made in response to submissions, do not change the fundamental proposal, and are intended to provide greater certainty and clarity that the key mitigations proposed will be incorporated; and
- b) they are supported by an appropriate s.32AA assessment.

289. However, following our review of the final joint set of provisions, we have identified a few further minor and/or consequential changes that should be made to the provisions and Development Area Plan text to ensure the provisions are consistent, clear and certain. These comprise:

- a) corrections to a number of cross references to all documents;
- b) minor grammatical or formatting corrections to all documents;
- c) the insertion of the full name of the Development Area, of Figure 1 of the Development Area Plan, and the Whakamaru Reserve where necessary for consistency and clarity;
- d) clarification in Policy RLZ-P7 and SUB-P17 that additional road connections may be provided within the Development Area (but not to SH30) to be consistent with the restrictions on access to SH30 in other provisions;

²⁹³ Louise Feathers, Final s.32AA Assessment, 14 November 2025, at [3(g)] and [5].

- e) deletion of a matter of discretion in RLZ-R3 referring to consistency with the Lake Whakamaru Development Area in Chapter 16 since any non-compliance with the standards in RLZ-R6 is instead a discretionary activity under RLZ-R4(7);
- f) a change from “should be” to “shall be” in standard RLZ-R6(5)(a)(ii)(b) to be consistent with the wording used in the remainder of that standard and with the proposal as presented;
- g) deletion of the words “with a careful selection of natural colours” from standard RLZ-R6(5)(a)(ii)(c)(3) as colours are limited in other standards in that section and the text is subjective (i.e. it is not clear what ‘careful selection’ is) and its’ inclusion would make determining compliance with the standard difficult;
- h) amendment to standard RLZ-R6(7)(b) to insert the words “if provided” to align with the Development Area Plan which notes that fencing is not required;
- i) amendment to the Development Area Plan text to:
 - i) change references from “should”, “is” or “will” to “shall” for consistency and certainty regarding what is proposed;
 - ii) deletion of the words “with a careful selection of natural colours” from the Building Design section (section 6(iii)(c)) for the same reasons as stated for standard RLZ-R6(5)(a)(ii)(c)(3) above;
 - iii) deletion of the final sentence in the Fencing and Boundary Treatment section (section 8) and integration into the second sentence to avoid repetition;
 - iv) change the word “prevent” to the word “minimise” in the last line of the first sentence under the Lighting section (section 10) to align with the evidence and reflect that not all light-spill can be completely avoided; and
 - v) clarify the intention in the Water section (section 12) that it is only tanks “which are completely or partially above ground” which are subject to building design requirements, not tanks “completely” buried.

290. We are satisfied that the minor changes we have made are consequential and minor in nature such that they can be made pursuant to cl.16(2) of Sch.1 of the RMA, with no further s.32AA assessment being necessary.

291. In response to Ngāti Te Kohera’s submission, we note that under the plan change provisions, subdivision within the Lake Whakamaru Development Area is a discretionary activity (under Rule SUB-R3(5)). Such an activity status means at the time any such consent is applied for, SWDC will be required to consider the full range of potential effects as well as who may be affected parties (noting that Raukawa CT is expressly stated to be an affected party under the relevant matters of discretion). We consider this at least partially addresses the relief sought by Ngāti Te Kohera.

292. Overall, we find that the Whakamaru PPC provisions (being the final joint version with our minor/consequential changes included) are consistent with, and are the most appropriate way to achieve the purpose of the RMA.
293. To assist the parties, we have attached our revised provisions with tracking showing our changes from the final joint version, as well as a clean copy in **Appendix 1**.

6 Recommendations on Submissions | Ngā Tūtohunga mō Ngā Tāpaetanga

294. Clause 10 of Sch.1 requires that reasons be given for accepting or rejecting the submissions (original and further) made to the Whakamaru PPC.²⁹⁴ It permits submissions to be addressed by grouping them according to the proposed plan provisions to which they relate, or by the matters (i.e., topics) to which they relate. Clause 10(3) of Sch.1 also states: “To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.”
295. Given the nature of the Whakamaru PPC - a rezoning proposal with discrete changes to provisions - we have grouped all of the submissions in terms of the topics set out (above) in this report. We emphasise that while all individual submissions and submission points are not expressly referred to, all submissions and submission points have nevertheless been taken into account when making our recommendations.
296. A table setting out the s.42A Report author’s recommendations on submissions is attached as Appendix B to Ms Putt’s evidence.²⁹⁵ We adopt that Appendix to the extent it reflects the recommendations we have made in this report.
297. Our recommendations on submissions are therefore as follows:
- a) we **accept** or **accept-in-part** those submissions that supported the Whakamaru PPC, or supported it in part subject to the modifications sought, and where we have accepted the modification(s) to the Whakamaru PPC as set out in the submission;
 - b) we **accept-in-part** those submissions that supported or supported in part the plan change where we have made modification to it in relation to other submissions, or have only partially agreed to modifications to Whakamaru PPC as set out in the submission; and
 - c) we **reject** those submissions that fully opposed the plan change (i.e., reject the entire plan change), or sought modifications to it which we have not made, again for the reasons set out in this report.

²⁹⁴ Clause 29(1) of Part 2 of Sch.1 confirms that clauses in Part 1 of Sch.1 apply “with all necessary modifications” to any private plan change request.

²⁹⁵ Supplementary Statement of Evidence, 24 October 2025, Appendix B.

298. With respect to further submissions, as these can only support or oppose an initial submission, our recommendations on those submissions reflect our recommendations on the initial submissions.

7 Recommendations | Ngā Tūtohunga

299. Having considered all of the submissions, presentations, evidence and legal submissions before us, and for the reasons we have set out above, we have determined it is appropriate to **APPROVE** the Whakamaru PPC as set out in **Appendix 1**, and we recommend accordingly.

300. The reasons for our recommendations are (in summary) that the Whakamaru PPC as amended by us:

- a) will assist SWDC in achieving the purpose of and implementing its functions under the RMA;
- b) is consistent with the provisions of Part 2 of the RMA;
- c) will give effect to Te Ture Whaimana, the relevant national direction instruments (including those recently introduced and amended), and the WRPS;
- d) is supported by the necessary evaluation in accordance with s.32 and s.32AA;
- e) is supported by all of the technical experts who appeared before us on behalf of SWDC and the Applicant; and
- f) accords with s.18A of the RMA.



Vicki Morrison-Shaw
Chairperson



Brad Coombs
Commissioner

21 January 2026 | Te 21 o Hānuere 2026

Appendix 1 – Whakamaru PPC Provisions | Āpitianga 1- Ngā Whakaritenga o Tō Whakamaru Panoni Hoahoa Tūmataiti

Appendix 1 is in two parts:

220139 - Appendix 1 - SUB Provisions - Final recommendations
21 Jan 2026

220139 - Appendix 1 - RLZ provisions - Final recommendations
21 Jan 2026

Appendix 2 – Glossary of Abbreviations | Āpitianga 2- Kuputaka o Ngā Whakapotonga

AEE means assessment of environmental effects.

Applicant means J & T Quigley Ltd.

cl. means clause.

Concept Plan means the Ongaroto Road Plan Change Illustrative Concept Plan, Revision No.R13, 4/11/2025, by Mansergh Graham Landscape Architects, and as attached in Appendix 1.

CPTED means crime prevention through environmental design.

CVA means a cultural values assessment.

Development Area Plan means the Lake Whakamaru Development Area Text, together with Figure 1, Revision No. R161, 18 November 2025, and as attached in Appendix 1.

Development Area means the area of land subject to the Lake Whakamaru Development Area Plan, as attached in Appendix 1.

DOC means the Department of Conservation – Te Papa Atawhai.

District Plan means the Operative South Waikato District Plan.

FENZ means Fire and Emergency New Zealand.

Growth Plan means the South Waikato Growth Plan 2024-2054.

GRUZ means General Rural Zone under the SWDC District Plan.

Ha means hectares.

HAIL (site) means a site included in the hazardous activities and industries list.

Hearing Panel or **Panel** means the Hearing Panel appointed by SWDC to hear and provide recommendations on the Whakamaru PPC.

ITA means an Integrated Transportation Assessment.

Land Transport Plan means the Mahere Waka-ā-Rohe o Waikato – Waikato Regional Land Transport Plan.

LDMP means the Landscape Delivery and Maintenance Plan.

LUC means land use classification.

NES-CS means the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

NES-DMRU means the Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025.

NPS means National Policy Statement.

NPS-FM means the National Policy Statement for Freshwater Management 2020.

NPS-HPL means the National Policy Statement for Highly Productive Land.

NPS-IB means the National Policy Statement for Indigenous Biodiversity 2023.

NPS-NH means the National Policy Statement for Natural Hazards 2025.

NPS-I means the National Policy Statement for Infrastructure 2025.

NPS-UD means the National Policy Statement for Urban Development 2020.

NZTA means New Zealand Transport Agency Waka Kotahi.

ONL means outstanding natural landscape.

p. or pp. means page or pages respectively.

PARS Plan means the South Waikato District Play, Active Recreation and Sport Plan.

Reserve means the Lake Whakamaru Reserve, located adjacent to the eastern shores of Lake Whakamaru.

River means the Waikato River and includes Lake Whakamaru.

River Trail means the Waikato River Trail, and unless the context requires otherwise the Whakamaru section of the River Trail.

RMA means Resource Management Act 1991.

Raukawa CT means the Raukawa Charitable Trust.

Raukawa EMP means the Raukawa Environmental Management Plan 2015.

Reserve MP means the South Waikato District Reserve Management Plan.

RFI means the Request for Further Information by SWDC dated 31 May 2023.

RLZ means the Rural Lifestyle Zone under the SWDC District Plan.

s. or ss. means section or sections respectively.

s.32 Report means the evaluation contained within Section 10 the Application for the Whakamaru PPC prepared by the Applicant to fulfil their obligations under s.32 of the RMA.

s.42A Report or Section 42A Report means the report prepared by Ms Karla Putt pursuant to s.42A of the RMA for 'Private Plan Change – J & T Quigley Ltd to South Waikato District Plan', 3 October 2025.

Sch. means Schedule.

SH30 means State Highway 30.

Site means the 31.68 ha block of land located at 1861 Ongaroto Road (SH30) Whakamaru.

SNAs means significant natural areas.

St John's means St John Hato Hōne.

SUB means the Subdivision Chapter of the District Plan.

SWDC means the South Waikato District Council.

Te Ture Whaimana means Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River.

Whakamaru PPC or **plan change** means the private plan change proposed by J & T Quigley Ltd to the District Plan to alter the zoning of 31.68 ha of land at 1861 Ongaroto Road, Whakamaru from GRUZ to RLZ.

Whakamaru Water Ski Club means the Whakamaru Water Ski Association Incorporated.

WRC means Waikato Regional Council | Te Kaunihera ā Rohe o Waikato.

WRP means the Waikato Regional Plan.

WRPS means the Waikato Regional Policy Statement.

Appendix 3- List of Appearances | Āpitianga 3 – Ko te Rārangi o Ngā Tāngata i Tae Atu Ai

Organisation	Represented by:
3 November 2025	
SWDC (Karakia tīmatanga)	Mahu Armstrong (Kaitohutohu Matua Mātauranga Māori SWDC)
Applicant	Dr Joan Forret (Legal) Jonathan Quigley (Corporate) David (Dave) Mansergh (Landscape and Visual Effects) Gerardus (Gerry) Kessels (Ecology) Trisha Simonson (Wastewater) Judith Makinson (Traffic) Alex Jacob (Acoustic) Anthony (Tony) Richardson (Infrastructure/Engineering) Louise Feathers (Planning) Rebecca Foy (Social Impact) – <u>Excused but on call</u> Adam Thompson (Economic) – <u>Excused but on call</u>
Anita Lord	Self
Chanel Houlahan	Self
Melissa Verryt	Self
Sarah Bolt	Self
4 November 2025	
Raukawa Charitable Trust	Dr Andrea Julian
Te Ngare o Te Kohera Trust Pouākani Trust Craig Ahipene	Craig Ahipene
Hope Woodward	Self
Peter Martin	Peter Martin Les Martin
SWDC	Bridget Parham (Legal) Andrew Pascoe (Access and Servicing) Phil Parker (Reserves) Timothy Lander (Landscape and Visual Amenity) Karla Putt (s.42A Report Author) Kylie Eckersley (Land Contamination) – <u>Excused but on call</u> Steve Gow (Economics) – <u>Excused but on call</u>
Applicant (Reply)	Dr Joan Forret (Legal)
SWDC (Karakia Whakakapi)	Mahu Armstrong (Kaitohutohu Matua Mātauranga Māori SWDC)