



Feathers Planning

Application for a Plan Change

The future is
in the detail.

Request to Change the South Waikato District Plan
Under Clause 21 of the First Schedule of
The Resource Management Act 1991

by

J. & T. Quigley Ltd

in respect of

Lot 9 DP 425239 and Part Lot 1 DP 24479 –
1861 Ongaroto Road, Whakamaru

March 2023



Feathers Planning



Executive Summary

J. & T. Quigley Ltd own the 31ha property on the southern shore of Lake Whakamaru, which is approximately 2km east of Whakamaru Village. The site is predominantly gently sloping down towards the Whakamaru Reserve - a Crown owned property which benefits the local community and tourists alike.

Lake Whakamaru has high value for (amongst others) cultural, aesthetic, and recreational reasons. The proposal to rezone the land from Rural to Rural Residential is to enable a confined rural residential development which preserves those values and where possible, enhances them.

Measures incorporated in the proposal include clustering of the future lots, a recreation reserve vested to Council and local purpose reserves which will maintain open space viewshafts and to minimise visual effects on character. Ecologically and culturally, the planting of the reserves and buffers will also enhance biodiversity, movement of species and protect water quality.

Economically, the future development will result in an estimated net benefit over the base case of forestry of 197 FTEs and a \$28.1 million contribution to GDP.

From a recreational standpoint, re-alignment of the Waikato River Trail cycleway and improved visitor access to the Reserve will encourage community and social wellbeing.

The proposed re-zoning fits neatly into the existing (and forthcoming amendment) District Plan structure, and is reminiscent of the Horahora Rural Residential zone, being linear, along the shores of a lake. Minor changes are however proposed to the District Plan provisions, to include some bespoke rules and a proposed Structure Plan for the site, which demonstrates the clustering, the road access and buffering. Specific development requirements including cladding materials, reflectivity, fencing and earthworks (amongst others) are proposed either as Structure Plan guidelines, or rules specific to the site, to ensure that the future development does not result in any adverse effects.

The clustering of small lots will allow a recreation reserve area (approximately 11,923m²) to be vested to Council and for local purpose reserves to provide planting buffers between lots and to facilitate stormwater management. Proposed lots will have vegetation covenants registered on the Records of Title to maintain significant planting to create visual buffers and ecological highways for flora and fauna.

A subdivision development concept plan is provided which illustrates the future potential of the site, with 66 lots ranging from 2500m² to 1.26ha and the vesting of a recreation reserve to Council which will facilitate the expansion of the camping ground. Should this rezoning be approved, a subdivision resource consent application will be made for this concept.

Consultation with mana whenua, stakeholders and neighbours has been initiated and where possible, viewpoints and suggestions have been incorporated into the proposal.



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APPLICATION PRECIS

APPLICANT	J. & T. Quigley Ltd
SITE LOCATION	1861 Ongaroto Road, Whakamaru
LEGAL DESCRIPTION	Lot 9 DP 425239 and Part Lot 1 DP 24479 (RT: 499514)
TERRITORIAL AUTHORITY	South Waikato District Council
PROPOSAL	Request to Change the South Waikato District Plan Under Clause 21 of the First Schedule of the Resource Management Act 1991; and amendment to District Plan Rules
EXISTING ZONING	Rural Zone
PROPOSED PLAN CHANGE	Rezoning to Rural Residential Zone (Rural Lifestyle Zone) and bespoke Rule Amendments

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1 INTRODUCTION

- 1.1 This application seeks to change the South Waikato Operative District Plan under Clause 21 of the First Schedule of the Resource Management Act 1991 in respect of land at 1861 Ongaroto Road (State Highway 30), Whakamaru. This application is being made on behalf of J & T Quigley Ltd (the landowner).
- 1.2 This Private Plan Change request is to rezone 31.68ha of land at Lake Whakamaru currently within the Rural Zone to Rural-Residential Zone. Predominantly, the proposal seeks to adopt the existing District Plan structure and contents for the re-zone proposal. However minor amendments are requested, bespoke to this land in order to create a future rural residential development which enhances the surrounding environment. These changes are listed below and explained further in this report:
- Amend Rule 8.4.13 under Assessment Criteria for Discretionary Activities – Subdivisions to add Structure Plan alignment for plan change area;
 - Amend Subdivision Rule 10.7.1(d) minimum and average lot size to exclude the Rural-Residential Zoned land at Lake Whakamaru;
 - Amend Subdivision Rule 10.7.7 to exclude the proposed plan change area from requiring underground power supply to lot boundaries as an alternative form of power source (solar) is proposed;
 - Introduce new Subdivision Rule 10.7.11 requiring that the subject land is developed in accordance with an (approved) Structure Plan;
 - Amend Rural Residential Rule 29.4.4(a), which specifies a maximum building height of 8m, to 6m for the Rural-Residential Zoned land at Lake Whakamaru;
 - Amend Rural Residential Zone Rule 29.4.5 to add specific appropriate building materials and reflectivity for the subject land; and
 - Introduce a new Rural Residential Zone Rule 29.4.17 requiring that the subject land is developed in accordance with an (approved) Structure Plan.
- 1.3 The term ‘Structure Plan’ is used throughout this application, however Council may wish to use a different term within the Plan Change. The term ‘rural residential’ zone is used throughout this application and is synonymous with a ‘rural lifestyle’ zone. At the time that the District Plan is reviewed, it is anticipated and accepted that SWDC will adopt the appropriate zone terminology as set out in the National Planning Standards.
- 1.4 The site has a legal description: Lot 9 DP 425239 and Part Lot 1 DP 24479 and is contained in Record of Title 499514. The subject land is approximately 1.6km long and 270m wide. It is located adjacent to the eastern shore of Lake Whakamaru, with the Lake Whakamaru Reserve sitting between the site and the water’s edge. The eastern boundary of the subject land area is to Ongaroto Road/SH30.
- 1.5 This application includes plans and supporting technical assessments to confirm the site’s suitability for the rural-residential land use, along with the relevant future planning framework. This assessment is provided in accordance with the requirements of the RMA 1991 and includes a Section 32 evaluation of the Plan Change.
- 1.6 Supporting reports and plans include:
- A Landscape, Natural Character and Visual Assessment prepared by Mansergh Graham Landscape Architects.
 - Structure Plan prepared by Mansergh Graham Landscape Architects;



- Illustrative development concept plans prepared by Mansergh Graham Landscape Architects;
- A Site Suitability and Natural Hazards Assessment prepared by Titus Consulting Engineers;
- An Engineering Assessment and Infrastructure Design Report prepared by Titus Consulting Engineers;
- An Integrated Transportation Assessment prepared by CKL;
- A Preliminary On-Site Wastewater Land Disposal Assessment and Treatment Recommendations, and an Addendum, prepared by Ormiston Associates Ltd;
- An Assessment of Ecological Effects prepared by 2 Awa Ecology;
- A Land Use Capability Assessment prepared by Titus Consulting Engineers;
- An Economic Cost-Benefit Analysis prepared by Urban Economics; and
- A HAIL Assessment prepared by HDGeo.

1.7 Consultation with mana whenua, local stakeholders and neighbouring property owners has also been initiated in preparing this application. The responses from iwi and local stakeholders we have received to date have been constructive and supportive of the proposal.

1.8 This report is structured in the following manner:

- Section 2 provides the legislative requirements;
- Section 3 outlines the supporting assessments;
- Section 4 provides a site description;
- Section 5 provides the property background;
- Section 6 explains the purpose of the proposed Plan Change;
- Section 7 details consultation regarding the Plan Change;
- Section 8 details the relevant statutory assessment framework applying to a private Plan Change;
- Section 9 contains an assessment of the environmental effects of the Plan Change;
- Section 10 summarises the s32 analysis undertaken of the proposed Plan Change;
- Section 11 assesses the Plan Change in terms of notification requirements;
- Section 12 presents a conclusion of the Plan Change application.

1.9 The Section 32 evaluation of the Plan Change confirms that a Plan Change is considered to be the most efficient and effective method of enabling subdivision and rural-residential development of the site and likewise achieves the purpose of the RMA. The Structure Plan for the site ensures that the site's future development addresses the lake reserve frontage, existing surrounding landscape values, the rural interface and SH30 boundary to the east. This approach provides for the protection of the Lake/Waikato River both in landscape value, ecological enhance, and provides for future stormwater runoff and wastewater generation.



2 LEGISLATIVE REQUIREMENTS

2.1 Legal Framework for Plan Change Request

- 2.1.1 District Plans may be amended by any person pursuant to s73(2) of the RMA, in the manner set out within Part 2 or Part 5 of Schedule 1 of the RMA. Part 2 of Schedule 1 governs requests for Plan Changes that are not initiated by local authorities, known as private Plan Changes. Part 5 concerns proposed Plan Changes by way of a specified streamlined planning process, a process which the proposal is not eligible to utilise. As such, Part 2 of Schedule 1 of the RMA prescribes the legal path to achieving the proposed Plan Change.

2.2 Schedule 1, Part 2 of the RMA

- 2.2.1 This application is made pursuant to clause 21.
- 2.2.2 This application is made to the South Waikato District Council and explains the purpose of, and reasons for the proposed Plan Change and contains a s32 evaluation report, pursuant to clause 22. The application also includes an assessment of effects in such detail that corresponds with the scale and significance of the actual and potential effects anticipated from the implementation of the Plan Change. We request that SWDC accept the request and notify the request pursuant to Clause 25(2).

2.3 Consideration of the Territorial Authority

- 2.3.1 The considerations for a territorial authority in respect of a decision on a proposed Plan Change are addressed within sections 73-75 of the RMA.
- 2.3.2 Section 74(1)-(2A) addresses considerations by territorial authorities in respect of proposed Plan Changes. In summary, a change to a district plan shall:
- be in accordance with the functions of the territorial authority pursuant to section 31;
 - have particular regard to the evaluation report prepared in accordance with section 32;
 - be in accordance with national policy statements, national planning standards;
 - be in accordance with any regulations under the RMA;
 - have regard to any regional policy statement or plan;
 - take into account any planning documents recognised by iwi authorities and lodged with the Council, to the extent that its content has a bearing on resource management issues; and
 - have regard to any relevant management plan and strategies prepared under other Acts.

The relevant matters listed above are addressed in this Application.

- 2.3.3 It is noted that the subject site does not cross territorial boundaries, there are no matters of historical reference (on the New Zealand Heritage List/Rārangi Kōrero), any project objectives specified in the Urban Development Act or matters addressed by management plans or strategies prepared under other Acts.



- 2.3.4 Section 75 requires that the Plan Change must ‘give effect to’ any national policy statement, a national planning standard and any regional policy statement. Consistency of the proposed Plan Change with these documents is assessed in section 8 of this report.
- 2.3.5 Section 75 also requires a District Plan to state objectives for the district, policies to implement the objectives and rules to then implement the policies. The proposal does not introduce any new, or alter any existing, objectives or policies.

2.4 Section 31 – Functions of Council

- 2.4.1 Any Plan Change must assist the Council to carry out its functions so as to achieve the purpose of the RMA. The functions of a territorial authority are set out in s31 of the RMA and include:
- establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the effects of the use and development of land; and
 - controlling actual or potential effects of the use and development of land.
- 2.4.2 SWDC is therefore required to consider the Plan Change application in accordance with its function of achieving integrated management of land use.
- 2.4.3 The requested Plan Change accords with these stated functions. The proposal provides for the use and development of land for rural-residential activities, with only such amendments as are necessary to recognise the site. The ODP provides the methods for Council to manage potential effects of this activity and demonstrates an integrated management approach.

2.5 Part 2 of RMA

- 2.5.1 Plan Changes are subject to the purpose and principles of the RMA as set out in Sections 5-8, being *“to promote the sustainable management of natural and physical resources”*. This purpose is subject to Sections 6, 7 and 8 of the RMA which set out that matters that are to be taken into consideration in achieving the purpose.
- 2.5.2 We consider that the proposed Plan Change is consistent with achieving sustainable management. The technical assessments provided with this application do not identify any site constraints that render the site unsuitable for rural residential use. The proposal provides the opportunity to appropriately manage the use, development and protection of the natural land resource through a master planning process as per the structure plan. The evaluation of costs and benefits, provided in section 10 of this report, outlines how the social, economic and cultural wellbeing is provided for.
- 2.5.3 Section 6 identifies the matters of national importance that must be recognised and provided for when exercising a function under the RMA. Of these matters the following are relevant to this proposal:
- the preservation of the natural character of lakes and rivers and their margins; and the protection of them from inappropriate subdivision, use and development (section 6a);
 - the protection of outstanding natural landscapes from inappropriate subdivision, use and development; (section 6b);



- the maintenance and enhancement of public access to and along lakes and rivers (section 6d);
- the relationship of Maori and their cultural and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (section 6e).

As discussed above, in relation to section 6 and section 8 matters there are no known wāhi tapu, wāhi taonga or mahinga kai sites within the application site or close by. Consultation with tangata whenua has been undertaken during this process and is ongoing. Responses from iwi we have received to date have been constructive and supportive of the proposal. In respect of section 6(f) and the protection of historic heritage from inappropriate subdivision, use, and development, should any unlisted heritage item within the site be identified it will be retained with sufficient space to account for its setting and heritage values.

2.5.4 In terms of section 7 (other matters), the matters of most relevance to the rural-residential zoning and further development of this site are as follows:

- the efficient use and development of natural and physical resources (in this case rural land) (section 7b);
- the maintenance and enhancement of amenity values (section 7c);
- the intrinsic values of ecosystems (section 7d);
- the finite characteristics of natural and physical resources (in this case rural land) (section 7g);
- maintenance and enhancement of the quality of the environment.

2.5.5 As detailed in the Land Use Capability Assessment (Appendix 5), the existing rural land is not considered to be high class soil nor Highly Productive Land. Thus the rezoning proposed and subsequent development will not result in a loss of valuable rural land. Rather the overall proposal will ensure an efficient use of and development of rural residential land. The quality of environment and amenity values are anticipated to be high, with existing District Plan rules prescribing density standards and associated built form controls to ensure a suitable standard of development and amenity. Appropriate infrastructure will be provided to ensure that environmental effects are avoided and mitigated on the surrounding environment. The Plan Change structure plan and development concept plan provides for the enhancement of ecosystems in the form of additional Reserve land and native planting for recreation and stormwater management which will create a high level of amenity.

2.5.6 Section 8 places an obligation on decision makers to act in accordance with Te Tiriti o Waitangi (the Treaty of Waitangi). The principles of Te Tiriti o Waitangi have been recognised and provided for through the engagement undertaken with Ngāti Raukawa.



3 SUPPORTING ASSESSMENTS

3.1 This application includes plans and supporting technical assessments to confirm the site's suitability for the rural-residential land use. Supporting reports and plans include:

- A Landscape, Natural Character and Visual Assessment (Revision 3, dated March 2023) prepared by Mansergh Graham Landscape Architects.
- A Structure Plan for the subject land (Revision 8, dated 22 February 2023) prepared by Mansergh Graham Landscape Architects.
- Illustrative development concept plans (dated 22 February 2023) prepared by Mansergh Graham Landscape Architects.
- A Site Suitability and Natural Hazards Assessment (Revision D, dated 19 February 2023) prepared by Titus Consulting Engineers.
- An Engineering Assessment and Infrastructure Design Report (Revision D, dated 19 February 2023) prepared by Titus Consulting Engineers.
- An Integrated Transportation Assessment (dated March 2023) prepared by CKL.
- A Preliminary On-Site Wastewater Land Disposal Assessment and Treatment Recommendations (dated August 2022), and an Addendum (dated October 2022), prepared by Ormiston Associates Ltd.
- An Assessment of Ecological Effects (Final, dated 8 March 2023) prepared by 2 Awa Ecology.
- An Economic Cost-Benefit Analysis (dated 2 February 2023) prepared by Urban Economics.
- A HAIL Assessment (dated 30 August 2022) prepared by HDGeo.
- A Land Use Capability Report (Revision A, dated 27 November 2022) prepared by Titus Consulting Engineers

3.2 The findings within the assessments and reports are discussed throughout and where necessary, we rely on the expertise of the authors in determining best course of action and in assessing actual and potential effects.



4 SITE DESCRIPTION

4.1 Location

- 4.1.1 The site is located on the eastern shore of Lake Whakamaru and is approximately 30km to the south of Tokoroa. Refer to Figure 1 below. The boundaries of the subject land area are Ongaroto Road/SH30 to the north and east and Lake Whakamaru Reserve (Crown land) to the west and south. Plantation forestry extends to the east of SH30 with rural land in agricultural production to the north.



Figure 1: Location

4.2 Zoning

- 4.2.1 The site is zoned Rural Zone under the provisions of the South Waikato Operative District Plan and has the following overlay: ONL5 which is an Outstanding Natural Landscape (Lake Whakamaru and Whakamaru Gorge section of the Waikato River).
- 4.2.2 The Waikato River is identified as a Significant Natural Area (SNA) and as such the site is partially covered by a SNA. The Ongaroto Scrub is a SNA which covers 42.3ha and borders the Waikato River at Lake Whakamaru, upriver of the site. On the opposite side of the lake, SNAs border the lake/river edge, and include the Whakamaru Conservancy Area which is Department of Conservation protected land.

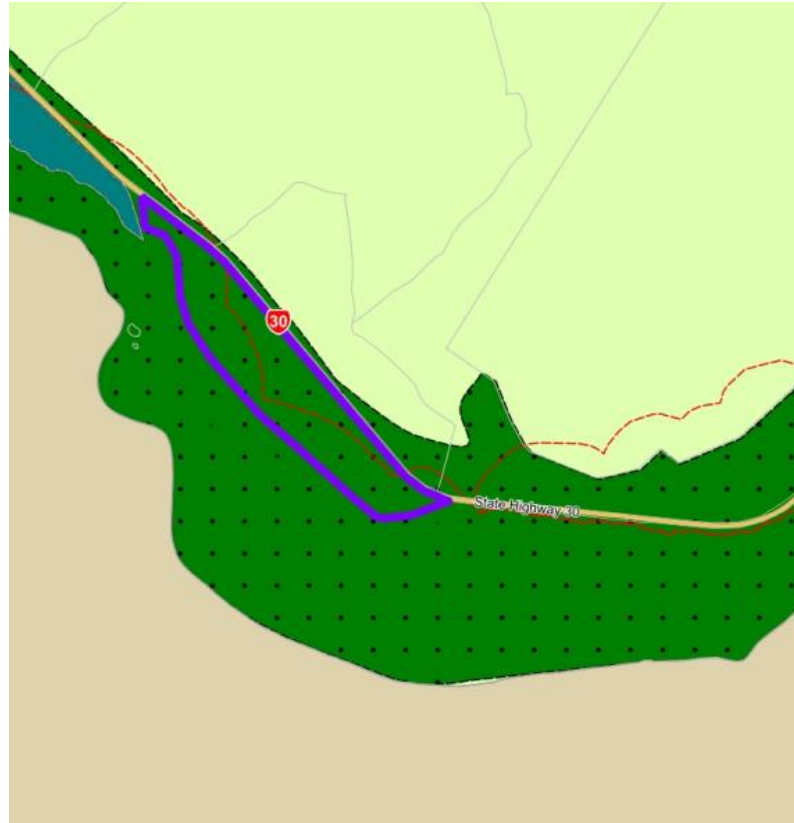


Figure 1: Zoning – ODP map

4.3 Existing Use and Site Topography

- 4.3.1 The subject land has an area of 31.68ha and has frontage to Ongaroto Road/SH30 along its eastern boundary and Crown land (leased to SWDC currently known as the Lake Whakamaru Reserve) with the lake beyond on its southern and western boundaries.
- 4.3.2 The site was in forestry from approximately 1940 (earliest available aerial image) until harvest in 2018. Despite the stumps and slash, the site has now been cleared and much of the site has recently been replanted in pine trees, which are currently less than 1m in height. On the lower south-eastern portion of the site, directly adjacent to the lake, recontouring is evident.
- 4.3.3 The site is predominantly gently to moderately sloping. The land slopes towards the lake and there are undulations from forestry earthworks to the north of the site, adjacent to SH30. There are some steep to very steep sections of slope near the existing access way, adjacent to the lake.

The topography of the site ranges from between 260mRL to 230mRL. The higher lying topography levels range from 440mRL (east and northeast of the site) down to predominantly 260mRL along SH30 with the lowest part at a level of 230mRL in the southeast of the site (Titus Consulting Engineers – Engineering Design and Infrastructure Report, page 18).

- 4.3.4 The Applicant has temporary buildings (movable in the form of caravan/shipping containers) and a composting toilet on the south eastern part of the site.

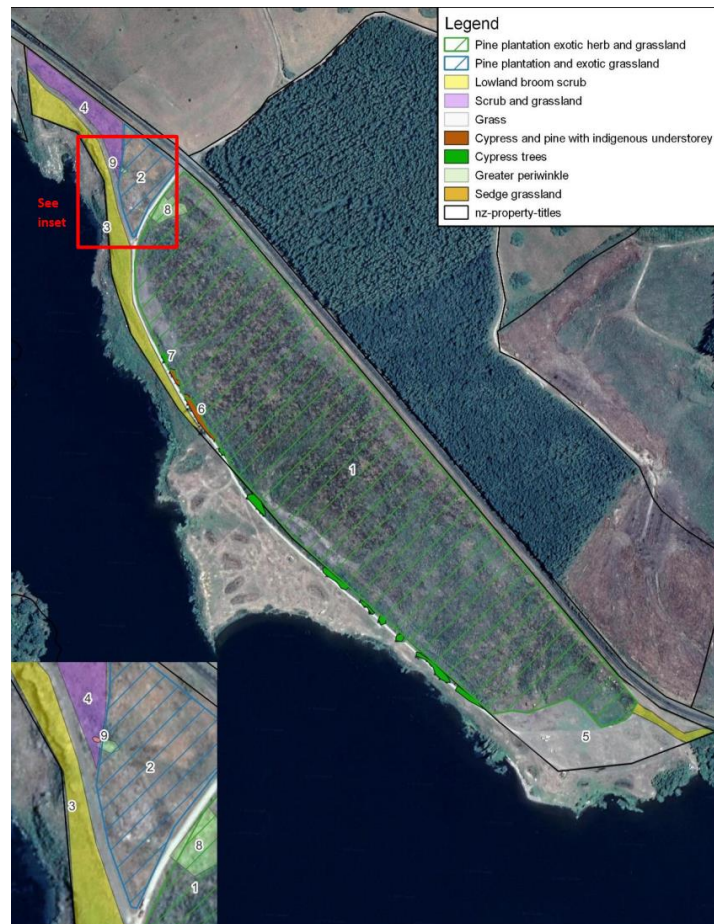


Figure 3: Vegetation types on subject site. Extract from Ecological Assessment



Figure 4a: Existing vegetation and slope



Figure 4b: Views to the east across the site (pine plantation block with grasses and herbs as groundcover, bark mulch in the foreground)



Figure 4c: View to north of site



Figure 4d: Existing temporary buildings on south-east of site

4.4 Ecology of Site

4.4.1 An Ecological Impact Assessment has been prepared by 2 Awa Ecology, dated 8 March 2023, and is provided as Appendix 6.

4.4.2 Following forestry clearance in 2018-2019, much of the site has recently been replanted in pine trees which are generally (and currently) less than 1m tall and are spaced approximately 3-4m apart. Very little established vegetation remains onsite, limited to a single row of mature cypress and pine trees with some regenerating indigenous vegetation in the understorey.

4.4.3 The Ecological Assessment found (page 3) that:

- *Nine broad vegetation types were identified within the site based on vegetation structure and composition.*
- *Vegetation on site had low ecological value except for the regenerating indigenous understorey which has low to moderate value.*
- *Fauna surveys onsite detected both indigenous and exotic bird species that are common to open country and waterbodies. Birds with a threat status have been recorded utilising adjacent lake/riverine habitats and they may visit the site from time to time.*
- *Long-tailed bats (Threatened – Nationally Critical) have been recorded in the wider environment. Bat surveys indicate a relatively low to medium detection of bats, indicating that bats were periodically utilising and occasionally feeding at the site during the survey period.*
- *No freshwater streams were present on site and the sedge grassland in vegetation type 9 has been conservatively assessed as a wetland.*

The ecological value of the vegetation in the area is as follows:

- *Vegetation types 1-5 and 7-9 has low ecological value and is comprised of exotic grasses, herbs, shrubs and pine plantation.*
- *Vegetation type 6 has an indigenous understorey and is considered to have low to moderate ecological value. This vegetation type is not considered to be ecologically significant as it does not meet the WRPS ecological significance criteria. Nonetheless, retention and enhancement of this vegetation is recommended.*



4.5 Surrounding Land

- 4.5.1 The land use in the immediate area is predominantly plantation forestry in the steeper hill country and pasture (dairy and dry stock grazing) on the gentler slopes closer to the edge of Lake Whakamaru. Remaining indigenous vegetation is found in small, fragmented areas adjacent to plantation forest (pine and eucalypt).
- 4.5.2 Buildings are relatively common in the landscape on the southern side of the river (within Taupo District) and comprise of dwellings, rural implement sheds, and a small area of retail and light industrial buildings within Whakamaru. The Whakamaru dam, substation and power transmission lines are existing infrastructure that influences the character of the surrounding landscape.
- 4.5.3 The Waikato River is identified as a SNA and Outstanding Natural Landscape (ONL) 5 – Lake Whakamaru and Whakamaru Gorge section of the Waikato River. As detailed within section 4.2 of the Landscape, Natural Character and Visual Assessment, the Waikato River has cut through the volcanic landform and steep land and escarpments (steep Pakaumanu Group rhyolites and gentler Marshall formation ignimbrites form rocky bluffs and outcrops) remain to the south of the site. The Ongaroto scrub bordering the Waikato River at Lake Whakamaru, immediately upriver of the subject site is identified as a SNA. The Ecological Assessment advises (page 23) that: *Nearby SNAs which border the Waikato River are ecologically significant and have high ecological value.*
- 4.5.4 Lake Whakamaru Reserve (Crown land leased to SWDC) is located along the south-western boundary of the site adjacent to the lake. The reserve accommodates campers (freedom camping for up to 2 nights and for longer stays camping permits can be obtained from SWDC's website) and has outdoor eating areas, composting toilets and showers are available at each end of the camping area and rubbish bins. A small beach is provided at southern end of the area and a boat ramp to Lake Whakamaru is located at northern end. Access to the boat ramp is from SH30 via a vehicle crossing to the north-west of the site. There is currently an informal (but not legally established via an easement) access from the site to the boat ramp.
- 4.5.5 A Waikato River Trail runs adjacent to the western site boundary and is located primarily in the existing Reserve, but does cross the subject site as shown in the map below in Figure 5d, and on the Structure Plan (Appendix 3).



Figure 5a: View to north of site



Figure 5b: Camping area on Reserve



Figure 5c: View of existing services on Reserve land for camping and boat ramp

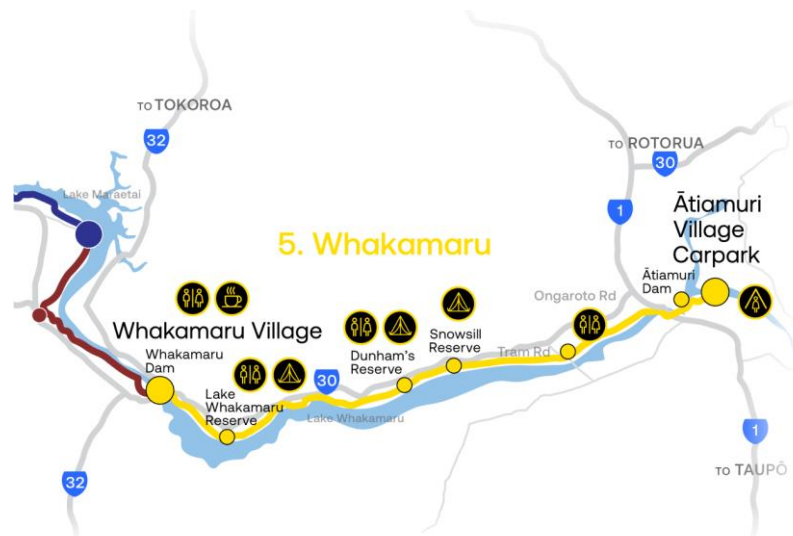


Figure 5d: Map showing route of Waikato River Trail through Lake Whakamaru Reserve

4.6 Landscape and Visual Qualities

- 4.6.1 A Landscape, Natural Character and Visual Assessment report has been prepared by Mansergh Graham Landscape Architects, dated March 2023 and is provided as Appendix 7. On page 8, the surrounds are described as:



The wider landscape surrounding the site has been subject to significant change over the past century, with large tracts of land developed as plantation forestry and more recently recontoured and converted to pastoral farmland. Historic modification has also occurred through flooding of the natural river channels to form the hydro lake. Subsequently, many of the more subtle landscape features that revealed the formative processes of this landscape have been lost.

- 4.6.2 On page 17, the existing landscape character and values is described as:

*The wider rural landscape containing the site is of **moderate-high** landscape and amenity value. This value is heavily influenced by the presence of the more natural appearing features associated with Lake Whakamaru, the Waikato River (ONL5) and the vegetated volcanic landforms to the south. ... While the site itself is not of value (from a landscape character perspective) it forms part of the context within which the more valued features are juxtaposed. (page 17)*

- 4.6.3 The existing natural character of the site and surrounds and the existing visual amenity is described on pages 20 and 31 (respectively) as:

*When considered collectively, the existing natural character value of the study area is **moderate**, with the greater natural character value occurring within Lake Whakamaru and the bush-covered slopes of Kaahu Peak on the southern side of the lake. (page 20)*

*The existing visual amenity of the landscape containing the site ranges from **moderate to moderate-high**. (page 31).*

4.7 Existing Access

- 4.7.1 Adjacent to the site, Ongaroto Road/SH30 is a two-way two-lane road with a painted centreline. The carriageway is approximately 7m wide within a 20m road reserve. There are approximately 2m wide unsealed shoulders on both sides of the carriageway and the posted speed limit is 100km/h.
- 4.7.2 The site has an existing vehicle crossing to SH30 which is located at the western end of the road frontage and is approximately 350m south of the site's northern boundary. The existing site access has over 300m visibility to the north and approximately 160m visibility to the south, and is opposite an existing access.
- 4.7.3 There is an existing track to the lake boat ramp from a separate access off SH30 to the north of the site.
- 4.7.4 The Waikato River Trail runs along the western side of the site and provides an off-road route for cyclists and pedestrians to local services in Whakamaru which is approximately 2.5km from the site.



Figure 6: Existing intersection onto SH30 looking south-east

4.8 Existing Infrastructure

- 4.8.1 An Engineering Assessment and Infrastructure Design Report, prepared by Titus Consulting Engineers and dated February 2022, is provided in Appendix 8.
- 4.8.2 There are no existing Council utility services to the site for wastewater. The site does have a long drop latrine and a consented primary treated septic system for the temporary buildings located on the south-eastern end of the site. There are 2 sets of long drop latrines on the abutting Reserve (one at each end of the camping area) which are maintained by SWDC.
- 4.8.3 There are no reticulated water services to the site. Water supply for the existing temporary buildings is via rainwater harvest to a tank.
- 4.8.4 There is no reticulated stormwater system serving the subject site. There are 5 existing pipe culverts within SH30 road reserve that discharge upper catchments adjacent to the site's road frontage/boundary.

4.9 Overland Flowpaths and Flooding

- 4.9.1 The site is not subject to mapped flooding hazards or flood risk related overlays in the ODP or on the Waikato Regional Council flood hazard information (refer to Figure 7 below). There is one (small) overland flow path on the site, which is expected to hold water in times of extended rainfall. Based on the topography of the site and immediately surrounding area, it is likely that groundwater flows south and west towards Lake Whakamaru, as shown in Figure 8 below. There are no significant watercourses or gullies on the site.



Figure 7: WRC flood hazard information extract.

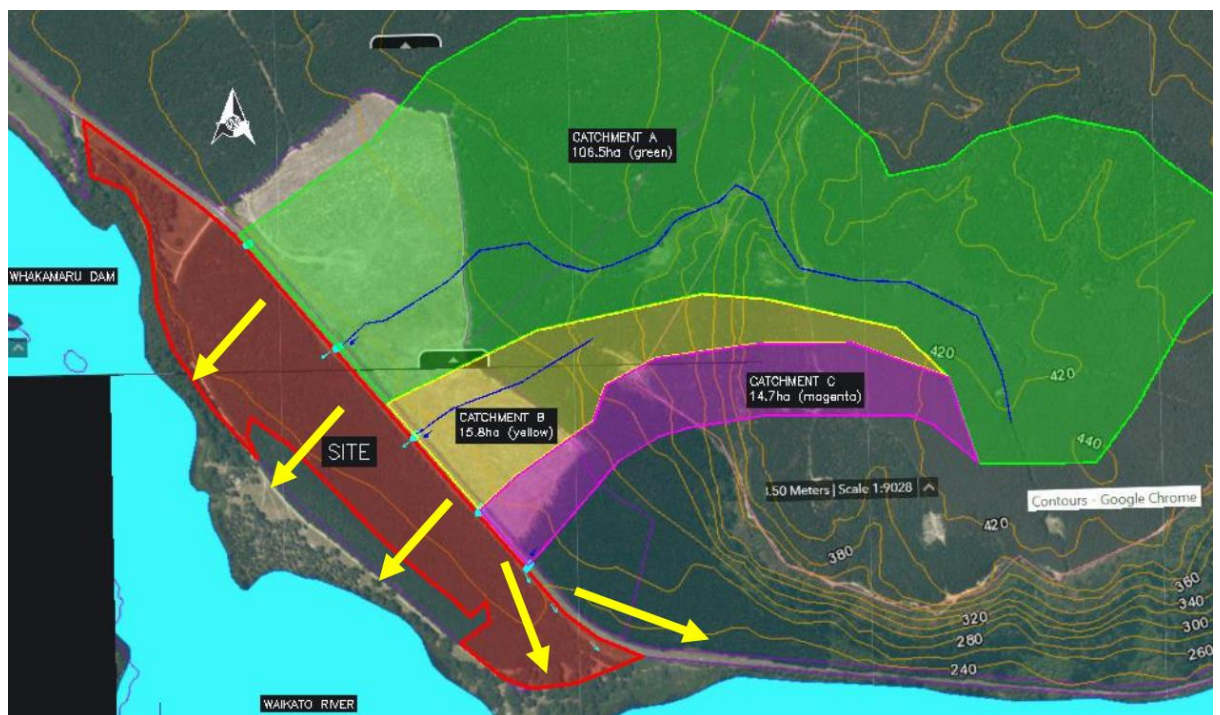


Figure 8: Overland flowpaths (source: Titus Consulting Engineers, Engineering Assessment and Infrastructure Design Report)



Figure 9: Overland flow path (blue arrow; dry during site inspection, mapped by Titus Consulting Engineers, Engineering Assessment and Infrastructure Design Report)

- 4.9.2 The site is elevated above the Waikato River/Lake Whakamaru and is separated from the water body by a buffer strip of Reserve (Crown land). The level of the Waikato River is controlled by the Wahakamaru Dam (and operated by Mercury Energy) *and as such flood risk at the site is low* (Titus Consulting Engineers, Site Suitability and Natural Hazards Assessment page 15). Mercury Energy has confirmed that the probable maximum flood level for the ultimate flood scenario is 228.66 masl (Titus page 18). *The majority of the site levels are considerably higher than this, except for the lowest portion in the south-eastern.*



Figure 10: Maximum flood level (source: Titus Consulting Engineers, Engineering Assessment and Infrastructure Design Report page 19)



4.10 Soils and Contamination

4.10.1 The Site Suitability and Natural Hazard Report, prepared by Titus Consulting Engineers and dated February 2023, advises that:

- Topsoil ranges to a depth of 500mm.
- Underlying soils consist predominantly of sand and silt with pumice.
- No soft clays or peat soils found on site.
- Ground water level was not found within 2m of the surface (tested late December 2020).
- Forestry workings on site have created piles of fill / spoil material across the site. This material will need to be conditioned and flattened / contoured as part of the subdivision development.

4.10.2 A HAIL Assessment has been prepared by HDGeo, dated 30 August 2022, and is provided as Appendix 4. The Assessment confirms that the site is not listed as being subject to HAIL activities on either the South Waikato District Council or Waikato Regional Council information register. HDGeo advise that:

- *No HAIL activities have been, or are being, undertaken on the site*
- *The NESCS does not apply to any proposed development.*

4.11 Land Use Classification

4.11.1 Titus Consulting Engineers have undertaken a site specific assessment – Land Use Capability Report, dated February 2023 and provided as Appendix 5. The Report advises that 83% of the site has a land use classification of 4e26 (on gentle sloping) and 17% is 6e (on steeper slopes). The soil is pumice stony soil and readily drains. The sloping site and characteristics of the soils makes them susceptible to erosion. These are not considered to be high class soil nor Highly Productive Land.



Figure 11: NZLRI Land Use Capability 2021 for site at 1861 Ongaroto Road (Titus Consulting Engineers)



4.12 Natural Hazards

4.12.1 A Site Suitability and Natural Hazards Assessment has been prepared by Titus Consulting Engineers, dated February 2023, and is provided as Appendix 9. A summary of this report is as follows:

- **Seismic hazard** – the nearest known active faults are 17km to the east. These are (generally) normal faults and form an extensional rift zone within the Taupo Volcanic Zone.
- **Liquefaction** – *a detailed Liquefaction assessment on this site has found that liquefaction is unlikely and site may be classed as TC1. (page 5)*
- **Slope stability** – the slopes on site are generally gradual with several constructed from forestry earthworks. The largest slopes are located to the south of the site. *Slope instability may affect the sites where slopes are up to 25% in some places. On these lots building restriction zones will be noted, where development within these areas will require specific engineering design. (page 5)*
- **Volcanic eruption** – the nearest active volcano is Tuapo located approximately 40km to the south of the site. The risk of ash from small volcanic eruptions is considered unlikely.
- **Flooding** – Council planning maps show no ponding or flooding in the area. The level of the Waikato River is controlled by the Wahakamaru Dam (and operated by Mercury Energy) and as such flood risk at the site is *low* (Titus Consulting Engineers, Site Suitability and Natural Hazards Assessment page 15).

4.13 Cultural Heritage

4.13.1 The site is within the rohe of Ngāti Raukawa. The rohe of Raukawa is given shape by both the Waikato and Te Waihou Rivers. This iwi has historical tangata whenua status over the site, and are kaitiaki of the area and its taonga. The proposed Plan Change site is not a statutory acknowledgement area or otherwise known waahi tapu site to Ngāti Raukawa, however it is important as whenua and taonga within their role. Responses from iwi we have received to date have been constructive and supportive of the proposal.

Consultation to date has been undertaken with Raukawa Charitable Trust, Tūwharetoa Trust Board and Te Kotahitanga o Ngāti Tuwharetoa, Pouakani Trust Board and Te Arawa River Iwi Trust.



5 PROPERTY BACKGROUND

5.1 Legal Description

5.1.1 The site is legally described as follows:

Appellation	CFR	Land Area	Owner
Lot 9 DP 425239 and Part Lot 1 DP 24479	499514	31.68 m ²	J & T Quigley Ltd

5.1.2 The following relevant interests are registered on the Title:

- a) Excepting thereout pursuant to Section 19 Public Works Act 1928 any mines of coal or other minerals not taken by Proclamation 4852 (affects the part formerly contained in CT SA12C/1205).
The proclamation does not include coal mines or other minerals.
- b) Subject to Section 8 Coal Mines Amendment Act 1950 (affects part formerly contained in CTs SA12C/1203 and SA12C/1205).
This reserves to the Crown all coal existing on or in the surface of the land.
- c) Subject to tramway and railway rights over part Lot 9 DP 425239 formerly contained in CT 454389 created by Transfer 187860.
This easement reserves to the 1925 vendors of the land a right to construct a tramway or a railway through and over that part of the land formerly contained in CT 454389. These rights are personal to the vendors, and could be extinguished by court order pursuant to the Property Law Act 2007. This easement must be extinguished in respect of any land to vest.
- d) Subject to tramway and railway rights over part Lot 9 DP 425239 formerly contained in CT 454389 created by Transfer 188100.
As above c.
- e) Subject to tramway and railway rights over part Lot 9 DP 425239 formerly contained in CT 454389 created by Transfer 195133.
As above c.
- f) Excepting pursuant to Section 19 Public Works Act 1928 any mines of coal or other minerals not taken by Proclamation 6803 (affects part Lot 9 DP 425239 formerly contained in CT SA12C/1203).
As above a.
- g) Appurtenant to part Lot 9 DP 425239 formerly contained in CT 454389 is a right of way and to convey water, transmit electricity and telecommunications created by Easement Instrument 6760288.6 dated 21st February 2006.
This easement creates a right over neighbouring land. As an appurtenance this is a right in favour of the title and does not impact upon plan change/future subdivision.



- h) 8577681.15 Consent Notice pursuant to Section 221 Resource Management Act 1991 – dated 23rd December 2010 (affects Lot 9 DP 425239).

Condition requires that any future dwellings established within 80m form the road edge is design and constructed to meet the satisfactory sound levels of AS/NZ 2107.2000. This is a matter for detailed design stage, but will not be problematic given the proposed acoustic/visual buffer at road frontage.

- i) Subject to a right of way (in gross) over part Lot 9 marked SX & SY on DP 425239 in favour of the South Waikato District Council created by Easement Instrument 8577681.30 dated 23rd December 2010.

The right of way in favour of South Waikato District Council is highlighted in yellow on the Title plans below in Figure 12. A request for surrender will be necessary at resource consent stage or land vested to Council.

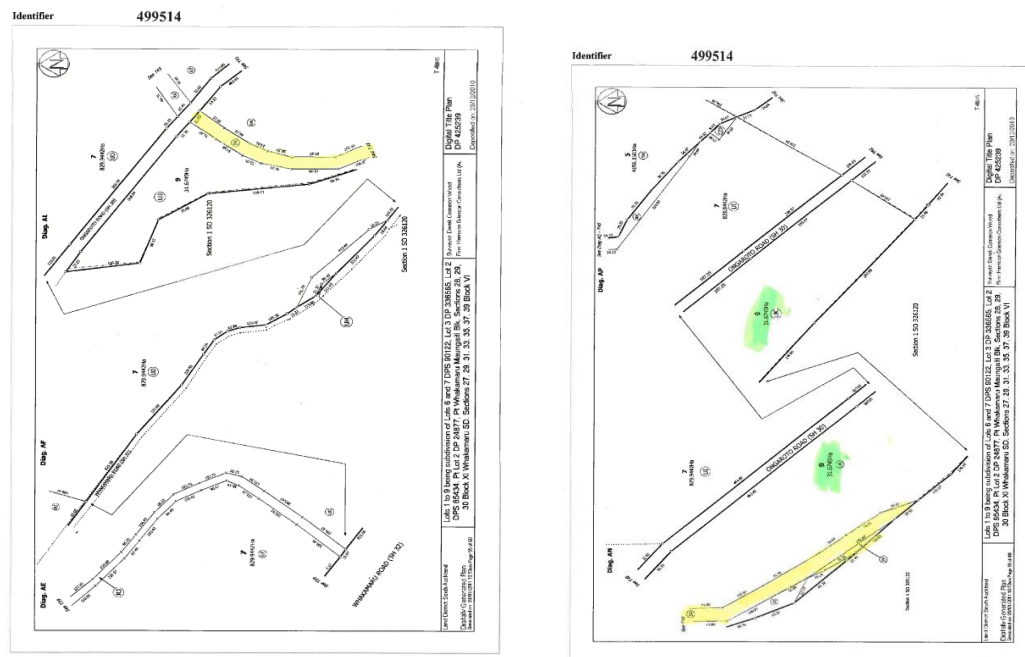


Figure 12: Extract from Title (The right of way in favour of Waikato District Council highlighted in yellow)

- j) Land Covenant in Easement Instrument 8577681.33 dated 23rd December 2010.

This both benefits and burdens the land. It preserves rights to carry out further subdivision, wind and/or geothermal electricity generation and/or transmission, horticultural, agricultural, tourism activities or any activities permitted by resource consent or under the local district scheme. The land covenant will need to be extinguished in respect of any land to vest.

- k) Subject to a right to emit noise, dust, smoke and light (in gross) over all the within land in favour of NZ Forest Products Limited, NZ Forest Products Kinleith Forests Limited and Taumata Plantations Limited created by Easement Instrument 8577681.34 dated 23rd December 2010.

The easement is in gross and provides that the registered proprietor of this title can make no objection to those activities (noise, dust, smoke and light associated with Kinleith Forests Ltd) nor make a claim. The easement must be surrendered in respect of any land to vest.



- l) Subject to a right to emit noise, dust, smoke, odour, water vapour and light over all the within land created by Easement Instrument 8577681.35 dated 23rd December 2010.
As above k.
- m) Appurtenant to Lot 9 DP 425239 is a right of way created by Easement Instrument 8880431.3 dated 23rd December 2011.
This easement affects Lot 9 DP 425239 and creates a right of way over neighbouring land permitting logging trucks. This is an appurtenancy and is for the benefit of the land and does not impact upon the plan change/future subdivision.
- n) 9099166.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 21.6.2012 (Affects Lot 9 DP 425239).
This is a notice of status of Forest Land declaring part of the land to be pre-1990 forest land.
- o) Appurtenant hereto is a right of way created by Easement Instrument 10210205.1 dated 21st April 2016.
This creates a right of way over adjoining land. It is an appurtenancy and is for the benefit of the land and does not impact upon the plan change/future subdivision.
- p) Subject to a right to convey water over part Lot 9 marked SX & SY on DP 425239 created by Easement Instrument 11762447.3 dated 4th June 2020.
This creates a right to convey water over part of the Lot 9 (refer to Figure 13 below).

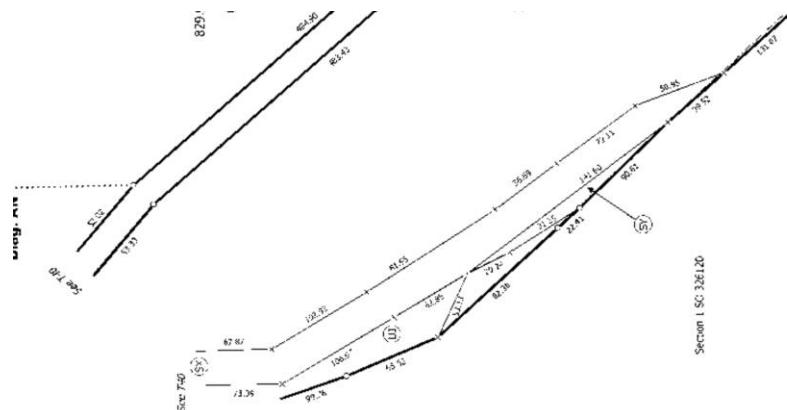


Figure 13: A right to convey water over part Lot 9 marked SX & SY

A copy of the Title and all encumbrances are attached as Appendix 1.

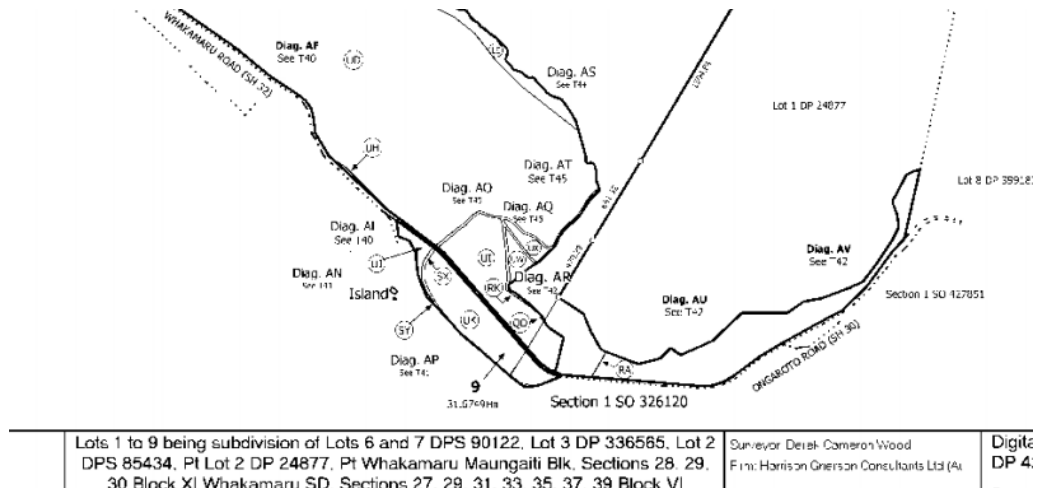


Figure 14: Extract from Record of Title (showing Lot 9 Lot 9 DP 425239)

5.2 Existing Consents

5.2.1 A search of SWDC and WRC records identified the following resource consents have been issued for the subject site:

- Certificate of Compliance Water permit AUTH135973.01.01 dated 21 May 2015 to take groundwater under Rule 3.3.4.12 of the Waikato Regional Plan.
- Certificate of Compliance Water permit AUTH135407.01.01 dated 21 May 2015 to take water from the main stem of the Waikato River (Lake Whakamaru) under Rule 3.3.4.13 of the Waikato Regional Plan.



6 PROPOSED PLAN CHANGE

6.1 The Proposal

- 6.1.1 This Private Plan Change request is to rezone Lot 9 DP 425239 and Part Lot 1 DP 24479, being 31.68ha of land, located at Lake Whakamaru currently within the Rural Zone to Rural-Residential Zone.
- 6.1.2 The purpose of the re-zoning is to provide a new lifestyle subdivision on the eastern shores of Lake Whakamaru. The development will be nestled between Lake Whakamaru Reserve and surrounding forestry and agricultural land. The proposed rural residential development will be designed to complement the natural environment and enhance the recreational opportunities of the area. The dwellings will provide accommodation for permanent residents and holiday makers, and this increase in permanent and transient population will assist in growing the local community as well as providing sustainable support for local businesses,
- 6.1.3 The proposal is considered to fit neatly into the SWDC's Rural-Residential zone expectations and so it is proposed to adopt/utilise the majority of SWDP's zone and district wide provisions, including the Objectives, Policies and Rules. However due to the site context, it is proposed to amend 4 of the existing rules and insert one new, as set out below.

6.2 Plan Change Provision

6.2.1 Rezoning

- 6.2.1.1 The proposal is to rezone 31.68ha of land at Lake Whakamaru from Rural Zone to Rural-Residential Zone. The District planning maps will require to be changed to include the new zoning.

6.2.2 Activity Status

- 6.2.2.1 Whilst the site is separated from the Waikato River/Lake Whakamaru by the existing Reserve (Crown owned land), it is deemed by Council to 'adjoin the Waikato River'. As such under the District Plan subdivision activity status rule 10.3.1c(iv) *subdivision proposals for sites that adjoin the Waikato River and/or hydro-electric power operating easements* is a **Discretionary Activity**. In this respect, a future subdivision application for the subject site will address the rule's specific requirements of:
- *Such applications shall provide a geotechnical assessment to assess potential erosion and instability threats for identified building sites*
 - *Mighty River Power, the Raukawa Charitable Trust and the Waikato River Trails Trust shall be affected parties to any proposals under this Rule. A record of consultation with these bodies shall be included as part of the information provided with any subdivision application under this Rule.*

Furthermore, the criteria set out in Rules 8.4.1 and 8.4.13 will be taken into account and assessed at the time of subdivision. To assist the assessment it is proposed that a new part is added to Rule 8.4.13 (g) to ensure that the subdivision of the plan change area aligns with the approved Structure Plan.

- 6.2.2.2 Where there are non-compliances with a subdivision performance standard then a proposal will be considered as a Non-Complying Activity.



6.2.3 Rules to be Amended

Assessment Criteria for Discretionary Activities – Subdivisions

- 6.2.3.1 The Applicant seeks to amend Rule 8.4.13 under Assessment Criteria for Discretionary Activities – Subdivisions to add Structure Plan alignment for plan change area.

Insert: ***(g) The extent to which the subdivision of the Rural Residential Zone at Lake Whakamaru aligns with the approved Structure Plan.***

- 6.2.3.2 This amendment will mean that the subdivision of the proposed rezoned/plan change area will be in accordance with the approved Structure Plan.

Lot size

- 6.2.3.3 A change is proposed to the **Subdivision Rule 10.7.1d** which relates to lot size.

Rule 10.7.1d Minimum and average lot size states that:

For every lot created below the average lot size of 5,000m², another lot with an equal or greater area above the average lot size of 5,000m² shall be created. Except that if an odd number of lots is proposed, then one lot may be excluded from this rule.

- 6.2.3.4 The Applicant seeks an exception is made for the subject site and a variation to the wording is proposed (bold underlined), as follows:

***Except for the Rural-Residential Zone at Lake Whakamaru,** for every lot created below the average lot size of 5,000m², another lot with an equal or greater area above the average lot size of 5,000m² shall be created. Except that if an odd number of lots is proposed, then one lot may be excluded from this rule.*

- 6.2.3.5 This amendment will mean that the subject site is not subject to the averaging requirement. The average lot size is the total land area of the parent lot comprising a subdivision, divided by the number of all new lots created by that subdivision. The rule seeks to promote appropriately sized lots rather than the introduction of small lots which are offset when averaged by larger lots. The Structure Plan provides for lots that range in size between 2,500m² and 12,660m². With the exclusion of lot 62, the average lot size will be 3,764m². The cluster of small lots will allow a recreation reserve area (approximately 11,923m²) to be vested to Council and for local purpose reserves to provide planting buffers between lots and to facilitate stormwater management.

Power Supply

- 6.2.3.6 Amend Subdivision Rule 10.7.7 to exclude the proposed plan change area from requiring underground power supply to lot boundaries as an alternative form of power source (solar) is proposed.

- 6.2.3.7 Subdivision Rule 10.7.7 states:

Each proposed new site created shall be provided with underground electric power, at the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure. Any new telecom lines that are installed shall be underground.

Where access is to be via an entrance strip, services shall be laid to the end of the entrance strip furthest from the road.



6.2.3.8 The Applicant seeks that an exception is made for the subject site and a variation to the wording is proposed (bold underlined), as follows:

*Each proposed new site created shall be provided with underground electric power, at the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure, **and except for the Rural-Residential Zone at Lake Whakamaru where lots can have an alternative power source (such as solar).** Any new telecom lines that are installed shall be underground.*

Building Height

6.2.3.9 A bespoke change is proposed to the **Rural Residential Rule 29.4.4** which relates to building height.

6.2.3.10 Rural Residential Rule 29.4.4 Building height states:

a) **Maximum building height 8m**

6.2.3.11 The Applicant seeks that an exception is made for the subject site and a variation to the wording is proposed (bold underlined), as follows:

*(a) Maximum building height 8m, **except for Lake Whakamaru Rural-Residential Zone area which is to be 6m.***

6.2.3.12 This amendment provides a more restrictive height limit is to take account of the site's topography and to ensure that views across the site to the River/lakefront are not inhibited and views from the River/lake of the open rural land beyond the site are maintained.

Building Materials and Reflectivity

6.2.3.13 A bespoke change is proposed to the **Rural Residential Zone Rule 29.4.5** which relates to building materials and reflectivity.

6.2.3.14 Rural Residential Zone Rule 29.4.5 states:

Cladding materials and paint colours on all buildings shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976. Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.

6.2.3.15 The Applicant seeks an amendment by adding:

Except for the Rural Residential Zoned area of Lake Whakamaru where the following shall apply:

Exterior cladding materials: Natural timber (oiled or stained), painted timber or panel (subject to iv below), concrete (off the form finish, plaster finish or exposed aggregate) (subject to iv below), colour steel (subject to iv below), natural stone and/or brick, and weathering steel.

Exterior colours and reflectivity: Recessive colours that integrate with the colours and tones found in the surrounding landscape should be used on all exterior surfaces. Colours that are visually dominant or have a high contrast value should be avoided. Suitable colours include:

Colours from the BS 5252 range (or equivalent) identified in figure 3 below, subject to the following Light Reflectance Value (LRV) restrictions:

(1) Roof colours with an LRV between 5 -13%

(2) Wall colours with an LRV between 5 -23%.

(3) Trim colours with an LRV between 5 -46% with a careful selection of natural colours.

Wall colours with a reflectance value of more than 46% are not acceptable



6.2.3.16 This amendment provides a more restrictive building material and reflectivity palette which will assist in maintaining the site's visual amenity and mitigate and reduce potential effects of the future development on the surrounding natural landscape.

6.2.3.17 An evaluation of the proposed changes is provided in section 10.5 below.

6.2.4 Introduce New Rule – Structure Plan

6.2.4.1 It is proposed to introduce a rule within the Subdivision chapter (Proposed Rule 10.7.11) and a new rule in Rural Residential Zone chapter (Proposed Rule 29.4.17) requiring that the subject land is developed in accordance with an (approved) Structure Plan.

Proposed Rule 10.7.11 Any subdivision of the Lake Whakamaru Rural Residential zone shall be in general accordance with the Lake Whakamaru Structure Plan (attached as Appendix 2)

Proposed Rule 29.4.17 Any building or development activity in the Lake Whakamaru Structure Plan area shall be in general accordance with the Structure Plan (attached as Appendix 2)

6.2.4.2 The Structure Plan provides a framework to guide the future subdivision of the identified area and defines the land use pattern, area of open space, land to be vested as Reserve, the road and pedestrian footpath/cycle trail layout and topographical constraints that influence how the effects of development are to be managed.

6.2.4.3 The Structure Plan comprises of a plan with diagrammatic representation of the proposed layouts, feature, character and connectivity links. It does not, however, define individual lot boundaries or the physical form of buildings. The plan is supported by text which explores the background and approaches to managing the issues of landscape character, protection of landscape value and amenity.

6.2.4.4 The Structure Plan, attached as Appendix 2 and is provided as an excerpt in Figure 15 below, is a framework to guide the future subdivision of the identified area and defines the land use pattern, area of open space, land to be vested as Reserve, the road and pedestrian footpath/cycle trail layout and topographical constraints that influence how the effects of development are to be managed.

6.2.4.5 The Structure Plan has been developed by the team with design guidelines incorporated predominantly as a result of the Landscape, Natural Character and Visual Assessment. Specifically it includes the following integrated mitigation measures to reduce the effects of the future development enabled by the proposed Plan Change on existing landscape character, natural character and visual amenity values, the following recommendations:

Planted Buffer/Vegetation Covenant

A planted buffer shall be established within all areas identified as a Vegetation Covenant on the Structure Plan. The purpose of this planting is to provide partial screening and visual separation between the reserve and dwellings and living court areas within the site, for privacy reasons, for ecological reasons, and to help the development within the zone to integrate with the wider surrounding landscape. The planted buffer shall consist of native species endemic to the areas and may include species from the Central Volcanic Plateau Ecological Region and the Atiamuri Ecological District (refer to table below), planted at an average spacing of 1 plant every 1.2m. The planting within these areas shall be protected



by a covenant or consent order against the title of each lot to ensure that all planting is maintained and managed consistently. A landscape management and long-term maintenance plan will be required as part of the conditions of consent for any subdivision within the zone.

Indicative Plant List (Plants suited to this area)

Botanical Name	Common Name
Street Trees and Berm Planting (Road Reserve)	
<i>Astelia chathamica</i>	Chatham Island Astelia
<i>Carex secta</i>	Purei, Pukio
<i>Coprosma Hawera</i>	Low growing coprosma
<i>Hebe sp</i>	Hebe
<i>Hoheria angustifolia</i>	Hungere/ Narrow-leaved Lacebark
<i>Muehlenbeckia sp</i>	Small leaved pohuehue
<i>Phormium sp</i>	Dwarf Flax
<i>Poa cita</i>	Silver tussock
<i>Sophora tetraptera</i>	Large-leaved kowhai
Revegetation & Enhancement Planting (Steep Slopes & Reserve Areas)	
<i>Alectryon excelsus</i>	Titoki
<i>Aristotelia serrata</i>	Wineberry/makomako
<i>Brachyglottis repanda</i>	Rangiora
<i>Coprosma robusta</i>	Glossy karamu
<i>Cordyline australis</i>	Ti kouka/cabbage tree
<i>Cyathea medullaris</i>	Mamaku, Black ponga, Black tree fern
<i>Dacrydium cupressinum</i>	Rimu
<i>Fuchsia excorticata</i>	Kotukutuku, Tree fuchsia
<i>Griselinia littoralis</i>	Kapuka, NZ broadleaf
<i>Hebe stricta</i>	Koromiko
<i>Knightia excelsa</i>	Rewarewa
<i>Kunzea robusta</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Myrsine australis</i>	Red Mapou
<i>Phormium tenax</i>	Harakeke/ NZ Flax
<i>Phyllocladus trichomanoides</i>	Tanekaha, Celery Pine
<i>Podocarpus totara</i>	Totara
<i>Prumnopitys taxifolia</i>	Matai, Black pine
<i>Pseudopanax arboreus</i>	Whauwhaupaku, five finger

Local Purpose Reserves

Local Purpose Reserves are to be created between clusters of residential lots for the purpose of visual separation of built structures, for public access and for stormwater management purposes.

Recreation Reserve

A Recreation Reserve shall be vested to Council to enable the extension of the Whakamaru camping ground.

Visual Mitigation Bund

A 5m wide x 2m high earth bund is to be established along the frontage of the site with Ongaroto Road to screen the site from view and help maintain the existing rural character. The bund will be preserved through a consent notice at the time of subdivision and planting on the bund will be protected by the Vegetation Covenant.

Building Design

All buildings (dwelling and ancillary) are designed to visually integrate with the surrounding landscape by placing controls on their height, location, and appearance. Buildings shall comply with the following standards:



- i. Maximum height: 6m
- ii. Exterior cladding materials: Natural timber (oiled or stained), painted timber or panel (subject to iv below), concrete (off the form finish, plaster finish or exposed aggregate) (subject to iv below), colour steel (subject to iv below), natural stone and/or brick, and weathering steel.
- iii. Exterior Colours and Reflectivity: Recessive colours that integrate with the colours and tones found in the surrounding landscape should be used on all exterior surfaces. Colours that are visually dominant or have a high contrast value should be avoided. Suitable colours include:
Colours from the BS 5252 range (or equivalent) identified in figure 3 below, subject to the following Light Reflectance Value (LRV) restrictions:
(1) Roof colours with an LRV between 5 – 13%
(2) Wall colours with an LRV between 5 – 23%.
(3) Trim colours with an LRV between 5 – 46% with a careful selection of natural colours.
Wall colours with a reflectance value of more than 46% are not acceptable.

Earthworks

The earthworks within each lot are restricted to the formation of the building pad and easing the associated cut and fill batters to integrate with existing contours. The use of retaining walls (visible from outside of the lot) should be avoided.

Fencing and Boundary Treatment

Where possible; boundaries should be unfenced or demarcated by hedging or informal planting. Urban and Close boarded fencing is not acceptable. If fencing is proposed, it shall be visually permeable and designed to maintain rural character. Suitable fencing types and boundary treatments include:

- Horizontal timber post and rail.
- Post and wire (farm fencing).

6.2.4.6 These recommendations are in addition to the relevant performance standards in the District Plan.

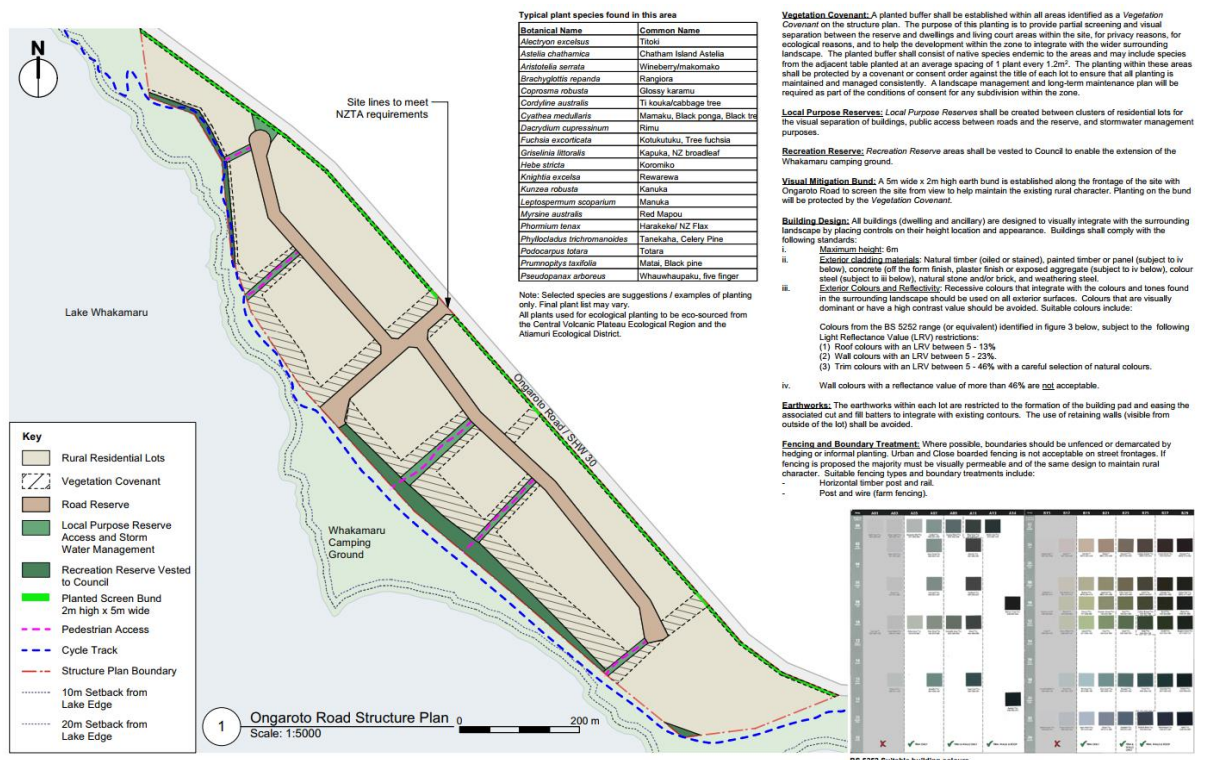
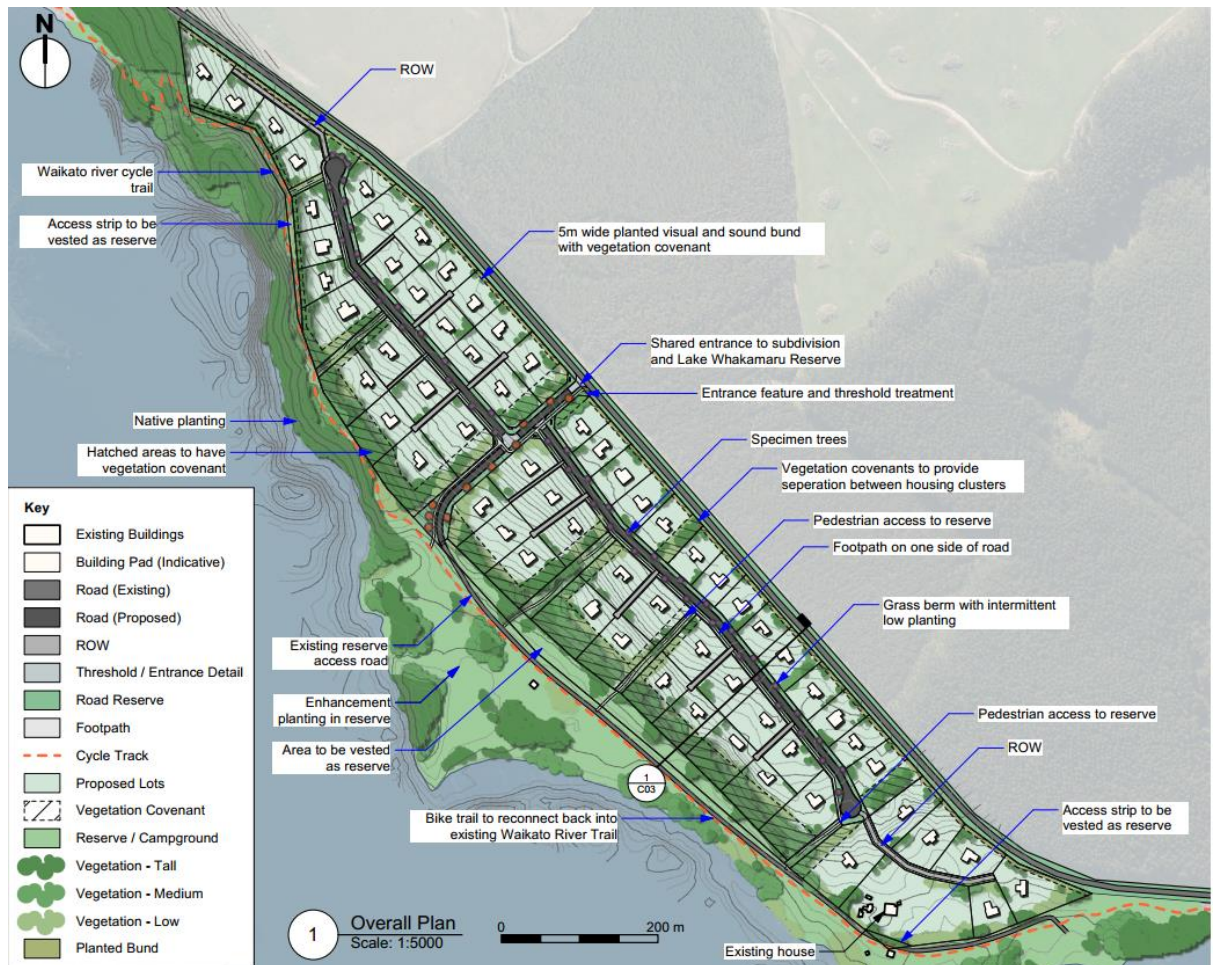
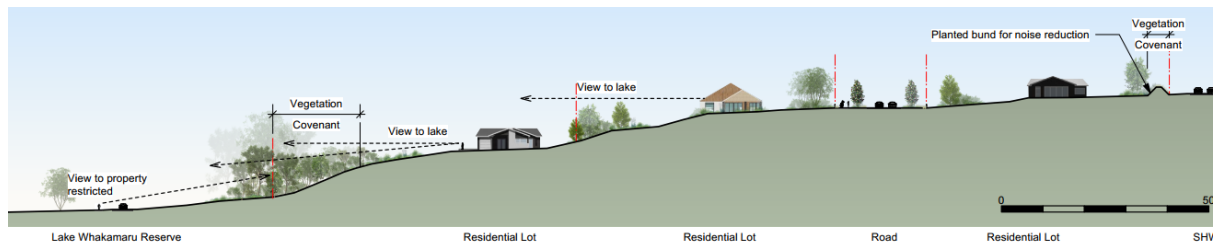


Figure 15: Excerpt of Structure Plan

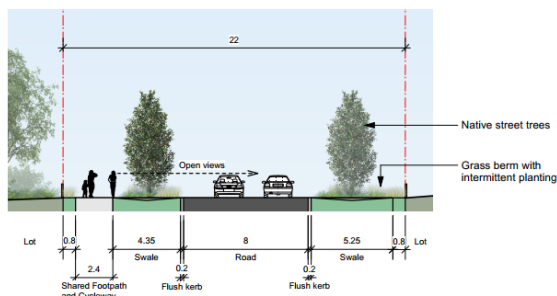
6.3 Development Concept Plan

- 6.3.1 Illustrative development concept plans have been prepared, indicative of a future subdivision and what can be achieved within the site. It is intended that a future subdivision proposal will be lodged to Council as soon as possible following the completion of a successful plan change application.
- 6.3.2 Rule 10.7.3 requires that at the time of any application for subdivision of part of a site zoned Rural-Residential the Council will require a development concept plan to accompany the application for subdivision. This illustrative development concept plan provided is for illustrative purposes and demonstrates that the subdivision and future development of land will occur in a way that is integrated. The concept plans demonstrate future potential subdivision of the site, including provision of reserve, open spaces, stormwater management, connectivity with the road network.





1 Typical Section
Scale: 1:750



2 Typical Road Section
Scale: 1:200

Indicative Plant List (Plants suited to this area)

Botanical Name	Common Name
Street Trees and Berm Planting (Road Reserve)	
<i>Astelia chathamica</i>	Chatham Island Astelia
<i>Carex secta</i>	Purei, Pukio
<i>Coprosma Hawera</i>	Low growing coprosma
<i>Hebe</i> sp	Hebe
<i>Hohenbergia angustifolia</i>	Hungerford Narrow-leaved Lacebark
<i>Muehlenbeckia</i> sp	Small leaved pohutukawa
<i>Phormium</i> sp	Dwarf Flax
<i>Poa cila</i>	Silver tussock
<i>Sophora intrapetala</i>	Large-leaved kowhai
Revegetation & Enhancement Planting (Steep Slopes & Reserve Areas)	
<i>Alectryon excelsus</i>	Tiaki
<i>Aristida serrata</i>	Wineberry/makomako
<i>Brechechloa repanda</i>	Rangiora
<i>Coprosma robusta</i>	Glossy karamu
<i>Cordyline australis</i>	Ti kouka/Cordyline tree
<i>Cyathea medullata</i>	Manuka, Black ponga, Black tree fern
<i>Diarydium cypripedium</i>	Rimu
<i>Fuchsia excorticata</i>	Kotukutuku, Tree fuchsia
<i>Griselinia littoralis</i>	Kapuka, NZ broadleaf
<i>Hebe stricta</i>	Koromiko
<i>Koehleria excelsa</i>	Riwaka
<i>Kunzea robusta</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Myrsine australis</i>	Red Mapou
<i>Phormium tenax</i>	Karakara NZ Flax
<i>Phyllocladus trichomanoides</i>	Tanekaha, Celery Pine
<i>Podocarpus totara</i>	Totara
<i>Prumnopitys taxifolia</i>	Matui, Black pine
<i>Pseudopanax arboreus</i>	Whauwhaupaku, live finger

Note: Selected species are suggestions / examples of planting only.
Final plant list may vary.
All plants used for ecological planting to be eco-sourced from the Central Volcanic Plateau Ecological Region and the Atiamuri Ecological District.

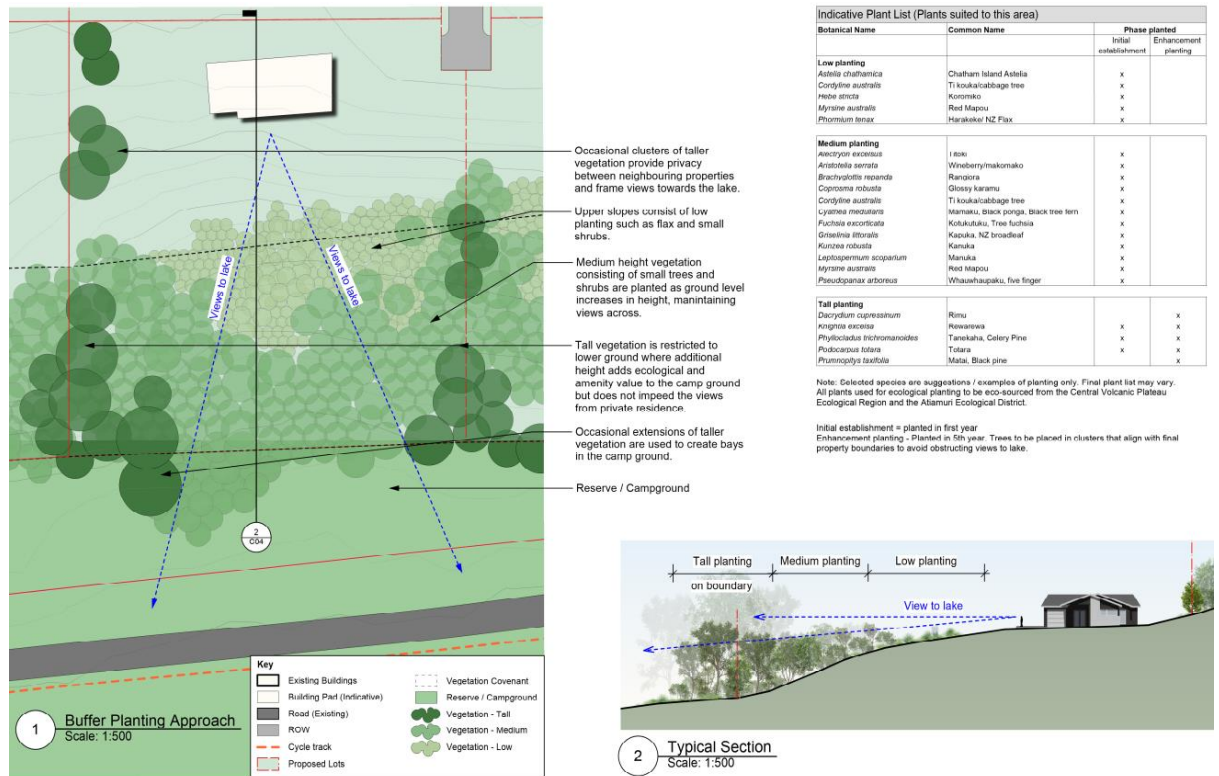


Figure 16: Illustrative development concept plans

6.4 Site Layout- Future Potential Subdivision

6.4.1 The proposed design works with the existing natural contours of the site to create a high-quality subdivision that integrates and enhances the natural and landscape attributes of the surrounding environment.

6.4.2 Key design components are:

- 66 residential lots that range in size between 2,500m² and 12,660m². With the exclusion of lot 62, the average lot size will be 3,764m².
- It is anticipated that each lot will have one dwelling.
- Easy access to the Lake Whakamaru Reserve with the relocation of the existing Reserve access road to the main subdivision entrance road. Easy access to the boat ramp.
- The use of native bush to separate the public reserve from private lots and on steeper slopes which are less suitable to development.
- The use of colours and materials that enhance the appearance and amenity value of the subdivision and allow it to integrate with the surrounding landscape.
- The use of native plants of varying heights and specimen trees to link the proposed subdivision with the surrounding Lake and Lake Reserve landscape. Plant species to be endemic to the Central Volcanic Plateau Ecological Region and the Atiamuri Ecological District.
- The planting of taller plant species on the lower parts of the steeper slopes to retain lake views from the lots above.
- The creation of links between the (proposed) subdivision and the lakeside reserve to allow ease of pedestrian/cycle access and circulation around the (proposed) subdivision.



- The creation of access lots to enable the safe rerouting of the cycle trail between the (proposed) subdivision and the Reserve.
- The use of low native planting within the road berm to visually soften and integrate the streets with their surroundings.
- A 5m wide planted visual and sound bund along the Ongaroto Road boundary.
- The use of swales for stormwater management within the road reserve. Stormwater and wastewater will be dealt with onsite.
- The creation of additional recreation reserve land to be vested to Council.

6.5 Transportation

- 6.5.1 The proposal does not entail any changes to the transport provisions of the District Plan, which will apply at the time any subdivision or development of the land is proposed.
- 6.5.2 Access to the site will be via a new crossing, which is located approximately midway along the site frontage to SH30. The existing crossing to SH30 will be removed and so the site will have one single access to SH30. The new intersection to SH30 will be located to provide appropriate visibility. CKL recommend in their Integrated Transportation Assessment, dated March 2023 and provided as Appendix 10, that a right turn bay is provided on SH30 to assist vehicles turning right into the site. Initial consultation has been undertaken with Waka Kotahi by CKL and initial response has been supportive (refer to section 9.4 below).
- 6.5.3 Within the site a new internal road network will be created and will be public vested and will also enable public access to Lake Whakamaru Reserve and to the Waikato River Trail. Internal roads will be constructed to the Regional Infrastructure Technical Specification (RITS) standards and vested with SWDC. Rights of Ways and accessways will be designed to RITS but not vested to SWDC. Refer to illustrative development concept plan/Figure 16 above for cross section of street and road design.
- 6.5.4 There will no direct access from the site to the existing boat ramp to Lake Whakamaru, which is provided via a separate access to the north of the site.

6.6 Infrastructure

6.6.1 Stormwater

6.6.1.1 *Lot Disposal*

Stormwater disposal for each lot will be via on-site management and disposal, primarily via roof collection and tank storage. Overflows will be managed on site via soakage. Detailed stormwater assessment and design for subdivided lots will be undertaken at building consent stage.

6.6.1.2 *Internal Road Disposal*

Internal road stormwater conveyance shall predominantly be via roadside swales. The swales will be designed at subdivision stage to accommodate conveyance of the design event (which is anticipated to be 1 in 10-year event) and where site contours allow treatment of the water quality volume. Additional treatment can be achieved via appropriately sized and located soakage devices, such as Rain Smart systems (page 10, Engineering Assessment and Infrastructure Design Report prepared by Titus Consulting Engineers).

6.6.1.3 *Secondary Overland Flows*



The secondary overland flows will be via the road network and associated reserve corridors. Where secondary overland flow paths for runoff from developed lots are not available to road or reserve areas, appropriate flow paths shall be designated (page 12, Engineering Assessment and Infrastructure Design Report prepared by Titus Consulting Engineers).

6.6.2 Wastewater

6.6.2.1 Onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems as a minimum. All wastewater disposal areas are to be planted in appropriate water tolerant vegetation to aid the uptake of water and nutrients from the discharge.

6.6.2.2 Recommendations made by Ormiston Associates Ltd, in their Addendum dated October 2022, to be incorporated are:

- *Onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems as a minimum, meeting the required treatment standard of 20gm³ BOD₅ and 30g/m³ Total Suspended Solids (secondary treatment definition from Waikato Regional Plan Rule 3.5.7.6).*
- *All wastewater disposal areas are recommended to be planted in appropriate water tolerant vegetation to aid the uptake of water and nutrients from the discharge.*

6.6.3 Water Supply

6.6.3.1 Each individual lot will install onsite rainwater harvesting and storage in rainwater tanks for reuse as potable and non-potable water supply.

6.6.4 Refuse

6.6.4.1 Refuse will be by private contractor collection. For a full assessment of the proposed infrastructure provision refer to section 9 below.



7 CONSULTATION

7.1 Tangata Whenua

- 7.1.1 Section 8 of the RMA requires all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi). Consultation is one principle of the Treaty, which can be achieved at the development level.
- 7.1.2 The Raukawa Settlement Trust is the post settlement governance entity established in 2009. The Trust is required to act in the best interest of the whanau and hapu of Raukawa.
- 7.1.3 Consultation has been carried out as per section 4A of Schedule 1 of the RMA. Responses from iwi we have received to date have been constructive and supportive of the proposal. Raukawa Charitable Trust made specific recommendations that relate to the future development of the site and to wastewater discharge treatment, which have been incorporated into the proposal. Ongoing engagement with iwi (Raukawa Charitable Trust, Tūwharetoa Trust Board and Te Kotahitanga o Ngāti Tuwharetoa, Pouakani Trust Board) will be undertaken throughout the Plan Change process and throughout the development of the land within the Plan Change area.

7.2 Stakeholders

- 7.2.0.1 A number of stakeholders and community groups have been identified as potentially interested or affected parties meriting consultation. The following parties have been consulted with and a summary of their responses is provided:

7.2.1 Waikato Regional Council

- 7.2.1.1. An emailed consultation response was received on 26 October 2022 from Brian Richmond, Project Manager – Resource Consent, Waikato Regional Council, which provided an overview of potential resource consents required from WRC for earthworks and vegetation clearance; onsite wastewater discharge; stormwater discharge post development. These requirements are currently indicative and any additional authorisation will be applied for the subdivision/detailed design stage.
- 7.2.1.2 A pre-notification meeting with Waikato Regional Council took place on 10th January 2023. A copy of the meeting notes prepared by WRC (comments were provided without prejudice at the pre-application stage) is provided as Appendix 16. The matters raised within this meeting and the subsequent meeting note (including iwi consultation and engagement, planning and policy, ecology, natural hazards, transportation, social and economic) have been addressed within this application report and the supporting specialists reports. A detailed response to the ecological matters raised by WRC is provided as an addendum from 2 Awa Ecology – refer to Appendix 16.

7.2.2 South Waikato District Council

- 7.2.2.1 An initial meeting was held on 2nd April 2020 with James Witham. Thereafter, pre-application (online) meetings were held on 12 July 2022, 1 November 2022 and 8 December 2022.

a) An overview of meeting held on 12 July 2022 is as follows:



- SWDC indicated a Plan Change from Rural to Rural Residential zone is the appropriate route. Timescale: 4-6months to lodge a Plan Change – dependent on consultation. The importance of consultation was emphasised by Alan Moss, SWDC. Alan Moss will share the proposal with senior staff and CEO of SWDC.
- Patrick McHardy, SWDC advised that no esplanade reserve needs to be vested because property is located >20m from the water edge at highest level). The Reserve adjacent to Lake is owned by the Crown.
Structure Plan proposed land adjacent to existing Reserve is vested to council as additional reserve land to provide a buffer to proposed rural residential land use.
- Earthworks and removal of dirt off site TBC. Will try and maintain cut to fill balance. Contouring will be undertaken.
The Structure Plan advises that the earthworks within each lot are restricted to the formation of the building pad and easing the associated cut and fill batters to integrate with existing contours. The use of retaining walls (visible from outside of the lot) should be avoided.
- Consider how to restrict lot access off SH30 – either via a segregation strip, or a consent notice. Could also incorporate bund or landscaping. Post and rail fencing likely. Be good to keep viewshafts through the subdivision to Lake Whakamaru.
Bund as shown on Structure Plan will assist with road frontage delineation, screening of headlights and noise. No individual access to be taken from SH30. Local purpose reserves will help to keep viewshafts through the site to the lake.
- Consultation with WRC required.
Soakage confirmed by Andrew Pascoe as a legitimate treatment option under the RITS, but it will be subject to WRC acceptance.
This has been undertaken and is summarised in section 7.
- Consultation with Waikato River Trails necessary re re-contouring of river cycle trail.
This has been undertaken and is summarised in section 7.
- ONL – really only restricts earthworks and size of buildings, but is important to iwi. No SNA on property.
Consultation with iwi has been undertaken and has been incorporated into design (Structure Plan and wastewater treatment for example) and is summarised in section 7.
- Visibility from Taupo side – any potentially affected parties can submit as part of a notified application.
Consultation with local residents/landowners has been initiated by the landowner of site.
- Caveats/land covenants to minimise visual effect will help (cladding/reflectivity colour, landscaping, height, size, setbacks etc).
Structure Plan provides mitigation measures that future development is expected to comply with.
- SWDC keen to promote economic growth (in an appropriate way). An economic analysis is to form part of application.



Refer to section 9 for detailed overview of An Economic Cost-Benefit Analysis prepared by Urban Economics.

- SWDC have a Planting incentive fund that JQ will have access to.
- SWDC have no wastewater concerns.
- SWDC have no transportation concerns.

b) An overview of the meeting held on 1 November 2022 is as follows:

- Applicant confirmed that Reserve land fronting lake is proposed to be vested with SWDC and maintained by SWDC.
- Whilst the proposed Structure Plan works within the site's topography, SWDC recommends consider height restriction on buildings to avoid views of lake being blocked. Iwi will seek low profile of building to reduce visual impact.
Structure Plan proposes height restriction of 6m and Landscape, Natural Character and Visual Assessment support this.
- Planting within site is to incorporate Phil Parker', SWDC recommendation for plants into landscaping plan. Email dated 18 October 2022: suggested planting palette:

Streetscape:

- Alectryon (Titoki) natural growth is globular, may not suit street planting for providing suitable visibility/access over road. Species used must be able to be pruned to keep 2.5m clearance over footpath and 5m over road, so able to be pruned without negatively affecting their visual appeal, so consideration of natural growth habit important. Single -leadered trees are found to be more suitable for streets.
- Rewarewa and Red Beech will grow tall at maturity and likely create shade issues with residents over time and cause infrastructural damage to road/footpaths. Red Beech's smaller leaves may become a nuisance entering into private properties when mature. Suggest smaller, narrow sized native species such as Hoheria angustifolia.

Native Plantings:

Positioning of Cordyline important so as not to create issues with leaf fall into mown grassed areas.

- Griselinia lucida (Puka) too prone to frost damage in this district, suggest subbing with the hardier Griselinia littoralis.

Species are proposed on Structure Plan.

- SWDC confirmed that Rural Residential Zone does not differentiate between dwellings/minor units. Only one dwelling is permitted per site. A unit with no kitchen/utilities would form a sleepout.
- *Applicant confirmed Plan Change submission will include bespoke rules to be added to the District Plan Rural Residential Zone rules, including an exclusion of average lot size for the development from Rule 10.7.1c and d; use of secondary wastewater systems (to incorporate iwi consultation request).*
- Clarity on soil quality of site to be established. NZLIR indicated 4e6 – but a site specific full Land Use Classification assessment is to be prepared.



A Land Use Capability Report, prepared by Titus Consulting Engineers is provided as an appendix, refer to sections 4.10.3 and 8.2.1.

- Solid waste/refuse collection: SWDC advised no capacity within waste collection service trucks operating for Reserve. Best practical option use Enviro waste as private collection.
- SWDC requested Reserves to be aligned with culvert locations.
This has been incorporated into Structure Plan.
- Justification for right turning bay on SH to be provided within CKL's report – ie to meet future traffic anticipated on SH.
Refer to Integrated Transportation Assessment prepared by CKL, dated March 2023.
- Proposed Easements:
Legal access to River Trail (adjacent to proposed lots 3-5) to be vested to District Council. No existing easement allows access to boat ramp from the site and this will not change.
- Applicant confirmed that a comprehensive consultation process will be engaged in.
- Lodgement date end of January, prior to which a final pre-application meeting for early December is to be arranged.
- SWDC advised that the application and peer review of all specialist reports will be undertaken prior to notification

7.2.3 Taupo District Council

7.2.3.1 Consultation requests were emailed on 13 October 2022 and were provided to Resource Consents (Heather Williams), Policy team and Infrastructure, but no response has to date been received.

7.2.4 Waka Kotahi

7.2.4.1 CKL, as part of their Integrated Transportation Assessment, have engaged in consultation with Waka Kotahi. An overview of the consultation and recommendations is provided within the Assessment, refer to Appendix 10.

7.2.5 Department of Conservation

7.2.5.1 Feathers Planning provided the Department of Conservation with a draft Assessment of Ecological Effects of the Proposed Plan Change on 25 October 22. To date no response has been received.

7.2.6 Forest and Bird

7.2.6.1 Consultation requests were emailed on 13 September 2022, 17 October 2022 and 12 December 2022, but no response has to date been received.

7.2.7 Fish and Game

7.2.7.1 In email correspondence of 17th and 18th October 2022 (refer to Appendix 14), Fish and Game advised that:

In principle Fish & Game, Eastern Region (as statutory authority for game birds and sports fish) have no issues with the proposal of a district plan policy change for the subdivision at 1861 Ongaroto Road, lake Whakamaru – on the clear understanding:

- *that the proposed joint access to both the subdivision and the Lake Whakamaru Reserve is NOT inhibited by gates (i.e. becoming a gated community)*
- *that the subdivision does not inhibit access to and from the existing boat ramp*



- *that the proposal, as stated, use of colours and materials, enhances the appearance and amenity value of the subdivision and allow it to integrate with the surrounding landscape.*

7.2.7.2 As requested by Fish and Game and to address the reverse sensitivity issue for future residents, the Applicant suggests to South Waikato District Council that the following wording be applied as Consent Notices on each individual lot at time of subdivision:

The present and future owners acknowledge that Lake Whakamaru and the adjoining reserve is a public place. The effects of lawful recreational activities, including, but not limited to camping, motorboat sports and fish and game sports may generate amenity effects, including noise.

7.2.8 LINZ/Crown Land

7.2.8.1 Feathers Planning sought consultation requests on 2 November 2022 and 8 December 2022. To date no response has been received.

7.2.9 Mercury NZ Ltd

7.2.9.1 Consultation requests were emailed on 13 September 2022 and 20 October 2022, and an affected party approval dated 27 January 2023 has been received from Mercury NZ Ltd (refer to Appendix 14). The correspondence states:

Mercury seeks a minimum freeboard for all habitable structure and dwellings is 0.5m above Probable Maximum Flood 228.67m RL, which result in a level of 229.17m RL minimum freeboard.

Mercury expects that the developer will abide by any geotechnical report recommendations and ensure compliance with relevant and related NZ standards.

Please accept this letter as our affected party approval under section 95E of the RMA 1991.

7.2.10 Waikato River Trail

7.2.10.1 A site visit took place on 20 September 2022 between the landowner/applicant and Waikato River Trails General Manager – Glyn Wooller. is supportive of the proposal. Correspondence dated 17 February 2023 from Waikato River Trails provides support of the proposal (refer to Appendix 14). The correspondence states:

Connectivity of the River Trail from Lake Whakamaru to Lake Maraetai is critical and we thank Jonathan for acknowledging the importance of the River Trail in the subdivision planning.

7.2.11 Electricity Line Company

7.2.11.1 The Applicant has liaised with an electricity line company to ascertain the costs associated with providing reticulated power to each future subdivision lot and has been advised that it is in the order of \$2 million (refer to Appendix 14). Given this cost and the technological advances for solar and battery power, establishing an off-grid home is not only achievable but will be encouraged within the subdivision.

7.2.12 Whakamaru Ratepayers Association and Neighbouring Properties

7.2.12.1 The Applicant has engaged directly with the Whakamaru Ratepayers Association and owners/occupier of neighbouring properties. A community meeting was held on site on 10th January 2023. Survey questions were written by the Association and the answers were compiled into a survey by the Association. A copy of the survey is provided as Appendix 15. This survey provides a general overview of the neighbours' responses to the proposal.



The Applicant has considered the local community feedback and includes the following mitigation measures within the proposal:

- Onsite stormwater, wastewater and water management thus no additional pressure on existing Council reticulated service network.
- The Applicant suggests to SWDC that a land covenant on the future Record of Titles at subdivision stage will highlight to future owners that Lake Whakamaru and the adjoining reserve are public places and lawful recreational activities may generate amenity effects, including noise.
- A planted buffer shall be established (through a Vegetation Covenant) to provide partial screening and visual separation between the reserve and for privacy reasons, for ecological reasons, and to help the development within the zone to integrate with the wider surrounding landscape.
- Materiality and colour of future dwellings (to be included within future land covenants on Record of Titles at time of subdivision) will enhance the appearance and amenity value of the subdivision and seek to integrate with the surrounding landscape.
- The additional reserve land to be vested to Council will provide a larger area for recreational camping.
- A playground facility can be provided at Applicant's expense on the additional reserve land to be vested to Council, should this be considered appropriate.

Matters relating to the existing boat ramp and lake zoning for recreational users are beyond the scope of the Applicant and this application.

7.2.12.2 Engagement with neighbouring landowners and residents will continue through the Plan Change process.



8 STATUTORY AND NON-STATUTORY CONSIDERATIONS

Statutory Considerations

8.1 National Environmental Standards

8.1.1 At the time of preparation of this report, there were several operational National Environmental Standards (NES) including, but not specifically limited to:

- *NES for Plantation Forestry;*
- *NES for Telecommunication Facilities;*
- *NES for Air Quality;*
- *NES for Marine Aquaculture;*
- *NES for Freshwater;*
- *NES for Sources of Drinking Water;*
- *NES for Electricity Transmission;*
- *NES for Assessing and Managing Contaminants in Soil;*
- *NES for Storing Tyres Outdoors.*

8.1.2 NES for Freshwater (2020)

8.1.2.1 This NES provides standards that regulate activities that pose risks to the health of freshwater and freshwater ecosystems. The sedge grassland in vegetation type 9 has been conservatively assessed as a wetland by the project ecologist because the initial survey was indeterminate. Further assessment to confirm or exclude the land as wetland will be undertaken at subdivision stage. Any earthworks or discharges in proximity to this vegetation type will need to ensure compliance with the National Environmental Standards for Freshwater (NES-F), if it is in fact deemed to be wetland.

8.1.3 NES for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)

8.1.3.1 The NESCS provides a nationally consistent set of planning controls and acceptable soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed and, if necessary, the land is remediated or contaminants contained to make the land safe for human use. The NESCS is not directly applicable at the Plan Change state, as it is assessed at the time of future subdivision or development.

8.1.3.2 Nonetheless, this Plan Change application is supported by a technical assessment of soil contamination. Assessment confirms that the site is not listed as being subject to HAIL activities on either the South Waikato District Council or Waikato Regional Council information register. HDGeo advise that:

- No HAIL activities have been, or are being, undertaken on the site
- The NESCS does not apply to any proposed development.

8.1.4 NES for Plantation Forestry (2018)

8.1.4.1 The NES for Plantation Forestry provides national regulations to manage the environmental effect of forestry. Its objectives are to: maintain or improve the environmental outcomes associated with plantation forestry activities; and to increase the efficiency and certainty of managing plantation forestry activities. It covers: afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting; mechanical land preparation; and replanting.



On the application site, forestry clearance occurred in 2018-2019 and subsequently much of the site has recently been replanted in pine trees, which are currently less than 1m tall and are spaced approximately 3-4m apart. As very little established vegetation remains onsite, the NPS for Plantation Forestry is of limited relevance.

8.1.5 Others

8.1.5.1 None of the other NESs are considered specifically relevant to this Plan Change.

8.2 Planning Policy Statements

8.2.1 At the time of preparation of this Plan Change request, there were several proposed or operational National Policy Statements (NPS's) including:

- *NPS on Electricity Transmission;*
- *NPS for Freshwater Management;*
- *NZ Coastal Policy Statement*
- *NPS for Renewable Electricity Generation;*
- *NPS on Urban Development;*
- *NPS on Highly Productive Land.*
- *Proposed NPS on Indigenous Biodiversity; and*

8.2.2 NPS on Highly Productive Land

8.2.2.1 The aim of the NPS-Highly Productive Land (NPL) is to protect highly productive land in the rural environment for use in land-based primary production. The NPS-HPL requires councils to identify, map and manage highly productive land by notifying changes in a (proposed) regional policy statement. Until this occurs, the NPS-HPL has immediate effect and applies to rural zoned land of Land Use Capability Class 1, 2 or 3.

8.2.2.2 A site-specific Land Use Capability Report, prepared by Titus Consulting Engineers and dated 27th November 2002 is provided as Appendix 5. The Report advises that 83% of the site has a land use classification of 4e26 (on gentle sloping) and 17% is 6e (on steeper slopes). The soil is pumice stony soil and readily drains. The sloping site and characteristics of the soils makes them susceptible to erosion. These are not considered to be high class soil nor Highly Productive Land and therefore the NPS is not triggered.

8.2.3 NPS for Renewable Electricity Generation

8.2.3.1 The future subdivision will be an off-grid development, and lots within the Plan Change area will have an alternative power source (such as solar). The proposal involves renewable energy generation and therefore the NPS for Renewable Energy Generation (NPS-REG) (2011) is relevant as it applies to renewable electricity generation activities at any scale, and covers the construction, operation, maintenance and upgrading of new and existing structures associated with renewable electricity generation.

The NPS REG confirms that:

- *renewable electricity generation, regardless of scale, makes a crucial contribution to the well-being of New Zealand, its people and the environment, and any reductions in existing REG will compromise achievement of the Government's renewable electricity target of 90% of electricity from renewable sources by 2025; and*
- *the development, operation, maintenance and upgrading of new and existing renewable electricity activities throughout New Zealand, and the associated benefits of REG, are matters of national significance.*



The NPS REG contains the following objective:

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

In summary, the proposal is consistent with achieving the NPS REG, albeit on a small scale.

8.2.3 NPS-Urban Development

8.2.3.1 This NPS is not relevant to this rural location and given that the NPS defines an urban environment as being *an area of land that is or is intended to be predominantly urban in character; and is or is intended to be part of a housing and labour market of at least 10,000 people.*

8.2.4 NPS for Freshwater Management

8.2.4.1 This NPS includes Te Mana o te Wai – a concept that refers to “the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment and the community”.

8.2.4.2 In this instance, the wastewater discharges are considered to be permitted and minor activities, it is the opinion of Ormiston Associates Ltd (in their Assessment dated August 2022) that the proposed rezoning is not contrary to the NPS. In terms of stormwater, the site is able to be serviced adequately on site with no effect on Lake Whakamaru and surrounding wetlands. The proposed local purpose reserves between lots identified on the Structure Plan provide for stormwater management. The proposal is considered to be consistent with the provisions of the NPS for Freshwater Management by avoiding the loss of watercourses and providing a buffer adjacent to the reserve land which will preserve the ongoing protection of land adjacent to the lake.

8.2.4.3 The sedge grassland in vegetation type 9 has been conservatively deemed as wetland by 2 Awa Ecology because the assessment was indeterminate. Further assessment will be undertaken at subdivision stage. Any earthworks or discharges in proximity to this vegetation type will need to ensure compliance with the NPS-Freshwater Management at the time of subdivision and development..

8.2.5 Proposed NPS on Indigenous Biodiversity,

8.2.5.1 This is not considered relevant as no indigenous vegetation will be removed.

8.2.6 Coastal Policy Statement

8.2.6.1 This is not relevant to the site given the large distance between the site and the coastal environment.

8.3 Regional Policy Statement

8.3.1 Background



8.3.1.1 The South Waikato District Plan is required under Section 73(4) of the Resource Management Act to give effect to the Waikato Regional Policy Statement (RPS). Section 74(2) of the RMA also requires territorial authorities to have regard to any proposed regional policy statement when preparing or changing a district plan.

8.3.2 The Waikato Regional Policy Statement (Te Tauākī Kaupapa here ā-Rohe) ('RPS')

8.3.2.1 The RPS is a mandatory document that provides an overview of the resource management issues in the Waikato region, and the ways in which integrated management of the region's natural and physical resources will be achieved.

8.3.2.2 The RPS provides the overall framework to ensure the people who choose to live, work, learn and play in the Waikato prosper – socially, culturally and economically.

8.3.2.3 The RPS draws attention to:

- Significant resource management issues for the region;
- Resource management issues of significance to iwi authorities in the region;
- Integrated management.

8.3.2.4 Key land and freshwater objectives of the RPS relating to the proposed private plan change are assessed as follows:

Objectives	Assessment
<p><i>LF_01 Mauri and values of freshwater bodies</i></p> <p><i>Maintain or enhance the mauri and identified values of fresh water bodies including by:</i></p> <ol style="list-style-type: none"> 1. <i>maintaining or enhancing the overall quality of freshwater within the region;</i> 2. <i>safeguarding ecosystem processes and indigenous species habitats;</i> 3. <i>safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands;</i> 4. <i>safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030;</i> 5. <i>establishing objectives, limits and targets, for freshwater bodies that will determine how they will be managed;</i> 	<p>Consultation with tangata whenua has been undertaken and is ongoing.</p> <p>(1 & 8) The proposal will have no detrimental effect on the quality of freshwater. Ormiston Associated Ltd (Addendum, October 2002) conclude that proposed wastewater treatment: <i>With mitigation in place, the effect on surface water will be less than minor. The impact on the groundwater at the site is concluded to be less than minor.</i></p> <p>(2-4) The proposed additional planting between lake reserve and future development will be planted in indigenous species and will therefore assist in enhancing biodiversity, habitat and water quality.</p> <p>The sedge grassland in vegetation type 9 has been conservatively assessed as a wetland, until further assessment is undertaken at subdivision stage. Any earthworks or discharges in proximity to this vegetation type will need to ensure compliance with the NES- Freshwater and NPS-Freshwater Management.</p> <p>(5) The site does not directly abut the lake as is separated by Crown land/leased to SWDC as reserve.</p>



<p>6. <i>enabling people to provide for their social, economic and cultural wellbeing and for their health and safety;</i></p> <p>7. <i>recognising that there will be variable management responses required for different catchments of the region; and</i></p> <p>8. <i>recognising the interrelationship between land use, water quality and water quantity.</i></p>	<p>(6) The Plan Change will permit the (future) subdivision/construction of rural residential dwellings and ancillary social infrastructure, such as reserve and pedestrian networks which will contribute to wellbeing of the residents and visitors.</p>
<p><i>LF-O3 Riparian areas and wetlands are managed to:</i></p> <ol style="list-style-type: none"> 1. <i>maintain and enhance:</i> <ol style="list-style-type: none"> a. <i>public access; and</i> b. <i>amenity values.</i> 2. <i>maintain or enhance:</i> <ol style="list-style-type: none"> a. <i>water quality;</i> b. <i>indigenous biodiversity;</i> c. <i>natural hazard risk reduction;</i> d. <i>cultural values;</i> e. <i>riparian habitat quality and extent; and</i> f. <i>wetland quality and extent.</i> 	<p>The site abuts Crown land that includes Lake Whakamaru. The site of the future subdivided lots sits some 50m minimum away from the water's maximum operating level. The sedge grassland in vegetation type 9 has been conservatively assessed as a wetland, until further assessment is undertaken at subdivision stage. Any earthworks or discharges in proximity to this vegetation type will need to ensure compliance with the NES-Freshwater and NPS-Freshwater Management.</p> <p>Regardless, the proposed structure plan seeks to incorporate features to assist in the management of the riparian area, including the creation of a recreation reserve area to be vested in Council for the purpose of expanding the camping ground and providing a buffer between the site and the Crown land. A Vegetation Covenant will be registered on the Records of Title of individual lots. This vegetated buffer will be planted in indigenous species and will therefore assist in enhancing biodiversity, habitat and water quality. Native planting will provide restoration and enhancement of the site ecologically and culturally.</p> <p>2 Awa Ecology advise that <i>in the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna</i> (page 4).</p> <p>Under the proposal public access to the Reserve land adjacent to the lake will be improved due to the proposed public road access and footpaths.</p>
<p><i>LF-O4 Values of soil</i></p> <p><i>The soil resource is managed to safeguard its life supporting</i></p>	<p>This seeks to ensure that the value of high class soils for primary production is recognised and</p>



capacity, for the existing and foreseeable range of uses.	protected from in appropriate subdivision, use or development.
<i>LF-05 High class soils</i> <i>The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.</i>	As detailed in the Land Use Capability Assessment (Appendix 5), the site/existing rural land is not considered to be high class soil nor Highly Productive Land. The proposal is therefore consistent with this objective.
<i>ECO-01 – Ecological integrity and indigenous biodiversity</i> <i>The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.</i>	As stated above, 2 Awa Ecology advise that <i>in the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna</i> (page 4).
<i>HAZ-01 Natural hazards</i> <i>The effects of natural hazards on people, property and the environment are managed by:</i> <ol style="list-style-type: none"> <i>1. increasing community resilience to hazard risks;</i> <i>2. reducing the risks from hazards to acceptable or tolerable levels; and</i> <i>3. enabling the effective and efficient response and recovery from natural hazard events.</i> 	<p>The Site Suitability and Natural Hazards Report prepared by Titus Consulting Engineers advises that the site is suitable for Rural-Residential (zoning) and for future development from a geotechnical perspective.</p> <p>The report does however state that slope instability may affect sites where slope grade are up to 25% and building restriction zones will be noted where development will require specific engineering design.</p> <p>There is sufficient space on site to avoid buildings being constructed on slopes steeper than 25 degrees.</p> <p>This restriction can be dealt with at the time that a subdivision application is lodged.</p>
<i>NATC-01 Natural character</i> <i>The natural character of the coastal environment, wetlands, and lakes and rivers and their margins are protected from the adverse effects of inappropriate subdivision, use and development.</i>	<p>These provisions seek to ensure that land use conflicts are minimised, the quality and characteristics of areas and features that contribute to amenity are maintained or nuanced.</p> <p>The Structure Plan provides for a minimum 20 setback from the edge of the lake/River.</p> <p>The Landscape, Natural Character and Visual Assessment advises that: <i>The site and surrounding landscape was dramatically modified as part of the Waikato River Hydro development in the 1950s and more recently by production forestry</i> (page 19). <i>While highly scenic, the landscape surrounding the site has been highly modified by the Waikato River</i></p>



	<p><i>Hydro Scheme (stripping, earthworks, and the formation of the hydro lake), rural development (pastoral), the built environment (Whakamaru township and associated generation facilities), and forestry.</i></p> <p><i>When considered collectively, the existing natural character value of the study area is moderate, with the greater natural character value occurring within Lake Whakamaru and the bush-covered slopes of Kaahu Peak on the southern side of the lake (page 20).</i></p> <p>The infrastructure reports within the Appendices demonstrate that the site can and will be appropriately serviced for stormwater, wastewater and water supply. The proposal is therefore consistent with the objective.</p>
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8.3.2.5 Appendix 11 of the RPS provides development principles which are to be considered. These are assessed in the table below:

	<i>RPS General Development Principles New development should:</i>	Assessment
<i>a</i>	<i>support existing urban areas in preference to creating new ones</i>	The proposed plan change area is not near to an urban area.
<i>b</i>	<i>occur in a manner that provides clear delineation between urban areas and rural areas;</i>	
<i>c</i>	<i>make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;</i>	
<i>d</i>	<i>not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;</i>	<p>The proposed plan change and future development will not compromise infrastructure. The infrastructure reports within the Appendices demonstrate that the site can and will be appropriately serviced for stormwater, wastewater and water supply.</p> <p>The proposed relocated intersection on SH30 will provide appropriate visibility. CKL recommend in their Integrated Transportation Assessment that a right turn bay is provided on SH30 to assist vehicles turning right into the site, which will future proof the development for an increase in</p>



		background traffic on the state highway.
e	<i>Connect well with existing and planned infrastructure;</i>	No connections outwith the site are proposed.
f	<i>Identify water requirements necessary to support development and ensure the availability of the volumes required;</i>	Each individual lot will install onsite rainwater harvesting and storage in rainwater tanks for reuse as potable and non-potable water supply.
g	<i>Be planned and designed to achieve the efficient use of water;</i>	The infrastructure reports within the Appendices demonstrate that the site can and will be appropriated designed and serviced for efficient use of water.
h	<i>Be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, highclass soils, and primary production activities on those high class soils;</i>	The plan change area is not within or adjacent to a significant mineral resource, natural hazard area, energy corridor, energy generation site (other than the Waikato River itself), or high class soils.
i	<i>promote compact urban form, design and location to:</i> <i>i. minimise energy and carbon use;</i> <i>ii. minimise the need for private motor vehicle use;</i> <i>iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;</i> <i>iv. encourage walking, cycling and multi-modal transport connections; and</i> <i>v. maximise opportunities for people to live, work and play within their local area;</i>	The plan change area is not adjacent to an existing urban area and is not accessed by public transport. Within the site footpath links to the reserve area and lake are proposed to promote walking and cycling.
j	<i>maintain or enhance landscape values and provide for the protection of historic and cultural heritage;</i>	The Structure Plan for the site ensures that the site's future development addresses the lake reserve frontage, existing surrounding landscape values, the rural interface and SH30 boundary to the east.



<i>k</i>	<i>promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;</i>	The retirement of the land from forestry and use for rural residential activities and promote management to enhance the riparian edge and indigenous biodiversity through proposed buffers, planting and other measures to protect indigenous fauna from adverse effects.
<i>l</i>	<i>maintain and enhance public access to and along the coastal marine area, lakes, and rivers;</i>	Within the site footpath links to the reserve area and lake are proposed to enhance public access.
<i>m</i>	<i>avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD); n. adopt sustainable design</i>	The flood risk at site is <i>low</i> (page 15 - Site Suitability and Natural Hazards Assessment has been prepared by Titus Consulting Engineers). The proposed master plan recommends low impact sustainable design.
<i>n</i>	<i>adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;</i>	The Structure Plan provides mitigation measures that future development is expected to comply with, including that future dwellings and street lights within subdivision will be solar powered and low lux. Rainwater harvesting and grey water recycling is to be achieved on individual lots.
<i>o</i>	<i>not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;</i>	Reverse sensitivity issues are unlikely to arise given that the nearest forestry plantation is on the opposite side of SH30 and thus at a significant setback distance from the site to mitigate any potential effects of logging and truck movements. A planted bund of 5m minimum width x 2m high is proposed at site frontage to state highway which will provide both a visual and an acoustic buffer.
<i>p</i>	<i>be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;</i>	By avoiding any building platforms adjacent to the lake/River margin will promote the sustainable use of and land



		and the health and safety of future residents for flood risk.
q	<i>consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered;</i>	Early consultation was initiated with tangata whenua and is ongoing. No written correspondence/consultation response has to date been received. All verbal feedback has been supportive of the proposal.
r	<i>support the Vision and Strategy for the Waikato River in the Waikato River catchment</i>	The proposal recognises and supports the Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River. The proposal seeks to provide for the protection and restoration of the Waikato River. Although there are no freshwater habitats onsite, the site is near the Waikato River. The Structure Plan establishes the setback from the Lake/adjointing Reserve (at least 20m from edge of River/Lake). This provides for an extensive setback to waterway, riparian land and reduces any potential effect of the land use change.
s	<i>encourage waste minimisation and efficient use of resources (such as through resource efficient design and construction methods); and</i>	N/A
t	<i>recognise and maintain or enhance ecosystem services.</i>	Refer to the Ecological Report.
<i>Principles specific to rural residential development</i> <i>As well as being subject to the general development principles, new rural-residential development should:</i>		
a	<i>be more strongly controlled where demand is high;</i>	The proposed plan change area is 31ha and well defined/contained. The Structure Plan proposes 66 residential lots with one dwelling on each lot. The economics assessment confirms on page 13 that there is demand for lifestyle living, <i>which in many instances is related to areas with high levels of natural amenity, such as waterfront locations.</i>



		<i>This is growth that otherwise would occur elsewhere, ie if demand for this type of lifestyle housing is not met, then households that demand water front properties would relocate of the district. (page 21)</i>
<i>b</i>	<i>not conflict with foreseeable long-term needs for expansion of existing urban centres;</i>	The proposal will not conflict or prohibit the expansion of an urban area. The plan change area is not near to an existing urban area.
<i>c</i>	<i>avoid open landscapes largely free of urban and rural-residential development;</i>	The Plan Change site will provide lifestyle development in a location which is similar to existing Rural-Residential zoned areas within the District Plan. These are defined locations adjacent to public reserves and/or existing clusters of housing alongside the Waikato River. The proposal would not set a precedent for future development on neighbouring rural land.
<i>d</i>	<i>avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;</i>	The relocated crossing/new intersection shall be the only access to SH30. At subdivision, no lot is to have a direct property access to SH30 because of safety considerations. This recommendation will be achieved through the existing rule in the District Plan (Rule 29.4.6c). Ribbon development along both sides of the arterial route is not proposed.
<i>e</i>	<i>recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;</i>	This has not been a consideration, however Whakamaru township is only 2.5km/2 minutes away and Mangakino is only 9km/7 minutes away. Both town centres are therefore relatively accessible by private car.
<i>f</i>	<i>minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;</i>	The Landscape, Natural Character & Visual Assessment report states: <i>The introduction of the proposed Plan Change area will not affect the rural</i>



		<i>characteristics of the wider landscape</i> (page 41).
<i>g</i>	<i>be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and</i>	The infrastructure reports within the Appendices demonstrate that the site can and will be appropriated designed and serviced by onsite water (rainwater harvesting) and onsite wastewater services.
<i>h</i>	<i>be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.</i>	The Structure Plan establishes the setback from the Lake/adjoining Reserve (at least 20m from edge of River/Lake). This provides for an extensive setback to waterway, riparian land and reduces any potential effect of the land use change.

8.3.2.6 Overall it is considered that the proposal will have no effect on the integrity of the RPS.

8.4 Waikato Regional Policy Statement Change 1 – National Policy Statement on Urban Development 2020 and Future Proof Strategy Update

8.4.1 The Waikato Regional Policy Statement Change 1 – National Policy Statement on Urban Development 2020 and Future Proof Strategy Update was open for submissions until 15 February 2023. The WRPS has been amended to ensure it gives effect to the NPS – Urban Development and to the Future Proof subregion. SWDC is a Tier 3 local authority.

8.5 Te Ture Whaimana o te Awa o Waikato - The Vision and Strategy for the Waikato River

8.5.1 Te Ture Whaimana o te Awa o Waikato - The Vision and Strategy for the Waikato River recognises the significance of the Waikato River, with the vision, objectives, and strategies applicable to Waikato River tributaries and catchment.

8.5.2 Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River is acknowledged as the primary, direction-setting document for the Waikato River and activities are required to provide for the protection and restoration of the Waikato River, and that this will require “betterment” to an extent proportionate with the scale of the activity and its effects. Although there are no freshwater habitats onsite, the site is near the Waikato River.

8.5.3 The proposed zone change will enable a subdivision which will restore and protect the health and wellbeing of the River by the following mechanisms:

- To minimise potential effects of onsite wastewater discharges on the Waikato River/Lake Whakamaru, onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems (as recommended in Ormiston Associates’ report on wastewater).
- Vesting land as recreation reserve and registering a Vegetation Covenant on the Records of Title of individual lots will create a buffer between the houses and Lake Whakamaru.



- Indigenous species planted will be from Atiamuri Ecological District (as recommended in the Ecological report).

8.5.4 Overall it is considered that the proposal is not contrary to the Te Ture Whaimana o te Awa o Waikato - The Vision and Strategy for the Waikato River.

8.6 Waikato Regional Plan

8.6.1 The Regional Plan provides further policy direction to give effect to the RPS relating to matters within the scope of Regional Council function under the RMA. As such, the Regional Plan provides more detail regarding the management of the regional matters, including: approaches to resource management; matters of significance to Maori; water module; river and lake bed module; land and soil module; air module; geothermal module.

8.6.2 The provisions of the Regional Plan have been taken into account with the preparation of the provisions that support the Plan Change. There are no issues arising with the proposed Plan Change in terms of consistency with the Regional Plan. Should any consents be required for regional council discharges these will be undertaken at the subdivision/future development stage.

8.7 District Plan

8.7.1 The South Waikato District Plan was declared operative on 28 April 2021. The District Plan is subject to ongoing monitoring and review and is changed when necessary.

8.7.2 A review of the proposal against the objectives and policies is provided within section 32 evaluation (see section 10 below).

Non-Statutory Considerations

8.8 Waikato Tainui Environmental Management Plan

8.8.1 Waikato-Tainui Te Kauhanganui Inc. is the iwi authority for Waikato-Taiunui and has prepared the Waikato Tainui Environmental Management Plan (Ta Tumu, Tai Pari, Tai Ao). The Waikato Tainui Environmental Management Plan contains the aspirations of iwi and was developed from Whakatupuranga 2050, a long term development approach to building the capacity of Waikato-Tainui Marae, hapu and iwi. The Waikato Tainui Environmental Management Plan (WTEP) sets out regional issues, objectives, policies and methods that are designed to enhance Waikato-Tainui participation in environmental management. The goal is to ensure that the needs of present and future generations are provided for in a manner that extends beyond sustainability towards environmental enhancement.

8.8.2 The plan sets out Waikato-Tainui's vision statement for environmental and heritage issues and key strategic objectives such as tribal identity and integrity, including "to grow our tribal estate and manage our natural resources". The plan is designed to enhance Waikato-Tainui participation in resource and environmental management.

8.8.3 Section D of the plan addresses specific elements of natural resources and the environment and sets out specific issues, objectives, policies and methods for specific environmental areas.



8.8.4 It is considered that the proposed rezoning/future development will be consistent with the WTEP for the following reasons:

- Onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems as a minimum.
- Stormwater discharge will be appropriately treated and detained to avoid adverse effects on the receiving and downstream environment.
- Specific development activities will be subject to further resource consent processes to ensure adverse effects of construction activities to facilitate the development outcome are appropriately managed.
- Rezoning of the Plan Change site will not affect the Waikato River. In comparison with the use of the site for production forestry, the change in use to Rural-Residential with secondary wastewater systems represents a potential betterment in nitrogen discharge of over 75%.

8.8.5 On the basis of the above assessment, it is concluded that the proposed Plan Change will be consistent with the objectives and policies of the WTEP.

8.9 The Raukawa Environmental Management Plan 2015

8.9.1 The Raukawa Environmental Management Plan 2015 – Te Rautaki Taiao A Raukawa. The Plan a summary narrative of Raukawa history and traditions and provides environmental objections and proposed actions and outcomes of priority.

8.9.2 It is considered that the proposed Plan Change will not affect the ability of Raukawa to achieve the vision of their Environmental Management Plan. The structure plan and illustrative development concept plan and Ecological Assessment provide ecological enhancement across the site which is to be undertaken at the time of the developing the Plan Change area. Overall the proposal is considered to be consistent with the Te Rautaki Taiao A Raukawa.



9 ASSESSMENT OF ENVIRONMENTAL EFFECTS OF THE PROPOSED PLAN CHANGE

9.1 Schedule 1

9.1.1 This assessment is being undertaken in respect of Clause 22(2) of Schedule 1 of the Act that requires the following be undertaken:

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan. Clause 6 outlines the information required in an assessment of environmental effects. In comparison Clause 7 specifies the range of matters that must be addressed by an assessment of environmental effects.

9.1.2 In consideration of clauses 6 and 7, we consider that the actual or potential environmental effects arising from the proposed Plan Change are limited to the following matters:

- Infrastructure
- Natural Hazards and Contaminated Land
- Transport
- Landscape and Visual Effects
- Ecological Effects
- Sites of Significance to Iwi/Cultural Effects
- Economic Effects
- Loss of Forestry/Agricultural Production
- Reverse Sensitivity
- Amenity and Social Effects

9.1.3 The assessments provided below incorporate findings of the various technical reports that have been commissioned by the Applicant and are provided as appendices to this report. Where necessary, we rely on the expertise of the consultants who have prepared these reports.

9.2 Infrastructure

9.2.0.1 Relevant objectives and policies of the SWDC District Plan and the RPS seek to manage development to be consistent with the ability to provide infrastructure services and ensure land use, subdivision and infrastructure are planned in an integrated way. Infrastructure and services are of high importance to the overall suitability of the site to the proposed Plan Change. In this instance the site is rurally located and no existing infrastructure or utility services are provided. The proposed infrastructure servicing and effects are assessed below:

9.2.0.2 An Engineering Assessment and Infrastructure Design Report prepared by Titus Consulting Engineers and dated February 2023, is provided as Appendix 8.

9.2.1 Stormwater

9.2.1.2 Lot Disposal

Stormwater disposal for each lot will be via on-site management and disposal, primarily via



roof collection and tank storage. Overflows will be managed on site via soakage. Detailed stormwater assessment and design for subdivided lots will be undertaken at building consent stage.

9.2.1.3 Internal Road Disposal

Internal road stormwater conveyance shall predominantly be via roadside swales. The swales will be designed at subdivision stage to accommodate conveyance of the design event (which is anticipated to be 1 in 10-year event) and where site contours allow treatment of the water quality volume. Additional treatment can be achieved via appropriately sized and located soakage devices, such as Rain Smart systems (page 10, Titus). No adverse effects are expected.

9.2.1.4 Secondary Overland Flows

The secondary overland flows will be via the road network and associated reserve corridors. Where secondary overland flow paths for runoff from developed lots are not available to road or reserve areas, appropriate flow paths shall be designated (page 12). Titus Consulting Engineers on page 27 conclude that:

Cut and fill and localised landscaping of the proposed lots shall (be undertaken to) provide for unimpeded overland flows across the site and shall not concentrate runoff towards any buildings. Where cut into the existing ground is anticipated for the construction of building platforms, it is to ensure that stormwater runoff can be drained off the surrounding areas.

9.2.1.5 Upper Catchment

The existing culverts that convey and discharge the upstream catchment from the development on site will be conveyed via the road network swales and/or stormwater swale within the proposed reserve/planting areas (page 10, Titus).

Titus Consulting Engineers (on page 27 of Engineering Assessment and Infrastructure Design Report) recommend that:

The maximum capacity of the existing culverts has been used as the runoff volumes which need to be managed through the proposed development for the primary storm. The road network and associated reserve corridors of the proposed development will be aligned with the secondary overland flow paths. The flow paths and devices will be designed during the engineering plan approval stage to either eliminate or limit any negative impact on the individual lots. The reserve strips may potentially need to be shaped and planted in order to prevent excess secondary flows from affecting adjacent sections.

9.2.1.6 Regional Council Consents

Due to the location of the site (adjacent to Waikato River/Lake Whakamaru), it is anticipated that Regional Council stormwater discharge consent may be required. (Waikato Regional Plan Rule 3.5.11.4 Permitted Activity Rule – Discharge of Stormwater to Water, and Rules 3.5.11.5 -3.5.11.8 will be applicable and will be assessed at subdivision stage).

9.2.1.7 Specific Mitigation

Titus Consulting Engineers advise (page 12) that: *The disposal of stormwater should not cause a nuisance to neighbouring properties and public infrastructure.* No adverse effects are therefore expected as a result of development that may be generated from this plan change and therefore no specific mitigation is proposed as part of this plan change.



9.2.2 Water supply

9.2.2.1 Each individual lot will install onsite rainwater harvesting and storage in rainwater tanks for reuse as potable and non-potable water supply.

9.2.2.2 Firefighting supply will be via the installation of additional water supply tanks to meet SWDC requirements and will be determined at building consent stage.

9.2.2.3 A Waikato Regional Council consent will not be required for water take and/or supply given that no bores or water take from the lake is proposed.

9.2.2.3 No adverse effects relating to potable water is expected and therefore no specific mitigation is required.

9.2.3 Wastewater

9.2.3.1 A Preliminary On-Site Wastewater Land Disposal Assessment and Treatment Recommendations, dated 30 August 2022, and an Addendum dated October 2022 have been prepared by Ormiston Associates Ltd and are provided as Appendix 11.

9.2.3.2 Treated effluent discharges can adversely affect fresh water quality as well as having an adverse cultural effect. The risk of surface water contamination can be limited by:

- ensuring the wastewater treatment system produces good quality wastewater. This is addressed by limiting each site to secondary treatment systems only;
- ensuring the disposal system is loaded with wastewater at rates that are appropriate to the soil types; and
- ensuring an appropriate separation distance between a disposal system and water body.

9.2.3.3 The future subdivision is *located over 50m from the Waikato River/Lake Whakamaru and it is considered that given the soil type overland flow is unlikely* (page 2 of Addendum).

9.2.3.4 The proposal, which incorporates consultation with Raukawa Charitable Trust, seeks to minimise the potential effects of onsite wastewater discharges on the Waikato River/Lake Whakamaru and related cultural and ecological values through the following recommendations made by Ormiston:

- *Onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems as a minimum, meeting the required treatment standard of 20gm³ BOD₅ and 30g/m³ Total Suspended Solids (secondary treatment definition from Waikato Regional Plan Rule 3.5.7.6).*
- *All wastewater disposal areas are recommended to be planted in appropriate water tolerant vegetation to aid the uptake of water and nutrients from the discharge.*

9.2.3.5 Ormiston Associated Ltd (October 2002) conclude that:

- *With this mitigation in place, the effect on surface water will be less than minor.*
- *The impact on the groundwater at the site is concluded to be less than minor.*
- *No effect on soils (from wastewater) is likely.*
- *Public health effects will be limited by the use of secondary treatment, appropriate system design and good soakage ability of the underlying soils.*
- *There are not expected to be any nuisance odour from the treatment and disposal of wastewater.*
- *The permitted activity threshold (as per the Waikato Regional Plan) for onsite wastewater will be met.*



9.2.3.6 In their report, page 13, Titus advise:

Primary or secondary onsite wastewater disposal methods are considered appropriate to manage wastewater for the proposed development unless the lot is less than 2500m² (where secondary systems will be required. Lot specific assessments will be required at building consent stage, with particular attention being required to consider the slope on the section and the high permeability of the pumice soils on site. This may require that traditional disposal beds/trenches are avoided and dripper lines, Wisconsin mounds or ETS beds are adopted for on lot wastewater disposal.

9.2.3.7 Further recommendations, provided by Titus Consulting Engineers, are:

- *Wastewater disposal fields are located away from large clusters of trees and in areas where the necessary vertical clearance between the winter water table level and base of the effluent disposal system is achieved.*
- *Wastewater disposal fields in low-lying areas should be avoided.*
- *Wastewater disposal fields must be offset 30m from the river/lake at the base of the slope. (page 14, Titus).*

9.2.3.8 Titus also advise on page 14 of their report that sufficient area is available for disposal and reserve fields on the site for the proposed development.

9.2.3.9 Regional Council Consents

It is not anticipated that a Regional Council consent will be required for onsite wastewater disposal, as each individual lot could undertake the discharge to land as a Permitted Activity. (Waikato Regional Plan Rule 3.5.7.6 Permitted Activity Rule - Discharge of Sewage from Improved On-Site Domestic Sewage Treatment and Disposal Systems; and Rules 3.5.7.7 - 3.5.7.8 will be applicable and will be assessed at subdivision stage).

9.2.3.9 Positive Effects

In comparison with the use of the site for production forestry, the change in use to Rural-Residential with secondary wastewater systems represents a potential betterment in nitrogen discharge of over 75%.

9.2.3.10 **Specific Mitigation**

The specialist reports confirm that wastewater generated from future development on the site can be treated and disposed of on site without offsite adverse effects. The following recommendations made by Ormiston and Titus above will be included in a consent notice as part of a future subdivision:

- *Onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems as a minimum, meeting the required treatment standard of 20gm³ BOD₅ and 30g/m³ Total Suspended Solids (secondary treatment definition from Waikato Regional Plan Rule 3.5.7.6).*
- *All wastewater disposal areas are recommended to be planted in appropriate water tolerant vegetation to aid the uptake of water and nutrients from the discharge.*

9.2.3.11 The remaining recommendations can be re-assessed and addressed at the time of subdivision, or individual building.



9.2.4 Network Utilities

9.2.4.1 Instead of lots being provided with underground electric power, lots within the Plan Change area will have an alternative power source (such as solar). This will mean that the future subdivision will be an off-grid development. Wireless telecommunications to the Plan Change area would be provided by third-party service providers.

9.2.4.2 Specific Mitigation

To enable an alternative form of power source at individual lots the Applicant seeks an amendment to Subdivision Rule 10.7.7.

9.2.4.3 Conclusion

The proposed plan change will have no effect on infrastructure or network utilities. The specialists advise that at the time of development, water supply, wastewater and stormwater effects can be managed appropriately to ensure less than minor effects on the environment.

9.3 Natural Hazards and Contaminated Land

9.3.1 Natural Hazards

9.3.1.1 A Site Suitability and Natural Hazards Assessment has been prepared by Titus Consulting Engineers, dated 21st November 2022, and is provided as Appendix 9. An overview of natural hazard risk is provided below:

- **Seismic hazard** – the nearest known active faults are 17km to the east. These are (generally) normal faults and form an extensional rift zone within the Taupo Volcanic Zone.
- **Liquefaction** – *a detailed Liquefaction assessment on this site has found that liquefaction is unlikely and site may be classed as TC1. (page 5)*
- **Slope stability** – the slopes on site are generally gradual with several constructed from forestry earthworks. The largest slopes are located to the south of the site. *Slope instability may affect the sites where slopes are up to 25% in some places. On these lots building restriction zones will be noted, where development within these areas will require specific engineering design. (page 5)*
- **Volcanic eruption** – the nearest active volcano is Taupo located approximately 40km to the south of the site. The risk of ash from small volcanic eruptions is considered unlikely.
- **Flooding** – The site is not subject to mapped flooding hazards or flood risk related overlays in the ODP or on the Waikato Regional Council flood hazard information. The level of the Waikato River is controlled by the Whakamaru Dam (and operated by Mercury Energy) and as such flood risk at the site is *low* (Titus Consulting Engineers, Site Suitability and Natural Hazards Assessment page 15).

9.3.1.2 The Engineering Assessment and Infrastructure Design Report, prepared by Titus Consulting Engineers, advises (on page 18) that apart from a small portion of the site in the south east, the proposed development is above the probable maximum flood level (228.66 masl) expected for the Waikato River/Lake Whakamaru.

9.3.1.3 The report recommends on page 27 that:

The minimum final floor levels to the underside of the floor slabs/joists, whichever is applicable, is to be a minimum of 229.16mRL (228.66 + 0.5m) or the requirements of the Building Code with respect to adjacent ground.



(These levels are based on levels provided by Mercury Energy and WRC.)

9.3.1.4 A summary of findings and recommendations (as provided on page 5 of the Site Suitability and Natural Hazards Assessment) is as follows:

- *A detailed Liquefaction assessment on this site has found that liquefaction is unlikely and site may be classed as TC1.*
- *Slope instability may affect the sites where slopes are up to 25% in some places. On these lots building restriction zones will be noted, where development within these areas will require specific engineering design.*
- *Earthworks required prior to the construction of foundations shall consider the removal of organic material (old roots/stumps) and reinstatement of ground to meet the requirements of NZS 4431:2022 'Engineered fill construction for lightweight structures'.*
- *Standard NZS:3604 foundations or engineering/ 'codemarked' waffle raft foundations are considered acceptable for the site, given that appropriate earthworks are carried out and the requirements of the building code are met.*
- *On site soakage is considered suitable for disposal of stormwater across the development with secondary flow paths available to direct runoff to the adjacent lake reserve, proposed reserves and roading areas within the subdivision. Where secondary overland flow paths for runoff from developed lots are not available to road or reserve areas, appropriate flow paths shall be designated. In order to prevent 'riling' and piping of the insitu pumice soils, soakage and swale systems may need to be lined with geotextile.*
- *Wastewater treatment and disposal may be achieved on lot via primary or secondary wastewater options. Lot specific assessments will be required at building consent stage, with particular attention being required to consider the slope on the section and the high permeability of the pumice soils on site. This may require that traditional disposal beds/trenches are avoided and dripper lines, Wisconsin mounds or ETS beds are adopted for on lot wastewater disposal.*
- *It is considered that this site is suitable for Rural-Residential development from a geotechnical perspective.*

9.3.1.5 **Specific Mitigation**

No specific mitigation for natural hazards is required at plan change and it can be dealt with subdivision design stage.

9.3.1.6 Regional Council Consents

There is sufficient space on site to avoid buildings being constructed on slopes steeper than 25 degrees. However, regional consent will be sought at time of subdivision for building platforms on land with slope steeper than 25 degrees, as required by Subdivision Rule 10.7.4d, should this be required.

9.3.2 **Summary**

Overall, this report confirms that the site is geotechnically suitable to accommodate rural residential land, subject to recommendations which are reasonable and feasible at the time of developing the site. The risk of adverse effects from natural hazards is considered to be suitably low at the site, with no persons directly affected.

9.4 **Transportation**



9.4.0.1 This assessment is based on the findings of the Integrated Transportation Assessment prepared by CKL, dated March 2023, and provided as Appendix 10.

9.4.1 Access from SH30

9.4.1.1 The structure plan shows that only one access onto SH30 will serve the rezoned land. This is essentially a relocation of the existing crossing to a more suitable location that better achieves sight visibility. The relocated crossing will be converted into an intersection, as the access road into the site will vest in Council as local road. The proposed intersection location has 285m visibility available to the south which is limited by a vertical crest and over 300m visibility available to the north. The intersection is over 300m from the nearest intersection or access, which satisfies the District Plan requirements. The proposed intersection location is assessed as being appropriate and an improvement to the existing site access visibility along SH30. Given that that background traffic volumes on SH30 are anticipated to grow within the next 5 years, CKL consider it appropriate to provide a right turn bay on SH30 into the site. *Localised carriageway widening would be required to accommodate the right turn bay at this location given that the existing carriageway is approximately 7m wide* (CKL, page 16). The detailed design for this intersection would be completed at detailed design stage for subdivision.

9.4.1.2 *Providing a right turn bay aligns with the 'safe system' approach by separating turning traffic from through traffic and reduces the risk of a crash occurring particularly within a high-speed environment* (CKL page 12).

9.4.1.3 Specific details would be subject to the subdivision consent process and need not be detailed as part of the plan change.

9.4.2 Lot Access

9.4.2.1 CKL recommend that the above mentioned relocated crossing/new intersection shall be the only access to SH30 and no lot should have a direct property access to SH30 because of safety considerations. This recommendation will be achieved through the existing rule in the District Plan (Rule 29.4.6c). At the time of subdivision it may be appropriate to register consent notices, or a segregation strip to ensure that no private to access to SH30 occurs, which will eliminate any additional points of conflict along this stretch of road.

9.4.3 Vehicle generation

9.4.3.1 CKL advise that the existing traffic on SH30 is 118 vehicles per hour peak time. Future development on the re-zoned Rural-Residential site is expected to generate up to 73 vehicles per hour in peak time and 561 vehicles over the course of the day. CKL anticipate that up to 58 vehicles may be turning right into the site in the peak hour. *This additional traffic is able to be accommodated by the surrounding road network. No mitigation measures have been identified as necessary to accommodate the additional traffic volumes.* (CKL, page 16)

9.4.4 Internal roading layout

9.4.4.1 The internal roads would have a legal width of 20m *which is sufficient to provide an appropriate road network for the future development* (CKL page 16).

9.4.4.2 The internal road will not connect with the boat ramp as it currently/informally does (through Lot 9 DP 425239). No change to the boat ramp access is proposed.

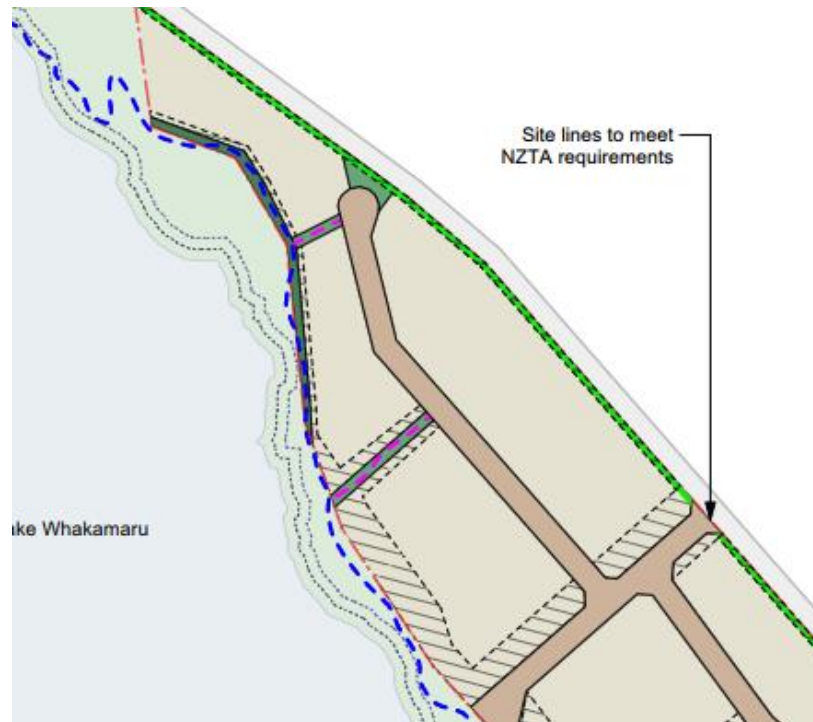


Figure 17: Structure Plan extract – internal road network (one access only from SH30)

9.4.5 Parking

9.4.5.1 Given the size of the lots there is ample on the future lots for parking space provision.

9.4.6 Non-vehicular modes

9.4.6.1 The Waikato River Trail runs along the western side of the site and provides a route for pedestrian and cyclists to local services in Whakamaru and reduces reliance on private vehicle modes.

9.4.6.2 The River Trail will be realigned at the subdivision stage and will form part of the additional reserve land to be vested to SWDC (refer to figure below). As a result the trail will be on public land and not on private land.



Figure 18: Route in red is the proposed trail realignment adjacent to Lake Whakamaru. Route in blue was discarded due to difficulty of terrain, but would have negated the need for vesting land.



9.4.7 Construction Effects

- 9.4.7.1 It is anticipated that a Construction Traffic Management Plan is to be required and prepared as part of a future subdivision application.

9.4.8 Consultation with Waka Kotahi

- 9.4.8.1 Consultation with Waka Kotahi has been undertaken by CKL and their feedback is provided on page 11-12 of CKL's report and as follows:

The proposed location of the entranceway needs to be carefully looked at there's a slight vertical curve, that is more prominent at the southern side of the proposed entranceway. The type and design of an entranceway should come out in the ITA. Note the existing entranceway services the reserve so form of access to this area will still be needed. The proposed access location appears well-considered in terms of providing an approaching user with as much advanced sight distance as possible. Regarding the proposed access type, though 'T-intersections' with right-turn-bays have their appropriate purpose and place, you will need to show how you have considered the 'Safe System' approach to determine the preferred intersection option, and how the preferred option will cater for all road users in a high speed environment. In considering the 'Road to Zero' strategy and Governments 'Emissions Reduction Plan', new developments should work towards providing safe 'vehicle / road user' interactions that minimise the potential for harm and offer options for travel that reduce vehicle kilometres travelled."

- 9.4.8.2 The CKL report (at section 11.1) addresses this feedback.

9.4.9 Summary and Specific Mitigation

- 9.4.9.1 Overall it is assessed that the traffic effects of the Proposed Plan Change will be **less than minor** (CKL, page 16) and therefore no specific mitigation is required to be included as part of this proposed plan change.

9.5 Landscape, Natural Character and Visual Effects

- 9.5.0.1 A Landscape, Natural Character and Visual Assessment (LVA) report has been prepared by Mansergh Graham Landscape Architects, dated March 2023 and is provided as Appendix 7.

9.5.1 Existing Values

- 9.5.1.1 The Landscape, Natural Character and Visual Assessment describes the existing values of the site as follows:

9.5.1.2 Landscape Character:

The wider rural landscape containing the site is of moderate-high landscape and amenity value. This value is heavily influenced by the presence of the more natural appearing features associated with Lake Whakamaru, the Waikato River (ONL5) and the vegetated volcanic landforms to the south. ... While the site itself is not of value (from a landscape character perspective) it forms part of the context within which the more valued features are juxtaposed. (page 17)

9.5.1.3 Existing natural character



*The existing natural character value of the study area is **moderate**, with the greater natural character value occurring within Lake Whakamaru and the bush-covered slopes of Kaahu Peak on the southern side of the lake. (page 20)*

9.5.1.4 Existing visual amenity

*The existing visual amenity of the landscape containing the site ranges from **moderate to moderate-high**. (page 31)*

9.5.2 **Assessment of Effects**

9.5.2.1 The Landscape, Natural Character and Visual Assessment considers the effects of the proposed plan change on the natural character, landscape character, ONL and visual amenity. We rely on the Assessment's appraisal of these characteristics and values:

9.5.2.2 Natural character

*Adverse effects on natural character associated with development within the site will be balanced by the positive effects associated with the restoration and buffer planting between the reserve and areas to be developed. The proposed rezoning will have a **neutral** effect on the natural character values of the adjacent lake edge. (page 23)*

Overall the change will have no effect on natural character values associated with the Waikato River/Lake Whakamaru and its margins. (page 42)

9.5.2.3 Landscape character

While the proposed Plan Change will have a moderate-high effect on the existing landscape character within the Plan Change area (due to the dramatic change in character within the site from existing open spatial to intensification through rural residential development), the effect on the wider landscape character and values within the broader catchment will be low-moderate. (page 26)

*When effects on landscape character are considered collectively, the proposal will have a **low-moderate** (minor under the RMA) adverse effect on the key features and the overall characteristics of the landscape within and immediately surrounding the site. (page 25)*

The introduction of the proposed Plan Change area will not affect the rural characteristics of the wider landscape (page 41).

9.5.2.4 Effects on ONL

*Overall due to the relative scale of the development within the context of the much larger ONL, the adverse effects of the proposal on the key values and attributes of the Waikato River ONL will be **low**. (page 26)*

9.5.2.5 Effects on Visual Amenity

*The effect of development enabled by the Plan Change on visual amenity values ranges between **very low and moderate-high**. These will reduce to between **very low and low-moderate** (less than minor and minor) once the restoration and enhancement planting required by the structure plan becomes established. (page 36)*

Views from the southern side of the lake will be affected to a greater extent than views from the northern side of the lake. (page 37)

From most locations the proposed Plan Change area will be visible or partially visible and will form part of the backdrop to the view over the wider landscape.



From locations to the west of Lake Whakamaru, the lake itself will remain the focus of attention. Where visible, the presence of the Plan Change area in the backdrop to the view over the lake will not result in an unacceptable loss of visual amenity (page 43).

9.5.3 Specific Mitigation

9.5.3.1 The Structure Plan incorporates mitigation measures, recommended within the Landscape Assessment, to reduce the effects of the future development enabled by the proposed Plan Change on existing landscape character, natural character and visual amenity values. These are:

Planted Buffer/Vegetation Covenant

A planted buffer shall be established within all areas identified as a Vegetation Covenant on the Structure Plan. The purpose of this planting is to provide partial screening and visual separation between the reserve and dwellings and living court areas within the site, for privacy reasons, for ecological reasons, and to help the development within the zone to integrate with the wider surrounding landscape. The planted buffer shall consist of native species endemic to the areas and may include species from the Central Volcanic Plateau Ecological Region and the Atiamuri Ecological District (refer to table below), planted at an average spacing of 1 plant every 1.2m. The planting within these areas shall be protected by a covenant or consent order against the title of each lot to ensure that all planting is maintained and managed consistently. A landscape management and long-term maintenance plan will be required as part of the conditions of consent for any subdivision within the zone.

Indicative Plant List (Plants suited to this area)

Botanical Name	Common Name
Street Trees and Berm Planting (Road Reserve)	
<i>Astelia chathamica</i>	Chatham Island Astelia
<i>Carex secta</i>	Purei, Pukio
<i>Coprosma Hawera</i>	Low growing coprosma
<i>Hebe sp</i>	Hebe
<i>Hoheria angustifolia</i>	Hungere/ Narrow-leaved Lacebark
<i>Muehlenbeckia sp</i>	Small leaved pohuehue
<i>Phormium sp</i>	Dwarf Flax
<i>Poa cita</i>	Silver tussock
<i>Sophora tetraptera</i>	Large-leaved kowhai
Revegetation & Enhancement Planting (Steep Slopes & Reserve Areas)	
<i>Alectryon excelsus</i>	Titoki
<i>Aristotelia serrata</i>	Wineberry/makomako
<i>Brachyglottis repanda</i>	Rangiora
<i>Coprosma robusta</i>	Glossy karamu
<i>Cordyline australis</i>	Ti kouka/cabbage tree
<i>Cyathea medullaris</i>	Mamaku, Black ponga, Black tree fern
<i>Dacrydium cupressinum</i>	Rimu
<i>Fuchsia excorticata</i>	Kotukutuku, Tree fuchsia
<i>Griselinia littoralis</i>	Kapuka, NZ broadleaf
<i>Hebe stricta</i>	Koromiko
<i>Knightia excelsa</i>	Rewarewa
<i>Kunzea robusta</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Myrsine australis</i>	Red Mapou
<i>Phormium tenax</i>	Harakeke/ NZ Flax
<i>Phyllocladus trichomanoides</i>	Tanekaha, Celery Pine
<i>Podocarpus totara</i>	Totara
<i>Prumnopitys taxifolia</i>	Matai, Black pine
<i>Pseudopanax arboreus</i>	Whauwhaupaku, five finger

Local Purpose Reserves



Local Purpose Reserves are to be created between clusters of residential lots for the purpose of visual separation of built structures, for public access and for stormwater management purposes.

Recreation Reserve

A Recreation Reserve (approximately 11.923m²) shall be vested to Council to enable the extension of the Whakamaru camping ground.

Visual Mitigation Bund

A 5m wide x 2m high earth bund is to be established along the frontage of the site with Ongaroto Road to screen the site from view and help maintain the existing rural character. The bund itself will be preserved by consent notice on the future subdivision and planting on the bund will be protected by the Vegetation Covenant.

Building Design

All buildings (dwelling and ancillary) are designed to visually integrate with the surrounding landscape by placing controls on their height, location, and appearance. Buildings shall comply with the following standards:

- i. Maximum height: 6m
- ii. Exterior cladding materials: Natural timber (oiled or stained), painted timber or panel (subject to iv below), concrete (off the form finish, plaster finish or exposed aggregate) (subject to iv below), colour steel (subject to iv below), natural stone and/or brick, and weathering steel.
- iii. Exterior Colours and Reflectivity: Recessive colours that integrate with the colours and tones found in the surrounding landscape should be used on all exterior surfaces. Colours that are visually dominant or have a high contrast value should be avoided. Suitable colours include:
Colours from the BS 5252 range (or equivalent) identified in figure 3 below, subject to the following Light Reflectance Value (LRV) restrictions:
(1) Roof colours with an LRV between 5 – 13%
(2) Wall colours with an LRV between 5 – 23%.
(3) Trim colours with an LRV between 5 – 46% with a careful selection of natural colours.
Wall colours with a reflectance value of more than 46% are not acceptable.

Earthworks

The earthworks within each lot are restricted to the formation of the building pad and easing the associated cut and fill batters to integrate with existing contours. The use of retaining walls (visible from outside of the lot) should be avoided.

Fencing and Boundary Treatment

Where possible; boundaries should be unfenced or demarcated by hedging or informal planting. Urban and Close boarded fencing is not acceptable. If fencing is proposed, it shall be visually permeable and designed to maintain rural character. Suitable fencing types and boundary treatments include:

- Horizontal timber post and rail.
- Post and wire (farm fencing).

9.5.4 Summary

9.5.4.1 The Assessment concludes on page 43 of the LVA that:



*Overall from a landscape, natural character and visual amenity perspective, the effects of the proposed plan change will be **no more than minor**.*

9.5.4.2 The proposed development is consistent with the requirements and direction of the relevant landscape, natural character and amenity provisions of the RMA, WRPS and Operative South Waikato District Plan.

9.5.5 Land Covenant

9.5.5.1 It is suggested that detailed matters are to be included within future land covenants on Record of Titles at time of subdivision, specifically building design matters so that the developer (existing landowner) approves the quality of design to provide for a high quality environment and provide for wastewater management controls.

9.6 Ecological Effects

9.6.1 Potential Effects

9.6.1.1 The Assessment of Ecological Effects, prepared by 2 Awa Ecology and provided as Appendix 6.

9.6.1.2 A change of zoning and land use from rural to residential poses a range of potential adverse effects to the ecological values that have been identified onsite. The potential and actual effects of the proposed Plan Change relate to:

- *Effects on terrestrial fauna habitats;*
- *Effects on fauna due to disturbance and the ongoing land use change; and*
- *Effects from earthworks, sediment and stormwater.*

9.6.1.3 A summary of the findings is provided below:

9.6.1.4 Effects on terrestrial fauna

Despite the history of medication and disturbance, some indigenous vegetation does persist and this vegetation should be protected and enhanced where possible (ie the indigenous understorey of vegetation type 6).

The large exotic trees have low ecological value ... however they provide commuting and foraging habitat for threatened fauna.

To prevent weed colonisation, any open area should be hydro seed or mulched, this will also reduce the risk of erosion. (page 23)

The effects from vegetation clearance *is considered to be low*.

9.6.1.5 Effects on indigenous fauna

Birds

Only common non-threatened natives species were found on site *which have a low ecological value*.

Vegetation removal of mature trees should take place outside of peak bird breeding season (October to February inclusive). ... Avoidance of peak bird nesting season will reduce the magnitude of effects is considered very low, resulting in a low overall level of effect.



The proposed planting of indigenous vegetation in reserve areas throughout the site will improve the habitat for birds in the long term. (page 24)

Bats

Bats were found to be periodically utilising and occasionally feeding at the site.

Although bat activity was low to moderate and the habitat on site is considered of low quality, bats use the area (and wider area) for commuting and foraging, resulting in a low magnitude of effect and a moderate overall level of effect before mitigation.

Temporary effect of the vegetation removal will be minimised and mitigated through the establishment of the buffer zone planting prior to vegetation removal.

*Adverse effects will be adequately managed through the implementation of a BMP and the proposed mitigation and enhancement planting. Reducing the overall level of effects to **low**.*

*The effects of outdoor artificial lights will be minimised through low light design with a 0.3 lux limit at 10m from their source and a planted buffer zone which will prevent light spill over effects. These measures will reduce the overall level of effects to **low**. (page 25)*

Lizards

Provided a Lizard management Plan and enhancement measures are undertaken the magnitude of effect on lizards and their habitats *is considered to be **low***. (page 26)

9.6.1.6 Ecological Effects on Stormwater

The ecological effects on stormwater were found assessed by 2 Awa Ecology as:

*Ensuring stormwater is treated and detained on site will result in a **low** magnitude of effect and a low overall level of effect. (page 27)*

9.6.2 Specific Mitigation

9.6.2.1 The following measures are recommended by 2 Awa Ecology to protect and enhance the ecological values of the site:

- *Mitigating the effects of the vegetation removal of linear tree features which provide commuting and foraging habitat for bats through the establishment of a buffer zone using indigenous vegetation to separate the public reserve from private lots (with an average width of c.27 m and 5.58 ha).*
- *Any vegetation removal of mature trees should ideally take place outside of the peak bird breeding season (October to February inclusive). Tree felling should not occur during the period when bats are in torpor (1 May to 1 October). If tree removal cannot be achieved outside of the bird breeding season, then those areas should be assessed by an appropriately qualified ecologist for nesting birds immediately prior to vegetation removal (this can be undertaken at the same time as the pre-felling bat checks).*
- *The effects of artificial lights will be minimised through low light design with a 0.3 lux limit (at the site boundary) and a planted buffer zone which will prevent light spill over effects from the development.*
- *The sedge grassland in vegetation type 9 has been conservatively assessed as a wetland, until further assessment is undertaken at subdivision stage. Any earthworks or discharges in proximity to this vegetation type will need to ensure compliance with the National Environmental Standards for Freshwater (NES-F).*



- *It is anticipated that any potential adverse effects associated with contaminant discharge to the Waikato River at Lake Whakamaru will be able to be controlled and mitigated as long as they are fit for purpose and designed and incorporated and following best practice guidelines and regulations. This will need to be assessed at the detailed design stage.*
- *Areas of bare earth are immediately vegetated or covered to reduce the risk of erosion and sedimentation and weed colonisation on bare ground.*
- *A detailed Management Plan for the site, which will include the following:*
 - *Pest animal control measures, including but not limited to recommended methods, spacings of traps and frequency. Pest animal control is required in perpetuity.*
 - *Given the presence of threatened indigenous fauna onsite and in the wider environment (reserve area) and the close proximity existing SNA's including Lake Whakamaru, the control on domestic cats is recommended by way of a covenant. Cats are known predators of indigenous wildlife in New Zealand.*
 - *Fauna management plans if required. For example, any requirements required for bats to avoid, minimise and/or mitigate potential impacts on bats and will include avoidance timing and pre-felling bat protocols if potential bat roost trees are to be felled.*
 - *A detailed restoration planting plan including but not limited to the number and size of plants, control of weeds and ongoing maintenance and monitoring other specific considerations include:*
 - *Early planting of the mitigation/enhancement and reserve areas, ahead of development to provide habitat benefits as soon as possible is recommended.*
 - *Retention and enhancement of the indigenous understorey in vegetation type 6 and vegetation type 9.*
 - *Indigenous species planted should be from the Central Volcanic Plateau Ecological Region.*
 - *Monitoring of the near shore Waikato River (Lake Whakamaru) water quality pre, during and post construction to ensure that there is no adverse effect on the water quality. This will include samples for sediment, nutrients and E.coli.*

9.6.2.2 The table below provides an assessment of activities and the magnitude of the effects with and without mitigation.

Activity and effect	Ecological value	Magnitude of effect	Overall level of effect without mitigation	Overall level of effect with mitigation
Vegetation clearance	Moderate	Low	Low	Low
Fauna disturbance due to vegetation clearance– birds and lizards	Low to high	Low	Moderate	Low
Fauna disturbance due to vegetation clearance- bats	Very high	Low	Moderate	Low
Fauna disturbance due to artificial lighting – bats	Very high	Low	Moderate	Low
Sedimentation and erosion	High	Anticipated that potential adverse effects can be mitigated following best practice guidelines and regulations. This will need to be assessed at the detailed design stage.		
Stormwater	High			

Table 7 on page 33 of Ecological Impact Assessment



9.6.4 Summary

- 9.6.5.1 With the implementation of the recommendations by 2 Awa Ecology, the ecological impact of the proposed Plan Change will *in the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna* (page 4).

9.7 Archaeological, Historical and Cultural Effects

- 9.7.1 Archaeological effects are concerned with the potential to disturb archaeological material buried at the site. Heritage effects concern impacts upon any established structures or values of the site that generate heritage value. Cultural effects concern effects of the Plan Change upon tangata whenua, including tikanga and Te Ao Maori in respect of the site and its taonga (resources). Ngāti Raukawa are the kaitiaki (guardians) of the site and its taonga.
- 9.7.2 It is anticipated that the site is unlikely to contain sensitive archaeological or heritage features, given that the site was significantly excavated in 1955 by the hydro development of Lake Whakamaru. Refer to image in Figure 19 below. This corresponds to the lack of archaeological, heritage or waahi tapu sites or features recorded by SWDC, the New Zealand Archaeological Association or Heritage New Zealand Pouhere Taonga at the site. However, written confirmation that this is the case has yet to be received from tangata whenua.



Figure 19: Image of site in 1955 during construction of Lake Whakamaru as a hydroelectric power station on the Waikato River.

9.7.3 Iwi Consultation

- 9.7.3.1 Responses from iwi we have received to date have been constructive and supportive of the proposal. However no formal written consultation responses have been received to date from Raukawa Charitable Trust, Tūwharetoa Trust Board, Te Kotahitanga o Ngāti Tuwharetoa, Pouakani Trust Board and Te Arawa River Iwi Trust.

9.7.4 Summary and Specific Mitigation



- 9.7.4.1 For these reasons, any adverse archaeological, historic heritage or cultural effects are considered to be less than minor. No specific mitigation is needed as part of the plan change, or future subdivision.

9.8 Economic Effects

- 9.8.1 An Economic Cost-Benefit Analysis of the proposed private Plan Change for 1861 Ongaroto Road has been prepared by Urban Economics, dated 9 September 2022, and is provided in Appendix 12.

- 9.8.2 The Economic Analysis advises that the site is well positioned to attract households in demand of lifestyle housing, as Lake Whakamaru is a popular holiday and lifestyle location that offers a high level of natural amenity.

- 9.8.3 It is anticipated that the site would be attractive to retirees and lifestyle location seekers for either permanent resident or as secondary homes. The Economic Analysis details the growth in migration out from Auckland and of the increasing number of retirees.

Over the 2018-2020 period approximately 11,000 people migrated out of Auckland to other regions in New Zealand per annum. ... The North Island is expected to see a substantial 229,000 additional retirees over the 2021-2031 period, approximately the size of Hamilton City. A large proportion of this age group prefer to relocate to lifestyle locations. (page 4)

- 9.8.4 The most useful benchmark for the plan change site is the Waipamu Station subdivision. *Of the total completed houses, approximately 55% are utilised as holiday homes and 45% are utilised for permanent use. A similar split is anticipated for the proposed development.* (page 4)

- 9.8.5 When comparing economic effects of the proposed plan change with the status quo, the Analysis advises that the site was utilised for a forestry use *it would result in a total of 1 FTE job and would contribute \$0.2 million to GDP.*

The proposal would result in an estimated net benefit over the base case of 197 FTEs and a \$28.1 million contribution to GDP. (page 17)

- 9.8.5 The report concludes that the proposal presents *a net economic benefit and is recommended for approval* (page 22).

9.8.6 Summary

- 9.8.6.1 The findings from the report confirm that there is increasing demand for housing in lifestyle locations. The proposal would contribute towards meeting this growing demand and therefore meets the provision of the RMA.

9.9 Loss of Forestry/Agricultural Production

- 9.9.1 Titus Consulting Engineers have undertaken a site specific assessment – Land Use Capability Report, dated 27th November 2002 and provided as Appendix 5. The Report advises that 83% of the site has a land use classification of 4e26 (on gentle sloping) and 17% is 6e (on steeper slopes). The soil is pumice stony soil and readily drains. The sloping site and characteristics of the soils makes them susceptible to erosion. These are not considered to be high class soils nor Highly Productive Land.

- 9.9.2 The loss of land from rural production is a loss to forestry over a relatively small land parcel in terms of forestry production land.



9.9.3 Summary and Specific Mitigation

9.9.3.1 Overall, the loss of forestry/rural production from the site is less than minor.

9.10 Reverse Sensitivity

9.10.1 Reverse sensitivity effects occur when new proposed uses are sensitive to or incompatible with established neighbouring uses and would generate a risk of constraining the existing activities. In the context of rural-residential development into a rural area, common sources of reverse sensitivity include noise, odour, pest management activities.

9.10.2 Reverse sensitivity issues are unlikely to arise given that the nearest forestry plantation is on the opposite side of SH30 and thus at a significant setback distance from the site to mitigate any potential effects of logging and truck movements.

9.10.3 Furthermore, a planted bund of 5m minimum width x 2m high is proposed at site frontage to state highway which will provide both a visual and an acoustic buffer. It is proposed that the buffer is constructed and planted at subdivision stage and prior to buildings being constructed. It is anticipated that the maintenance of the bund for the purposes of visual and noise mitigation would be included in a consent notice on future Records of Title.

9.10.4 The adjacent River/Lake will provide a landscape setting and environment which is attractive for future residents. Each proposed lot will be large enough for compliant setbacks between the building platforms and boundaries which will assist preventing noise issues relating to reverse sensitivity of neighbouring rural land.

As requested by Fish and Game in their consultation response (Appendix 14) and to address the reverse sensitivity issue for future residents, the Applicant suggests to South Waikato District Council that the following wording be applied to land covenant on the future Record of Titles at subdivision stage:

The present and future owners acknowledge that Lake Whakamaru and the adjoining reserve are public places. The effects of lawful recreational activities, including, but not limited to camping, motorboat sports and fish and game sports may generate amenity effects, including noise.

9.10.5 Summary and Specific Mitigation

9.10.5.1 This Plan Change will have no reverse sensitivity consequences, however to address the concern of Fish and Game, a land covenant will be registered on the current title advising that Lake Whakamaru and the adjoining reserve are public places and that lawful recreational activities may generate amenity effects, including noise.

9.11 Amenity and Social Effects

9.11.1 Social effects concern the intended and unintended social consequences of the proposed Plan Change, over and above effects to persons and communities. Important factors to social wellbeing includes:

- Community cohesion and stability;
- Quality of living, way of life and material well-being of community members;
- Accessibility social/community facilities and services;
- Culture and identify of an area and its residents.



- 9.11.2 The Plan Change will permit the (future) subdivision/construction of rural residential dwellings and ancillary social infrastructure, such as reserve and pedestrian networks. The proposed development will provide lifestyle housing beside Lake Whakamaru and as such will offer a high level of natural amenity as both a popular holiday and lifestyle location. This will attract and retain residents and visitors to the area. By providing a high -quality lakeside environment the development will encourage a sense of neighbourhood and have spin-off of beneficial social aspects that are associated with a small community feel where care of the surrounding environment is fostered.
- 9.11.3 When viewed from the waterfront, the additional reserve land proposed on the western side of the site will provide a green planted buffer to the hard landscaping, roads and built form of dwellings and will reduce the change from rural land and to an identifiable community lakeside area.
- 9.11.4 The proposed Plan Change would not create any barrier to members of the community accessing the lake and camping facility which is located to the north of the site. The Waikato River trail will run parallel to the western site boundary (to be vested to Council). The proposed access (road, footpath and cycle trail provision) will ensure that the site is integrated into the existing as opposed to a secluded/separated and incohesive addition to the locality.
- 9.11.5 The proposed rezoning of the subject site will provide additional employment opportunities both during the construction phase and with ongoing servicing and local business support. The Economic Analysis, prepared by Urban Economics, estimates that it would generate an additional 237 FTE jobs over the base case of forestry. The additional development will further support existing community activities/businesses which will strengthen community cohesion, stability and resilience within the district.
- 9.11.6 **Summary and Specific Mitigation**
- 9.11.6.1 Any adverse amenity and social effects of enabling future rural-residential development as sought by this Plan Change are considered to be less than minor and therefore acceptable. No specific mitigation is required.

9.12 Conclusion

- 9.12.1 The overall environmental effects are anticipated to be less than minor. The infrastructure, geotechnical and contamination investigations have confirmed that there are no reasons why the site is inappropriate for rural-residential rezoning. The transportation effects are anticipated, by CKL, to be less than minor. The effects of the proposed plan change on landscape, natural character and visual amenity are anticipated, by Mansergh Graham Landscape Architects, to be no more than minor. We are not aware of any archaeological, historical or cultural reason why the plan change should not proceed.



10 SECTION 32 EVALUATION

10.1 Statutory Requirements of Section 32 of the RMA

10.1.1 Before a proposed Plan Change is publicly notified an evaluation must be carried out by the person making the request. An evaluation under Section 32 of the RMA must examine:

- a) *The extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act; and*
- b) *whether, the provisions in the proposal are the most appropriate way to achieve the objectives by:*
 - i) *identifying other reasonably practicable options for achieving the objectives; and*
 - ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - iii) *summarising the reasons for deciding on the provisions; and*
- c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

10.1.2 As established in this report, the Plan Change is an ‘amending proposal’ in accordance with s32(3).

10.1.3 Section 32(6) clarifies that where no actual objectives are stated in the proposal, the objective is the purpose of the proposal.

10.1.4 In assessing the efficiency and effectiveness of the provisions, the evaluation must also:

- Identify and assess the benefits and costs of effects, including opportunities for economic growth and employment;
- If practicable, quantify these benefits and costs;
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

This is undertaken in section 10.4 below. The evaluation also relies on the assessment of environmental effects in section 9; and the assessment against statutory and non-statutory documents in section 8.

10.1.5 A Ministry for the Environment guide to Section 32 (MfE (2017) A Guide to Section 32 of the Resource Management Act 1991) notes that Section 32 case law has interpreted ‘most appropriate’ to mean *“suitable, but not necessarily superior”*. *“Effectiveness”* is noted in the guide as assessing the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address. *“Efficiency”* is noted as measuring whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary.

10.1.6 This assessment acknowledges that the s32 evaluation is an iterative process that will continue through the Plan Change lodgement and submission process.



10.2 Evaluation of National Objectives

10.2.1 Section 32(1)(a) requires an examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. This is primarily achieved through an assessment of the proposed objectives in terms of the higher order national and regional plans. Refer to section 8 above.

10.2.2 The purpose of the RMA is only achieved when the s5(a)(c) matters: the sustainable management of natural and physical resource, have been adequately provided for within a district plan. As the proposal seeks, primarily, to adopt the existing District Plan provisions, the national objectives and the purpose and principals of the RMA are deemed to be achieved through this proposal.

10.3 Assessment of the Options to Achieve Objectives of the Development

10.3.1 Practicable alternative options for achieving the objectives of the Development are to be considered as required by s32(10 and 32(2) of the RMA.

10.3.2 In assessing the benefits and costs, efficiency and effectiveness, alternatives and risks of the Plan Change, three options have been considered:

- a) Leave the area zoned Rural (status quo);
- b) Rezone the site as proposed and bespoke rule amendments;
- c) Apply for resource consent for subdivision and development under the current zoning.

10.3.3 An assessment of the options is provided in the table below:

	Option 1 Maintain rural land (status quo)	Option 2 Rezone & bespoke rule changes	Option 3 Retain status quo and apply for resource consent
Cost	<p>Does not meet lifestyle housing demand nor improve choice.</p> <p>Does not improve or enhance the site's ecological value. The Ecological Assessment found that vegetation on site had low ecological value except for the regenerating indigenous understory which has low to moderate value.</p> <p>No creation of jobs or support to local businesses. The Economic Cost-Benefit</p>	<p>Change in character and amenity of site from rural to rural-residential. The Landscape, Natural Character and Visual Effects Assessment advises (page 25) that <i>the proposal will have a low-moderate (minor under the RMA) adverse effect on the key features and the overall characteristics of the landscape within and immediately surrounding the site.</i></p> <p>Increase in traffic generated on local road</p>	<p>Existing and future purchasers would need to obtain consents from South Waikato District Council if they were to alter uses beyond what is permitted in the ODP. These would be for non-complying activities. Piecemeal development layouts will detract from the overall intention of a comprehensive approach sought via the structure plan.</p> <p>Restricted timeframe in which land has to</p>



	<p>Analysis estimated the site in forestry use would result in a total of 1 FTE job and would contribute \$0.2 million to GDP.</p> <p>Lost opportunity for restoration and enhancement of the site ecologically and culturally (through native planting in individual lots (through Vegetation Covenant) and local purpose reserves).</p> <p>No economic return for SWDC.</p> <p>Ad hoc development could be undertaken.</p>	<p>network. CKL's ITA estimate this to be 561 vehicles per day.</p> <p>Additional infrastructure capacity required, to be provided at developer's cost.</p> <p>Loss of forestry/low productivity rural land. The LUC has affirmed that the existing rural land is not considered to be high class soil nor Highly Productive Land.</p> <p>Less certainty of precise effects than consenting, noting that consenting is still required with this option.</p>	<p>be development and houses built, leading to potential economic costs for landowner/developer.</p> <p>Less flexibility in being able to develop the land.</p> <p>The scope of influence for iwi is greater via a Plan Change than with staggered consents.</p> <p>No certainty for the developer or future owners.</p> <p>No economic return for SWDC.</p> <p>No economic return for local businesses.</p> <p>Ad hoc development could be undertaken.</p> <p>Lost opportunity for restoration and enhancement of the site ecologically and culturally (through native planting in lots through Vegetation Covenant and local purpose reserves).</p>
Benefit	<p>Maintains the existing character and amenity of the area.</p> <p>No time or costs arising from a Plan Change process.</p> <p>No additional demands on infrastructure.</p>	<p>Increases the availability of allotments/houses within locality, particularly to meet an evident need and lifestyle choice within the district and will potentially attract incomers to the district. Additional supply of lifestyle housing will</p>	<p>Council has full discretion over future uses and development.</p> <p>Council has the ability to place stricter controls on the development through consent conditions than may</p>



	<p>No effects on versatile soil resources.</p>	<p>assist in reducing market competition and price rises.</p> <p>The Structure Plan enables the full site to be master planned and rural interface and interface with Reserve land/lake considered.</p> <p>Economic benefit to Council with larger rate base through additional properties.</p> <p>Economic benefit to local businesses. The Economic Cost-Benefit Analysis advises (page 17) that <i>the proposal would result in an estimated net benefit over the base case of 197 FTEs and a \$28.1 million contribution to GDP.</i></p> <p>Holistic and comprehensive consideration of site through structure plan and thereafter development concept plans at time of subdivision.</p> <p>Potential for ecological enhancement considered across the site. The Ecological Assessment advises (page 4) that <i>in the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna.</i></p>	<p>be possible through a Plan Change.</p> <p>More frequent opportunities to challenge consent applications and address specific amenity concern as applications are submitted.</p>
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		<p>Enables engagement of iwi early in the process, rather than a raft of piecemeal consents and consultations.</p> <p>Improved public access to lake Whakamaru.</p> <p>Improved cycle trail alignment.</p> <p>Provides an opportunity for SWDC to own land abutting lake Whakamaru rather than lease it from the Crown, which enhances the wellbeing (opportunities) of people in the District.</p>	
Effective/ Efficiency	<p>It is an inefficient and highly ineffective means of achieving any residential development on the site. It restricts the opportunity for people to live in a rural environment to those involved in primary production. Although option 1 would continue to achieve the rural zone objectives of the ODP.</p>	<p>This is considered to be an efficient means of contributing to meet the lifestyle component of the property market in the district. This specific location will ensure that the potential loss of productive use of rural land is limited, and its location and structure plan seeks to avoid conflict that can occur between rural lifestyle and production activities.</p> <p>The proposal involves minimal changes to the ODP.</p> <p>It is intended that existing Rural-Residential Zone provisions will apply to the subject land, with the exception of the bespoke rule changes.</p>	<p>Whilst option 3 could deliver the same outcome as option 2 it is an inferior route in terms of efficiency of process and does not provide the same medium-term certainty to the landowners and other stakeholders.</p> <p>Ineffective in terms of piecemeal approach, and in terms of process and lack of certainty around outcome.</p>



		<p>These changes relate to the exclusion of lot size average (to enable larger reserve area and smaller lot sizes); and the alteration of maximum building height and building materials/reflectivity that are more restrictive than existing standards. The Landscape, Natural Character and Visual Assessment on page 41 states:</p> <p><i>Existing amenity values associated with ONL5 will be maintained and enhanced through the implementation of restoration planting and the proposed design and mitigation requirements identified in the proposed provisions and structure plan.</i></p> <p>A concept development plan for the Plan Change area is provided for illustrative purposes.</p> <p>With a Plan Change the intended land use outcomes can be properly and spatially defined and comprehensively tested for acceptance by the community.</p> <p>A Plan Change allows for the detailed environmental effects to be assessed by Council at the application stage and in more detail at the</p>	
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		subdivision stage when sufficient design has been undertaken.	
Risk	Residents (existing and future) will seek to live outside the district.	Given the technical assessments accompanying this Plan Change application, there is minimal uncertainty or missing information. It is therefore considered that there are no notable risks of acting or not acting.	<p>High difficulty of obtaining resource consent for non-complying status for residential activity on rural zoned land that would be inconsistent with objectives and policies of district plan rural zoned land and the density of development reasonably expected for such land. There is a high risk that such applications would be unsuccessful and the level of detail likely to be required to accompany individual resource consent applications would be substantial.</p> <p>Subsequently, a Plan Change would still be needed to tidy up to the zone to match what has delivered on the ground.</p> <p>Possibly higher costs to develop land through the placing of tighter controls on the development by way of strict conditions of consent.</p>
Overall	<p>By seeking a Plan Change for the site this approach avoids the potential for ad hoc subdivision, will avoid an uncoordinated pattern of residential development within the rural zone and is consistent with sustainable management of natural resources which is required of Council under the RMA.</p> <p>The economic, social and environmental benefits of the Proposed Plan Change and bespoke change to the Rural-Residential rule provisions outweigh the potential costs. On this basis, the proposed rezoning is</p>		



	<p>considered to be an appropriate, efficient and effective means of achieving the purpose of the RMA. The proposed rezoning does not conflict with the District Plan or the Waikato Regional Policy Statement. Rezoning is the most efficient way of ensuring District Plan integrity.</p> <p>Rezoning of the land and bespoke rule amendments will ensure that the future development provides a high environmental amenity and is not detrimental to the natural character of the surrounding area and ONL. The proposed Plan Change will provide alternative living and lifestyle choice within the district. The site provides a diversity of proposed lot sizes and shapes and has adequate space to address the rural interface and interface with adjoining Reserve and lake beyond.</p> <p>The specialist reports (provided as Appendices) confirm that the site will afford minimal interference with other land use activities and the potential adverse effects can be anticipated and measures adopted to avoid, remedy or mitigate the effects.</p> <p>In conclusion, the Plan Change is seen as the best practicable option for achieving the purpose of the RMA.</p>
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10.4 Assessment of Objectives and Policies of the ODP

10.4.1 Section 32(1)(b) requires an examination of whether the proposed Plan Change provisions are the most appropriate way of achieving the District Plan objectives. The proposal does not involve any new objective or the alteration of any existing objectives of the South Waikato Operative District Plan. The existing objectives are the most appropriate for achieving the purpose of the RMA, having previously been assessed as such.

10.4.2 The proposal is assessed against the existing objectives and policies in the table below:

<i>Tangata Whenua Values</i>		
<i>Objective</i>	<i>Policy</i>	<i>Assessment</i>
<p><i>3.3.1 The health and wellbeing of the Waikato River.</i></p> <p><i>To restore and protect the health and wellbeing of the Waikato River and to ensure that the objectives of the Vision and Strategy for the Waikato River are achieved.</i></p>	<p><i>3.4.3 Give effect to the Vision and Strategy for the Waikato River when considering resource consent applications and in reviewing, changing and administering the district plan.</i></p>	<p>Te Ture Whaimana o te Awa o Waikato - The Vision and Strategy for the Waikato River recognises the significance of the Waikato River, with the vision, objectives, and strategies applicable to Waikato River tributaries and catchment. Te Ture Whaimana o Te Awa o Waikato is acknowledged as the primary, direction-setting document for the Waikato River and activities are required to provide for the protection and restoration of the Waikato</p>



		<p>River, and that this will require “betterment” to an extent proportionate with the scale of the activity and its effects. Although there are no freshwater habitats onsite, the site is near the Waikato River.</p> <p>The proposed zone change will enable a subdivision which will maintain, restore and/or protect the health and wellbeing of the River by the following mechanisms:</p> <p>(1) To minimise potential effects of onsite wastewater discharges on the Waikato River/Lake Whakamaru, onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems (as recommended in Ormiston Associates’ report on wastewater).</p> <p>(2) Vesting land as recreation reserve and registering a Vegetation Covenant on the Titles of individual lots to create a buffer between the houses and Lake Whakamaru.</p> <p>(3) Indigenous species planted will be from Atiamuri Ecological District (as recommended in the Ecological report).</p>
<p><i>3.3.6 Kaitiakitanga</i> <i>To acknowledge and provide for the kaitiaki role of tangata whenua when assessing proposals for subdivision, use and development.</i></p>	<p><i>3.4.5 Give effect to co-management through establishing processes for engagement and early involvement in key processes, including RMA policy and plan making and resource consent processes, to ensure matters of significance to Māori are fully considered.</i></p>	<p>Early consultation was initiated with tangata whenua. Responses from iwi we have received to date have been constructive and supportive of the proposal. However, no formal written consultation responses have been received to date from Raukawa Charitable Trust, Tūwharetoa Trust Board, Te Kotahitanga o Ngāti Tuwharetoa, Pouakani</p>



		Trust Board and Te Arawa River Iwi Trust. Consultation is ongoing.
	<i>3.4.6 Have regard to relevant planning documents such as the Raukawa Environmental Management Plan when considering resource consent applications and in reviewing, changing and administering the district plan.</i>	It is considered that the proposed Plan Change will not affect the ability of Raukawa to achieve the vision of their Environmental Management Plan 2015. The structure plan and illustrative development concept plan and Ecological Assessment provide for ecological enhancement across the site which is to be undertaken at the time of the developing the Plan Change area. Overall the proposal is considered to be consistent with the Te Rautaki Taiao A Raukawa.
<i>3.3.8 Public Access To improve public access to the Waikato River, Te Waihou and other waterways within the District to better enable recreational and cultural opportunities.</i>	<i>3.4.8 Improve public access to and along the Waikato River, Te Waihou and other waterways by requiring esplanade reserves or esplanade strips at sites identified on the planning maps at the time of subdivision and by keeping options open for future public use of the river edge through enforcing building setbacks</i>	<p>Through the Structure Plan requirements and the future subdivision, public access to the land adjacent to the lake will be improved due to the proposed public road formation and vesting. This will provide direct, safe and sealed access for the public.</p> <p>Under the proposed future subdivision, the Waikato River Trail cycle path will be slightly re-aligned and some land that the trail crosses will be vested in council. This will improve public access along the river, making it a public facility, rather than one that could be severed when on private land.</p> <p>The proposed vesting of reserve land in Council at the subdivision stage will also 'keep options open' for future public use.</p>
Conclusion		It is my assessment that the proposal is the best way to achieve the objectives and policies of the District Plan,



		and therefore the purpose of the RMA.
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Rural Areas		
Objective	Policy	Assessment
<i>5.2.1 To maintain the productive capabilities of the rural land resource for primary production activities</i>	<i>5.3.1 Maintain the availability of the rural land resource to be used for primary production purposes.</i>	The LUC report prepared by Titus confirmed that the land had limited productive capabilities, with 83% of the site having a land use classification of 4e26 (on gentle sloping) and 17% is 6e (on steeper slopes). The sloping site and characteristics of the soils makes them susceptible to erosion and they are not ideal for productive use long term. . As such the removal of the land from rural zoning will not result in any significant loss of the productive capability of the rural land resource.
<i>5.2.4 To provide for the maintenance of the ecological values in the rural area and protection of its outstanding landscape values, and to conserve the cultural and heritage values of sites, while enabling primary production and other activities in a rural location.</i>	<i>5.3.2 Promote land management practices that are consistent with: The productive capabilities of the soil/land resource, The natural character of wetlands, lakes and rivers and their margins, The protection of significant natural areas, outstanding natural features and landscapes, and The maintenance or enhancement of indigenous biodiversity.</i>	The Ecological Assessment (page 3) advises that: <i>Vegetation on site has low ecological value except for the regenerating indigenous understory which has low to moderate value.</i> The overall level of effect of the proposal on terrestrial fauna without mitigation is likely to be <i>moderate</i> . However with appropriate enhancement (as proposed by 2 Awa Ecology and described in section 9.6.2 above) <i>in the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna</i> (page 4). The future subdivision will therefore go beyond the objective, and enhance the ecology of the area, rather than just maintain it.



		<p>The Waikato River/Lake Whakamaru has an Outstanding Natural Landscape designation. The proposed building height restriction of 6m (amendment to Rule 29.4.4a) is to take account of the site and surrounding topography and to ensure that views across the site to the River/lakefront are not inhibited and views from the River/lake of the rural land beyond the site are not overly dominated by built forms. This proposed amendment is guided by consultation with SWDC and Raukawa Charitable Trust.</p> <p>The Landscape, Natural Character and Visual Assessment advises on page 39:</p> <p><i>Existing ecological values will be enhanced through a requirement to undertake restoration planting within a landscape buffer area within the site. This, and the proposed mitigation recommendations, to be integrated with the structure plan, will ensure that existing ecological values in the rural areas and the values associated with the ONL are maintained and enhanced.</i></p> <p>The retirement of the land from forestry and use for rural residential activities will include (and therefore promote) management to enhance the riparian edge and indigenous biodiversity through proposed buffers, planting and other measures to protect indigenous fauna from adverse effects.</p>
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<p>5.2.8 <i>To safeguard people, properties and the environment from the adverse effects of natural hazards.</i></p>	<p>5.3.3 <i>Avoid development and land management practices that result in adverse environmental effects from natural hazards such as erosion, flooding, subsidence or landslip.</i></p>	<p>The Site Suitability and Natural Hazards Assessment, prepared by Titus Consulting Engineers, advises that the site is not subject to known significant natural hazards. A detailed Liquefaction assessment on this site has found that liquefaction is unlikely and site may be classed as TC1.</p> <p>Slope instability may affect the sites where slopes are up to 25% in some places. On these lots building restriction zones will be noted, where development within these areas will require specific engineering design. (page 5)</p> <p>There is sufficient space on site to avoid buildings being constructed on slopes steeper than 25 degrees.</p> <p>The Engineering Assessment and Infrastructure Design Report, prepared by Titus Consulting Engineers, advises (on page 27) that: <i>The minimum final floor levels to the underside of the floor slabs/joists, whichever is applicable, is to be a minimum of 229.16mRL (228.66 + 0.5m) or the requirements of the Building Code with respect to adjacent ground.</i> (These levels are based on levels provided by Mercury Energy and WRC.)</p> <p>With these measures, adverse effects on natural hazards and of natural hazards will be avoided.</p>
	<p>5.3.4 <i>Minimise risks to the health and safety of people by controlling the location and design of subdivision and buildings in areas subject to natural hazards.</i></p>	
	<p>5.3.7 <i>Avoid subdivision, use and development in the rural area</i></p>	<p>N/A</p>



	<i>that does not have an operational or other legitimate requirement for a rural location.</i>	The proposed Plan Change seeks to rezone rural land to rural residential.
	<i>5.3.9 Provide for the subdivision, use and development of land for rural residential activities in specifically-zoned locations.</i>	Future rural residential subdivision would be enabled once the zone changes, via (predominantly) the existing provisions in the District Plan.
	<i>5.3.11 Avoid, remedy or mitigate the adverse effects of activities on the existing character and amenity of the surrounding rural area and avoid those activities that would cause reverse sensitivity concerns for established rural based activities (including existing network utilities and infrastructure).</i>	<p>Potential reverse sensitivity effects are either avoided or mitigated through the following:</p> <ol style="list-style-type: none"> 1. The nearest forestry plantation is on the opposite side of SH30 and thus at a significant setback distance from the site to mitigate any potential effects of logging and truck movements. 2. A planted bund (2m high x 5m wide) is proposed (at subdivision stage) at site frontage to the state highway which will provide a visual and acoustic buffer. 3. The adjacent River/Lake will provide a landscape setting and environment which is attractive for future residents. 4. Each proposed lot will be large enough for compliant setbacks to provide buffers between the lifestyle sections. <p>As requested by Fish and Game in their consultation response (Appendix 14) and to address the reverse sensitivity issue for future residents, the Applicant proposes a land covenant be registered against the titles which states:</p>



		<i>The present and future owners acknowledge that Lake Whakamaru and the adjoining reserve is a public place. The effects of lawful recreational activities, including, but not limited to camping, motorboat sports and fish and game sports may generate amenity effects, including noise.</i>
<p>5.2.9 <i>To identify and address possible effects from activities in rural areas in catchments in the district, and on the health and wellbeing of the Waikato River and its catchment during decision making.</i></p>	<p>5.3.14 <i>Promote rural residential development only in zoned locations which:</i></p> <ul style="list-style-type: none"> - <i>Achieve cluster development, and avoids the layout of lots in a lineal pattern along roads</i> - <i>Separates access and through-traffic functions in an effective manner</i> - <i>Requires adequate separation distance from the Waikato River and hydro electric power operating easements</i> - <i>Requires adequate separation distance between the national electricity transmission lines and new rural residential development</i> - <i>Safeguards the landscape character, visual amenity and biodiversity values of the Waikato River valley by encouraging development to be sited and designed to be sympathetic with the landform and landscape, and existing vegetation, and the building materials and cladding of structures do not dominate the outlook visually or physically from or to the locality.</i> 	<p>The Plan Change area would be part of the cluster of riverside/adjacent to Reserve Rural-Residential zoned locations identified in the District Plan, and would not be random allocation. To minimise the effect of the lineal pattern of lots along SH30 a planted buffer bund (5m minimum width x 2m high) is proposed. Given the shape of the land and site context, lineal pattern is required. The depth of the site allowing 4 sections deep in places will reduce that lineal effect. Refer to the Landscape, Natural Character and Visual Assessment.</p> <p>Access into the Plan Change area will be from a single intersection from SH30. A consent notice on future Records of Title will provide for no direct access onto the state highway from individual lots. To separate access and through traffic, CKL recommend in their ITA that a right turn bay is provided on SH30 to assist vehicles turning right into the site.</p> <p>Separation distance from Waikato River is provided and land is not affected by a hydroelectric power operating</p>



	<p><i>Avoids, remedies or mitigates reverse sensitivity effects, including by imposing appropriate standards and conditions on development.</i></p>	<p>easement. The site is not affected by and is setback from national electricity transmission lines.</p> <p>The illustrative concept plans for the Plan Change area demonstrates how the proposal will fit into the existing landform and surrounding landscape. With the adoption of the integration mitigation measures outlined within the Landscape, Natural Character and Visual Assessment, the proposed rezoning and future development will be sympathetic to the landscape character, visual amenity and biodiversity values of the Lake Whakamaru/Waikato River setting. This includes the proposed amendments to Rules 29.4.4a in respect of 6m building height restriction and Rule 29.4.5 to provide for appropriate building material and reflectivity relative to the site's surrounding area. The future development can, with the proposed integration mitigation measures, be sited and designed to be sympathetic with the landform and landscape.</p> <p>The Landscape, Natural Character and Visual Assessment at page 39 advises:</p> <p><i>The controls on building materials and cladding of structures will ensure that the proposed Plan Change development will not dominate the outlook visually or physically from or to the locality.</i></p> <p>The Ecological Assessment (page 3) states that:</p>
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		<p><i>Vegetation on site has low ecological value except for the regenerating indigenous understory which has low to moderate value.</i></p> <p>Recommended measures, including the use of indigenous species in revegetation and enhancement on site, can form conditions of consent for (future) subdivision.</p> <p>No reverse sensitivity issues will occur on existing rural land uses on neighbouring land.</p>
	<p><i>5.3.18</i> <i>To minimise the potential for adverse effects of rural residential subdivision, use and development at the interface of the Rural and Rural Residential zones with other zones.</i></p>	<p>The proposed bund along site frontage to Ongaroto Road will minimise effects at the interface of the rural residential zone to rural zone. There are no other interfaces of any significance.</p>
	<p><i>5.3.20</i> <i>Manage the adverse effects of land use change or intensification, upon wetlands, waterways and indigenous biodiversity.</i></p>	<p>The potential adverse effect of the intensified land use change on the lake and biodiversity will be managed under the future subdivision/structure plan. Provisions proposed include (but not limited to):</p> <ol style="list-style-type: none"> 1. Land to be vested to Council to provide for a wider area of recreation reserve. 2. A Vegetation Covenant registered on the Records of Title of individual lots will act as a buffer between the reserve land (wetland and water body) and the proposed residential development. 3. The planting of this with eco-sourced plants will enhance



		<p>the existing habitat for indigenous fauna.</p> <p>4. Requirement for wastewater systems to be secondary treatment systems; and</p> <p>5. Setbacks on steep land.</p>
	<p><i>5.3.21</i> <i>To achieve the Objectives of the Vision and Strategy for the Waikato River by managing subdivision and land use within rural areas located within the River catchment in a way that restores and protects the health and wellbeing of the Waikato River, including by;</i></p> <p><i>a) Limiting rural residential development to specific zoned areas</i></p> <p><i>b) controlling hazardous substances use and storage</i></p> <p><i>c) requiring setbacks from waterways</i></p> <p><i>d) including standards for vegetation disturbance, earthworks, silt and stormwater control</i></p> <p><i>e) managing the effects of large scale land use change</i></p> <p><i>f) maintaining significant indigenous biodiversity associated with the River</i></p> <p><i>g) managing activities on the surface of waterways</i></p> <p><i>h) creation of new esplanade reserves or strips.</i></p>	<p>The proposed rezoning of land is an effective way of limiting the extent of future rural residential development to the Plan Change site, and would not set a precedent for future development on neighbouring rural land.</p> <p>No hazardous substances are proposed to be used or stored onsite (except for permitted residential use).</p> <p>On site soakage is considered suitable, by Titus Consulting Engineers, for disposal of stormwater across the development with secondary flow paths available to direct runoff to the adjacent lake reserve, proposed reserves and roading areas within the subdivision. Where secondary overland flow paths for runoff from developed lots are not available to road or reserve areas, appropriate flow paths shall be designated.</p> <p>The Structure Plan establishes the setback from the Lake/adjoining Reserve (at least 20m from edge of River/Lake) and allocates the abutting land on south-western side of site to be vested to Council as additional recreation reserve land. A Vegetation Covenant registered on the Records of Title of individual lots will provide a buffer to waterway, riparian land and reduces any</p>



		potential effect of the land use change.
Conclusion		It is my assessment that the proposal is the best way to achieve the objectives and policies of the District Plan, and therefore the purpose of the RMA.

Landscape and Natural Values		
Objective	Policy	Assessment
6.2.1 <i>To recognise the outstanding natural features and landscapes in the district and protect the landscape values within these areas from inappropriate subdivision, use and development.</i>	6.3.1 <i>Identification of outstanding natural features and landscapes, and active management to ensure that the landscape values are recognised and protected from the adverse effects of inappropriate subdivision, use and development.</i>	<p>The Landscape, Natural Character and Visual Assessment advises on page 41:</p> <p><i>The proposed rezoning will enable development within the ONL at a scale or intensity that will not adversely affect its key attributes and values.</i></p>
6.2.4 <i>To preserve the natural character of wetlands, lakes and rivers (and their margins) in the district, and protect them from inappropriate subdivision, use and development.</i>	6.3.2 <i>Subdivision, use, and development should avoid, remedy or mitigate adverse effects on the values that contribute to an area being an outstanding natural feature or landscape, in particular by avoiding, remedying or mitigating the adverse effects of activities such as indigenous vegetation clearance, wetland drainage, large-scale landform modification, and construction of large or otherwise visually prominent structures, buildings and earthworks that will adversely affect those values identified.</i>	<p>Whilst scenic, the landscape surrounding the site has been highly modified by the formation of the hydro lake, pastoral and forestry activities and the built environment (Whakamaru township and hydro generation facilities).</p> <p>The Landscape, Natural Character and Visual Assessment on page 41 advises:</p> <p><i>The margins of Lake Whakamaru will not be physically affected by the proposed rezoning. While the appearance of the site will change, existing natural character values will remain unchanged.</i></p> <p>The Assessment advises on page 23 that:</p>



		<p><i>Adverse effects on natural character associated with development within the site will be balanced by the positive effects associated with the restoration and buffer planting between the reserve and areas to be developed. The proposed rezoning will have a neutral effect on the natural character values of the adjacent lake edge.</i></p>
	<p>6.3.5 <i>Ensuring that earthworks and buildings within identified significant amenity landscapes are of a compatible scale that maintains the attributes that contribute to the landscape values of these areas.</i></p>	<p>The proposal will comply with District Plan Rural Residential Rule 29.4.12 that earthworks shall not be carried out within 10m of the edge of a wetland or lake or within the riparian setback to the banks of a river.</p> <p>The Structure Plan advises that earthworks within each lot are to be restricted to the formation of the building pad and easing the associated cut and fill batters to integrate with existing contours. The use of retaining walls (visible from outside of the lot) should be avoided.</p>
<p>6.2.5 <i>To identify, and maintain or enhance the values of the district's indigenous biodiversity including by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p>	<p>6.3.7 <i>Subdivision, use and development shall avoid the loss or degradation of areas of indigenous vegetation and habitats of indigenous fauna, whether these areas and habitats are significant or not, in preference to remedying or mitigating adverse effects on those areas or habitats.</i></p>	<p>The Ecological Assessment found (page 3) that:</p> <ul style="list-style-type: none"> - <i>Vegetation on site had low ecological value except for the regenerating indigenous understory which has low to moderate value.</i> - <i>Fauna surveys onsite detected both indigenous and exotic bird species that are common to open country and waterbodies. Birds with a threat status have been recorded utilising adjacent lake/riverine habitats and they may visit the site from time to time.</i>



		<p>- <i>Long-tailed bats (Threatened – Nationally Critical) have been recorded in the wider environment. Bat surveys indicate a relatively low to medium detection of bats, indicating that bats were periodically utilising and occasionally feeding at the site during the survey period.</i></p> <p>- <i>No freshwater streams were present on site and the sedge grassland in vegetation type 9 has been conservatively assessed as a wetland, until further assessment is undertaken at subdivision stage.</i></p> <p>Recommended ecological measures will form conditions of consent at subdivision stage. Refer to section 9.6.2 above.</p> <p><i>In the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna (page 4).</i></p>
<p><i>6.2.6 To maintain and enhance public access to lakes and rivers in the district, particularly those locations identified as being of high priority due to their ecological or recreational values, where public access is compatible with protecting ecological values.</i></p>		<p>Public access to the Reserve land adjacent to the lake will be improved due to the proposed public road access. Under the proposed future subdivision, the Waikato River Trail cycle path will cross public land (land to be vested to Council for reserve) rather than privately owned land.</p>
<p><i>6.2.7 To maintain and enhance amenity values within outstanding natural landscapes and features, and</i></p>	<p><i>6.3.10 Subdivision, use and development should be of a density, scale, intensity and in a location that preserves the natural character of wetlands, lakes and rivers and their</i></p>	<p>The Landscape, Natural Character and Visual Assessment on page 41 states:</p> <p><i>Existing amenity values associated with ONL5 will be maintained and enhanced</i></p>



significant amenity landscapes.	margins, protects significant natural areas and maintains indigenous biodiversity in the district. In particular, consideration should be given to existing indigenous vegetation and habitat values, the restoration potential of an area, the ecological linkages with other significant natural areas and their potential for enhancement.	through the implementation of restoration planting and the proposed design and mitigation requirements identified in the proposed provisions and structure plan. This is consistent with Objective 5.2.7 and associated policies. Please refer to that report for specific detail.
6.2.8 To recognise and provide for the relationship Raukawa and the Te Arawa River Iwi as Tangata Whenua have with the Waikato River, sites of significance, taonga, wāhi tapu, and the landscapes of the district.		The Applicant has engaged in consultation with Raukawa Charitable Trust and iwi. Response from iwi we have received to date have been constructive and supportive of the proposal. Their recommendations have been incorporated into the proposal. For instance, dwellings developed on site are to be treated by secondary treatment systems as a minimum.
Conclusion		It is my assessment that the proposal is the best way to achieve the objectives and policies of the District Plan, and therefore the purpose of the RMA.

Infrastructure and Development		
Objective	Policy	Assessment
7.2.2 To ensure safe and efficient land use, subdivision and development, well-integrated with the functions of different roads, and which is designed to provide for appropriate alternative transport modes (particularly walking and cycling).	7.3.11 Development should be located, designed and managed to minimise the need to travel, minimise conflict to and across arterial routes, and provide appropriate access.	The proposed site is located within 2km of Whakamaru Village, which is located ideally to support that local community and to provide for everyday needs of the new occupants. Appropriate and safe access will be provided via a new public road and intersection, with limits (via consent notice on future Records of Title) on the ability of future lots to obtain independent access to



		<p>SH30. Such measures would be introduced at subdivision stage.</p> <p>Within the site footpath links to the reserve area and lake are proposed to promote walking and cycling.</p> <p>Under the proposed future subdivision, the Waikato River Trail cycle path will be recontoured and land vested as reserve to accommodate the trail alignment. Consultation with Waikato River Trails has occurred regarding this and the organisation is supportive.</p>
	<p><i>7.3.13 Ensure vehicle access onto the transportation network does not adversely affect to a more than minor extent the safety, efficiency operation and maintenance of these roads and other road users.</i></p>	<p>The proposal does not entail any changes to the transport provisions of the District Plan.</p> <p>At subdivision/development stage access to the site will be via a new intersection, which is located approximately midway along the site frontage to SH30 and will be located to provide appropriate visibility. CKL recommend in their Integrated Transportation Assessment that a right turn bay is provided on SH30 to assist vehicles turning right into the site, which will future proof the development for an increase in background traffic on the state highway.</p> <p>Within the site a new internal road network, rights of way and accesses will be created, and constructed to RITS standards.</p>



Conclusion		It is my assessment that the proposal is the best way to achieve the objectives and policies of the District Plan, and therefore the purpose of the RMA.
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10.4.3 Conclusion

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 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.

10.5 Alignment with Existing Rural Residential Zone within District Plan

10.5.1 The Plan Change site will provide lifestyle development in a location which is similar to existing Rural-Residential zoned areas within the District Plan. These are defined locations adjacent to public reserves and/or existing clusters of housing alongside the Waikato River and include Horahora Road and Horahora Road North area; Lake Arapuni area; and are adjacent to the three main settlements of Tokoroa, Tirau and Putaruru. The proposed Plan Change site has locational characteristics which are similar to the existing Rural-Residential zoned areas in that they are all selected sections of the Waikato River corridor for rural residential living. Plan Change 18 provided an opportunity to *promote rural residential living opportunities adjacent to the Council's reserves because of the mixed amenity and recreational focus to these localities* (page 11 of SWDC s32 report). The same rationale applies to this Plan Change site. The Plan Change area would be part of the cluster of Riverside/adjacent to Reserve Rural-Residential zoned locations identified in the District Plan, and would not be random allocation.

10.5.2 Whilst the proposed future development is a riverside locality the land is not subject to inundation nor to erosion hazards (as detailed in reports prepared by Titus Consulting Engineers) and will not compromise land managed for hydroelectric power generation. The proposal incorporates the Waikato River Trail in that it proposes to vest reserve land to Council to ensure that the Trail is on public rather than private land. Provisions within the Structure Plan and bespoke rule changes are established to recognise and protect (and in some cases to enhance) the existing Outstanding Natural Landscape and areas of valued ecosystems.



10.5.3 Criteria Assessment used in Rural Residential Zone Plan Change 18

In 2008, the SWDC assessed a plan change (Plan Change 18) which sought to introduce a rural residential zone into the district plan, which was publicly notified in 2015. As part of that process, criteria were used by in the s32 report prepared by SWDC to assess the location/site suitability for rural residential activities. As described above the application site has similarities to that Rural-Residential zoned land and so an assessment of the proposal against those criteria is considered to be an effective measure of the appropriateness of rezoning the application site to Rural Residential.

Resource Management Guidelines/Criteria	Assessment of Application Site
Effect on any scheduled sites	No effect on a scheduled site is expected , as none are recorded on Council records and in consultation with Raukawa Charitable Trust.
Natural hazards	<p>The site is not subject to natural hazards as recorded on Council records.</p> <p>Titus Consulting Engineers confirm that the site is geotechnically suitable to accommodate rural residential land, subject to recommendations which are reasonable and feasible at the time of developing the site. In respect of slope stability, <i>the slopes on site are generally gradual with several constructed from forestry earthworks. The largest slopes are located to the south of the site. Slope instability may affect the sites where slopes are up to 25% in some places</i> [south-eastern part of site]. <i>On these lots building restriction zones will be noted, where development within these areas will require specific engineering design.</i> (Site Suitability & Natural Hazards Assessment, page 5)</p> <p>The flood risk at site is <i>low</i> (page 15). Overall the risk of adverse effects from natural hazards is considered to be suitably low at the site, with no persons directly affected.</p> <p>Under the Structure Plan/future subdivision, land adjacent is to be vested to Council to provide for a wider area of recreation reserve and a Vegetation Covenant will be registered on the Records of Title of individual lots. This will act as a buffer between the reserve land (wetland and water body) and the proposed residential development. This approach of avoiding any building platforms adjacent to the lake/River margin will promote the sustainable use of and land and the health and safety of future residents.</p>
Site Contamination	The site is not listed as being subject to HAIL activities on either the South Waikato District Council or Waikato Regional Council information register.



Loss of high quality soil and fragmentation of land	The LUC has affirmed that the existing rural land is not considered to be high class soil nor Highly Productive Land. As such, the proposed Plan Change area will not result in loss of (useful) primary production land. By specifying the Plan Change area no future fragmentation of land into smaller lots for rural living purposes will occur on a piecemeal basis, which could threaten the long-term viability of rural areas as land prices rise to reflect residential land values.
Site can link to infrastructure if scale and density of development warrants, and funding mechanism provided	There are no existing Council utility services to the site for stormwater, wastewater or water supply. The infrastructure reports within the Appendices demonstrate that the site can and will be appropriately serviced for stormwater, wastewater and water supply.
Costs to meet on site servicing by developer	Costs to meet on site servicing will be met by the developer. The rural residential activities will be self-sufficient in their services (construction, operation and maintenance) and will not be reliant on the extension of services from nearby settlements. The minimum lot size of 2500m ² provides flexibility for the sustainable provision of adequate household-derived waste management processes on site and for potential adverse effects resulting from future dwellings to be mitigated.
Road access to site can cater for traffic type and volume	<p>Access to the site will be via a new crossing, located approximately midway along the site frontage to SH30. The existing crossing to SH30 will be removed. The new intersection to SH30 will be located to provide appropriate visibility. CKL advise in their ITA (page 16):</p> <p><i>This additional traffic is able to be accommodated by the surrounding road network. No mitigation measures have been identified as necessary to accommodate the additional traffic volumes.</i></p> <p>CKL recommend that a right turn bay is provided on SH30 to assist vehicles turning right into the site. This is future proofing the intersection/access and has support from Waka Kotahi. Consequently, the road network will function efficiently and the proposal will not compromise existing land use activities in the rural area.</p> <p>The proposed Plan Change will not adversely affect the transportation system. <i>Overall it is assessed that the traffic effects of the Proposed Plan Change will be less than minor</i> (CKL, page 16).</p>
Site can provide for parking and turning areas	Given the size of the lots there is ample space on the future lots for parking provision. Within the site a new internal road network, rights of way and accesses (designed to RITS) will be created and there is adequate space on site for manoeuvring of vehicles.



<p>Potential effects (noise, odour, visual) similar to adjoining land uses</p>	<p>No noise and odour effects are anticipated beyond the site. There are not expected to be any nuisance odour from the treatment and disposal of wastewater on site.</p> <p>A planted bund of 5m minimum width x 2m high is proposed at site frontage to SH30 (as shown on Structure Plan) which will provide both a visual and an acoustic buffer, and avoid reverse sensitivity issues.</p> <p>Visual effects are addressed in the Landscape, Natural Character and Visual Assessment. <i>From most locations the proposed Plan Change area will be visible or partially visible and will form part of the backdrop to the view over the wider landscape. From locations to the west of Lake Whakamaru, the lake itself will remain the focus of attention. Where visible, the presence of the Plan Change area in the backdrop to the view over the lake will not result in an unacceptable loss of visual amenity (page 43).</i></p> <p>The Ecological Assessment recommends that: <i>The effects of artificial lights will be minimised through low light design with a 0.3 lux limit (at the site boundary) and a planted buffer zone which will prevent light spill effects from the development.</i></p>
<p>Riparian margins which may be subject to erosion and instability are not subject to built development, vegetation removal or stormwater discharge</p>	<p>The Ecology Assessment confirms and recommends (page 3) that: <i>The sedge grassland in vegetation type 9 has been conservatively assessed as a wetland, until further assessment is undertaken at subdivision stage. Any earthworks or discharges in proximity to this vegetation type will need to ensure compliance with the National Environmental Standards for Freshwater (NES-F).</i></p> <p>The proposed site layout and open space/reserve fronting the existing reserve which abuts the lake seeks to minimise any potential conflict with existing land uses and provides a buffer between the riparian habitat and future rural-residential development.</p> <p>2 Awa Ecology advise that <i>in the long-term the proposed indigenous planted areas totalling 6.3ha will likely have a net positive effect on the ecological values of the flora and fauna (page 4).</i></p> <p>Stormwater disposal will be via on-site management and disposal. The proposed local purpose reserves between lots identified on the Structure Plan provide for stormwater management. Any regional consent for stormwater discharge required will be applied for at design stage.</p>



Record of complaints from neighbours about existing land use activities	N/A
Note foreclose development options if circumstances change	N/A
Existing land use/zoning, a zone boundary definition	Rezoning Plan Change area will have no spillover effects on adjacent land uses and no reverse sensitivity issues will occur on the existing rural land uses on neighbouring land.

10.5.4 Alternative Zone Approach – Rural Lifestyle Zone

10.5.4.1 We note that the National Planning Standards advise that a settlement zone is generally the preferred approach, however this would introduce a whole new zone which is not considered to assist the consistent administration of the District Plan as it currently stands. At the time that the District Plan is reviewed, it is anticipated that SWDC will adopt the appropriate zone terminology as set out in the National Planning Standards.

10.5.4.2 SWDC have provided Feathers Planning with a copy of the draft Rural Lifestyle Zone chapter of draft district plan. The proposal is assessed against these draft objectives and policies in the table below:

Rural Lifestyle Zone		
Objective	Policy	Assessment
RLZ-O1 <i>To avoid the establishment of non-rural based activities that do not have a legitimate need for a rural location, or which are potentially incompatible with activities that require such a location, including for reasons of reverse sensitivity.</i>	RLZ-P3 <i>Provide for the subdivision, use, and development of land for rural lifestyle activities in specifically zoned places.</i> RLZ-P4 <i>To minimise the potential for adverse effects of rural lifestyle subdivision, use, and development at the interface of the rural and rural lifestyle zones with other zones.</i>	The proposed Rural Residential/Rural Lifestyle Lake Whakamaru area is suitable for rural lifestyle living and will contribute to the lifestyle component of the rural/urban property market in the district. The potential loss of options for productive rural land use is limited to forestry. The proposal will not result in conflict between the rural lifestyle and neighbouring rural production activities. This is primarily as a result of the site context and as it is buffered by water or road.
RLZ-O2 <i>To safeguard people, properties and the environment from the adverse effects of natural hazards.</i>	RLZ-P1 <i>Avoid development and land management practices that result in adverse environmental effects from natural hazards such as erosion, flooding, subsidence or landslide.</i> RLZ-P2	The Site Suitability and Natural Hazards Report prepared by Titus Consulting Engineers advises that the site is suitable for Rural-Residential (zoning) and for future development from a geotechnical perspective. The flood risk at site is <i>low</i> (page 15). Overall the risk of



	<i>Minimise risks to the health and safety of people by controlling the location and design of subdivision and buildings in areas subject to natural hazards.</i>	adverse effects from natural hazards is considered to be suitably low at the site, with no persons directly affected.
<i>RLZ-03 To identify and address possible effects from activities in rural areas in catchments in the district, and on the health and wellbeing of the Waikato River and its catchment during decision making.</i>		<p>The proposed zone change will enable a subdivision which will restore and protect the health and wellbeing of the Waikato River by:</p> <ul style="list-style-type: none"> - To minimise potential effects of onsite wastewater discharges on the Waikato River/Lake Whakamaru, onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems (as recommended in Ormiston Associates' report on wastewater). - Land as reserve to create a buffer between the houses and Lake Whakamaru. - Indigenous species planted will be from Atiamuri Ecological District (as recommended in the Ecological report).
<i>RLZ-04 To minimise the potential for adverse effects in connection with the use, development and subdivision of contaminated and potentially contaminated land, so as to avoid or mitigate the risk of adverse effects on human health and the environment.</i>		<p>Assessment confirms that the site is not listed as being subject to HAIL activities on either the South Waikato District Council or Waikato Regional Council information register. HDGeo advise that:</p> <ul style="list-style-type: none"> - <i>No HAIL activities have been, or are being, undertaken on the site</i> - <i>The NESCS does not apply to any proposed development.</i>



10.5.5 Conclusion

10.5.5.1 The assessment of the proposal against the criteria established in Plan Change 18 confirms that the application site is consistent with the criteria evaluated for a Rural Residential zone and thus we conclude that rezoning the application site would be appropriate and in accordance with the cluster of Riverside/adjacent to Reserve Rural-Residential zoned locations identified in the District Plan. The proposal is also compatible with the objectives and policies of the draft Rural Lifestyle Zone.

10.6 Evaluation of Proposed Provisions

10.6.1 Rezoning

10.6.1.1 An assessment of the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the amending proposal has been undertaken and is provided in section 9 'assessment of effects' of this report. The effects are informed by the existing environment and the specialist reports provided in Appendices. A permitted baseline is not directly relevant to Plan Changes and in this case the provision of the Rural Zone would provide the basis for any assessment. Where effects are moderate or more than minor, recommendations to reduce or mitigate the effects are proposed within the technical assessments.

10.6.1.2 In accordance with s32(1)c this evaluation is to a level of detail that corresponds to the scale and significance of effects anticipated by the proposed Plan Change.

10.6.1.3 It is expected that the proposed Plan Change will work in tandem with the existing SWDC provisions in other chapters of the district plan (except where changes are proposed, below), including: parking, loading and access; Network utilities and infrastructure; Noise vibration and glare; Landscape and natural values. The provisions within these chapters will ensure that any other potential affects can be adequately dealt with and responded to at the subdivision/development stage. This approach is not unusual or ineffective and does not undermine the viability of the rezoning. Reliance on existing provisions is considered to be both efficient and effective.

10.6.2 Evaluation of Bespoke Rule Changes and New Rules

10.6.2.1 The District Plan contains performance standard measures to avoid, remedy or mitigate the actual or potential environmental effects associated with the rural-residential activities.

10.6.2.2 To enhance the site context and address site specific matters, changes are proposed to the following rules. An evaluation of the proposal follows.

Chapter	Rule	Provision	Proposed
Administration of the District Plan	8.4.13 Subdivisions	Assessment Criteria for Discretionary Activities – Subdivisions	Add: <u><i>(g) The extent to which the subdivision of the Rural Residential Zone at Lake Whakamaru aligns with the approved Structure Plan.</i></u>



Subdivision	10.7.1d Minimum and Average Lot size	For every lot created below the average lot size of 5000m ² , another lot with an equal, or greater, area above the average lot size of 5000m ² shall be created. Except that if an odd number of lots is proposed, then one lot may be excluded from this rule	<u><i>Except for the Rural-Residential Zone at Lake Whakamaru, for every lot created below the average lot size of 5,000m², another lot with an equal or greater area above the average lot size of 5,000m² shall be created. Except that if an odd number of lots is proposed, then one lot may be excluded from this rule.</i></u>
Subdivision	10.7.7 Power and Telecommunications	Each proposed new site created shall be provided with underground electric power, at the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure. Any new telecom lines that are installed shall be underground.	<i>Each proposed new site created shall be provided with underground electric power, at the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure, <u>and except for the Rural-Residential Zone at Lake Whakamaru where lots can have an alternative power source (such as solar).</u> Any new telecom lines that are installed shall be underground.</i>
Subdivision	10.7.11 (new)	N/A	<u><i>10.7.11 Any subdivision of the Lake Whakamaru Rural Residential zone shall be in general accordance with the Lake Whakamaru Structure Plan (attached as Appendix 2)</i></u>
Rural Residential	29.4.4(a) Height	Maximum Building Height - 8 metres	<i>(a) Maximum building height 8m, <u>except for</u></i>



			<u>Lake Whakamaru Rural-Residential Zone area which is to be 6m.</u>
Rural Residential	29.4.5 Building Materials and Reflectivity	Cladding materials and paint colours on all buildings shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976. Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.	<u>Except within the Lake Whakamaru Structure Plan Area where the following shall apply:</u> <u>Exterior cladding materials: Natural timber (oiled or stained), painted timber or panel (subject to iv below), concrete (off the form finish, plaster finish or exposed aggregate) (subject to iv below), colour steel (subject to iv below), natural stone and/or brick, and weathering steel.</u> <u>Exterior colours and reflectivity: Recessive colours that integrate with the colours and tones found in the surrounding landscape should be used on all exterior surfaces. Colours that are visually dominant or have a high contrast value should be avoided. Suitable colours include:</u> <u>Colours from the BS 5252 range (or equivalent) identified in figure 3 below, subject to the following Light Reflectance Value (LRV) restrictions:</u> <u>(1) Roof colours with an LRV between 5 - 13%</u>



			<p><u>(2) Wall colours with an LRV between 5 - 23%.</u></p> <p><u>(3) Trim colours with an LRV between 5 - 46% with a careful selection of natural colours.</u></p> <p><u>Wall colours with a reflectance value of more than 46% are not acceptable</u></p>
Rural Residential	29.4.17 (new)		<p><u>Any building or development activity in the Lake Whakamaru Structure Plan area shall be in general accordance with the Structure Plan attached as Appendix 2</u></p>

District Plan Administration Rule 8.4.13g

10.6.2.3 The Applicant seeks to amend Rule 8.4.13 under Assessment Criteria for Discretionary Activities – Subdivisions and a variation to the wording is proposed (bold underlined), as follows:

Insert: **(g) The extent to which the subdivision of the Rural Residential Zone at Lake Whakamaru aligns with the approved Structure Plan.**

10.6.2.4 This amendment will mean that the subdivision of the proposed rezoned/plan change area will be in accordance with the approved Structure Plan.

Subdivision Rule 10.7.1d

10.6.2.5 The Applicant seeks an exception is made for the subject site and a variation to the wording is proposed (bold underlined), as follows:

Except for the Rural-Residential Zone at Lake Whakamaru, for every lot created below the average lot size of 5,000m², another lot with an equal or greater area above the average lot size of 5,000m² shall be created. Except that if an odd number of lots is proposed, then one lot may be excluded from this rule.

10.6.2.6 The bespoke rule change amendment to Rule 10.7.1(d) seeks to exclude the Rural-Residential Zoned land at Lake Whakamaru from the averaging lot size performance standard. The averaging rule seeks to create a range of lot sizes in part to satisfy open space, onsite waste management and disposal requirements, but also to visually create a low density development in a manner that safeguards the landscape character, visual amenity and biodiversity values of the River (refer Policy 5.3.14).

10.6.2.7 The Applicant designed a subdivision which complied with this rule, however this resulted in the entire land being used for residential purposes with no buffers, no enhancement planting and a ‘standard’ looking subdivision which did not respond particularly well to the



site topography nor to the needs of the public. It also would result in lot sizes that would be high maintenance. As detailed within the Economic Cost-Benefit Analysis:

the North Island is expected to see a substantial 229,000 additional retirees over the 2021-2031 period, approximately the size of Hamilton City. A large proportion of this age group prefer to relocate to lifestyle locations. (page 4)

Retirees or holidaymakers who would not ideally choose to maintain large sections and consequently a subdivision of larger lot sizes could result in lots being unkempt or, potentially, lots that did not have a market.

10.6.2.8 The alternative layout, as demonstrated by the Lake Whakamaru Masterplan illustrates the benefits of eliminating the averaging rule. This illustrative Masterplan provides 66 residential lots that range in size between 2,500m² and 12,661m². With the exclusion of lot 62, the average lot size will be 3,764m². The cluster of small lots will allow a recreation reserve area (approximately 11,923m²) to be vested to Council and for local purpose reserves to provide planting buffers between lots and to facilitate stormwater management. In addition, the proposed lot sizes will ensure that wastewater management and disposal occurs on site and will result in a land use pattern that does not lead to adverse effects that cumulatively are more than minor. Variation in lots size (area, shape and relationships with other lots) on the structure plan (and in the future concept development subdivision plan) enables the future development to be varied across the landscape, which will allow it to be better assimilated into the landscape – and to take account of topography, access and site outlook which promotes good design principles and mitigation to integrate the overall site within the existing rural landscape.

10.6.2.9 The costs of the proposed exclusion from the averaging lot size performance standard are considered to be nil as all technical reports advise that the proposed rezoning and future development is acceptable.

10.6.2.10 In summary, the removal of the averaging rule means that land that would otherwise be incorporated into private lots, can be vested in Council as recreation reserve. The removal of the averaging is a method that is considered to better achieve the objectives and policies of the Rural Residential Zone.

Amend Subdivision Rule 10.7.7

10.6.2.11 The Applicant seeks that an exception is made for the subject site and a variation to the wording is proposed (bold underlined), as follows:

*Each proposed new site created shall be provided with underground electric power, at the lot boundary unless a connection to the lot can be made directly to existing overhead infrastructure, **and except for the Rural-Residential Zone at Lake Whakamaru where lots can have an alternative power source (such as solar).** Any new telecom lines that are installed shall be underground.*

10.6.2.12 Instead of lots being provided with underground electric power, lots within the Plan Change area will have an alternative power source (such as solar). This will mean that the future subdivision will be an off-grid development. There is currently no network utility power supply to the site and this will continue, so that future dwellings and street lights within subdivision will be solar powered. The use of low energy lighting will be compatible with the Ecological Assessment which recommends a low light design of 0.3 lux limit at the site boundary for the benefit of any bats in the surrounding environment.



Insert new Subdivision Rule 10.7.11

10.6.2.13 The Applicant proposes to insert a new rule into the subdivision provisions that states that:

10.7.11 Any subdivision of the Lake Whakamaru Rural Residential zone shall be in general accordance with the Lake Whakamaru Structure Plan (attached as Appendix 2)

10.6.2.14 The purpose of this rule inclusion is to ensure that the land is developed in a site specific manner that incorporates the recommendations, primarily of the LVA. The benefits of Structure Plan is that it provides a clear framework to guide the future subdivision of the identified area and defines the land use pattern, area of open space, land to be vested as Reserve, the road and pedestrian footpath/cycle trail layout and topographical constraints that influence how the effects of development are to be managed. This also enables the subdivision of the land to remain as a Controlled Activity which provides certainty for the Applicant, fits with the existing Rural Residential subdivision provisions, but while also achieving certainty for SWDC that the land will be developed in the said manner.

10.6.2.15 While Structure Plans have not been incorporated/used elsewhere in the SWDC, they are considered a useful tool for providing certainty to Council, owners, neighbours and other stakeholders, that minimum standards will be achieved. It is another tool that is frequently used in resource management to achieve this purpose. The absence of it from the SWDC is therefore not a reason to exclude it from this proposal.

10.6.2.16 The alternative to the Structure Plan is to either:

- a) *Make subdivision a Controlled Activity and include additional performance standard rules;*
- b) *Make subdivision Restricted Discretionary and list criteria that the subdivision application would be assessed against; or*
- c) *Make subdivision Discretionary allowing SWDC to assess any pertinent matter when assessing a application; or*
- d) *Have no means of control or discretion.*

10.6.2.17 These options were all discounted for the following reasons:

- *The proposal sought to utilise the existing provisions of the District Plan as much as possible without changing the rule pattern, which would assist in consistent administration of the District Plan;*
- *Some recommendations are guidelines and it would be inappropriate to include as rules or criteria (for example, having no cats allowed) ;*
- *The applicant has a strong vision of the future subdivision and criteria or performance standards don't best express that desired vision.*

10.6.2.18 In summary, the Structure Plan option as a means of controlling the future development of the land was seen as the best option for achieving the Objectives of the District Plan as it ensures that the land is developed in accordance with the specialist recommendations, which in turn ensures that the ecological, public access and economic enhancement occurs as envisioned.

Rural Residential Rule 29.4.4a - Height

10.6.2.19 The Applicant seeks an exception is made for the subject site and a variation to the wording is proposed (bold underlined), as follows:



(a) Maximum building height 8m, except for Lake Whakamaru Rural-Residential Zone area which is to be 6m.

10.6.2.20 The limit on maximum building height in the Rural Residential zone is set at 8m. For the proposed Plan Change site we seek that an exclusion is identified so that Lake Whakamaru Rural Residential zoned land has a height restriction of 6m. This more restrictive requirement is to take account of the topography and to ensure that views across the site to the River/lakefront are not inhibited and views from the River/lake of the open rural land beyond the site are maintained. The 6m maximum height is a mitigation measure designed to help the buildings to integrate into the landscape by reducing the height to width ratio which assists the buildings to appear visually grounded, thereby reducing their visual dominance. The height restriction also reduces the timeframe within which mitigation and integration planting can establish, increases the effectiveness of the bund (if taller buildings were constructed the bund would need to be higher) and reduces the chance of visual stacking (multiple buildings aligning within a view which increases massing) from the south side of the lake. Other design benefits of lower dwellings are that they are easier to cool and heat, reducing their energy consumption and carbon footprint. Lower dwellings can create a more intimate and welcoming atmosphere, making them more comfortable and inviting to live in.

10.6.2.21 The low profile of future buildings will reduce the visual impact of future development on the site, ensuring that the clusters of housing do not appear dominant in the landscape/ONL. This rule amendment will keep the houses low and wide, mimicking the landscape and underlying lot configuration. This proposed amendment is guided by consultation with SWDC and Raukawa Charitable Trust.

10.6.2.22 In summary, a reduction in the height to 6m was seen as the best practicable option for ensuring that visual dominance on the landscape had a less than minor effect, while also enabling properties to achieve views to the water and surrounding natural landscape. Therefore, this is considered to be the best option for achieving the purpose of the Plan, and the RMA.

Rural Residential Zone Rule 29.4.5 Building Materials and Reflectivity

10.6.2.23 The Applicant seeks to add further building cladding and reflectivity standards to the Lake Whakamaru Structure Plan land as follows:

Cladding materials and paint colours on all buildings shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976. Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.

Amend by adding: *Except for the Rural Residential Zoned area of Lake Whakamaru where the following shall apply:*

Exterior cladding materials: Natural timber (oiled or stained), painted timber or panel (subject to iv below), concrete (off the form finish, plaster finish or exposed aggregate) (subject to iv below), colour steel (subject to iv below), natural stone and/or brick, and weathering steel.

Exterior colours and reflectivity: Recessive colours that integrate with the colours and tones found in the surrounding landscape should be used on all exterior surfaces. Colours that are visually dominant or have a high contrast value should be avoided. Suitable colours include:

Colours from the BS 5252 range (or equivalent) identified in figure 3 below, subject to the following Light Reflectance Value (LRV) restrictions:

(1) Roof colours with an LRV between 5 -13%



(2) Wall colours with an LRV between 5 -23%.

(3) Trim colours with an LRV between 5 -46% with a careful selection of natural colours.

Wall colours with a reflectance value of more than 46% are not acceptable

10.6.2.24 The proposed amendment provides detailed exterior cladding materials, exterior colours and reflectivity which have been assessed by Mansergh Graham Landscape Architects (refer to Appendix 7). *The controls on building materials and cladding of structures will ensure that the proposed plan change development will not dominate the outlook visually or physically from or to the locality.* (page 39)

10.6.2.25 The combination of exterior building materials and colour and building height restriction will help integrate the proposed (future) development into the wider natural landscape and will 'ground' the future dwellings within the site. Without design restrictions, the future buildings will be more visually prominent, the proposed planting will be less effective and a higher bund along the northern site boundary will be required to screen the development. Visually recessive tones are found in the natural environment and the proposed cladding colours seek to reduce the visual contrast between the development and surrounding natural area. Without such mitigation measures there may be a reduction in visual amenity across the site.

10.6.2.26 The proposed amendment to Rule 29.4.5 will assist in maintaining the visual amenity and mitigate and reduce potential effects on the surrounding natural landscape. As such it will be in accordance with District Plan Objective 5.2.9 and Policy 5.3.14, in ensuring that materials and cladding of buildings do not dominate the outlook visually and physically from or to the locality. Therefore, the proposed amendment is considered to be the best option for achieving the purpose of the Plan, and the RMA.

Insert New Rule 29.4.17

10.6.2.27 A new Rural Residential Zone rule is to be inserted requiring that the subject land is developed in accordance with an (approved) Structure Plan.

Any building or development activity in the Lake Whakamaru Structure Plan area shall be in general accordance with the Structure Plan (attached as Appendix 2)

The Structure Plan provides a framework to guide the future subdivision of the identified area and defines the land use pattern, area of open space, land to be vested as recreation reserve, the road and pedestrian footpath/cycle trail layout and topographical constraints that influence how the effects of development are to be managed.

Draft Rural Lifestyle Zone Rules

10.6.2.28 The proposed rule amendments would align with the draft Rural Lifestyle Zone rules, as shown in the table below:

Chapter	Rule	Provision	Proposed
Rural Lifestyle	R6(4) Height	Maximum Building Height - 8 metres	<i>(a) Maximum building height 8m, <u>except for Lake Whakamaru Rural-Residential Zone area which is to be 6m.</u></i>
Rural Lifestyle	R6(5) Building Materials and Reflectivity	(a) Cladding materials and paint colours on all	<u>Except within the Lake Whakamaru Structure</u>



		<p>buildings shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976.</p> <p>(b) Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.</p>	<p><u>Plan Area where the following shall apply:</u></p> <p><u>Exterior cladding materials: Natural timber (oiled or stained), painted timber or panel (subject to iv below), concrete (off the form finish, plaster finish or exposed aggregate) (subject to iv below), colour steel (subject to iv below), natural stone and/or brick, and weathering steel.</u></p> <p><u>Exterior colours and reflectivity: Recessive colours that integrate with the colours and tones found in the surrounding landscape should be used on all exterior surfaces. Colours that are visually dominant or have a high contrast value should be avoided. Suitable colours include:</u></p> <p><u>Colours from the BS 5252 range (or equivalent) identified in figure 3 below, subject to the following Light Reflectance Value (LRV) restrictions:</u></p> <p><u>(1) Roof colours with an LRV between 5 -13%</u></p> <p><u>(2) Wall colours with an LRV between 5 -23%.</u></p> <p><u>(3) Trim colours with an LRV between 5 -46% with a careful selection of natural colours.</u></p> <p><u>Wall colours with a reflectance value of more than 46% are not acceptable</u></p>
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Rural Lifestyle	R6 (new)		<u><i>Any building or development activity in the Lake Whakamaru Structure Plan area shall be in general accordance with the Structure Plan attached as Appendix 2</i></u>
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10.6.3 Anticipated Environmental Results Established in District Plan

10.6.3.1 The proposed Plan Change will meet the Anticipated Environmental Results which the Rural Residential Zone is intended to achieve, as stated in the District Plan, as follows:

Anticipated Environmental Result	Discussion
<i>Patterns of subdivision that cluster residential living environments into the overall character of the rural landscape.</i>	<p>The Plan Change area would be part of the cluster of Riverside/adjacent to Reserve Rural-Residential zoned locations identified in the District Plan, and would not be random allocation. It continues the established pattern.</p> <p>The Landscape, Natural Character and Visual Effects Assessment identifies (on page 17) that: <i>The wider rural landscape containing the site is of moderate-high landscape and amenity value. ... While the site itself is not of value (from a landscape character perspective) it forms part of the context within which the more valued features are juxtaposed.</i> (page 17)</p> <p>The proposed Plan Change will not have a detrimental on the overall character of the rural landscape. The aforementioned assessment advises (on page 41) that: <i>While the appearance of the site will change, existing natural character values will remain unchanged.</i></p>
<i>Rural residential living environments in a predominantly rural area that accommodate the existing amenity values and the operation of established rural activities.</i>	<p>The Landscape, Natural Character and Visual Assessment states: <i>Existing amenity values associated with ONL5 will be maintained and enhanced through the implementation of restoration planting and the proposed design and mitigation requirements identified in the</i></p>



	<p><i>proposed provisions and structure plan. (page 41)</i></p> <p><i>The effect of development enabled by the Plan Change on visual amenity values ranges between very low and moderate-high. These will reduce to between very low and low-moderate (less than minor and minor) once the restoration and enhancement planting required by the structure plan becomes established. (page 37)</i></p>
<p><i>Defined rural residential living environments adjacent to Council reserves that do not detract from the natural, landscape and ecological values of the riparian margins of the Waikato River and give effect to the Vision and Strategy for the Waikato River.</i></p>	<p>With the adoption of the integration mitigation measures outlined within the Landscape, Natural Character and Visual Assessment, the proposed rezoning and future development will be sympathetic to the landscape character, visual amenity and biodiversity values of the Lake Whakamaru/Waikato River setting. This includes the proposed amendments to Rules 29.4.4a in respect of 6m building height restriction and Rule 29.4.5 to provide for appropriate building material and reflectivity relative to the site's surrounding area. The future development can be sited and designed to be sympathetic with the landform and landscape.</p> <p>The Ecological Assessment states that: <i>Any effects on site will need to be managed in a way to ensure that there is no detrimental effect on the Waikato River. In the long term the plan change has the potential to increase the biodiversity of the area, through weed control and planting of indigenous vegetation. (page 20).</i></p>
<p><i>Infrastructure services are provided by property owners in a manner that promotes the sustainable management of resources.</i></p>	<p>To minimise potential effects of onsite wastewater discharges on the Waikato River/Lake Whakamaru, onsite wastewater discharges from all dwellings developed on site are to be treated by secondary treatment systems (as recommended in Ormiston Associates' report). The specific infrastructure services to be provided will be subject to subdivision/detailed design stage.</p>



	Stormwater disposal will be via on-site management and disposal. The proposed local purpose reserves between lots identified on the Structure Plan provide for stormwater management. Any regional consent for stormwater discharge required will be applied for at design stage.
<i>The lawful operation of existing rural land uses, and network utilities are not constrained by the introduction of new rural-residential land uses in the locality.</i>	Rezoning the Plan Change area will have no spillover effects onto adjacent land uses and no reverse sensitivity issues will occur on the existing rural land uses on neighbouring land. This is primarily as a result of the site context and as it is buffered by water or road.
<i>Buildings and structures are set back from waterways a sufficient distance to avoid natural hazards and modification of waterways and riparian margins, to preserve natural character and to give effect to the Vision and Strategy for the Waikato River.</i>	<p>The Structure Plan establishes the setback from the Lake/adjoining Reserve (at least 20m from edge of River/Lake) and allocates the abutting land on south-western side of site to be vested to Council as recreation reserve land. A Vegetation Covenant is registered on the Titles of individual lots which will provide for an extensive setback to waterway, riparian land and reduces any potential effect of the land use change.</p> <p>The Landscape, Natural Character and Visual Assessment, advises that: <i>The proposed rezoning will have a neutral effect on the natural character values of the adjacent lake edge.</i> (page 23) <i>Overall the change will have no effect on natural character values associated with the Waikato River/Lake Whakamaru and its margins.</i> (page 42)</p>
Conclusion	The above assessment demonstrates that the proposed Plan Change will meet the anticipated environmental results specified for the Rural Residential Zone, as such the proposed Plan Change is in keeping with the intentions of the District Plan.

10.7 Summary

- 10.7.1 An overall assessment of the proposal to rezone the land for Rural-Residential Zone purposes is considered to achieve the purpose of the RMA. The proposal provides for the social well-being of the district by increasing rural-residential housing capacity and choice



and at the same maintains the rural amenity and landscape values and seeks to enhance the ecological value of the site.

- 10.7.2 The objectives of the Rural-Residential Zone have been subject to previous s32 analysis as required to become operative and therefore a further assessment is not necessary here.
- 10.7.3 As noted earlier, this proposal creates a rural/rural-residential interface along SH30 (to east) and the Lake Whakamaru Reserve (to west). Accordingly, whilst the environment and amenity values of this interface (and the site itself) will change, these qualities will be maintained when considered in a wider context.



11 NOTIFICATION REQUIREMENTS

- 11.1 Plan Changes are subject to a notification process, as set out in Schedule 1 of the RMA. Clause 5A of Schedule 1 enables private Plan Changes to be subject to limited notification. Clause 5A(2) states that a local authority may limit notify a private Plan Change but only if it is able to identify all the persons directly affected by the proposed change. Whilst this Plan Change request may be able to identify the likely affected parties in relation to their proximity to the site, due to the scale of the Plan Change and the nature of the changes sought (i.e. new zoning framework), it is likely that public notification would be a more appropriate outcome.



12 CONCLUSION

- 12.1 This application submitted by J & T Quigley Ltd (the landowner) seeks under Clause 21 of the First Schedule of the Resource Management Act 1991 to change the South Waikato Operative District Plan in respect of land at 1861 Ongaroto Road (State Highway 30), Whakamaru.
- 12.2 This Private Plan Change request is to rezone 31.68ha of land at Lake Whakamaru currently within the Rural Zone to Rural-Residential Zone. The proposal seeks to adopt the majority of the existing District Plan structure and contents for the re-zone proposal. However, minor amendments are requested to specific rules to create a future rural residential development which addresses site specific matters and with an aim to enhance the surrounding environment. These are:
- Amend Rule 8.4.13 under Assessment Criteria for Discretionary Activities – Subdivisions to add Structure Plan alignment for plan change area;
 - Amend Subdivision Rule 10.7.1(d) minimum and average lot size to exclude the Rural-Residential Zoned land at Lake Whakamaru. This is proposed so that a recreation reserve area can be created and vested in Council.
 - Amend Subdivision Rule 10.7.7 to exclude the proposed plan change area from requiring underground power supply to lot boundaries as an alternative form of power source (solar) is proposed.
 - Introduce new Subdivision Rule 10.7.11 requiring that the subject land is developed in accordance with an (approved) Structure Plan;
 - Amend Rural Residential Rule 29.4.4(a) which specifies a maximum building height of 8m, to 6m for the Rural-Residential Zoned land at Lake Whakamaru. This is to ensure integration into the surrounding natural character and landscape, and to maintain views of the lake.
 - Amend Rural Residential Zone Rule 29.4.5 which to add specific appropriate building materials and reflectivity for the subject land for the purpose of ensuring development will not dominate visually or physically from or to the locality.
 - Introduce a new Rural Residential Zone Rule 29.4.17 requiring that the subject land is developed in accordance with an (approved) Structure Plan.
- 12.3 A Structure Plan, illustrative development concept plans and technical assessments confirm the site's suitability for the rural-residential land use, along with the relevant future planning framework.
- 12.4 The Section 32 evaluation of the Plan Change (provided within this report) confirms that a Plan Change is considered to be the most efficient and effective method of enabling subdivision and rural-residential development of the site and likewise achieves the purpose of the RMA. The rezoning and rule amendments will also provide a rural residential development to cater for the actual demand and lifestyle needs of the district's growing population. The Structure Plan for the site ensures that the site's future development addresses the lake reserve frontage, existing surrounding landscape values, the rural interface and SH30 boundary to the east. This approach provides for the protection of the lake/Waikato River both in landscape value and future stormwater runoff and wastewater generation.



- 12.5 This report has also demonstrated that the Plan Change gives effect to the existing objectives and policies of the SWDC District Plan. The assessment has confirmed that the Plan Change gives effect to higher order documents, including the NPSs, the RPS and is consistent with the purpose of the RMA.
- 12.6 The effects of this rezoning have been considered against the existing rural situation and landscape setting with a particular focus of the suitability of the site for the eventual land use outcome. The effects assessment, in section 9, confirms that the site is suitable for rural residential development, the levels of effects are overall no more than minor, and that there will be positive long-term effects from the rezoning, including favourable ecological and economic results. The technical reports identify that there are no site suitability reasons why the rural-residential zoning cannot be enabled.
- 12.7 The proposal is:
- in accordance with the functions of the territorial authority pursuant to section 31;
 - includes an evaluation report prepared in accordance with section 32;
 - in accordance with national policy statements, national planning standards;
 - in accordance with the relevant regulations under the RMA;
 - has regard to any regional policy statement or plan;
 - takes into account planning documents recognised by iwi authorities and lodged with the Council, to the extent that its content has a bearing on resource management issues; and
 - has regard to any relevant management plan and strategies prepared under other Acts.
- 12.8 Our recommendation is that this Plan Change request to rezone 31.68ha of land at Lake Whakamaru currently within the Rural Zone to Rural-Residential Zone proceeds as it is considered to achieve the purpose of the RMA.

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