

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 073

IN THE MATTER OF an appeal under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN DIAMOND CREEK FARM
LIMITED

(ENV-2022-AKL-000026)

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

Court: Alternate Environment Judge L J Newhook sitting alone under s
279 of the Act

Last case event: 8 April 2024

Date of Order: 10 April 2024

Date of Issue: 10 April 2024

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the
Environment Court, by consent, orders that:



- (1) the appeal is allowed subject to the agreed amendments to the Subdivision (SUB) chapter in the Proposed Waikato District Plan in Part 2 as set out in **Appendix A** to this order; and
- (2) the planning maps are amended in accordance with **Appendix B: Amended zoning map for the Property to show State Highway 23, Te Uku**; and
- (3) an additional appendix ‘APP34 – Te Uku Precinct’ be included in the Plan in Part 4 in accordance with **Appendix C**; and
- (4) the appeal is otherwise dismissed except for Topic 1.4: Zoning – Rest of District.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order concerns an appeal by Diamond Creek Farm Ltd (**DCFL**) against part of the decisions of the Waikato District Council (**the Council**) on the Proposed Waikato District Plan (**PDP**) in relation to DCFL’s submissions relating to its land at Te Uku.

Background

[2] DCFL owns a 43-hectares of land at 97 Matakotea Road, Te Uku, legally described as Part Lot 1 DP 23893, Lot 4 DP 437598 and Allot 218 Parish of Whaingaroa (**the Property**).

[3] DCFL made submissions on the PDP seeking to amend the Proposed Waikato District Plan Planning Maps to rezone the Property from Rural Zone to Country Living Zone. The National Planning Standards, which came into force after notification of the PDP, have led to the renaming of the Country living zone as Rural Lifestyle Zone.

[4] In Decision Report 28O: Zoning – Rest of the District (**the Decision**), the Independent Hearing Panel (**IHP**) on the Council’s behalf accepted the recommendation of the s42A report author and rejected the relief sought in DCFL’s submissions.

[5] On 23 February 2022, DCFL appealed the Decision seeking the Decision be overturned and the Property be rezoned to RLZ.

Agreement reached

[6] Since the appeal was filed, the parties have engaged in direct discussions and have reached an agreement to rezone the Property to RLZ and apply a precinct over the Property to guide development within the precinct. This agreement would fully resolve DCFL’s appeal.

[7] The agreed amendments propose the following changes to the PDP as set out in **Appendices A, B and C** to this order:

- (a) Amend the planning maps to rezone the Property from General rural zone (‘GRUZ’) to RLZ and to apply an overlay over the Property known as PREC34 – Te Uku Precinct;
- (b) Insert a new Te Uku Precinct Plan (PREC34) into Part 4 of the PDP (as APP16 – Te Uku Precinct); and
- (c) Insert a new subdivision rule (SUB-R153) into the SUB chapter to provide for subdivision in accordance with PREC34 – Te Uku Precinct.

[8] This agreement would fully resolve DCFL’s appeal.

Section 32AA assessment

[9] Section 32AA of the Act requires a further evaluation for any changes to the proposal since the initial section 32 evaluation report and the decision.

[10] The parties provided a s32AA evaluation of the appropriateness of the agreed amendments in **Appendix E**. In summary, the parties consider that these amendments are the most appropriate option for achieving the purpose of the Act on the following basis:

- (a) Effectiveness and Efficiency: The proposed zone, precinct and associated provisions respond to the potential environmental, economic, social and cultural effects anticipated from the development of rural-residential land use. In particular, the specific requirements for native planting, retention of an area of highly productive land within one lot, and enhanced walking and cycling access to the Te Uku village are efficient and effective ways to mitigate the potential effects of the proposal. The proposed precinct and associated provisions will not reduce the efficiency and effectiveness of the rest of the RLZ provisions, which will also apply;
- (b) Cost/Benefit: The benefits of the agreed amendments largely relate to the social and economic benefits associated with an increase in population for the Te Uku township (as well as the accompanying economic growth during construction). Some environmental benefits are anticipated through the requirement for native planting as part of the Site Landscape Strategy (as set out in SUB-R153). The environmental and economic 'loss' of primary production land has been considered through the assessment of the agreed amendments against the NPS-HPL and it has been concluded that, in this instance, the benefits of the rezoning outweigh the loss. This is as the larger, contiguous area of LUC 2 land on the Property (3.55ha) is to be retained within one parcel, meaning it can still be used for rural purposes. The cost of seeking a resource consent to enable rural residential activity is likely to be similar for both options (rezone the property or retain the GRUZ zoning), however the benefit of rezoning the Property to RLZ is that there is more certainty for the Appellant (and community) that rural residential living is considered appropriate in these circumstances. Economic and employment growth is anticipated through the rezoning of the Property. This includes economic growth and employment opportunities as a result of developing the Property into 34 lots (built form and infrastructure) and the increase in patronage to the local shops;

- (c) Risk of acting or not acting: The additional information prepared as part of the parties' direct discussions means that the information now available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits.

Consideration

[11] In making this order the Court has read and considered the notice of appeal dated 23 February 2022 and the joint memorandum of the parties dated 15 December 2023.

[12] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[13] The Court is satisfied that the changes sought are within the scope of the Appellant's submission and appeal.

Order

[14] The Court orders, by consent, that:

- (a) the appeal is allowed subject to the agreed amendments to the SUB chapter in the Proposed Waikato District Plan in Part 2 as set out in Appendix A to this order; and
- (b) the planning maps are amended in accordance with Appendix B: Amended zoning map for the Property to show State Highway 23, Te Uku; and

- (c) an additional appendix 'APP34 – Te Uku Precinct' be included in the Plan in Part 4 in accordance with Appendix C; and
- (d) the appeal is otherwise dismissed except for Topic 1.4: Zoning – Rest of District; and
- (e) there is no order as to costs.



L J Newhook
Alternate Environment Judge



Appendix A: Tracked change version of the proposed amendment to the SUB chapter of the PDP decisions version

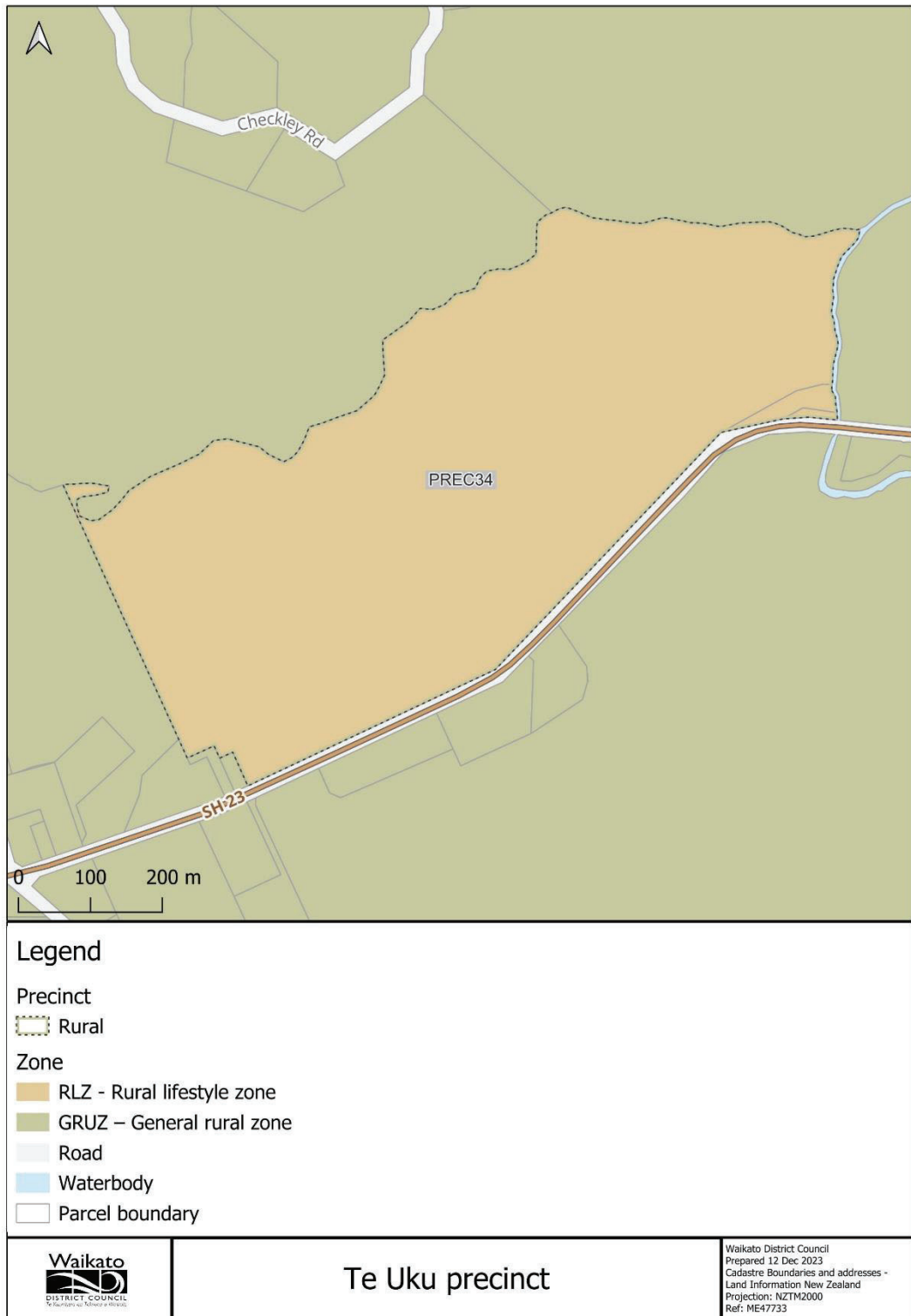
RLZ – Rural lifestyle zone

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| <u>SUB-R153</u> | <u>General Subdivision within PREC34 – Te Uku precinct</u> | |
| <u>PREC34 – Te Uku precinct</u> | <p><u>(1) Activity status: RDIS</u></p> <p><u>Activity specific standards:</u></p> <p>(a) <u>Subdivision within PREC34 – Te Uku precinct in the RLZ - Rural lifestyle zone that complies with all of the following standards:</u></p> <p>(i) <u>The number of lots (other than any access allotment or utility allotment), whether in a single or multiple applications, does not exceed a total of 34.</u></p> <p>(ii) <u>All proposed lots (other than any access allotment, utility allotment, or Lots 23 and 34 on the APP16 - Te Uku Precinct Plan) shall have a net site area of at least 5,000m².</u></p> <p>(iii) <u>Lots 23 and 34 on the Te Uku Precinct Plan (APP16 – Te Uku Precinct Plan) shall have a minimum net site area of at least 2ha and 11ha respectively.</u></p> <p>(iv) <u>The proposal provides the indicative road(s) as a road to vest with a single point of connection to State Highway 23 that includes:</u></p> <ol style="list-style-type: none"> <u>1. An intersection designed in accordance with the Austroads Guide to Road Design and NZ Transport Agency Waka Kotahi Manual of Traffic Signs and Markings (MOTSAM);</u> <u>2. A right turn bay to facilitate vehicles turning right into the site;</u> <u>3. A streetlight at the State Highway 23 intersection in accordance with NZ Transport Agency Waka Kotahi Specification and Guidelines for Road Lighting Design; and</u> <u>4. Vegetation located within the road reserve west of the proposed intersection shall be removed to</u> | <u>(2) Activity status where compliance not achieved: NC</u> |

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| | <p><u>ensure a minimum sight distance of 282m is met.</u></p> <p>(v) <u>There shall be no direct access onto State Highway 23 from any individual lot.</u></p> <p>(vi) <u>The proposal includes provision of a walkway/cycleway within the site and that connects along State Highway 23 to Te Uku village and evidence that preliminary designs undertaken by a suitably qualified person have been submitted to NZ Transport Agency Waka Kotahi for comment.</u></p> <p>(vii) <u>The proposal shall include a Site Landscape Strategy that provides details of:</u></p> <ol style="list-style-type: none"> <u>1. Proposed native planting to enhance and protect gully and riparian areas identified on the Te Uku Precinct Plan;</u> <u>2. Proposed planting throughout the site to help reduce the visual prominence of the development;</u> <u>3. A management plan for weed and pest control of abovementioned planted areas and their implementation, ownership and on-going management;</u> <u>4. Measures to limit building colours to neutral and/or darker toned exterior cladding and roof materials; and</u> <u>5. Measures to limit fencing design and materiality to those that are compatible with rural character.</u> <p>(viii) <u>Certification by a Geotechnical engineer that the site is geotechnically stable and suitable for the onsite management of three waters and other supporting infrastructure (for example right of ways / access and building platforms).</u></p> <p>(ix) <u>All lots (other than any access allotment or utility allotment) shall be capable of managing water, wastewater and stormwater on site.</u></p> <p><u>Advice Note:</u></p> | |
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| | <p><u>Rule AINF-R16 (1)(a)(i)-(iii) does not apply to any subdivision within PREC34 – Te Uku.</u></p> <p><u>Rule SUB-R61 does not apply to any subdivision within PREC34 – Te Uku.</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Consistency with the Te Uku Precinct Plan (APP16 – Te Uku Precinct Plan) including:</u></p> <ul style="list-style-type: none"> (i) <u>Layout of the subdivision;</u> (ii) <u>Provision of transport network including walkways/cycleways; and</u> (iii) <u>Provision of riparian and gully planting.</u> <p>(b) <u>Adverse effects on rural character and amenity including any mitigation measures proposed in the Site Landscape Strategy;</u></p> <p>(c) <u>The provision of infrastructure, including water supply for firefighting where practicable and servicing of the site;</u></p> <p>(d) <u>Standard of design and construction of the walkway/cycleway;</u></p> <p>(e) <u>Standard of design and construction of the indicative roads and intersection with State Highway 23 (which incorporates the road safety audit requirements of NZ Transport Agency Waka Kotahi);</u></p> <p>(f) <u>Measures to minimise reverse sensitivity effects, including on adjoining GRUZ – General rural zone land and State Highway 23;</u></p> <p>(g) <u>Design of earthworks to integrate with existing natural site contours; and</u></p> <p>(h) <u>Mechanisms to ensure the retention of Lots 23 and 34 as larger allotments, for example the imposition of a consent notice restricting further subdivision of these lots for rural-residential purposes.</u></p> | |
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Appendix B: Amended zoning map for the Property



Appendix C: New Appendix APP16 – Te Uku Precinct



The purpose of this plan is to show the general intent of the design and may not be complete in every detail. This plan is not intended as a construction drawing and should not be used as such.

Appendix D:

Updated checklist post *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55 and incorporating the 2013 and 2017 amendments to the RMA.

A. General requirements

1. *A territorial authority must prepare and change its district plan in **accordance with**⁴⁰ — and assist the territorial authority to **carry out** — its functions⁴¹ so as to achieve the purpose of the Act.⁴²*
2. The district plan (change) must also be prepared **in accordance with** any *national policy statement, New Zealand coastal policy statement, a national planning standard,⁴³ regulation(s)⁴⁴ and any direction given by the Minister for the Environment.⁴⁵*
3. When preparing its district plan (change) the territorial authority **must give effect** to⁴⁶ any national policy statement and New Zealand Coastal *Policy Statement and a national planning standard⁴⁷.*
4. When preparing its district plan (change) the territorial authority shall:
 - (a) **have regard to** any proposed regional policy statement;⁴⁸
 - (b) **give effect to** any operative regional policy statement.⁴⁹
5. In relation to regional plans:

⁴⁰ Section 74(1) (replaced on 3 December 2013, for all purposes, by section 78 RMAA 2013).

⁴¹ Section 31.

⁴² Sections 72 and 74(1).

⁴³ Section 74(1)(ea) (inserted, on 19 April 2017, by section 59 of the Resource Legislation Amendment Act 2017).

⁴⁴ Section 74(1)(f).

⁴⁵ Section 74(1)(c).

⁴⁶ Section 75(3).

⁴⁷ Section 75(3)(ba) (inserted, on 19 April 2017, by section 60 of the RLAA 2017).

⁴⁸ Section 74(2)(a)(i).

⁴⁹ Section 75(3)(c).

- (a) the district plan (change) must **not be inconsistent** with an operative regional plan for any matter specified in section 30(1) or a water conservation order;⁵⁰ and
 - (b) **must have regard to** any proposed regional plan on any matter of regional significance etc.⁵¹
6. When preparing its district plan (change) the territorial authority must also:
- (a) **have regard to** any relevant management plans and strategies under other Acts, and to any relevant entry in the *Heritage List/Rarangi Korero* and to various fisheries regulations⁵² to the extent that their content has a bearing on resource management issues of the district; to consistency with plans and proposed plans of adjacent territorial authorities;⁵³ and to any emissions reduction plan or national adaptation plan made under the Climate Change Response Act 2002;⁵⁴
 - (b) **take into account** any relevant planning document recognised by an iwi authority;⁵⁵ and
 - (c) not have regard to trade competition⁵⁶or the effects of trade competition;
7. The formal requirement that a district plan (change) must⁵⁷ also state its objectives, policies and the rules (if any) and may⁵⁸ state other matters.

B. Objectives [the section 32 test for objectives]

⁵⁰ Section 75(4).

⁵¹ Section 74(2)(a)(ii).

⁵² Section 74(2)(b) (amendments to 74(2)(b)(iia) on 20 May 2014 by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014).

⁵³ Section 74(2)(c).

⁵⁴ Section 74(2)(d) and (e) (inserted, on 30 November 2022, by section 21 of the Resource Management Amendment Act 2020).

⁵⁵ Section 74(2A) (replaced on 1 April 2011 by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 – however no fundamental difference in relation to the test).

⁵⁶ Section 74(3).

⁵⁷ Section 75(1).

⁵⁸ Section 75(2).

8. Each proposed objective in a district plan (change) **is to be evaluated** by the extent to which it is the most appropriate way to achieve the purpose of the Act.⁵⁹
- C. Policies and methods (including rules) [the section 32 test for policies and rules]
9. The policies are to **implement** the objectives, and the rules (if any) are to **implement** the policies;⁶⁰
10. *Each proposed policy or method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by:*⁶¹
- *Identifying other reasonably practicable options for achieving the objectives;*⁶²*and*
 - *Assessing the **efficiency and effectiveness** of the provisions in achieving the objectives by:*⁶³
 - *Identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposed policies and methods (including rules), including the opportunities for:*
 - (i) economic growth that are anticipated to be provided or reduced;*⁶⁴*and*
 - (j) employment that are anticipated to be provided or reduced.*⁶⁵
 - *If practicable, quantify the benefits in costs referred to above.*⁶⁶

⁵⁹ Section 74(1) and section 32(1)(a).

⁶⁰ Section 75(1)(b) and (c).

⁶¹ Section 32(1)(b).

⁶² Section 32(1)(b)(i).

⁶³ Section 32(1)(b)(ii).

⁶⁴ Section 32(2)(a)(i).

⁶⁵ Section 32(2)(a)(ii).

⁶⁶ Section 32(2)(b).

- *Assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods;*⁶⁷
- *Summarising the reasons for deciding on the provisions;*⁶⁸
- *If a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.*⁶⁹

D. Rules

11. In making a rule the territorial authority must **have regard to** the actual or potential effect of activities on the environment.⁷⁰
12. Rules have the force of regulations.⁷¹
13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive⁷² than those under the Building Act 2004.
14. There are special provisions for rules about contaminated land.⁷³
15. There must be no blanket rules about felling of trees⁷⁴ in any urban environment.⁷⁵

E. Other statutes:

16. Finally territorial authorities may be required to comply with other statutes.

F. (On Appeal)

⁶⁷ Section 32(2)(c).

⁶⁸ Section 32(1)(b)(iii).

⁶⁹ Section 32(4).

⁷⁰ Section 76(3).

⁷¹ Section 76(2).

⁷² Section 76(2A).

⁷³ Section 76(5).

⁷⁴ Section 76(4A).

⁷⁵ Section 76(4B).

17. On appeal⁷⁶ the Environment Court must have regard to one additional matter — the decision of the territorial authority.⁷⁷

⁷⁶ Section 290 and Clause 14 of the First Schedule.

⁷⁷ Section 290A RMA as added by the RMAA 2005.

Appendix E: Updated s32AA evaluation

Table 1: Rezoning Proposal

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| The rezoning proposal | <p>Diamond Creek Farms Ltd (DCF) has made an appeal to the PDP requesting its sites at Te Uku as legally described below are amended on Planning Maps from General rural zone to Rural lifestyle zone.</p> <ul style="list-style-type: none"> • Part Lot 1 DP 23893 (42.418 ha) • Allot 218 Parish of Whaingaroa (0.3715 ha) • Lot 4 DP 437598 (0.0730 ha) |
| Relevant Objectives of the PDP | Objectives of the Rural lifestyle zone (RLZ-O1), Strategic Direction (SD-O4, SD-O5, SD-O9), All Infrastructure (AINF-O7). |
| Scale and Significance of the rezoning proposal | <p>The rezoning proposal involves an area of approximately 43 ha adjacent to Te Uku Village. No more than 34 rural residential lots are expected to be enabled by the rezoning.</p> <p>The rezoning proposal is considered to be of local significance, focused largely on Te Uku and to a lesser extent Raglan, Te Mata and Waitetuna communities.</p> |
| Other reasonably practicable options to achieve the objectives (alternative options) | <p>Option 1: Rural lifestyle zone</p> <p>Option 2: Do nothing / status quo (retain General rural zone)</p> <p>Option 3: Rural lifestyle zone with a Te Uku Precinct overlay and supporting additional provisions.</p> |

Table 2: Benefits and Costs Analysis of Option 3

| | Benefits | Costs | Comment on Options 1 and 2 |
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| General | Option 3 has the additional advantage of incorporating specific provisions for the precinct itself which provides greater certainty of outcomes for the landowner and wider community. | | Option 1 would allow the DCF site to be developed for rural residential activities. This meets the objective of DCF. Option 2 would not provide for rural residential activities and therefore does not meet the objective of DCF but would retain the status quo. |
| Environmental | Option 3 would assist with directing rural-residential development to the Rural Lifestyle Zone. By concentrating | Option 3 would result in 38 ha (excludes gully/stream) of land being removed from primary production | Option 2 would retain the status quo in terms of farming marginal land, the margins of the |

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| | <p>development in this location, pressure is reduced on surrounding rural areas, which help preserve wider surrounding rural character values and fragmentation of rural land elsewhere.</p> <p>Option 3 would retire some marginal land from primary production and allow for riparian planting and enhancement of the Matakotea and Mangakino streams (particularly Option 3) but retain an area of LUC 2 land in one Lot (lot 34). The planting (and retirement of primary production land) will improve the indigenous biodiversity values of the area and water quality of the streams.</p> | <p>and a change to the existing rural character and amenity of the rural environment. Some primary production may continue to occur in the larger of the lots (Lot 23 and in particular Lot 34 which contains a 3.55ha area of LUC 2 land). There may be increased contaminant runoff from new impervious surfaces (such as new roading network). The change to RLZ will have landscape effects through a loss of open rural vistas.</p> | <p>Matakotea stream and the existing rural character and amenity. Option 2 allows circa 38 ha (excludes gully/stream) to remain in primary productive and in doing so safeguards the use of the soil resource for this purpose. Of the 38 ha, 16.6ha is defined as highly productive, although fragmented and the remainder is poorly drained.</p> |
| Social | <p>Option 3 will strengthen the sense of place of Te Uku by enabling low density residential development around an existing rural settlement. This could enhance cohesion, character, use of services and facilities in the community, including the local school and community hall.</p> <p>There is an existing public bus stop adjacent to the site that will facilitate transport for families to and from both Raglan and Hamilton. Option 3 also requires (as a restricted discretionary activity) that the subdivision will have access to SH 23 only via an approved new connecting road and will provide for public accessibility to the village by way of a new walkway/cycleway.</p> | <p>Option 3 would result in a degree of change to the community. Option 3 will result in less change to the existing rural character and amenity than Option 1, by limiting the number of lots.</p> <p>There is a potential risk of reverse sensitivity effects for the surrounding rural land use, and potential dependence on private vehicles due to the rural lifestyle development.</p> | <p>Option 1 has similar benefits and costs to Option 3 but would have greater change to the existing rural character and amenity. This is by additional lots being enabled through the standard RLZ subdivision rules.</p> <p>Option 2 will not bring any additional housing options to the Waikato District or enhance public access to the Matakotea Stream.</p> |

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| | <p>The implementation of the precinct plan will increase walking and cycling opportunities within the precinct and to Te Uku (through a new connection along SH23) and enable public access to and along the streams.</p> <p>Option 3 would assist with providing a variety of housing options in the Waikato District.</p> | | |
| <p>Economic incl. Economic Growth</p> | <p>Option 3 would grow the residential component of Te Uku with residents able to support local business at the village including the general store and coffee shop.</p> <p>Option 3 would enable economic growth as a consequence of developing the subdivision and the construction of houses e.g., for contractors and labourers during construction.</p> | <p>Option 3 would remove 38 ha (excludes gully/stream) from primary production. Of the 38 ha, 16.6 is considered high quality and the remainder is poorly drained.</p> | <p>Option 1 has similar benefits and costs to Option 3.</p> <p>Option 2 would require expenditure to provide an alternative access for stock. The current access does not comply to the regulations for stock exclusion as the access is under a road bridge on SH23 and directly adjoins the Mangakino Stream. There are wetland areas on the DCF site that would need fencing to meet the stock exclusion regulations and the requirements of Waikato Regional Plan Change 1. The setbacks from the Matakotea and Mangakino Streams will further reduce the area available for grazing.</p> <p>The land does contain areas of highly productive land but would need investment in drainage improvements to connect these fragmented areas onsite. Such</p> |

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| | | | drainage improvements to improve land productivity is unlikely to be economically viable (to an extent that the work would be justified). |
| Employment | Option 3 would enable employment as a consequence of developing the subdivision and the construction of houses and supporting employment at the existing community facilities such as the school. | Option 3 may result in a reduction of employment associated with primary production, although there is no direct evidence of any reduced employment opportunities with the landowner. | Option 1 has similar benefits and costs to Option 3. Option 2 would not result in additional benefits or costs to employment. |
| Cultural | Option 3 would enhance access to Matakotea Stream for iwi to undertake customary activities through creation of esplanade reserves. Option 3 is supported by iwi, in particular the provision for additional housing and the proposed esplanade planting and walkways. The planting of riparian margins will improve the water quality and indigenous biodiversity values. | | Option 1 has similar benefits and costs to Option 3. Option 2 does not enhance access to the Matakotea Stream for iwi to undertake customary activities. |

Table 3: Evaluation of the proposal

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| Reasons for the selection of the preferred option | The preferred option is Option 3 (Rural Lifestyle Zone). This option achieves the objective of DCF for providing rural-residential growth around Te Uku village with a level of certainty around the nature of that development through the subdivision rule SUB-R153. |
| Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA | In the context of this s32AA assessment, “objectives” relate to the objective of the appeal to provide a Rural Lifestyle Zone at Te Uku. The original s32 documents prepared for the PDP considered the objectives of the plan and whether they were the most appropriate way to achieve sustainable management in the Waikato District. Following the s32 report, the corresponding s42A report also undertook a |

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| | <p>s32AA evaluation for those objectives that were proposed to be amended through the post hearing decision making process. As the proposal seeks to adopt the objectives of the RLZ, it is therefore considered appropriate to largely adopt the analysis undertaken in the preparation of the PDP (Decisions Version). Accordingly, the objectives are considered the most appropriate way to achieve the purpose of the Act.</p> |
| <p>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions.</p> | <p>The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits.</p> |
| <p>Effectiveness and efficiency</p> | <p>The proposed Precinct will clearly identify the nature and location of future land use activities which are enabled through this zone. The Precinct and associated precinct-specific provisions are an efficient and effective way to achieve the objectives of the PDP by enabling precinct specific information requirements to be clearly embedded into the plan.</p> |
| <p>Extent to which the provisions of the proposal are the most appropriate way to achieve the objectives</p> | <p>In this context of this s32AA assessment, “objectives” relate to the PDP objectives set out above (Rural Lifestyle Zone RLZ-O1, Strategic Direction SD-O4, SD-O5, SD-O9) and All Infrastructure AINF-O7).</p> <p>RLZ- O1 seeks to enable a residential lifestyle within a rural environment while still enabling primary production to occur. The provisions will enable residential living as per RLZ-O1.</p> <p>SD-O4 seeks to provide for a variety of housing types. The provisions will enable housing to be provided to cater for rural lifestyle living.</p> <p>SD-O5 and AINF-O7 seek to integrate new development with infrastructure. The provisions have been developed taking into account infrastructure need and integration, including providing for three waters self-sufficiency and a safe and efficient transport network to and within the precinct.</p> <p>SD-O9 seeks to provide for a range of rural activities including primary production and food supply. The provisions will continue to enable rural activities to occur in accordance with the rules of the RLZ zone (which will apply to this precinct). On the basis of the cost benefit analysis above, Option 3 is considered to be the most appropriate way of achieving the objectives.</p> |
| <p>Conclusion</p> | <p>Option 3 is the most appropriate way to achieve the objectives and the WPDP. The proposal to apply the Rural</p> |

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| | <p>lifestyle zone to the Property will clearly identify the nature and location of future land use activities which are enabled through this zone. The proposed precinct and associated precinct specific provisions (via SUB-R153) responds to the potential environmental, economic, social and cultural effects anticipated from the development of rural-residential land use. In particular the specific requirements for native planting, retention of an area of highly productive land within one lot, and enhanced walking and cycling access to the village are efficient and effective ways to respond to the potential effects of the proposal.</p> |
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