

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2025] NZEnvC 216

IN THE MATTER OF appeals under clause 14 of the First
Schedule to the Resource Management
Act 1991

BETWEEN GREIG HOLDINGS LIMITED

(ENV-2022-AKL-000070)

THE SURVEYING COMPANY
LIMITED

(ENV-2022-AKL-000086)

Appellants

AND WAIKATO DISTRICT COUNCIL

Respondent

AND HAMILTON CITY COUNCIL

GREIG METCALFE

HARRISVILLE TWENTY THREE
LIMITED

Section 274 Parties

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

Last case event: 13 June 2025

Date of Order: 1 July 2025

Date of Issue: 1 July 2025



Greig Holdings Limited & The Surveying Company Limited v Waikato District Council –
appeals against the proposed Waikato District Plan – Topic 1.2: Zoning – Tuakau and Topic
1.4: Subdivisions and other zones

CONSENT ORDER

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

- (1) the appeals are allowed subject to amendment of the planning maps in the Waikato District Plan (Operative in Part) as shown in **Appendix A**;
- (2) Greig Holding Limited's appeal is otherwise dismissed; and
- (3) paragraphs 6 and 7 of The Surveying Company Limited's appeal is otherwise dismissed.

B: Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] This consent determination relates to two appeals by Greig Holdings Limited (**GHL**) and The Surveying Company Limited (**TSC**) against parts of the decisions of the Waikato District Council on the Proposed Waikato District Plan (**PDP**). The PDP became operative on 30 October 2024 (**DP-OP**).

[2] During the hearings on the PDP, the Independent Hearing Panel (**IHP**) made the decision to amend the notified PDP to adopt the National Planning Standards which came into force after notification of the PDP. As a result, the chapters and provisions referenced in submissions, further submissions, and in some notices of appeal do not reflect the chapter and provision references in the decisions version of the PDP. For ease of reference, the decisions versions of the provisions are referred to in this Order.

[3] This consent order resolves GHL's appeal in its entirety. GHL's appeal relates to the zoning of approximately 1.99 ha of land across two properties at 11A and 15

Johnson Street, Tuakau (**the Site**). The appeal seeks to rezone the Site from the Large lot residential zone (**LLRZ**) to the General residential zone (**GRZ**). The Site is located near the Tuakau town centre. GHL's appeal has been assigned to Topic 1.2: Zoning – Tuakau and Topic 14: Subdivision of other zones.

[4] The part of the GHL appeal assigned to Topic 14 sought alternative relief if the primary relief assigned to Topic 1.2 could not be achieved.

[5] This consent order resolves paragraphs 6 and 7 of TSC's appeal. The relief in those paragraphs seek changes to the subdivision rules in Te Kowhai and Tuakau (including the Site) and have been assigned to Topic 14. However, as the parties have reached agreement resolving GHL's primary relief to rezone the site to the GRZ, neither GHL nor TSC are pursuing their appeal relief assigned to Topic 14.

The appeals

GHL appeal

[6] On 1 March 2022, GHL filed an appeal which sought to enable a higher level of residential development at the Site than is provided for under the LLRZ (minimum 2500m²). It essentially sought changes to reintroduce the serviced Village zone density of urban development enabled under the notified Village zone (1000m²).

[7] On 19 September 2022, the Council notified Variation 3 to the then PDP to incorporate the Medium Density Residential Standards (**MDRS**) under the then Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. GHL made a submission on Variation 3 seeking a MDRS zoning for the Site. Given the changed statutory context, the merits of the Site for housing, and the proximity of the Site to the Tuakau town centre, GHL and the Council provisionally considered it was better to pursue GRZ zoning through the appeal rather than a larger lot density of development.

[8] Accordingly, on 21 June 2023 GHL applied for leave to amend its notice of appeal to seek GRZ zoning (as specified in its primary submission on the PDP) rather than the original appeal relief that sought a zone to support development of lots at 1000m². In its Minute dated 5 July 2023, the Court granted leave and approved the

amended notice of appeal seeking GRZ zoning for the Site. The minimum lot size under the GRZ is 450m².

[9] Harrisville Twenty-Three Ltd (**Harrisville**) gave notice of an intention to join GHl's appeal under s 274 of the Act but later withdrew its interest.

TSC appeal

[10] TSC's appeal sought amendment to various rules and policies in the Subdivision chapter.

[11] Three parties gave notice of an intention to join the part of TSC's appeal assigned to Topic 14 under s 274 of the RMA. Greig Metcalfe and Harrisville supported the relief sought by TSC, whilst Hamilton City Council opposed the relief sought by TSC assigned to Topic 14.

Variation 3 decisions

[12] The Variation 3 hearing panel issued its recommendations on Variation 3 on 22 March 2024. In relation to submissions concerning land that was subject to an appeal on the PDP, the hearing panel's recommendation was that the zoning be determined by the Court, not through the variation process. This recommendation as it relates to the GHl submission on Variation 3 was accepted by the Council when it made its decisions on Variation 3 on 16 October 2024. Accordingly, GHl and the Council have been exchanging technical information to determine the appropriateness of GRZ zoning for the Site through the appeal process.

[13] Of relevance to the consideration of the GHl appeal, Variation 3 upzoned qualifying residential land to the Medium density residential zone 2 (**MRZ2**). Whilst the GHl appeal does not seek a MRZ2 for the Site, it is acknowledged that if the Site is rezoned to GRZ, it becomes a 'relevant residential zone' and as such must incorporate the MDRS, subject to any qualifying matters. However, any uplift to the MRZ2 would need to be introduced through a future plan change process.

[14] It is further acknowledged that the Coalition Government introduced the Resource Management (Consenting and Other System Changes) Amendment Bill on 17 December 2024. The Bill proposes to make MDRS optional for territorial authorities provided they can demonstrate that they have 30 years of housing growth capacity. This means if the Court approves the consent order, the Site will remain GRZ until such time as either a plan change is implemented to incorporate the MDRS, or the Bill is passed into law and the Council decides not to apply the MDRS to the Site.

Agreement reached

[15] During negotiations between GHL and the Council, GHL provided a number of technical reports and further information to support GRZ zoning for the Site. This additional information has been reviewed, and the Council has agreed GRZ zoning is appropriate for the Site. The agreement resolves the GHL appeal in its entirety and resolves that part of TSC appeal relating to Topic 14.

Three waters

[16] The parties recognise that there will be additional infrastructure requirements to support the level of development that could occur under GRZ (and any future uplift to MRZ2). There is existing water supply infrastructure along Johnson Street that could be extended to service the Site.

Wastewater

[17] At present, there is not sufficient wastewater capacity to service the level of development that would be expected on the Site under the GRZ.

[18] Wastewater from Pookeno and Tuakau is treated at the Pukekohe Wastewater Treatment Plant (**the Plant**), owned by Auckland Council and managed by Watercare Services Limited. The Respondent advised the public on 27 February 2025 that it is reaching its contractually agreed capacity limit for the Plant. At the same time, it advised that the wastewater trunk main, which conveys flows from these areas, is also approaching capacity limits. Due to these constraints and the need to manage the potential for wastewater overflows, the Council has advised that no further

wastewater connections are able to be provided in the Pookeno and Tuakau areas until a solution is available. The exception to this is where consents were lodged or granted prior to 1 February 2025. The Council has calculated sufficient wastewater capacity to allow connections to sites subject to such applications or consents. As GHIL lodged a subdivision application for 11 lots (ranging in size from 870m² to 7880m²) on the Site in May 2022, there is wastewater capacity available for 11 subdivided lots on the Site, if consent is granted.

[19] In the meantime, the Council's Service Delivery Team is investigating options to provide for additional wastewater capacity in the Pookeno/Tuakau area. A solution is expected be identified and implemented within 5-10 years, after which the Council can resume granting wastewater connections to the wastewater network.

[20] The Council acknowledges the existing wastewater constraint is relevant to its consideration to rezone the Site as it is generally expected that urban zoned land can connect to, and utilise, a public wastewater system. However, given the Site is expected to be serviced within a 10-year timeframe, the parties consider a live zoning to GRZ is appropriate.

[21] The Council has considered the DP-OP requirements for reticulated wastewater servicing in the GRZ. Under Rule WWS-R2(1), wastewater servicing for new development or subdivision in all zones is a permitted activity if it is either connected to the public network, connected to a community-scale wastewater system or is provided with a site-contained, alternative method of wastewater disposal that complies with AS/NZS 1547:2012. Beyond these permitted systems, other wastewater servicing options are available as a restricted discretionary activity under WWS-R2(2). However, for subdivision in the GRZ to be a restricted discretionary activity under SUB-R11(1)(a)(ii), the proposed lots must connect to a reticulated wastewater supply. If this cannot be achieved, subdivision in the GRZ becomes a discretionary activity. This means onsite wastewater systems in the GRZ are not precluded under the DP-OP, but if associated with a subdivision application, will be assessed as a discretionary activity. The wastewater constraints have been considered against higher order planning documents.

Traffic

[22] A Traffic Impact Assessment prepared by Traffic Engineering and Management Limited for GHL concluded that rezoning the Site up to medium density (therefore encompassing the GRZ) could be supported and that “suitable and appropriate access can be provided to this property via Harrisville Road, Oak Street and Johnson Street.” A peer review for the Council undertaken by Gray Matter agreed the traffic generated by MRZ2 density of development on the Site can be accommodated within the existing transport network without unacceptable effects, if the Site is upzoned to medium density under a future plan change to give effect to the MDRS.

Geotechnical Considerations

[23] A geotechnical assessment was also obtained by GHL that assessed the subdivision development feasibility of the Site. The report by Ground Consulting Limited formed part of an earthworks consent application for the Site that was granted by the Council in 2021. The report has not been peer reviewed as part of the current appeal as it was accepted by the Council as part of the earthworks consent process. The report identified some areas of unsuitability (mostly associated with the steeper slopes in some areas) but concluded there are practical house sites within the Site and proposed some solutions to mitigate the risk. The Council notes the Tuakau Structure Plan 2014 assessed the Site as having a moderate geotechnical risk. A comprehensive geotechnical assessment will be required to support the subdivision and building consent process.

Stormwater and flood management

Whakapipi Stream

[24] The Site is adjacent to the Whakapipi Stream, north of Tuakau town centre. The Council raised concerns about flood risk due to the proximity of the Site to the Whakapipi Stream. Technical assessments prepared for GHL by Golovin have demonstrated that flood risks are present on the Site. Modelling undertaken by Golovin for GHL has shown there is a potential for the Whakapipi Stream to inundate

the area shown in teal hatching in Figure 1 below for the 1 in 100-year return period. This modelling was peer reviewed by Andrew Boldero of Te Miro Water for the Council. Mr Boldero agreed with the risk levels represented by the Golovin modelling. As a result, the Council and GHL have agreed to identify the area shown in teal hatching as a Floodplain Management Area overlay in the DP-OP.

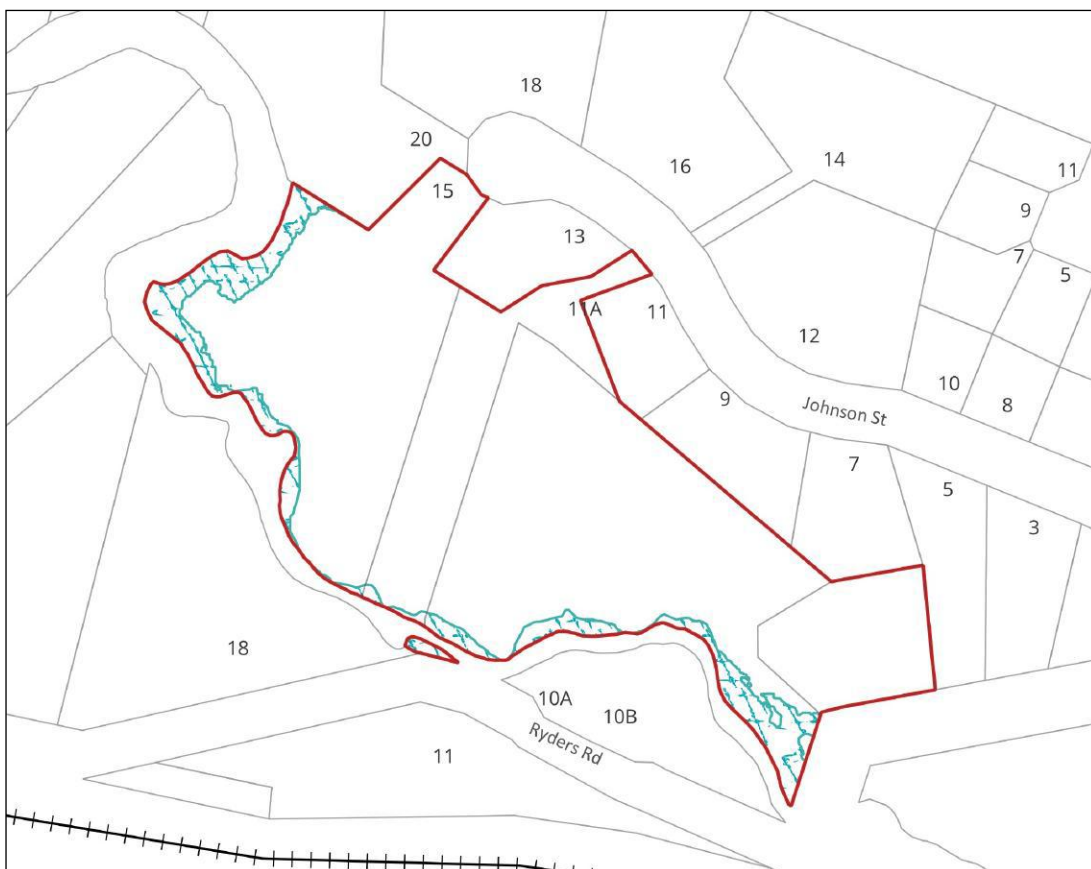


Figure 1: 1 in 100-year return period of the Whakapipi Stream, on the sites subject to appeal

[25] Flood plain management areas identify the 1% Annual Exceedance Probability (**AEP**) floodplain. New buildings within flood plain management areas must have minimum floor levels that are at least 0.5m above the 1% AEP flood level (NH-R1). Additionally, there is a suite of rules (NH-R2 to NH-R10) further controlling construction and earthworks in flood plain management areas. Subdivision within a floodplain management overlay (NH-R10) is a Discretionary activity. The parties have agreed these additional controls appropriately manage the risk associated with development on the Site. The application of a high-risk flood area was not deemed necessary as the modelling indicated the flood levels would not meet the required depth or speed within the boundaries of the Site.

Stormwater ponding

[26] A potential for flooding in the middle of the Site was identified through modelling undertaken by Te Miro Water for the Council as part of Variation 3. Earthworks undertaken to date have removed this ponding issue, and any further earthworks will be assessed at the resource consent stage.

Harrisville Bridge Upgrade

[27] A proposed new culvert upstream of the Site as part of the Harrisville Bridge upgrade has the potential to increase flood risk at the Site. The stormwater experts engaged by both GHL (Golovin) and the Council agreed the flood modelling for the Harrisville Bridge shows that flood risk will not significantly increase at the Site due to the bridge/culvert upgrade. Consent for the upgrade was issued in April 2024. The project is currently on-hold until further funding is received from the New Zealand Transport Agency.

Summary of agreement reached

[28] As a result of negotiations, the parties agreed to amend the DP-OP planning maps as shown in **Appendix A** to this Order:

- (a) rezone the Site (11A and 15 Johnson Street, Tuakau) from LLRZ to GRZ; and
- (b) apply a flood management overlay to parts of the Site to reflect the 1 in 100-year flood level. The overlay is depicted in teal hatching shown in **Appendix A**.

Planning assessment

[29] The parties have considered the statutory framework applicable to preparing plans under the Act and are of the view the agreed zoning satisfies the relevant statutory requirements.

Part 2 of the Act

[30] The Council must prepare and change its district plan in accordance with, and to assist it to carry out its functions, to achieve the purpose of the Act. The parties consider the agreed amendments satisfy these requirements for the following reasons:

- (a) The Site offers an opportunity to contribute to the supply of residential land in close proximity to the Tuakau town centre. Given the growing demand for housing in the Waikato District, the rezoning will over time create additional opportunities for current and future residents in Tuakau to achieve their social, economic and cultural wellbeing, and enable their health and safety, in accordance with s 5(2) of the Act.
- (b) In accordance with s 6(h) of the Act, the proposal seeks to manage the risks from natural hazards through the application of a flood management overlay, that is reflective of the flooding risks present on the Site.
- (c) Once reticulated wastewater connections are available, the rezoning will achieve the efficient use and development of natural and physical resources in accordance with s 7(b) of the Act as it will enable the development of residential land that is in close proximity to the town centre of Tuakau and will support the ongoing growth of Tuakau.
- (d) There are no known Treaty issues associated with the Site. Additional engagement with iwi is anticipated under the DP-OP at the resource consent stage for future development of the Site in accordance with s 8 of the Act.

National Policy Statements

[31] When preparing a district plan, the Council must give effect to any national policy statement and New Zealand Coastal Policy Statement and any national planning standard. The planning documents relevant to the proposal are addressed below.

National Policy Statement on Urban Development

[32] The National Policy Statement on Urban Development (**NPS-UD**) is relevant to the proposal as it sets out the objectives and policies for planning for well-functioning urban environments under the Act. The relevant objectives and policies of the NPS-UD are:

- (a) Objective 1 of the NPS-UD seeks to create well-functioning urban environments that enable all people and communities to provide for their wellbeing. Once wastewater service connections are available, the proposed rezoning will give effect to this by enabling development within an area that is closely located to Tuakau town centre and can utilise existing water services.
- (b) Objective 2 seeks that planning decisions improve housing affordability. Once connections are available, the proposed rezoning will give effect to this policy direction as the GRZ zoning will provide an additional 1.99 ha of housing supply which may contribute to housing affordability and variety of housing stock in Tuakau.
- (c) Objective 3 seeks that district plans enable residential and business growth in areas that are close to a centre zone with employment opportunities, well serviced by existing or planned public transport, and where there is a high demand for housing. The proposal will give effect to this as the Site is proximate to Tuakau town centre. In September 2023, the Infrastructure Committee signalled a proposed railway station for Tuakau in the next 5 years, the next step is for a detailed project case to be carried out.
- (d) Objective 4 recognises that urban environments and their amenity values change over time in response to the changing needs of people and communities. The proposal allows for more urban development in the area which is necessary to provide housing for the growing population, although a more increased level of development has the potential to change existing amenity values.

- (e) Objective 8(b) seeks that New Zealand’s urban environments are resilient to the current and future effects of climate change. The proposal gives additional protection as the proposed floodplain management overlay imposes additional matters that development must comply with.
- (f) Policy 2 requires sufficient development capacity for housing which is “infrastructure ready”. For a site to add to development capacity in the short-term (0-3 years), there is required to be adequate existing “development infrastructure” to support the development. This is defined in the NPS-UD to mean network infrastructure for water supply, wastewater or stormwater. The Site can contribute towards development capacity in the short-term to the extent of 11 lots as these lots have been accounted for in the wastewater capacity calculations. Further capacity will become available as future wastewater connections come online. The Council is working on solutions to address the wastewater capacity issues that are expected to be available in the medium-term.
- (g) Policy 6 requires decision makers when making planning decisions that affect urban environments to have particular regard to the planned urban form in RMA planning documents. Change 1 to the Waikato Regional Policy Statement updated provisions to reflect the Future Proof Strategy 2024 (**Future Proof**). Rezoning the Site is consistent with the WRPS as discussed in paragraph 40 of this report.

[33] The parties consider that the agreed amendments give effect to the above objectives and policies of the NPS-UD as rezoning the Site to GRZ, in anticipation of wastewater connections being available in the medium term, is an effective and efficient way to enable urban environments to develop in a way that meets the needs of people, communities and future generations.

National Policy Statement for Highly Productive Land 2022

[34] The parties advised that the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) does not apply because the size was not zoned rural (LLRZ being an urban zone) and therefore does not apply under clause 3.5(7)(b)(ii).

Waikato Regional Policy Statement

[35] The proposal must give effect to the Waikato Regional Policy Statement (**WRPS**). The parties have prepared an assessment of the proposed agreement against the WRPS. Change 1 which is currently under appeal, is addressed separately:

- (a) Objective UFD-O1 seeks to develop the built environment in an integrated, sustainable and planned manner that enables positive wellbeing outcomes by preserving and protecting natural character, integrating land use and water planning and minimising land use conflicts (amongst others). The Site is contiguous with the existing residential development of Tuakau, allowing for compact growth, with the ability to become integrated into a public wastewater system over time.
- (b) Policy UFD-P1 seeks to develop the built environment in a planned and coordinated manner that has regard to the development principles in APP11, considers potential cumulative effects and has sufficient information for the long-term effects.

[36] The parties prepared an assessment against the relevant principles in APP11, set out below:

Principle	Comment
a. Supporting existing urban areas	The proposed rezoning is located within the Tuakau urban area. It therefore supports the urban environment of Tuakau

<p>d. Not comprise existing and planned infrastructure and allow for future needs</p>	<p>It has been confirmed there is sufficient capacity in the transport network to accommodate the development that this rezoning would enable. There is water supply close to the site that can be extended. However, only 11 wastewater connections can be guaranteed at the time of rezoning meaning that only part of the Site can be connected and developed in the short-term. The residual land is expected to be able to connect in the medium-term. In the meantime, the DP-OP does not preclude on-site wastewater options. Standards are incorporated in the GRZ subdivision rule (SUB-R11(1)(ii)) that require sites to be connected to public reticulated systems. If an alternative wastewater solution were part of a subdivision proposal, then the</p>
<p>f. Identify water requirements to support development</p>	

<p>g. Be planned to achieve efficient use of water</p>	<p>subdivision becomes a fully discretionary activity. The effects associated with the alternative solution would be considered at the time of consent. The policy direction in the SUB chapter emphasises the need to develop land efficiently and to the level anticipated in the zone (SUB-P4-Servicing Requirements and SUB-P6 Achieving sufficient development density to support the provision of infrastructure services in areas without a structure plan). The policy direction does not preclude on-site options. This approach is consistent with the rules in the Water, wastewater and Stormwater (WWS) Chapter of the DP-OP. In this Chapter on-site options are provided for in WWS-R2 – Wastewater servicing for new development or subdivision. The policies will be assessed further through the consent process which will enable the most appropriate wastewater option for the site to be decided upon. The subdivision process will implement the outcomes in the principles.</p>
<p>h. Be directed away from high class soils, and primary production activities on those high-class soils</p>	<p>The NPS-HPL does not apply as the land was zoned LLRZ at the time the NPS-HPL came into force.</p>

i. Promote compact urban form to minimise energy and private vehicle use, take advantage of public transport, encourage walking/cycling and maximise opportunities for people to live, work and play locally.	If the Site is rezoned to GRZ it would promote a compact urban form once wastewater service connections are available. Being within 400m from the existing town centre provides greater opportunities to leverage off / contribute to services and amenities.
j. Maintain or enhance landscape values	There are rules in the plan that seek to protect and manage these values within the GRZ.
k. Promote positive indigenous biodiversity outcomes.	
l. Enhance public access to and along rivers	
m. Avoid adverse effects on natural hydrological characteristics and processes	
o. Not result in incompatible land uses	The surrounding land use is primarily residential, with the exception of a chicken processing plant to the south-west. There are existing no-complaint covenants on the titles that will be rolled over to the new certificates of title.
q. Consider effects on tangata whenua relationships to an area	There are no known effects on tangata whenua values. The land has been identified for large lot type of development under both the ODP and PDP.

[37] Whilst the reticulated wastewater infrastructure required to support the maximum potential lot yield under the GRZ is not currently available, the Council advised it is investigating how to make this available in the medium-term. It is a wider issue, not property specific. The Council's Service Delivery Team has commenced work on identifying a solution to enable additional wastewater capacity across Tuakau and Pokeno. Once a preferred solution is identified, it is expected that the delivery of the solution will take 5-10 years – and will be available over the medium-term.

Change 1 to WRPS

[38] Change 1 ensures that the WRPS gives effect to the NPS-UD and reflects Future Proof 2024:

- (a) The parties consider that the proposal is consistent with Change 1 in that:
 - (i) The timing of the proposed rezoning is in accordance with the timing indicated in Future Proof and Waikato 2070 Growth Strategy (**Waikato 2070**). According to Waikato 2070, the Site is acknowledged as a residential development area in the next 3-10 years and Future Proof (Map 6) identifies the Site for short-term development (2020-2030).
- (b) In terms of UFD–P12 Density Targets for Future Proof Area:
 - (i) Change 1 seeks to increase the target densities for greenfield development in Tuakau to 20–25 dwellings per hectare, and 25-35 dwellings per hectare in defined intensification areas, which development provisions “shall seek to achieve”. The Site (at just under 2 ha) has the potential to create 28 lots under the GRZ, being 14 lots per hectare, which does not meet the density targets for this area.

[39] Despite not meeting these density targets, the GRZ provides additional development capacity that could not be achieved under the existing LLRZ and supports some of the attributes listed in UFD-P12, such as contributing to a range of housing options and, in the medium-term, compact urban environments that support existing commercial centres.

Management plans and strategies

[40] The Council must also have regard to any relevant management plans and strategies and take into account any relevant planning document recognised by an iwi authority.

Future Proof

[41] Future Proof provides a framework for managing growth within the Waikato Region. In the Future Proof Implementation Plan 2024, the Site is identified on Map 6 for short-term development and, in line with the NPS-UD, a range of housing types and densities should be provided to improve housing supply and affordability. Overall, the rezoning better aligns with the Future Proof framework of increasing density in an urban enablement area than the LLRZ, despite does not meeting the density targets. The Site would need to be upzoned to MRZ2 to achieve the Future Proof targets.

Waikato 2070

[42] The Site is located within an area identified as being appropriate for urban growth within Waikato 2070. Specifically, the Site is located in an area identified as being appropriate for residential growth with a development time frame of 3-10 years. The rezoning to GRZ is therefore consistent with the outcomes of Waikato 2070, despite the wastewater constraints in the short-term.

Section 32AA assessment

[43] Section 32AA of the Act requires a further evaluation report to be prepared when any changes are proposed since an original report was completed under s 32 of the Act. The Council's planner has prepared a comprehensive stand-alone s 32AA evaluation for the agreed amendments.

[44] In summary, the s 32AA assessment concludes that:

- (a) the proposed amendments are the most appropriate way to achieve the purpose of the Act as:
 - (i) the proposed amendments enable increased residential development in an area adjacent to an established residential area and within walking distance of the town centre. This extra housing enables people and the community to provide for their well-being

while managing the risk posed by natural hazards in accordance with s 5 of the Act; and

- (ii) the proposed amendments enable an increased density of residential housing, thereby enabling more efficient use and development of the land in accordance with s 7 of the Act.
- (b) While five options were initially considered, the agreed amendments are the preferred option as:
- (i) it enables the live zoning of additional residential land within Tuakau in the short-term, that can in part be developed now and allows for development commensurate with the available wastewater capacity, once solution(s) to the current capacity constraints are in place;
 - (ii) it will enable the extension of a residential area that can contribute to a well-functioning urban environment (in the medium-term) while mitigating flood risk; and
 - (iii) it is the most appropriate option to achieve the objectives of the DP-OP by enabling a more compact urban form (in the medium-term), increasing available housing capacity and utilising the nearby water supply network.

[45] In summary, the parties have agreed that the proposed amendments will be the most efficient and effective in achieving the purpose and objectives of the RMA.

Consideration

[46] The Court has now read and considered:

- (a) the appellants' original and amended notices of appeal;
- (b) the joint consent memorandum dated 13 June 2025; and
- (c) the s 32AA evaluation prepared 13 June 2025.

[47] The Court is making this Order under s 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;
- (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.

[48] The Court is satisfied that the agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably practicable options and assessed costs and benefits. The Court concludes that the parties have taken a nuanced and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, the Court considers the sustainable management purpose and the other relevant requirements of the Act are broadly met.

[49] The Court is satisfied that the proposed amendments are within the scope of relief sought by the appellants in their submissions and appeals. Accordingly, the orders are made as sought.

Orders

[50] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (a) the appeals are allowed subject to amendment of the planning maps in the Waikato District Plan (Operative in Part) as shown in **Appendix A**;
- (b) Greig Holding Limited's appeal is otherwise dismissed; and
- (c) paragraphs 6 and 7 of The Surveying Company Limited's appeal is otherwise dismissed.

[51] Under s 285 of the Act, there is no order as to costs.



L J Newhook

Environment Judge | Kaiwhakawā o te Kōti Taiao



Appendix A – Amended zoning map with flood plan management area overlay

