

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2026] NZEnvC 064

IN THE MATTER OF

an appeal under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN

WFT FINANCE LIMITED

(ENV-2022-AKL-039)

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

Court: Environment Judge S M Tepania sitting alone under s 279 of the
Act

Last case event: 11 March 2026

Date of Decision: 7 April 2026

Date of Issue: 7 April 2026

CONSENT DETERMINATION

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

- (1) The planning maps in the Waikato District Plan - Operative in Part are
amended in accordance with Appendix 1 to this determination;



- (2) Part 3: Area-specific matters, Precincts (Multizone) of the Waikato District Plan - Operative in Part is amended by inserting a new “PREC43 - Munro Block Precinct” in accordance with Appendix 2 to this determination; and
- (3) The appeal is resolved in its entirety.

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

REASONS

Introduction

[1] This consent determination relates to the appeal (**the Appeal**) by WFT Finance Limited (**WFT**) against the Waikato District Council’s (**Council**) decision to decline the submission on the Proposed Waikato District Plan (**PDP**) to rezone approximately 11.6 ha of land at 7 Munro Road, Pookeno (**Property**) from General rural zone (**GRUZ**) to General residential zone (**GRZ**).

[2] The PDP became the Waikato District Plan - Operative in Part (**DP-OiP**) on 30 October 2024 and further parts of the DP-OiP have been made operative since that date.

Background

[3] The PDP was notified on 18 July 2018. The proposed zoning of the Property in the notified PDP was Rural, being no change from the Operative Waikato District Plan (Franklin Section).

[4] A submission by Kwanghoon Yang requested the Property be rezoned from rural to residential. The reasons to support the rezoning included proximity to bus routes and connections to the roading network as well as proposed residential zoning to the north and existing Medium density residential zoning to the south. The submission was opposed by Waikato Regional Council as the Property was not serviced for infrastructure. The submitter did not provide any technical information to support the rezoning request.

[5] The s 42A report relating to submissions on zoning in Pookeno was released on 14 April 2021. The report recommended the zoning request be rejected.¹ The submitter did not appear at the hearing.

[6] The decisions on the PDP were made by Independent Hearing Commissioners appointed by Council and notified on 17 January 2022. The decisions version of the PDP reflects the zoning standards under the National Planning Standards and retained the notified rural zoning of the Property, now termed GRUZ. In relation to the Property, the Decision Report 28I: Zoning Pookeno states:²

[135] ... in the absence of any evidence, we agree with Mr Mead's analysis and recommendations in respect of the following submissions, and have made no changes to zoning ...

The Appeal

[7] On 1 March 2022, Ayesha Ashraf Choudhary, a successor in title to the submitter, appealed the Council's decision. An amended notice of appeal was filed on 18 March 2022. There are no s 274 parties.³

[8] The reasons for the appeal include:⁴

- (a) The submitter did not understand the process or the need to carry out investigations and provide site specific evidence;
- (b) Site specific reporting will demonstrate that the matters of concern to the panel can be resolved at the subdivision and development stage;
- (c) Rezoning the site residential is consistent with the zoning pattern of surrounding sites, meets the requirements of Policy 6.1 of the Waikato Regional Policy Statement, represents sustainable resource management, achieves the PDP's objectives and will assist in providing for the economic growth of Pookeno; and

¹ Statement of Evidence of Katharina Lepoutre dated 19 December 2025 at [14(d)].

² Decision Report 28I: Zoning Pookeno at [14(f)].

³ Statement of Evidence of Katharina Lepoutre dated 19 December 2025 at [14(g)].

⁴ Amended Notice of Appeal dated 18 March 2022 at [7(a) to (g)].

(d) Conversely, retaining the GRUZ does not achieve the matters in paragraph (c) above.

[9] WFT was subsequently substituted as the successor in title to Ms Choudhary when it acquired the Property.⁵

[10] The appeal is assigned to Topic 1.2: Pookeno West zoning and this consent resolves the appeal in its entirety.

Developments post Appeal

[11] Since lodging the Appeal, WFT has provided a significant amount of technical information which has been peer reviewed by Council. In addition to the provision of technical information, the parties have taken part in direct discussions and attended two Court-assisted mediations on 26 June 2023 and 11 November 2025. On 17 October 2025 the Court issued timetable directions for the filing of evidence, to commence after the second mediation.

[12] As the Property contains highly productive land it is subject to the National Policy Statement on Highly Productive Land (**NPS-HPL**). Changes to the NPS-HPL were gazetted on 18 December 2025 (the day before the Council filed its evidence in chief) and came into force on 15 January 2026 (prior to WFT's rebuttal evidence). As a result of these amendments, the extent of highly productive land on the Property is now significantly reduced. Consequently, the parties have explored settlement and are agreed there is now a pathway through the NPS-HPL which will enable the Property to be rezoned.

Agreed amendments

[13] As a result of new clause 3.6(6) of the NPS-HPL, LUC 3 land is now excluded from the requirement to meet the test in clause 3.6. The parties agree this leaves only 0.66 ha of highly productive land (LUC 2 land) remaining on the Property. The parties have agreed to rezone this area to Rural lifestyle zone (**RLZ**) as it meets the requirements of clause 3.10 of the NPS-HPL. To enable an integrated development

⁵ Notice of Change of Appellant dated 17 July 2024.

of the Property, the parties also agree to apply a precinct over the Property with bespoke plan provisions.

[14] Accordingly, the parties agree to resolve the appeal as follows:

(a) Amend the planning maps to:

- (i) rezone the 0.66 ha of LUC 2 rural land on the Property to Rural lifestyle zone;
- (ii) rezone the balance of the rural land on the Property to General residential zone; and
- (iii) insert an overlay known as the ‘Munro Block Precinct’ overlay to apply to the full extent of the Property;

as shown in **Appendix 1**;

(b) Insert a new ‘PREC43 - Munro Block Precinct’ in the Waikato District Plan - Operative in Part at Part 3: Area-specific matters, Precincts (Multizone) as shown in **Appendix 2**.

Proposed precinct provisions

[15] The Munro Block Precinct and associated bespoke plan provisions ensure the Property can be subdivided and developed to an appropriate urban form. This method has been applied elsewhere in the district.

[16] The precinct provisions identify that despite the small area of RLZ, the overall intent is to enable an integrated urban residential development across the precinct. To achieve this outcome, the objectives and policies of the RLZ do not apply to the RLZ land within the precinct. Instead, the GRZ objectives and policies apply to all land within the precinct, except for GRZ-O1. This objective relates to residential character and provides that “the low density residential character of the zone is maintained.”

[17] The parties have agreed to exclude GRZ-O1 from the precinct as the Property is the only area within Pookeno zoned GRZ. All other GRZ land was upzoned to

the Medium density residential zone 2 through decisions on Variation 3 to the then PDP (Variation 3 was Council's Intensification Streamlined Planning Instrument to meet its obligations under section 77G of the RMA to incorporate the Medium Density Residential Standard (**MDRS**) into all 'relevant residential zones' in the district).

[18] Accordingly, if the balance of the Property is rezoned to GRZ, as proposed, the Council will be required to notify a further plan change to incorporate the MDRS into this new residential area. As such, the exclusion of GRZ-O1 and new proposed policy PREC43-P1 is intended to enable a range of residential densities, pending a future plan change.

[19] The remainder of the proposed policies reflect the particular characteristics of the site and cover matters such as slope stability and landslip (PREC43-P2), streams and wetlands (PREC43-P3) and connectivity within the precinct (PREC43-P4) and prevent direct vehicle access onto Pookeno Road as recommended by Council's transport expert (PREC43-P5). In addition, PREC43-P6 seeks that development should connect to public infrastructure where networks are available and when not available, an alternative servicing solution be provided until public infrastructure becomes available. This recognises that currently there is no ability for the Property to connect to Council's wastewater system.

[20] Proposed rule PREC43-R1 provides that the rules and standards in the RLZ (including the rules and standards in Part 2: District-wide matters relevant to the RLZ) do not apply to the RLZ land within the precinct. The rule makes it clear that instead the rules and standards relevant to the GRZ in Part 2 and Part 3 of the DP-OiP apply to the RLZ land within the precinct.

[21] Council acknowledges it is unusual to have a RLZ with bespoke provisions to enable a density of development akin to a GRZ. However, given the small extent of RLZ within the precinct (0.66 ha, which will be further reduced in the future through the provision of a roading roundabout) and the surrounding residential zoned land on three sides of the Property, the parties consider this will better achieve a 'well-functioning urban environment' as required under the National Policy Statement on

Urban Development. Council does not consider this sets a precedent or undermines the integrity of the DP-OiP in these circumstances.

[22] The parties agree there is scope within the appeal to zone the LUC 2 land to RLZ as this zone falls between the status quo GRUZ and the GRZ relief requested in the appeal.

Planning Assessment

[23] The consent memorandum submitted with the draft consent documents has assessed the zoning and proposed provisions against the remaining relevant national policy directions and the Waikato Regional Policy Statement (**RPS**) and it is agreed the amendments give effect to these documents.

Section 32AA evaluation

[24] Section 32AA of the Act requires a further evaluation of any changes to a proposed plan since the initial s 32 evaluation report and the IHP's decisions

[25] An updated s 32AA assessment, evaluating the rezoning to GRZ and RLZ and the inclusion of the new precinct and the precinct-specific provisions, was included in Appendix C to the Joint Memorandum in Support of Draft Consent Orders.

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

- (a) The scale and significance of the amendments are low given:
 - (i) the amendments themselves do not introduce any compliance costs or other financial impacts on third parties; and
 - (ii) the amendments are supported by a sufficient level of information to inform decision-making and there is a corresponding low risk of acting;
- (b) The objectives of the proposed amendments, and the proposal generally, are the most appropriate way to achieve the purpose of the Act as they will:

- (i) enable residential development that can provide for the social, economic and cultural wellbeing of people and communities, while specifically managing potential environmental effects;
 - (ii) enable residential development outcomes that can contribute to safeguarding natural and physical resources in accordance with s 5(2)(b) of the Act; and
 - (iii) facilitate the avoidance, remediation or mitigation of adverse effects in accordance with s 5(2)(c) of the Act by providing for coordinated subdivision and development subject to established consenting processes; and
- (c) The proposed new objectives, policies and the associated precinct provisions are the most efficient and effective means for achieving the objectives of the PDP as they will:
- (i) assist in achieving the relevant district plan objectives;
 - (ii) enable the Council to fulfil its statutory obligations, including s 31 of the Act;
 - (iii) achieve the relevant Part 2 Matters, namely ss 6(a), 6(d), 6(h), 7(b), 7(c), 7(d), 7(f), and 7(i) of the Act;
 - (iv) efficiently and effectively achieve the objectives of the proposal; and
 - (v) enable the Council to administer its district plan effectively and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

Consideration

[27] In making this order the Court:

- (a) Read and considered:
 - (i) the Notice of Appeal dated 18 March 2022;

(ii) the Joint Memorandum in Support of Draft Consent Orders dated 2 March 2026;⁶ and

(iii) the s 32AA evaluation prepared by the Council; and

(b) Had an opportunity to hear from legal counsel and the geotechnical and planning witnesses for the Council at a hearing on 10 March 2026.

[28] 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; 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.

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

[30] The Court is satisfied that the agreement reached is one that represents the interests of the parties. The Court concludes that the parties have taken a practical and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the DP-OiP. Overall, the Court considers that the sustainable management purpose and the other relevant requirements of the Act are broadly met.

⁶ The draft consent documents were originally filed with the Court on 3 March 2026, and amended documents were filed 11 March 2026.

Order

[31] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeal is allowed subject to the following:

- (a) The planning maps in the Waikato District Plan - Operative in Part are amended in accordance with Appendix 1 to this order;
- (b) Part 3: Area-specific matters, Precincts (Multizone) of the Waikato District Plan - Operative in Part is amended by inserting a new “PREC43 - Munro Block Precinct” in accordance with Appendix 2 to this order; and
- (c) WFT’s appeal is otherwise dismissed.

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



S M Tepania
Environment Judge | Kaiwhakawā i te Kōti Taiao





PREC35 Pokeno West

PREC43 Munro Block

Legend

Property boundary

Precinct

Zone - Proposed

GRZ - General residential zone

GRUZ - General rural zone

RLZ - Rural lifestyle zone

OSZ - Open space zone

Zone_Operative

MRZ2 - Medium density residential zone 2

0 75 150 m



Proposed Zone changes & Precinct

GIS Department
Waikato District Council
Created By: Marius Tsui
Created For: Jamahl
Date Created: 23/Feb/2026
Projection: EPSG:3857 (WGS 84 / Pseudo-Mercator)
Ref: INC-68809

Appendix 2

Part 3: Area-specific matters / Precincts (multi-zone) / PREC43 – Munro Precinct\

PREC43 – Munro Block Precinct

Description

The precinct is bounded by Pookeno Road to the south, Munro Road to the east and Huia Road to the north. The precinct is identified on the planning maps as PREC43 – Munro Block Precinct and contains the following zones:

- General residential zone – GRZ
- Rural lifestyle zone – RLZ

The Munro Block Precinct is the only area within Pookeno zoned GRZ – General residential zone, with other residential areas generally zoned Medium density residential. The General residential zone enables a range of residential densities and built forms, and development that is comparable to medium density residential environments where appropriate may be possible.

The Precinct is located on the north-western side of Pookeno within an area that will accommodate a substantial proportion of ongoing residential growth. The Munro Block Precinct provides opportunities to enhance connectivity with these new and developing urban areas, particularly to the north and east.

The precinct contains varied landform, including areas of sloping land, a permanent stream (Tanitewhiora) and wetlands. These natural features are recognised as key elements influencing the form, layout and development potential of the precinct.

Transport infrastructure within this part of Pookeno is evolving. A roundabout will be constructed at the intersection of Munro Road and Pookeno Road, with part of that infrastructure to be located within the precinct.

Subdivision and development within the precinct must not establish direct vehicle access onto Pookeno Road.

Two small discrete areas of highly productive land are present within the precinct. This land has been retained within a Rural lifestyle zone. The overall intent of the precinct, however, is to enable an integrated residential development. To achieve this outcome, the objectives and policies of the RLZ do not apply to the RLZ land within the precinct and the rules and standards in the GRZ apply to the RLZ land as if that land were in the GRZ.

Objectives

Note: The objectives of the RLZ - Rural lifestyle zone do not apply to any land within the precinct. The objectives of the GRZ – General residential zone apply to all land within the precinct (except for GRZ-O1) in addition to the objectives below.

PREC43-O1 Residential subdivision and development

Residential subdivision and development respond to the features and location of the precinct and achieves a well-functioning urban environment.

PREC43-O2 Transport network

Residential subdivision and development supports the safe and efficient operation of the surrounding transport network and planned transport upgrades.

Policies

Note: The policies of the RLZ - Rural lifestyle zone do not apply to any land within the precinct. The policies of the GRZ – General residential zone apply to all land within the precinct in addition to the policies below.

PREC43-P1 Residential density

A range of residential densities is enabled.

PREC43-P2 Slope stability and landslip

Subdivision and development on land to the north of the Tanitewhiora Stream avoids or manages landslip risk to ensure the land remains suitable for residential use and does not create or increase natural hazard risk.

PREC43-P3 Streams and wetlands

Subdivision and development protects and enhances the Tanitewhiora Stream and wetlands by integration with open space where appropriate, subdivision layout, and appropriate setbacks.

PREC43-P4 Connectivity

Subdivision provides for pedestrian and cycling connections within the precinct and to adjoining urban areas to the north and east.

PREC43-P5 Transport network and access

The layout and design of any subdivision must not establish vehicle access onto Pookeno Road.

PREC43-P6 Wastewater servicing

Development connects to public infrastructure networks where available. Where public infrastructure is not available, suitable alternative servicing solutions may be provided until public infrastructure becomes available.

Rules

Note:

For land in the GRZ – General residential zone within the precinct, all relevant rules and standards from Part 2 and Part 3 apply in addition to the rules below.

For land in the RLZ – Rural lifestyle zone within the precinct, all relevant rules and standards from Part 2 and Part 3 apply as if the land were in the GRZ – General residential zone, in addition to the rules below

PREC43-R1	Rules and standards in the RLZ – Rural lifestyle zone	
	<p>(1) The rules and standards of the RLZ – Rural lifestyle zone do not apply to the land within this precinct.</p> <p>(2) The rules and standards of Part 2: District-wide matters applying to the RLZ – Rural lifestyle zone do not apply to the land within this precinct.</p> <p>(3) The rules and standards of Part 2: District-wide matters and Part 3: GRZ-General residential zone apply to the land within this precinct zoned RLZ – Rural lifestyle zone.</p>	
PREC43-R2	Matters of discretion	
	<p>(1) All restricted-discretionary, discretionary and non-complying activities in Part 2 – District-wide matters and Part 3 – Area-specific matters sections of this Plan must address:</p> <p>(a) The matters of discretion that apply to any infringed standard.</p> <p>(b) Effects on the safe and efficient operation of the road network.</p> <p>(c) Consistency with PREC-43-O1-O2 and PREC-43 P1-P5.</p>	
PREC43-R3	Access onto Pookeno Road	
	<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <p>(a) No direct road or vehicle access onto Pookeno Road from the precinct.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on the safe and efficient operation of the road network.</p> <p>(b) Consistency with PREC-43-O1 and PREC-43 P1-P6.</p>