

Land use consent – Non-notified – Discretionary Activity

Date:	08 December 2025
Report to:	Lorelle Barry, Manager Consenting Services
From:	Lewis Stevenson, Senior Consents Planner
Application number:	LU25-010302
Type of application:	Land use consent – Discretionary
Applicant:	Whangamoa Trust
Agent:	Barker & Associates Limited
Description:	Construct and maintain 28 Papakāinga units, including outdoor amenity areas (i.e., playground and basketball court), parking, access, a non-residential activity (i.e., community building) and associated infrastructure (including a above ground infrastructure for storage and drainage of stormwater)
Site address:	108 Whangamoa Drive Rotoiti North Rotorua 3074
Legal description:	Rotoiti 17 Block (ML 22414), Lot 3 DP 23705 (Accessway), Part Lot 13 DPS 42354, Lot 2 DPS 40578
Site size:	155.0893 Ha, development area: 28,630m ²
Operative District Plan overlays / zone (Map 372):	<u>Zone</u>
	Area of development = Rural 1 Zone (RURZ1) - Working Rural
	Reserve 1 Zone - Conservation Reserve, Residential 4 Zone - Lakeside Settlements, Water Zone – Water
	<u>Historic and Cultural Values</u>
	• Adjoins Ōtaramarae Pounamunui Marae • Māori Freehold Land
	<u>Natural Hazards</u>
	• Landslide susceptibility = very low to high • Liquefaction vulnerability = possible and undetermined • Soft ground; ○ Zone A: Areas of volcanic-derived rocks and soils. Volcanic processes by their very nature are high-energy. No soft ground is expected in zone A as the dominant processes preclude the conditions necessary for its development. ○ Zone D: Holocene (last 10,000 years) swamp deposits and Holocene lake or delta sediments between the 9000 ka and modern Lake Rotorua shorelines. Four of five documented sites of soft ground in the Rotorua district are located in Zone D.
	<u>Natural Environmental Values</u>
	• Adjoins Lake Rotoiti and Margins (ONFL) • Subject site contains SNA 27 – Te Ti Bay

	- Land Use Classification (LUC) – Class 6 - Within Lake Rotoiti Catchment <u>Energy Infrastructure and Transport</u> Within the Obstacle Limitation Surface (>10m and >20m) <u>Development Areas</u> Whangamoa Development Area (Owners Reservation (OR) Area and Eco Farm – Area A) - OMDA
Rules and activity status	<u>PK-R1 – Papakānga (including kaumātua flats):</u> - PK-R1(4) (Rural 1 Zone) - Compliance is not achieved with the performance standards for PK-R1(3): Restricted Discretionary Activity <u>EIT-R10 – Above ground infrastructure</u> - EIT-R10(1) - Above ground infrastructure for storage or drainage of water (including geothermal water and steam) stormwater or sewerage: Discretionary
Statutory Acknowledgment Area:	Taheke-Tikitere Geothermal Field
Working days @ 28 November 2025	87
Time on hold:	TBC
Type of on hold request:	S92
S37 Extension	20 Working Days (complexity) 22 working days (draft conditions) 15 working days (Applicants agreement) ¹ Total s37 = 57 working days

1.0 Introduction

Pursuant to s88 of the Resource Management Act 1991, Barker & Associates Limited (the Agent) has applied on behalf of Whangamoa Trust (the Applicant) for a land use consent to construct and maintain 28 papakāinga residential units (within 26 standalone residential buildings), including outdoor amenity areas (i.e., playground and basketball court), parking, access, a non-residential activity (i.e., community building) and associated infrastructure (including a above ground infrastructure for storage and drainage of stormwater) at 108 Whangamoa Drive (legally described as Rotoiti 17 Block (ML 22414)) in the Rural 1 Zone - Working Rural Zone.

The application numbered LU25-010302 and additional information in the 's92 response' corresponds to the scale and significance of the proposals effects on the environment and should be read in conjunction with this Report. The application also includes a number of technical reports that support the proposal, including the following;

- Appendix 5: Landscape Assessment Report (LAR), prepared by Greenwood Associates Ltd
- Appendix 6: Ecological Assessment, prepared by EcoResto Ltd

¹ Agent agreement to s37 – ID: 21838203

- Revised Traffic Assessment, prepared by Traffic Planning Consultants Ltd (TPC)
- Appendix 8: Infrastructure Report, prepared by Maven BOP Ltd
- Revised Stormwater Management Report, prepared by Maven BOP Ltd
- Appendix 10: Geotechnical Feasibility Assessment, prepared by ENGEO Ltd
- Appendix 11: PSI & DSI, prepared by HAIL Environmental Ltd

Where Council concurs with information/assessments undertaken by the Agent, or technical experts, this is stated and relevant sections of the application (or 's92 Response') have been referenced in accordance with section 42A(1B) of the Resource Management Act 1991, rather than repeating information. In some cases, the information has been copied into this Report for ease of reference.

In addition to this, Councils Land Development Engineer (LDE), Adam Henderson-Genefaas, has provided technical advice with regards to engineering matters, in an Engineering Memorandum (ID: 21629339) that I have considered in the assessment below.

A copy of the application was also referred to the Bay of Plenty Regional Council, and these comments have been considered in the assessment below.

1.1 Description of site

The proposal is located at 108 Whangamoa Drive, Rotoiti, legally described as Rotoiti 17 Block. It is held under Record of Title identifier 505759, issued 01 December 2009, with a total area of 155.321 hectares (ha). Specifically, the proposal relates to an approximate 28,630m² area of land located in the northern corner of Rotoiti 17 Block, referred to hereon as the subject site, as shown in Figure 1 below.

The subject site has a Rural 1 (RURZ1) – Working Rural Zone overlay and is located within the Whangamoa Development Area (Owners Reservation (OR) Area) - OMDA. Otherwise, the DP overlays are identified in the table above.

A description of the site and surrounds can be found in Section 3 of the application, which I generally agree with, except where Whangamoa Drive is described as an unsealed ROW. While part of the ROW is unsealed, this is at the southern end of the ROW. It is noted that Otaramarae Road becomes Whangamoa Drive at the intersection with Vercoe Place.

A site visit was also carried out on 6 May 2025 - A full set of site visit photos have been saved on file (ID: 21293917).

The technical reports also provide detailed site assessments in relation to their respective areas of expertise which I have relied on, and consider relevant here, but for conciseness have not repeated here.

The development area is shown below:

[See next page]

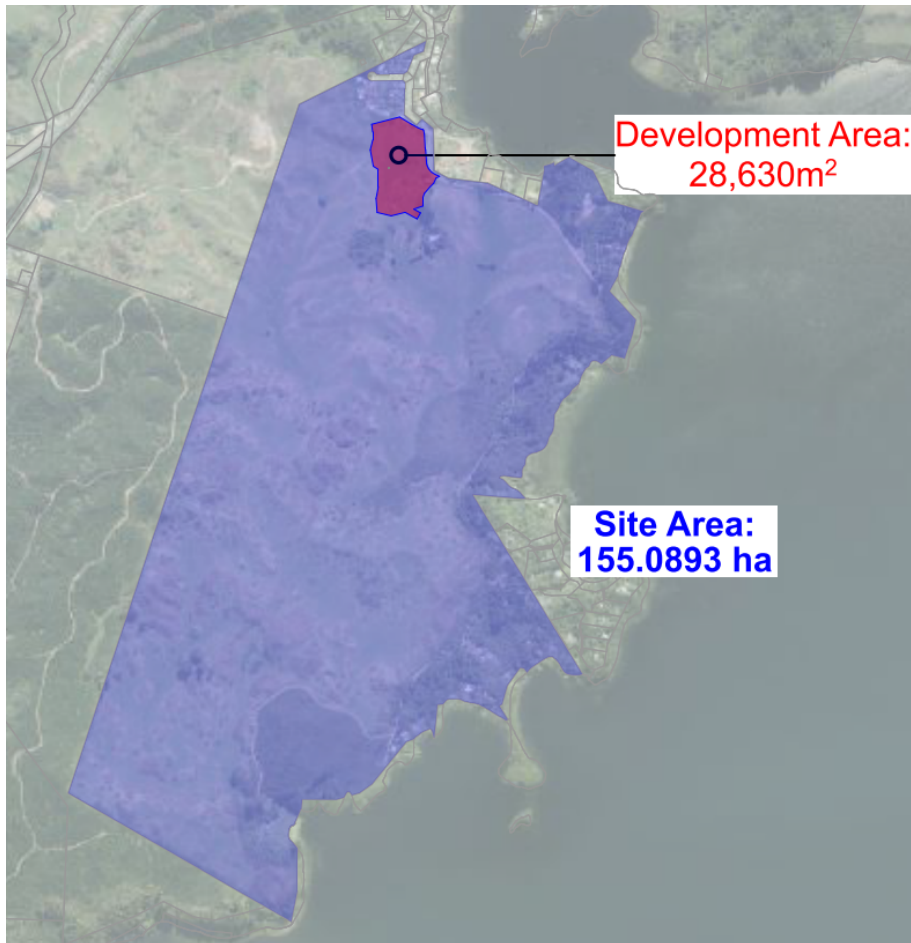


Figure 1 - Excerpt of Appendix 3 - Architectural Plans - Sheet no. A212

1.2 Legal interests in the property

A description of the legal interests held on the Record of Title (Identifier 505759) can be found in Section 13.1 of the application, which I generally agree with. For the purpose of defining the site, the relevant clauses from the DP definition have been shown below for ease of reference;

- a. an area of land which is the smaller land area of either:
 - i. land comprised in a single lot held in one Computer Freehold Register (as that term is defined in the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002); or
 - ii. land comprised in a single lot or the balance area on an approved subdivision scheme plan for which a separate certificate of title can be issued without further Council involvement.

- d. an area of Māori freehold land that either:
 - i. is land created by way of partition under Sections 297 and 301 of Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993) and held in one Māori Land Court Title, or
 - ii. is land defined by survey and created by way of partition into one parcel to be held by an owner who is a member of the same hapū, or owners who are members of the same hapū, or
 - iii. is land defined by survey and held in a Māori Land Court Title and for which ownership can be determined, or
 - iv. is land defined by survey and created by way of partition for a site for a dwelling under Section 296 of Te Ture Whenua Māori Act 1993 (The Māori Land Act 1993).

Of note, there are a number of lease agreements registered on the RT, that are defined by survey, and these are considered to be respective sites in light of the DP definition.

1.3 History

Resource consent numbered LU24-010248 by Council was granted on 28 May 2025 to undertake bulk earthworks on the subject site, to prepare the 2.7ha development area creating building platforms and roading levels for the currently proposed residential/papakāinga development. This includes approximately 9,130m³ of cut and fill over a 26,960m² area, with some earthworks within 25 metres of a waterbody and on-site stockpiling of excess fill.

At the time of writing this Report, physical works have not begun. Furthermore, at the time of writing this consent, I understand that the BoPRC consent (RM25-0129 for earthworks² and discharge³) is still being processed.

A review of the property file shows a number of records that relate to the parent lot (i.e., including lease areas). However, for 108 Whangamoa Drive and in terms of the area to be developed, there are no records on file that will impact the proposal.

1.4 Proposal

A full description of the proposal can be found in Section 4 of the application. More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and plans accompanying the application. For ease of reference, a summary is copied below in italics, with amendments made in light of the 's92 Responses' (non-italics);

Papakāinga: *It is proposed to develop the site for the purposes of a Papakāinga activity which includes 26 freestanding buildings that contain 28 Papakāinga Housing Units (Units 25 & 26 containing being an internally accessible studio), and associated parking, access, non-residential activity (community building) and outdoor amenity areas on Māori whenua. The proposed development will be commonly referred to as 'Whangamoa Papakāinga' and will provide for living and community opportunities in response to increasing housing demands, thereby supporting the cultural, environmental and economic wellbeing of tāngata whenua on their ancestral land.*

Buildings and Dwellings: *It is proposed to construct 26 new stand-alone Papakāinga Housing Units containing 28 residential units. The proposed new housing units consist of 9 three-bedroom units, 11 four-bedroom units, and 6 five-bedroom units. Two of the proposed five-bedroom units are double story (being proposed unit 25 & 26), and contain an internally accessible studio unit, while the remaining units are all single storied. All residential units are single detached standalone dwellings. A community building is also proposed as part of the Papakāinga development, aligning with the District Plan definition of Papakāinga as it will be ancillary to the residential component of the Papakāinga and will support the cultural, environmental and economic use of the site.*

² Bay of Plenty Regional Council comments – ID: 21252447

³ Bay of Plenty Regional Council – [Resource consent documents](#)

The site layout, including associated access, parking, and outdoor amenity area, is shown in the revised Architectural Plans⁴. Further detail of the proposed development is provided on the drawings prepared by Pacific Environments Architects, included in the revised Landscaping Plans⁵.

Landscaping: Landscaping is proposed throughout the site as illustrated on the plans prepared by Greenwood Associates, included in the revised Landscaping Plans. The landscaping plans include planting, feature paths and permeable paving surface treatments and proposed bin storage areas.

Through the 's92 Response' the Agent confirmed the following;

- revegetation planting is proposed on the slopes directly behind units 13, 16 – 20 and 26 shown in drawing 1946/01, being an area between the existing exotic forest and existing native bush to preserve within 'Stage 1 Area'
- no new fencing is proposed as part of the application.

However, further information provided by Chris Campbell, the author of the LVA, to support a set of proffered conditions states, *the proposed 'EM-Embankment Revegetation Mix' planting is not fundamental in maintaining the level of cumulative adverse landscape effects of the proposal at a level of very low as outlined in the aforementioned landscape assessment report.*⁶

Vehicle Access: The existing site is currently served by a connection onto Whangamoa Drive (private access). Within the site, two access roads will be formed (Ara Matua and Ara Pekanga) although both will share a single access to Whangamoa Drive. Both private accesses will have a width predominately of 6.0 metres but will reduce in width to approximately 3.0 metres, where providing either on-road parking bays, or traffic calming landscape bump-outs. All 26 proposed residential units will be serviced by the proposed private access. Vehicle tracking diagrams (VTD) illustrating the functionality of the access configuration are included in updated VTD plans⁷.

It is noted that Whangamoa Drive currently serves approximately 40 – 45 existing residential units.

Parking: The proposal consists of a total of 69 parking spaces directly associated with the dwellings and 19 spaces provided as visitor parking within the site. 11 of the visitor parks are located adjacent to the proposed community building while the remaining 8 are dispersed around the development.

Refuse Collection: The proposal is expected to be serviced predominantly on-site by public refuse collection (via a private on-site servicing agreement). The site has been designed to have a turning head at the end of each access. See tracking diagrams for refuse trucks contained in updated VTD.

Servicing: The servicing strategy for the proposed development is set out in the report and accompanying drawings by Maven Engineers, included as Appendix 8, which is still applicable in light of the revised Stormwater Management Plan⁸ (Project J00601 – dated 19 June 2025). In summary, it is concluded that all household units can be appropriately serviced in terms of stormwater, wastewater, water supply, power and telecommunications. In particular:

⁴ Revised Architectural Plans – ID: 21456861

⁵ Revised Landscaping Plans – ID: 21456860

⁶ Correspondence regarding embankment planting – ID: 21836235

⁷ Revised vehicle traffic diagrams – ID: 21591802

⁸ Revised Stormwater Management Plan – ID: 21456862

- **Stormwater:** Swales are proposed for conveyance of stormwater onsite, with culverts under driveways and footpaths. Swales and culverts are proposed to manage overland flows, with subsoil drains to protect road infrastructure. Roof runoff will be directed to swales, and no lot soakage is proposed due to poor soil permeability. A rain garden has been proposed to treat stormwater runoff, with a ponding area sized to meet water quality volume requirements. The rain garden is designed to comply with BOPRC guidelines.

It is noted through the 's92 Response', and the updated Stormwater Report states, *The maximum depth of water across Whangamoa Drive is 316mm in pre-development, and 320mm post development, meaning there is a 4 mm increase in maximum water level between pre-development and post-development scenarios.*

- **Wastewater:** It is proposed that 24 of the proposed dwellings will be provided with access to a grinder pump with each pair of dwellings sharing a pump chamber, boundary kit and onsite discharge line to the common reticulation network. The remaining two dwellings, the community centre and provision for the existing dwelling on site will be provided individual connections to the reticulation network. The reticulation network will connect directly to the existing Council pump station, via a new inlet, approximately 550m Southeast of the site.
- **Water:** The site has an existing 100mm diameter bore which supplies potable water to the existing dwellings on site, as well as the immediate neighbours to the North and East, including Houmaitawhiti Marae, Vercoe Place and Kahuera Road. It is proposed that a new water supply line from the bore site be laid within the roading network, to a proposed water supply tank farm to the West of the site including 7 x 30,000L tanks. These tanks will provide potable water and fire water supply to the site. It is considered there is sufficient capacity in the permitted water take to service the proposed development as well as the existing development utilising the bore water source.

Four existing water tanks are proposed to remain on site, as shown in landscaping / servicing plan⁹.

- **Fire Fighting Supply:** The firefighting water supply classification for this development in FW3. There is no existing fire hydrants located within the immediate vicinity of the site or Whangamoa Drive. As such there will be two new fire hydrants placed within the road reserve, of the development site, to serve the proposed dwellings and community centre. It is considered the required flow rates are able to be achieved.

Through the 's92 Response' the revised TIA confirmed that the road widths are suitably sized so that fire emergency vehicles will be able to navigate past suitably, noting their respective widths are estimated to be 2.55 metres.

- **Other Services:** Chorus and Unison have both provided confirmation that there is capacity within their network to service this development. The existing overhead service lines internal to the site will be removed and placed in servicing trenching within the road reserve. Lay plans for utility infrastructure provided in the Engineering Drawing set.
- **Geotechnical Investigation:** A Geotechnical Investigation prepared by ENGEO, is included as Appendix 10. The report includes a number of recommendations which have informed the proposed site works and the building foundations.

⁹ Landscape / servicing plan – ID: 21456858.

- **Site Works:** Earthworks are to be undertaken under consent LU24-010248. No further works are proposed in addition to the works consented under this consent.
- **Contamination:** A Preliminary Site Investigation (PSI) has been undertaken by the HAIL Environmental (contained in Appendix 11). While the site is not listed on the Bay of Plenty Regional Council (BoPRC) register of hazardous activities or industries (HAIL, MfE1), the applicant has acquired a PSI due to there being concern of contaminated soil due to the existing woolshed and sheepyards within the development area. In summary the PSI concluded that;
 - Property file plans, site observations and XRF screening indicate that it is highly unlikely that there was a sheep dip or spray unit in the vicinity of the 1970s woolshed and stockyards. The stockyards in the north post-date the use of persistent chemicals such as dieldrin and arsenic. There was also no evidence of fuel or hazardous substance storage. Preliminary sampling also indicates that the application of super phosphate has not resulted in elevated concentrations of cadmium above background or residential criteria.
 - Offal pits are likely present in the vicinity of the woolshed. Potential risks associated with the offal pits includes the presence of disease carrying microorganisms which can affect human health through direct contact or contamination of water supplies. Toxic gases such as hydrogen sulphide can also build up in carcasses, and the decomposition of offal can produce methane which can pose explosion risks. As the pits are located cross hydraulic gradient to the onsite bore and some 300 m from the bay risks to groundwater users and surface water features are likely to be low. As the pits have been decommissioned for a number of years, biological constituents would be expected to have biodegraded. In their undisturbed state risks to human health by direct contact is also low. These pits therefore pose a low risk to the proposed change of use. Given the above we do not consider that they are HAIL activities (Ref: MfE4).
 - If offal pits are encountered during site preparation works, then the 'offal pit decommissioning plan' (see in Appendix H of Appendix 11) should be followed. The contingency plan (see in Appendix H of Appendix 11) should also be implemented during the works should unexpectedly sources of contamination (such as demolition material) be encountered.

Through the s92, the Agent confirmed that the farm accessory buildings have not been used for the bulk storage of fertilisers or fuel.

1.5 Consultation and correspondence

Consultation carried out by the Applicant

The extent to which the applicant has consulted is discussed by the Agent in Section 4 of the application, with a record of consultation provided in Appendix 12.

The Applicant did contact the RMA representatives of both Ngāti Māhino and Ngāti Pīkiao, from Te Puni Kōkiri.

Of note, John Rapana advised that he did not work for Ngāti Makino at that time; and, Piki Thomas provided comments for Ngāti Pīkiao Iwi Trust as the Chair, although, TPK states that *Ngāti Pīkiao Iwi Trust delegates RMA operational issues to Ngāti Pīkiao Environmental Society*.

Further advice was sought from Council's Te Amorangi Unit (TAU) on the extent of consultation, which confirmed Piki Thomas is the key contact for Ngāti Pīkiao and no further comments were required from Ngāti Makino.

TAU also confirmed that John Rapana previously held the role of Environmental Manager for both Ngāti Māhino and Ngāti Hinekura. Although he was no longer in that position at the time consultation occurred, his comments and correspondence remain valid and reflect the position of both iwi at the time. Given the proposed Whangamoa Papakāinga development is being led by Ngāti Hinekura, iwi consultation is considered sufficient¹⁰.

Correspondence received by Council

Council has received the following correspondence;

- Email and phone enquiries from Sigma Consultants beginning in January 2025¹¹ to November 2025¹² in relation to the processing of resource consents.
- 15 January 2025: A request for information through the Local Government Official Information and Meetings Amendment Act (LGOIMA), dated 15 January 2025, in relation to LU24-010248, any other consents, and Section 32 Report or Commissioners Decision associated with the Otaramarae Development Area
- 5 February 2025: A letter addressed to the Chief Executive, Andrew Moraes, and dated 5 February 2025, from Holland Beckett Law¹³ (cc'd to the Applicant), acting on behalf of residents and bach owners of Otaramarae and Whangamoa Drive, outlining concerns regarding the proposed earthworks and papakāinga development at 108 Whangamoa Drive, Lake Rotoiti.
- 25 November 2025: A request for information through the Local Government Official Information and Meetings Amendment Act (LGOIMA), dated 25 November 2025, titled All Information Relating to Decision LU24-010248 (Whangamoa Trust Earthworks Consent) and Supplementary LGOIMA Request – Handling of Holland Beckett Letter (5 February 2025) – LU24-010248 – LU24-010248.
- 5 December 2025: A request for information through the Local Government Official Information and Meetings Amendment Act (LGOIMA), dated 5 December 2025, titled Concerns Regarding Consent Granted for Development at 108 Whangamoa Drive – LGOIMA Request, Correspondence with Bay of Plenty Regional Council, and Notice to Review Consent Decision¹⁴.

The LGOIMA contained a letter addressed to the Chief Executive, Andrew Moraes, and dated 26 November 2025, raised concerns in relation to effects and procedure, putting Council on notice.

- 5 December 2025: The Bay of Plenty Regional Council forwarded on correspondence it had received from Brad, as a concerned Rotoiti neighbour¹⁵, in relation to RLC's procedural failures, environmental risks, and request for Regional Council intervention. The Bay of Plenty Regional Council responded, through Reuben Fraser¹⁶, who provided a copy to the Rotorua Lakes Council.

¹⁰ LU24-010248 – Approved Planners Report - Section 4.5(h) – Iwi Consultation – ID: 21309655.

¹¹ Sigma Consultants Correspondence (January to April) - ID: 21929136

¹² Sigma Consultants Correspondence (November) - ID: 21929137

¹³ Letter in relation to development at 108 Whangamoa Drive – ID: 21912472

¹⁴ LGOIMA plus letter on 5 December – ID: 21934248

¹⁵ BOPRC correspondence – ID: 21934248

¹⁶ BoPRC response (Reuben Fraser) – ID: 21934345

It is noted that not all of the correspondence above is relevant to the application, or the RMA process (i.e., LGOIMA's or requesting updates on a resource consent).

Although, through the s92 Response, the Agent provided the following comments in relation to the letter from Holland Beckett Law;

With regards to the correspondence received, we note that we were cc'd into a letter addressed to Council (related to the bulk earthworks consent not this consent) and have not had any subsequent correspondence following this. The letter was in relation to a bulk earthworks application that was in process at the time, this application has been approved. We note that the letter did not include any details of people who had interest in the site / development and therefore the applicant has been unable to identify people and have any further correspondence on this matter. Notwithstanding this, we note that we have not [not] received or had any further correspondence regarding the application in front of Council, and for the purposes of s95 of the RMA, the application sufficiently assesses potential effects on both the immediate and wider environment.

A s95 assessment has been carried out below.

1.6 Statutory timeframes

Date	Description	Working days
1 April 2025	Paid	0
11 April 2025	S88 Accepted	7
6 May 2025	Site Visit	21
28 May 2025	S92	37
25 July 2025	S92 Response	37
18 August 2025	S92 #2	53
18 Sept 2025	S92 Response #2	53
3 October 2025	Draft conditions	64
4 Nov 2025	Draft conditions finalised	85
9 Dec 2025	S95	95
9 Dec 2025	S104	95

1.7 Proposed plan change

Since lodgment, Plan Change 8 (PC8) – Natural Hazards, was notified (on 19 July 2025) with submissions closing on 8 September and further submissions closed 31 October 2025. The weight to be given to a proposed plan depends on what stage the relevant provision has reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. It is noted the plan change is in the early stages. Therefore, consideration has been given to these provisions where relevant.

Resource Management (Consenting and Other System Changes) Amendment Act 2025 came into effect on 20 August 2025, and introduced Section 68B(3)(f) - A rule in a proposed plan has immediate legal effect if the rule relates to natural hazards. Given that PC8 was notified before the enactment of Resource Management (Consenting and Other System Changes) Amendment Act 2025 (date of assent 20 August 2025), PC8 **does not** have immediate legal effect under the Amendment Act 2025, pursuant to Part 8 - Provisions relating to Resource Management (Consenting and Other System Changes) Amendment Act 2025, Clause 58 - Application of amendments relating to immediate legal effect of natural hazards rules, the amendments made by sections 28(1), 29, and 50 of the amendment Act apply to proposed plans, plan changes, and variations that are notified on or after commencement.

There are no other plan changes relevant to the proposal. Although it is noted that Plan Change 9 (PC9) – Housing for Everyone, became operative on 2 March 2024. PC9 is relevant, as it formed the now operative provisions in relation to papakāinga development. The [Section 32](#), s42A's (namely [Addendum 2](#)) and [Independent Hearing Panel Decision](#) reports are relevant insofar as they provide further context to the papakāinga provisions and changes to the RESZ4. However, it is noted that the proposed changes did not explicitly assess the impact on the OMDA provisions.

1.7 Other matters

The Agent discusses the Bay of Plenty Regional Council requirements in Section 2 of the application, stating *an application for bulk earthworks associated with this development of the site has been lodged with the Bay of Plenty Regional Council.*

A copy of the application was sent to BOPRC for comment, and among other things, confirmed that an application had been lodged with BoPRC, stating

The applicant has applied for consent to undertake earthworks under LM R4 of the Regional Natural Resources Plan (RNRP). A range of additional consents are likely to be required, in particular, to temporarily discharge sediment contaminated stormwater under DW R8 of the RNRP, and consent under the National Environmental Standards for Freshwater (NES-FW) Regulations. A section 92 further information request was sent to the applicant on 16 April 2025.

In this case, Section 91 of the Act is not applicable, and I have considered the application below.

2.0 Reason for the application

The District Plan has been discussed in Section 5 of the Application. The relevant rules and performance standards have been assessed by the Agent in Section 5.1 and Appendix 2 of the application which I generally agree with, except where modified by the 's92 Responses', and in relation to the following;

Rules

- For clarification, I agree that the PK rules apply as well as the OMDA rules, but I also consider that the District Wide Matters apply. On this basis, the applicable rules are identified below.

Performance standards

- I do not agree with the Agent that the OMDA performance standards apply when assessing compliance with PK-R1(3)(a) – for succinctness I've set out my reasons in a standalone assessment¹⁷, but I conclude that where the performance standards are not met in OMDA, as in this case, an assessment of the underlying zoning is required. On this basis, the RURZ1 performance standards are relevant, and have been assessed below in light of the 's92 Response'.

For completeness, the relevant rules and performance standards are discussed below;

¹⁷ OMDA and PK provisions – ID: 21631299.

2.1 Rotorua District Plan

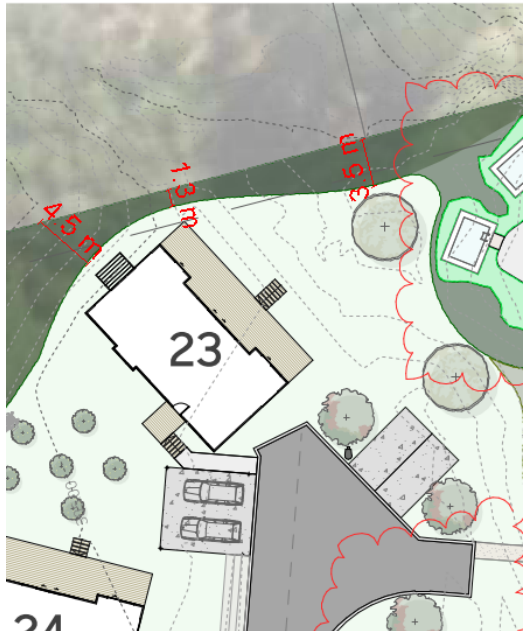
An assessment of the proposal's compliance with the relevant rules of the Operative Rotorua District Plan has been completed.

2.1.1 Papakāinga¹⁸ and kaumātua housing

Rule	Complies	Comment
PK-R1(3) – Papakāinga (including kaumātua flats) Permitted where: The maximum number of residential units proposed is: 1. Rural 1 Zone: 10 Performance Standards: See assessment below	No.	Does not comply. The proposal is for 26 residential units. The extent to which the proposal does not comply with the performance standards in PK-R1(3) is discussed below.
Performance Standards	Complies	Comment
a. Activities shall comply with the performance standards of the zone for residential units, except in respect to RURZ-S4 Residential unit density;	No.	The proposal does not comply with yards.
b. The number of residential units per site does not exceed one residential unit per 2,000m ² of net site area ¹⁹ ;	Yes.	As net site area is based on the parent lot, the proposal exceeds 2,000m ² per residential unit. It is noted that based on the development area being approximately 28,300m ² , each residential unit building will have approximately 1,080m ² .
c. Non-residential activities are set back at least 100m from any existing residential unit on a separate site. Where buildings associated with papakāinga are established within 10 metres of an adjoining boundary a landscape strip of no less than 3 metres wide and that will achieve the height of the roof line within 5 years is to be provided along the adjacent boundary;	No.	The closest residential unit boundary is approximately 120m to the east, and a further 10m to the residential unit (i.e., 135m away). Given the definition of site, Unit 23 is within 10m from an adjoining boundary, with a depth of planting at the narrowest point being approximately 1.3m, as shown below;

¹⁸ Papakāinga, means residential and ancillary non-residential activities to support the cultural, environmental and economic wellbeing of tāngata whenua on their ancestral land.

¹⁹ Net-site area; Means the total area of the site, but excludes: (a) any part of the site that provides legal access to another site; (b) any part of a rear site that provides legal access to that site; (c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

		 Figure 2 - Excerpt from revised landscape plans (Drawing - 1946/04 - Landscape Masterplan), annotated with Trapeze Objective
d. Non-residential activities shall not cumulatively exceed 500m ² in gross floor area on any one site;	Yes	The proposed community building will have a floor area of approximately 130m ² and will support the cultural, environmental and economic use of the site
e. The activity must be located on Māori multiple-owned land, or land which is otherwise under the jurisdiction of the Māori Land Court;	Yes.	Complies. As discussed in Section 1.2 of this Report, the site is Māori Freehold Land. The property is owned by Hulton Patchell Support Services Limited as Custodian Trustee of the Whangamoa Trust.
f. The land concerned must be vested in trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure that: i. The land remains vested in the trustees without power of sale; and ii. The occupation or beneficial interest in the land shall be restricted to members of the hapū.	Yes.	i. The trustees in the Whangamoa Trust do not have the power of sale. ii. Through the 's92 Response' the Agent confirmed that the occupation or beneficial interest in the land will be restricted to members of the hapū.
g. Shared Private Access PK-S1; PK-S1(1) – Shared private Access The minimum access and formation widths for shared private access serving residential units shall be provided in accordance with the following table:	No.	Ara Matua and Ara Pekanga will have a typical carriageway width of 6.0 metres, narrowing to 3.0-3.5 metres, where providing landscaped traffic calming devices, with no separated footpaths. In addition to this, parking, access (roads and private ways) and turning are all provided for as per the provisions of the Appendix APP1

		of the District Plan. A Transportation Assessment has been undertaken to support the application. In my view, PK-S1 does not set a maximum number for a shared access. Instead, it sets out the minimum access, formation widths and clearance height.
h. Water Supply PK-S2.	Yes.	An alternative water supply has been provided which includes the provision for firefighting.

2.1.2 Part 3: Area Specific Matters

The Agent has assessed the RESZ4 and RURZ performance standards in Section 5.1 and Appendix 2 of the application, which I generally agree with except as stated in Section 2.0 of this Report in relation to the relationship between the PK provisions and OMDA/RESZ4. Therefore, an assessment of the RURZ chapter has been carried out and shown below for ease of reference;

2.1.2.1 Part 3: Area Specific Matters - Rural Chapter

Performance Standards	Complies	Comment
RURZ-S1 - Height (a) Height: 7.5m (from natural ground level) (b) Daylight envelope: 3m + 45°	Yes	While proposed earthworks will result in a change to finished ground level (FGL), all proposed buildings will comply with height (i.e., the natural level of ground before any earthworks have taken place).
RURZ-S2 – Yard Requirements Front = 10m Side & rear = 10m (The eaves of any building and any roof, gutter or downpipe may intrude into any yard by not more than 600mm)	No.	Unit 23 will be within 10m of the 'site' boundary, as shown above.
RURZ-S3 Site coverage a. Site coverage shall not exceed 1,000m ² for sites under 4ha. b. Site coverage for sites above 4 hectares in area shall not exceed 25% of the land area. c. Impervious surfaces shall not exceed 40% of the site. d. Any individual accessory farm building shall not exceed 1,400m ² .	Yes	Based on the site, total building coverage (i.e., proposed and existing buildings) is 0.9% and impervious surface coverage is 2.2%, as shown in the updated Architect Plans (Sheet No. A119, Rev 1, dated 25 March 2025) – As noted this is inclusive of the proposed coverage and existing coverage within the site. Individual buildings are less than 1,400m². Based on the proposed coverage (i.e., papakāinga development) within the 28,630m² area, the coverage is shown below;

		- Site coverage = 10.9% - Impervious area = 36.85%
RURZ-S4 – Density One residential unit per site, except: i. For sites that exceed an area of 30 hectares, one residential unit per 15 useable hectares. ii. For sites outside the Lake Rotorua catchment with versatile soils, one residential unit per 40 useable hectares. iii. One minor residential unit per site not exceeding 72m² gross floor area (excluding garaging) and that is subsidiary to an existing residential unit.	N/A	In this case, the density is set by PK-R1(3).
RURZ-S5 - Parking, Access and Turning 1. Shall be provided in accordance with the provisions of Appendix APP1 – Parking, Turning and Access. 2. All vehicle crossings onto local roads shall be provided and constructed to the standards of Rotorua District Council. Where new vehicle crossings are proposed onto a State Highway, written consent from the New Zealand Transport Agency shall be provided.	Yes	Parking, access (roads and private ways) and turning are all provided for as per the provisions of the Appendix APP1 of the District Plan. A Transportation Assessment, as updated through the 's92 Response'.
RURZ-S6 - Reverse sensitivity 1. A 150 metre separation distance shall be maintained between a sensitive activity and the following activities on a site under separate ownership: · Rural contractor's depot a. An enclosure for livestock b. A dairy shed c. Land use for storage and disposal of animal waste d. Land use for storage and disposal of dairy factory waste water and dairy liquids e. A silage pit 2. A separation distance of 300 metres shall be maintained between a sensitive	Yes	There are no activities listed in RURZ-S6 that will either impact the proposal, or the proposal will impact, except RURZ-S6(3) which states no proposed dwelling or building shall be located within 30m from the edge of any established plantation forest. It is noted that the proposal adjoins an existing plantation forestry. Therefore, a condition will be imposed accordingly (if consent is granted).

activity and an existing quarry or existing mining activity. 3. No proposed dwelling or building shall be located within 30m from the edge of any established plantation forest.		
RURZ-S7 – Micro wind turbine	N/A	
RURZ-S8 – Prospecting, exploration and drilling		
RURZ-S9(2) – Additional building and structure standards – Ōtaramarae Development Area	N/A	The proposal is located outside of Area A of the Whangamoia Trust Ōtaramarae Development Area (as shown in OMDA – referred to as WTDA pre PC9).

2.1.2.2 Part 3: Area Specific Matters – Development Areas

As discussed in Section 2.0 of this Report, I have determined that the OMDA / RESZ4 provisions are not strictly applicable in terms of determining the proposals activity status. However, the OMDA does form part of the planned environment which is relevant to the s95 assessment carried out below. Therefore, for completeness, an assessment has been carried out below. For context, and as stated in Part 3: Area Specific Matters – Development Areas – Ōtaramarae Development Area (OMDA);

Land use activities shall also be in accordance with the rules for the relevant zone; except that activities in Rural Zones that are:

a. consistent with the activity statement (WTDA-APP1) for the area within the development plan in which they are located; and

The proposal is consistent with the activity statement for the Area OR (Owners Reservation) - This area consists of a maximum of 70 owners' sites. In addition to this development tourism accommodation is proposed in the southern portion of the site consisting of 50 rooms, along with a store/fuel site to be located within the vicinity of the 30 caravan sites.

b. meet the performance standards specified for the particular area of the Development Plan, which are outlined in the table below, will be assessed as a controlled activity if their status under the zone chapter is more restrictive.

The proposal does not comply with the RESZ4 performance standards as shown below;

Performance Standard	Complies	Comment
RESZ-S1(3)(a) - Height (a) Height: 8m (from natural ground level) (b) Daylight envelope: 3m + 45o	Yes	While proposed earthworks will create a new finished ground level (FGL), all proposed buildings comply with height (i.e., the natural level of ground before any earthworks have taken place).
RESZ-S2(2)(a) – Yards Front = 5m Side & rear = 2.5m		The proposed buildings, as demonstrated through the updated Architect Plans provided in the 's92 Response' comply with yards.

(The eaves of any building and any roof, gutter or downpipe may intrude into any yard by not more than 600mm)	Yes	
RESZ-S3(4) – Site coverage a. Maximum site coverage for buildings: 40% of the site area. b. Maximum site coverage for impervious surfaces: 80% of the site area.	Yes	The assessment above applies here, and for conciseness has not been repeated.
RESZ-S4(2) – Residential Density a. One residential unit may be constructed on site per 2,000m ² of net site area provided that the site is able to meet the relevant regional council requirements for on-site effluent or sewage disposal, including any associated disposal field. b. One residential unit may be constructed per 1,000m ² of net site area in an area where a public sanitary sewer reticulation system is operational. c. There must be no more than 1 residential unit per site for a permitted activity. d. There must be no more than 2 residential units per site for a controlled activity.	No	RESZ-S4(2)(a) - N/A - Given a connection to reticulated sewage, RESZ-S4(2)(a), is not applicable. RESZ-S4(2)(b) – Complies – Given the size of the subject site, the proposal is able to comply with the minimum net site area requirements. However, the following aspects of the proposal are worth noting; - The area of RESZ4 is approximately 28,6300m² in size and this would provide for approximately 28 residential units, this would result in approximately 28 residential units. Although, there are no ‘boundaries’ or defined curtilage areas. RESZ-S4(2)(c) – Does not comply - In this case, performance standard RESZ-S4(2)(c) cannot be met in the context of Rule OMDA-R2(2), as only one residential unit would be permitted. RESZ-S4(2)(d) - In this case , performance standard RESZ-S4(2)(d) cannot be met in the context of Rule OMDA-R2(2), as there can only be two residential units as a controlled activity.
RESZ-S5A – Servicing For developments that will require a water supply and will not be connected to a public reticulated water supply, an	Yes	An alternative water supply has been provided which includes the provision for firefighting

alternative water supply adequate for firefighting purposes shall be provided to the development in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.										
RESZ-S5 – Parking, access and turning 1. Parking, turning and access shall be provided in accordance with the provisions of Appendix APP1 – Parking and Turning Standards. 2. Parking and on-site turning areas shall be separate to those areas provided on-site for outdoor recreation and amenity space. 3. Any garage shall be located such that there is a practicable parking space in front of the garage door to enable vehicles to stop and open the garage door clear of the road. 4. Shared access driveways shall comply with the following table: <table border="1"> <tr> <th rowspan="2"># of Residential units</th><th colspan="2">Width</th></tr> <tr> <th>Overall</th><th>Formed</th></tr> <tr> <td>9-20 Residential units</td><td>8m</td><td>5.5m (plus separate 1.5m wide pedestrian path and 1m wide services berm)</td></tr> </table> 5. Provided that, where an access exceeds 50m in length it must have a minimum legal width of 4m; or a hardstand in accordance with Fire and Emergency's 'Designer's Guide' to Firefighting Operations Emergency Vehicle Access' (December 2021) must be provided within 50m of the residential units served by the driveway.	# of Residential units	Width		Overall	Formed	9-20 Residential units	8m	5.5m (plus separate 1.5m wide pedestrian path and 1m wide services berm)	No	1. Complies. Parking, access and turning in accordance with APP1. 2. Complies. Separate car parking areas are proposed. 3. N/A. No garages are proposed. 4. Does not comply. The proposal includes traffic calming structures that will reduce the width to 3 – 3.5m, and a separate footpath is not proposed (with pedestrian pathways internal to the development). 5. Complies. The proposal will meet the minimum legal width dimensions. Through the 's92 Response' the updated TA confirmed that the traffic calming devices are suitably sized so that emergency vehicles can access the site. 6. Does not comply. The proposed shared access driveway will serve more than 20 residential units. 7. Complies. 8. Does not comply – given the number of shared users exceeds 20 residential units, the proposal is unable to comply. The shared access will be retained under one ownership (if consent is granted), therefore, further legally binding arrangements are not required.
# of Residential units		Width								
	Overall	Formed								
9-20 Residential units	8m	5.5m (plus separate 1.5m wide pedestrian path and 1m wide services berm)								

6. Shared access driveways shall not serve more than 20 residential or rest home units. For the purpose of calculating the number of residential units accessing a shared access driveway each residential lot shall be considered to contain the greater of one unit per lot (notwithstanding if the lot is vacant) or the number of actual units and any additional units that have obtained building and/or land use consent. 7. The minimum height clearance along vehicle access shall be 4m. 8. For shared access driveways for 9-20 residential units it shall be demonstrated that a legally binding arrangement is in place for ongoing maintenance.		
RESZ-S6A(2)(a) – Outdoor recreation and amenity space	Yes	Based on the site size, 10% outdoor recreation space will be provided. Furthermore, based on the proposed development area, although residential units do not have a defined curtilage, each residential unit has individual decking and access shared play areas each residential will have 10% outdoor recreation and amenity space divided between each dwelling (including decks).
RESZ-S6 – Reflectivity	Yes	The assessment in Appendix 2 states, all proposed materials have reflectivity values between 0-37% inclusive.

Where a performance standard is not met, the OMDA refers an application to the zone chapter. In this case, the proposal has been lodged under PK-R2(2).

2.2.2 Part 2: District Wide Matters, Energy, Infrastructure and Transport (EIT)

Also, for completeness, while consent has been granted to carry out bulk earthworks in preparation for the proposed papakāinga development (subject to this consent), LU24-010248 also included the construction of swales and the detention pond. An assessment of EIT was provided in the 's92 Response', which I generally agree with. For completeness, an assessment of the EIT chapter has been carried out below;

Rule	Activity Status	Comments
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EIT-R10(1) – Above ground infrastructure for storage or drainage of water (including geothermal water and steam) stormwater or sewerage	Discretionary Where: a. The activity may include: i. Reservoir, irrigation races, open drains, stormwater retention ponds, flood control stop banks; or ii. Wastewater treatment plant, spray irrigation of treated wastewater and whey and waste-water disposal sites	While the works have been consented through LU24-010248, the proposed papakāinga will discharge into the network for stormwater purposes.
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2.2.3 Part 2: District Wide Matters – Earthworks, Light and Noise

2.2.3.1 Part 2: District Wide Matters – Earthworks

No further earthworks are proposed as part of this application, as they have been authorised through LU24-010248. Any further earthworks may be exempt pursuant to EW-S1(4)(a)(i), as earthworks incidental the approved land use consent.

2.2.3.2 Part 2: District Wide Matters – Light

Rule	Complies	Comment
LIGHT-R1(1) – Direct or indirect illumination LIGHT-S1(7) – Rural Zone, performance standard; Activities shall be managed so that direct or indirect illumination measures no more than 10 lux on any site boundary.	Yes	Light requirements will apply for future development (if consent is granted).

2.2.3.3 Part 2: District Wide Matters – Noise

Rule	Activity Status	Comments
NOISE-R1 – Emission of noise	Activity Status: Permitted Where: The noise is not: a. Construction noise; or b. The following types of noise emitted within the Rotorua airport:	Noise requirements will apply for future development (if consent is granted).

	i. Aircraft operations noise; ii. Aircraft engine testing noise; or iii. Noise from bird scaring devices. Performance Standards: a. Noise within zone NOISE-S1; b. Noise within different zone NOISE-S2; and c. Temporary amplification NOISE-S8.	
NOISE-R2 Construction Noise	– Activity Status: Permitted Performance Standards: a. All construction noise shall comply with the relevant noise levels stated in NZS 6803:1999, and shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'.	Will comply (if consent is granted).

2.2.3.4 Part 2: District Wide Matters – Hazards and risks

In terms of Hazards and risks, given the DP overlays in relation to the subject site and the nature of the proposal, the proposal will not trigger any rules in these chapters.

2.2.4 Part 2: District Wide Matters – Financial Contributions

Financial contributions, where required, will be included as a condition of consent at the time of granting resource consent.

Rule	Complies	Comment
FC-R1(2)(b) – Residential units in Rural Zones - A financial contribution will be 2.5% of the land value of a 2,000m ² house site for each additional residential unit.	Yes	A financial contribution will be levied at the time of consent (if consent is granted) at 2.5% of a 2,000m² for each additional residential unit, being all 26, given the site contains an existing residential unit, which is \$1,712.64 (+ GST). It is noted that for rating purposes, the subject site is held with Lot 2 DPS 40578, although this does not expected to impact the overall land value - See calculation below.

LAND USE - RESIDENTIAL UNITS - RURAL ZONES (RURZ 1-3)					
Application Number:			Address:		
Total Land Value (\$)	2455000	Land Area (m2)	1620437		
1	Land Value - GST (15%)		2134782.609		
2	(Step 1) / Land Area		1.317411667		
3	(Step 2) x 2000 (Rural 1 & 2) or 450 (Rural 3)	2000	2634.823333		
4	(Step 3) x 0.01 (1% for <72 sqm) or 0.025 (2.5% for >72 sqm)	0.025	65.87058333		
5	(Step 4) x Number of additional household units	26	1712.635167		
		TOTAL FC \$	1712.64	(Excluding GST)	
		\$	1969.5304	(Including GST)	
				Choose an option from the list	
				Manually type the input	

2.2.5 Part 2: District Wide Matters – Natural Environment Values

As the site contains wetlands, as identified in the wetland and ecological assessment prepared by EcoResto Ltd, I have turned my mind to the provisions in this chapter, and do not consider that the proposal will trigger these provisions as NATC-R3(7)&(8) in the rural zones relates to setbacks from lakes, rivers or streams. Furthermore, LU24-010248 has been granted in relation to earthworks.

2.3 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS)

The NES:CS is discussed by the Agent in Section 4 of the application with a PSI supporting the proposal, and through the 's92 Response' further information was provided confirming the site is not a 'piece of land'.

Therefore, pursuant to Regulation 6(3) the development area is not / does not contain a 'piece of land'.

2.3 Activity Status

As identified in the table above, and through the 's92 Response', the proposal triggers the following land use consents. These are shown below for ease of reference:

PK-R1(4) - Papakānga (including kaumātua flats):

- PK-R1(4) (Rural 1 Zone) - Compliance is achieved with the performance standards for PK-R1(4): **Restricted Discretionary**

EIT-R10 – Above ground infrastructure for storage or drainage of water (including geothermal water and steam) stormwater or sewerage

- EIT-R10(1) - Above ground infrastructure for storage or drainage of water (including geothermal water and steam) stormwater or sewerage: **Discretionary**

As discussed above, OMDA-R2(2) has not been triggered given the non-compliance with the underlying performance standards.

In accordance with the 'bundling' principle, the most restrictive activity status shall apply, and as such, the application is considered a **Discretionary Activity**.

3.0 Section 95A Assessment for the purpose of public notification

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A consent authority must follow the steps set out below in the order given to determine whether to publicly notify the application:

3.1 Step 1: Mandatory public notification – s95A(2) and (3)

Criteria	Yes/No
(a) Public Notification at Applicant's request - s95A(3)(a)	No
(b) Public Notification is required under section 95C (s95A(3)(b))	No
(c) Public Notification is required as the application is a joint application with an application under section 15AA of the Reserves Act 1977, to exchange recreation reserve land (s95A(3)(c))	No

The applicant did not request that the application be notified. There are no rules in the Operative Plan relevant to this proposal that require that the application must be notified.

3.2 Step 2: Public notification precluded in certain circumstances – s95A(4) and (5)

Criteria	Yes/No
(a) Rules or National Environmental Standards that preclude public notification – s95A(5)(a)	No
(b) Any Controlled Activities – s95A(5)(b)(i)	No
(c) Boundary Activities – Restricted Discretionary, Discretionary or Non Complying – s95A(5)(b)(iii)	No

There are no rules in the Operative Plan relevant to this proposal that preclude public notification.

3.3 Step 3: Public notification required in certain circumstances – s95A(7)

Criteria	Yes/No
(a) The application is for one or more activities and any of those activities is subject to a rule or NES which requires public notification – s95A(8)(a)	No

3.4 Effects that may or must be disregarded - s95D(a),(b),(c),(d) and (e)

In deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor the relevant requirements of Section 95D (a) to (e) must be considered.

The 'environment'

Case law has held that the 'environment' upon which the effects are to be assessed includes;

- the existing environment (i.e., the environment as it physically exists, through existing activities carried out under enduring land use consents and/or existing use rights); and,
- the reasonably foreseeable future environment (i.e., the future state of the environment as it might be modified by permitted activities under the District Plan and unimplemented resource consents, where it appears likely that these consents will be implemented).

Environment as it physically exists

A site visit was carried out on 6 May 2025 as part of this consent and is my reference point in terms of the environment as it physically exists.

The description of the site in Section 3 of the application and Section 1.1 of this Report accurately describes the area to be developed, with it being rural in character, and currently used for grazing. Of note, the plantation forestry, as shown in aerial images, is well established.

The surrounds reflect the lakeside settlement zoning (RESZ4), with established residential units (including leased areas within the subject site that use Whangamoa Drive). In addition to this, Ōtaramarae Pounamunui Marae is well established.

It was noted at the entrance to the site a sign advises that there is no public access.

There was nothing of note, in terms of the environment as it physically exists, that I observed during the site visit.

Resource consents likely to be implemented

I am not aware of any granted resource consents in the wider receiving environment, yet to be implemented, that will impact this proposal. It is noted that EW consent has been granted, and is likely to be implemented.

Reasonably foreseeable future environment

In terms of the future state of the environment as it might be modified by permitted activities under the District Plan, there are two key considerations in this case which are;

- District Plan overlays
- Land tenure

In terms of DP overlays, and as discussed above, the surrounding area is predominately zoned RESZ4 or RURZ1. In areas zoned RESZ4, while there are potential development rights to establish residential units on vacant RESZ4 sites, and accessory buildings (including extensions to existing residential units), it appears that the development rights have been utilised in the immediate and surrounding area, therefore the current state of the environment will likely be maintained.

This is also the case for RURZ1 zoned properties and the respective DP provisions for the zone.

In terms of land tenure, the surrounding area is predominately held as Māori Land, as illustrated by the image below;

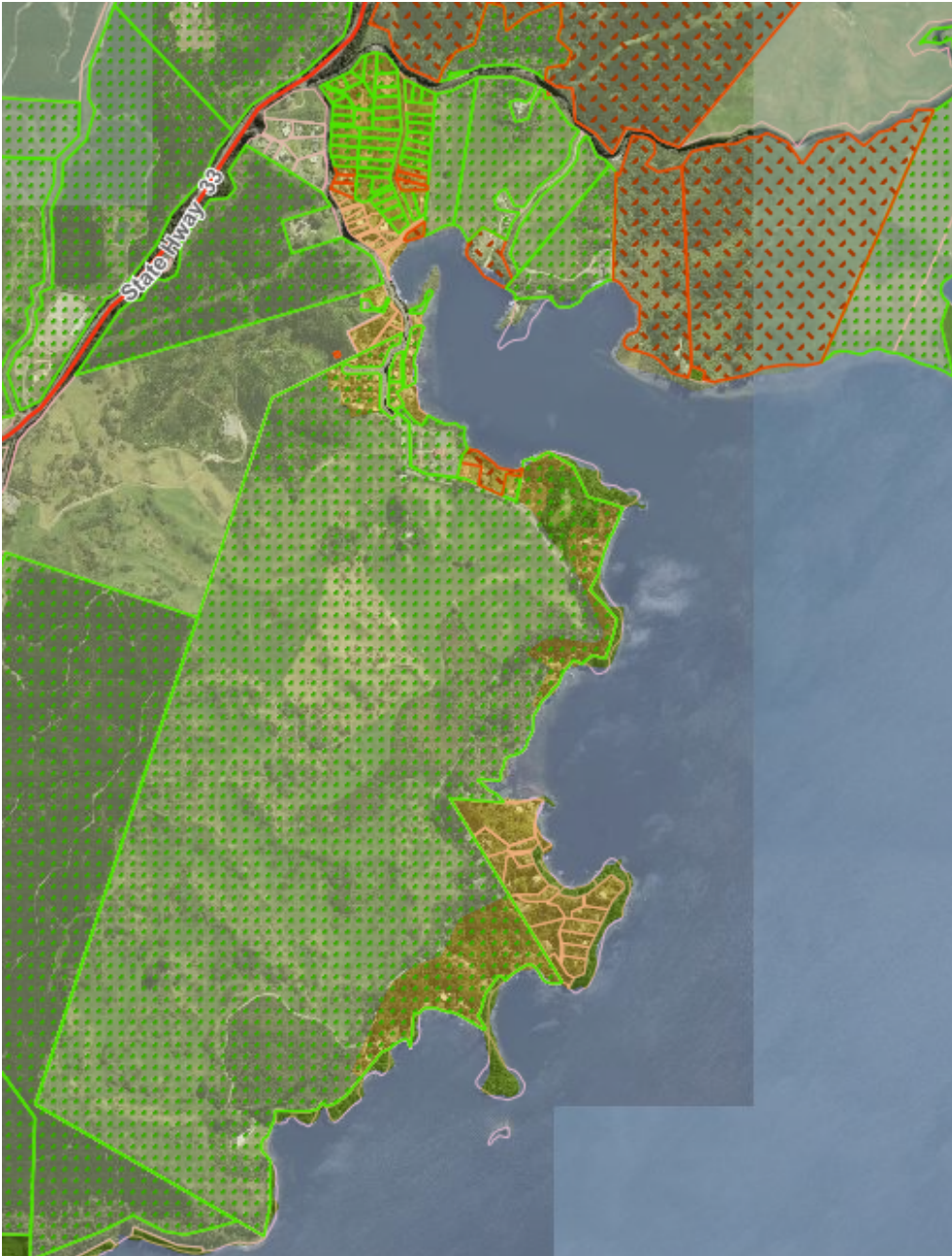


Figure 3 - Māori Land, excerpt from Geyserview (Green hatched = with management structure, Red hatched = no management structure)

When considering that the site is surrounded by Māori Land, and the provisions in the Papakāinga Chapter of the DP, there is potential for further papakāinga developments (i.e., residential units and non-residential activities (a community facility)) to be established as a permitted activity, subject to compliance with the relevant performance standards.

Therefore, there is potential for the papakāinga provisions to be utilised that will modify the physical environment and align with the planned environment.

Relevance of proffered conditions

In considering effects, regard may be had to any condition which would eliminate or reduce the adverse effect to one that is no more than minor or de minimis. Proffered conditions of consent are able to be taken into account as part of the notification assessment, having regard to the how these conditions would mitigate any adverse effects on the environment or on persons. In this case, the applicant has proposed a set of draft conditions (ID: 21695970 and ID: 21894998) that form part of the mitigation measures and have been taken into consideration in the assessment below.

Section 95D(a)

In regards to Section 95D(a), Council must disregard any effects on persons who own or occupy the subject site (shown as blue) and adjoining/adjacent land (shown as green) – the development area is indicated by the red.

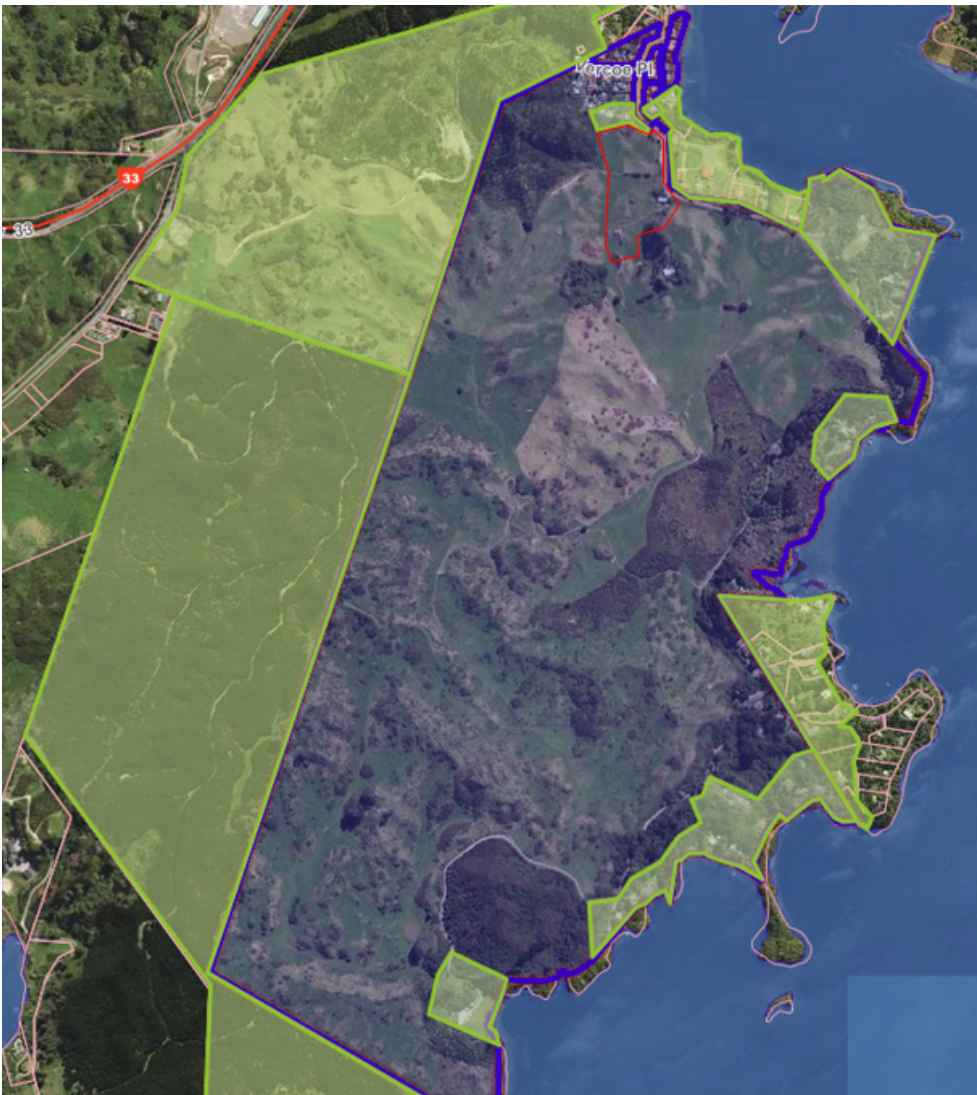


Figure 4 - Pursuant to Section 95D(a), Council must disregard any effects on these persons

Section 95D(b)

Pursuant to section 95D(b), if a rule or national environmental standard permits an activity with that effect then that adverse effect of that activity may be disregarded. This is known as the “permitted baseline”.

The only relevant permitted baseline is that under PK-R1(3), 10 papakāinga residential units could be established as a permitted activity and non-residential activities can be established, subject to performance standards PK-R1(3)(a) to (h). I have considered this further below in Section 3.5 of this Report.

Section 95D(c)

The proposal is a Discretionary Activity pursuant to Rule EIT-R10, therefore Councils discretion is not limited. However, the matters of discretion in relation to papakāinga (PK-R1(2)) are relevant, and have been shown below for ease of reference;

- a. *Those matters of non-compliance and the objectives and policies relevant to the matters of discretion;*
- b. *Where performance standards of the zone are not met: the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion;*
- c. *PK-MD1 General;*
- d. *The extent to which papakāinga affects the natural landscape, geothermal or wildlife resources;*
- e. *The extent to which papakāinga affects the sustainable management of the natural and physical resources of the district;*
- f. *The extent to which papakāinga affects streams, rivers, lakes or other elements of the water environment; and*
- g. *The extent to which papakāinga affects the planned character and amenity of the underlying zone.*
- h. *The extent to which the applicant can demonstrate that the land in question is either of the following:*
 - i. *Māori freehold land registered in the Māori Land Court as a Māori title;*
 - ii. *Land in General Title where it once was Māori title (pre the compulsory conversion to General Title from 1967 for example);*
 - iii. *Land in the process or intention of being converted back in Māori title; or*
 - iv. *Land that is considered to be Māori “customary” land with clear and demonstrated tikanga, history or other matters of significance, meaning it is attached to the current or historical ownership, mana whakahaere and kaitiakitanga of the whānau/hapū*

It is noted that OMDA sets out matters of control, which are taken from the RESZ chapter, as follows;

- a. *Building and Amenity RESZ-MC1;*
- b. *Character RESZ-MC2*
- c. *Amenity RESZ-MC3.*

I have exercised discretion on the assessment below.

Section 95D(d)

Section 95D(d) of the RMA requires that Council must disregard trade competition and the effects of trade competition.

No trade competition effects have arisen from this proposal.

Section 95D(e)

Section 95D(e) of the RMA requires that Council must disregard any effect on a person who has given written approval to the application.

No written approvals have been provided with this application. However, it is noted in Section 6.2 of the application the Agent states *2/97 Otaramarae Road (Rotoiti 1A2B1 Block - Pounamunui (Ōtaramarae) Marae) of which adjoins the subject site to the north-east is understood to be held in common ownership with the applicant and therefore written approval for the activity is considered implicit.*

3.5 Assessment of adverse environmental effects – s95A(2)(a)

The following assessment is for the purposes of identifying whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

For the purposes of the staff report, as provided for under Section 42A of the Act, the report does not need to repeat material from an Assessment of Environmental Effects (“AEE”) provided by the applicants agent, provided that staff agree with the content of the AEE. Accordingly, this staff report, pursuant to Section 42A(1A)(a) of the Act, adopts the assessment in Section 6.4 of the application prepared by Barker & Associates (the Agent), dated 28 March 2025, except where modified by the ‘s92 Responses’ and technical reports, to the extent described below for the purpose of assessing s95D. For ease of reference, the relevant headings from Section 6.4 of the application have been repeated below with commentary.

As such, for the purpose of Section 95A(8)(b) and Section 95D(a) it is my opinion that the proposals adverse effects on the receiving environment will be less than minor.

The potential adverse effects on the receiving environment are considered under the following headings, taken from Section 6.4 of the application.

- Built Character and Amenity;
- Landscape and Visual; and
- Transportation;
- Infrastructure and Servicing;
- Reverse Sensitivity;
- Earthworks & Construction Activities; and
- Existing Wetlands and Ecological Effects.

With the addition of an assessment on natural hazards, geothermal and archaeological and sites of cultural significance.

The headings above also reflect the relevant matters of discretion in PK-R1(2)(a) to (h), and assessment criteria under PK-MD1, EIT-AC1 and OMDA-APP1 statement / RESZ-MC1 - 3 which I consider to be the “planned environment”, and is relevant for the purpose of assessing whether the proposal will have or is likely to have adverse effects on the environment.

Therefore, the assessment below considers the proposal in light of the receiving environment, as described in Section 3.4 of this Report, and the “planned environment” being the DP, which sets out the appropriate framework for identifying potential adverse effects and determining the scale of these effect, through the

relevant rules (and performance standards/assessment criteria) that implement²⁰ the objectives and policies of the DP. It should be noted that, unlike the permitted baseline, consideration of the planned environment is not intended to be used as the basis for disregarding adverse effects, instead I have considered the proposals adverse effects (and the degree of effect) in the context of the relevant DP provisions to determine the proposals adverse effects on the receiving environment, over and above what could be permitted.

Furthermore, when considering the “planned environment”, compliance with the relevant performance standard is relevant but not necessarily sufficient to determine the degree of adverse effect. This has to be considered in combination with whether the proposed activity meets the purpose of the performance standards, having regard to the nature of the activity.

Built Character and Amenity;

As discussed above, I have adopted the assessment in Section 6.4.1, and corresponding technical documents as updated by s92 responses but for conciseness have not repeated here. In summary, the Agent acknowledges a strong perception of rural character for which the proposal may have an adverse effect on, but notes the following as mitigating factors (summarised from Section 6.1.4);

- the site sits within relatively close proximity to the outer residential settlements of Rotorua, being Otaramarae and Okere Falls.
- the site is overlaid by the Ōtaramarae Development Area within the District Plan, which anticipates an increase in housing options across the development area.
- the design of the proposed Papakāinga incorporates a variety in materials and colour schemes
- the buildings vary in typology across the site to avoid repetition
- large areas of open space and landscaping around the buildings
- views of the development will be observed from a great distance, and screened by existing vegetation
- further planting is proposed to soften buildings and integrate proposed built form into the existing rural character
- variation in hard surfacing is proposed
- the District Plan anticipates a maximum of 10 units per site wherein the proposal allows for 26 papakāinga housing units. Given that the units are provided at a density of 1 unit per 5.9ha of net site area the additional units are considered to be easily absorbed within the wider site
- the degree of compliance with bulk and location provisions (noting through the s92, Unit 23 does not comply)

In my opinion, while the proposal will result in a noticeable change to the current land use, when considering the planned environment, the extent to which the proposal will comply with bulk and location provisions (albeit Unit 23 does not comply), the configuration of the proposed site layout, type of housing (i.e., standalone residential units) in terms of residential unit density and typology, it is my opinion that proposal will not appear out of character with the receiving environment and the planned environment, in light of PK-R1(3)&(4). It is noted that within the development area residential units will have a density less than 2,000m², although the development has been clustered next to established RESZ4 to mitigate effects on rural character. Nevertheless, given the development area is located to the south / west of existing residential units (Lake Rotoiti being to the east), the proposal will maintain the qualities and characteristics of the RURZ1 zone identified in RURZ-P12, particularly in the context of OMDA and SDML-P1.

²⁰ [Resource Management Act 1991 No 69 \(as at 05 April 2025\), Public Act 75 Contents of district plans – New Zealand Legislation](#)

As for the proposed community facility, and as provided for through PK-R1(3), non-residential activities can be carried out within a papakāinga as a permitted activity. In this case, the applicant has proposed to use the community building to provide ancillary services to the papakāinga activity and will support the cultural, environmental and economic use of the site. The hours of operation will be restricted to 8am – 5pm, Monday to Friday, and 9am – 1pm, Saturday and Sunday.

When considering the proposal in light of the receiving environment, it is my opinion that any adverse character and amenity effects will be less than minor, subject to conditions of consent (if consent is granted).

Landscape and Visual;

The Agent provides a summary of the Landscape Assessment Report (LAR) prepared by Greenwood Associates, which I agree with. Notwithstanding this, I have relied on the Landscape Assessment Report (LAR), 's92 Responses' and further information in relation to embankment planting, prepared by Greenwood Associates, in relation to visual effects.

On this basis, it is my opinion that any adverse visual effects on the environment as a result of the proposal will be less than minor, subject to conditions of consent (if consent is granted).

Transportation;

I generally agree with the Agents assessment in Section 6.4.3 of the application under the heading transportation in relation to traffic amenity effects. Notwithstanding this, I have relied on the Traffic Assessment Report and 's92 Responses', prepared by Commute Transportation Consultants Ltd, in relation to effects on the transport network and the receiving environment.

This aspect has been reviewed by Council's LDE and no issues have been raised, subject to conditions of consent (if consent is granted).

In considering these technical reviews, it is my opinion that any adverse traffic effects on the traffic network will be less than minor, subject to conditions of consent (if consent is granted).

Infrastructure and Servicing;

I generally agree with the Agents assessment in Section 6.4.4 of the application under the heading infrastructure and servicing. Notwithstanding this, I have relied on the infrastructure, stormwater management report and 's92 Responses', prepared by Maven BOP Ltd, in relation to effects on the infrastructure / servicing and the receiving environment.

This aspect has been reviewed by Council's LDE and no issues have been raised, subject to conditions of consent (if consent is granted).

In considering these technical reviews, it is my opinion that any adverse infrastructure and servicing effects on the receiving environment will be less than minor, subject to conditions of consent (if consent is granted).

Reverse Sensitivity;

I generally agree with the Agents assessment in Section 6.4.5 of the application under the heading reverse sensitivity.

On this basis, it is my opinion that any adverse reverse sensitivity effects on the environment will be less than minor, subject to conditions of consent (if consent is granted).

Earthworks & Construction Activities;

I generally agree with the Agents assessment in Section 6.4.6 of the application in relation to adverse construction-related effects as a result of the proposal on the receiving environment.

Further to this, it is my opinion that the combination of the effects being temporary (i.e., the duration of constructing the residential units and associated works) and compliance with construction noise requirements (if consent is granted), will be less than minor on the receiving environment.

It is also noted that resource consent has also been sought from the BOPRC, although consent has not been granted at the time of writing this Report, therefore does not form part of the existing environment.

Nevertheless, it is my opinion that any adverse construction-related effects on the environment as a result of earthworks will be less than minor, subject to conditions of consent (if consent is granted).

Existing Wetlands and Ecological Effects.

The Agent provides summary of the wetland delineation assessment prepared by EcoResto. Notwithstanding this, I have relied on the assessment prepared by EcoResto in relation to wetlands and ecological effects.

On this basis, it is my opinion that any adverse effects on wetlands and ecology in the receiving environment as a result of the proposal will be less than minor, subject to conditions of consent (if consent is granted).

Natural hazards

I have relied on the stormwater management report and 's92 Responses', prepared by Maven BOP Ltd, in relation to effects on stormwater and the receiving environment. In addition to this, I have relied on the geotechnical report and 's92 Responses' prepared by ENGEO Ltd in relation to geotechnical effects on the receiving environment.

This aspect has been reviewed by Council's LDE and no issues have been raised, subject to conditions of consent (if consent is granted).

In considering these technical reviews, it is my opinion that any adverse effects on natural hazards within the receiving environment will be less than minor, subject to conditions of consent (if consent is granted).

Geothermal

The subject site is located within the Taheke-Tikitere Geothermal Field which is a statutory acknowledgement area, set out in the Affiliate Te Arawa Iwi Hapu Claims Settlement Act 2008.

There is no geothermal activity or features on the subject site. However, it is noted there are two hot baths proposed, as shown in the updated Landscape Plans which notes they will be fed by hot springs. It is noted that the taking and use of geothermal water, the water, heat, or energy is provided for under Section 14(3)(c) of the Act when it is taken or used in accordance with tikanga Māori for the communal benefit of the tangata

whenua of the area and does not have an adverse effect on the environment. The Act gives regional councils the role of managing the taking, use, damming and diversion of geothermal water, discharges of geothermal water and gas and the taking and use of geothermal energy (heat). As discussed in Section 1.0 of this Report, the application was circulated to the Bay of Plenty Regional Council and no issues were raised in relation to the proposed baths.

With regards to the functions of the territorial authority and the assessment of geothermal activity in Section 7.6 and 8.3.2 of the geotechnical report prepared by ENGEO Ltd, it is my opinion that any adverse effects on the Taheke-Tikitere Geothermal Field as a result of the proposal will be less than minor.

Archaeological and sites of cultural significance

It is recognised that earthworks can result in the disturbance of archaeological and culturally sensitive sites. In this respect, there are no features identified in the DP on the subject site. Further, consent for earthworks has been granted under LU24-010248 and at the time of writing this Report, consent from Bay of Plenty Regional Council has been sought. Additionally, the applicant sought comments from local iwi groups. The outcomes of that consultation was outlined in Section 1.5 of this Report, with general support being provided.

On this basis, it is my opinion that any adverse effects archaeological and sites of cultural significance and the environment as a result of the proposal will be less than minor, subject to conditions of consent (if consent is granted).

3.6 Special circumstances s95A(9)

The consenting history is discussed in section 1.3 of this Report. Consultation and correspondence is discussed in Section 1.5, and with regards to the correspondence received by Council, further commentary is provided below for completeness;

- With regards to the letter received (and dated 5 February 2025) on behalf of a group of residents and bach owners on Otaramarae and Whangamoa Drive. The letter raised concerns in relation to the impact on existing facilities and services which they [the rate paying residents and bach owners at Otaramarae and Whangamoa Drive, Lake Rotoiti] expect will arise from the development of the Property, which in paragraph 6, included the following examples;
 - the roading network surrounding the Property is under significant pressure from existing traffic movements.
 - Similarly, the existing water supply source is already struggling with the demand from the existing residential development, with shortages often experienced.
 - Local boat ramps are also under strain with the level of current patronage. The nearby Otaramarae boat ramp is of particular concern, given it is one of the main access points for existing residents and bach owners.
- Paragraph 8 states, as the main users of these facilities and services, the residents and bach owners consider themselves to be persons affected by any activity which may impact on the delivery of existing services.

Concerns raised in relation to the roading network and servicing are addressed in Section 3.4.1 of this report. In terms of using the boat ramp, and if consent is granted, a condition will be imposed so that a financial contribution is paid for reserve and heritage purposes. Furthermore, the proposal will not prevent residents (or the general public) using the public reserve / boat ramp and residential development does not correlate to boat ownership. Nevertheless, boat ownership is not an RMA matter for consideration.

- Paragraphs 9 to 10 also raises the following concerns that no information has been provided to the group of residents that Holland Becket Law act on behalf of.
- Paragraph 11 raises concerns in relation construction management.
- Paragraph 13 also sets out that the group of residents expects to be consulted in relation to the development of the Property as a whole. This includes the wider development project, current and future earthworks consent applications, and any substantive application for subdivision and / or land use consents.

In terms of the groups expectation to be consulted, Schedule 4, Clause 6(3) of the RMA, and in reference to subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—

- (a) oblige the applicant to consult any person; or
- (b) create any ground for expecting that the applicant will consult any person.

Concerns raised in relation to construction effects associated with the earthworks were addressed through LU24-010248.

- As for the enquiries from Sigma Consultants, these were to understand where consent applications were at in the process. On the 2nd of December 2025, Kate Dahm phoned to enquire whether other consents (i.e., other than earthworks) had been submitted to Council, and I advised that an application had been lodged for a papakāinga development (i.e., this application) and a copy can be requested through a LGOMIA. I advised that no decision had been made at the time of the phone call. In addition to this, and among other things discussed, Ms Dahm advised that the person / group requesting the information was interested as that person had been advised by a contractor on site that a development for 140 residential units were proposed. I advised that the current application was for 28 residential units.
- The LGOMIA's have been processed in accordance with the relevant legislation, and the matters raised in the LGOIMA received 25 November 2025, and letter received on the 5th of December 2025 (dated 26 November 2025) in relation RMA effects, including Transportation; Infrastructure and Servicing; Earthworks & Construction Activities; Existing Wetlands and Ecological Effects, have been addressed in Section 3.5.

Therefore, given the reasons for resource consent, as discussed in Section 2 of this Report and for the reasons in 3.4.1 of this Report, it is my opinion that there are no special circumstances in relation to the proposal given there is nothing unusual, abnormal or exceptional about this application when considering the receiving and planning environment. Likewise public interest in an application does not automatically amount to or equate to special circumstances for notification.

Therefore, it is my opinion that special circumstances for public notification do not apply.

3.7 Conclusion on public notification

For the reasons outlined above, it is my opinion that the proposal will have or is likely to have a less than minor adverse effect on the receiving environment. Therefore, public notification is not required and in accordance with Step 4, s95A(9)(b), the proposal can proceed to s95B for assessment.

4.0 Section 95B Assessment for the purpose of limited notification

A consent authority must follow the steps set out in sections 95B(2) – 95B(10) to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: Certain Affected Groups and Affected Persons must be notified - s95B(2)-(4)

Criteria		Yes/No
(a)	Are there any affected protected customary rights groups – s95B(2)(a)	No
(b)	Is the activity on or adjacent to or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 – s95B(3)(a)	No

The subject site is located within the Taheke-Tikitere Geothermal Field which is a statutory acknowledgement area, set out in the Affiliate Te Arawa Iwi Hapu Claims Settlement Act 2008. The assessment in Section 3.4.1 of this Report applies here and concludes that any adverse effects on the Taheke-Tikitere Geothermal Field will be less than minor.

4.2 Step 2: Rule in the Plan that precludes limited notification - s95B

Criteria		Yes/No
(a)	The application is for one or more activities and each activity is subject to a rule or NES that precludes Limited Notification – s95B(6)(a)	No
(b)	The application is a Controlled Activity land use - s95B(6)(b)(i)	No

The proposal is a Discretionary Activity, therefore there are no preclusions under Step 2.

4.3 Step 3: Certain other persons must be notified – s95B(7)

The application is not a boundary activity therefore an assessment is now required under s95B(8) to determine whether a person is an affected persons in accordance with section 95E.

4.3.1 Effects that may be disregarded - s95E(2)(a)

Pursuant to section 95E, if a rule or national environmental standard permits an activity with that effect the adverse effect of the activity on the person may be disregarded.

The permitted baseline is discussed in Section 3.4 of this Report and applies here, but for conciseness I have not repeated the assessment here.

4.3.2 Matter of discretion - s95E(2)(b)

Pursuant to section 95E(2)(a), must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion.

As discussed in Section 3.4, and in relation to s95D(c), the assessment is relevant here but for conciseness has not been repeated here.

Nevertheless, the proposal is a Discretionary Activity, therefore the matters of discretion are not limited and discretion is exercised in the assessment below.

4.3.3 Statutory Acknowledgement Area – s95E(2)(c)

Pursuant to section 95E(2)(c), the consent authority must have regard to every statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#). As discussed above, is located within the Taheke-Tikitere Geothermal Field which is a statutory acknowledgement area, set out in the Affiliate Te Arawa Iwi Hapu Claims Settlement Act 2008. The assessment in Section 3.4.1 of this Report applies here and concludes that any adverse effects on the Teheke-Tikitere Geothermal Field will be less than minor.

4.3.3 Written Approval - Section 95E(3)

Pursuant to Section 95E(3) of the RMA, a person is not an affected persons if written approval has been provided.

No written approvals have been provided with this application.

4.4 Assessment of adversely affected persons under s95E

I have read *Gabler v Queenstown Lakes District Council* [2017] NZHC 2086 and note that “less than minor” means “that which is insignificant in its effect, in the overall context, that which is so limited that it is objectively acceptable and reasonable in the receiving environment and to potentially affected persons”. While I have not read *Speargrass Holdings Ltd v Queenstown Lakes District Council* [2018] NZHC 1009 in full, I understand the Court endorsed this explanation and subsequently it was followed in *Knowles v Queenstown Lakes District Council* [2019] NZHC 3227, (2019) 21 ELRNZ 513.

The receiving environment and what could be reasonably anticipated, when considering the planning context, is discussed in Section 3.4 and 3.5 of this Report, which is applicable here as it relates to assessing adverse effects on persons.

For adverse effects beyond those in Section 3.4 and 3.5, I have considered the environment as it physically exists, and the DP framework, being the DP zoning and corresponding objectives, policies and performance standards, to identify adverse effects (and degree of adverse effect), for which the proposal is considered within.

Therefore, in light of the above, a site specific assessment has been carried out below, for the purpose of determining whether a person is an affected person in accordance with s95E(1).

Section 95E(1)

The following assessment is for the purposes of identifying any affected persons in accordance with the requirements of Section 95B of the RMA. The persons considered to be potentially affected have been shown in Figure 4 above, which is shown below for ease of reference;

[See next page]

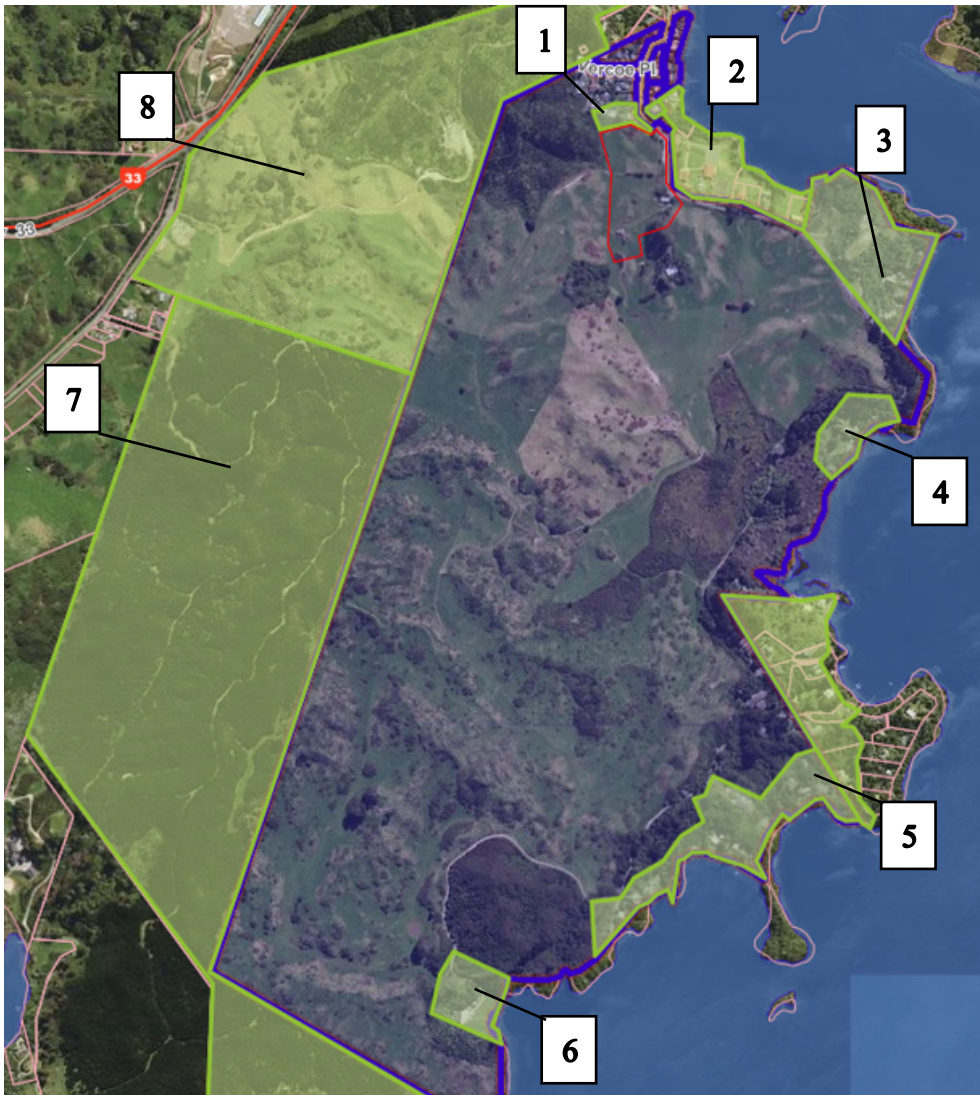


Figure 5 - Locations of persons who may potentially be affected in accordance with 95E(1)

For ease of reference, effects on persons identified above have been considered in groups, as discussed below.

Group 1

88 and 94 Whangamoa Drive (Lot 15 and 16 DPS 10881)

It is noted that the registered owners are Hulton Patchell Support Services Limited as Custodian Trustee, and Council's records show the listed owner of these properties, at the time of writing this Report is the Rotoiti 1B trust, which was changed by the Māori Land Court to Rotoiti 17, in 2000, and the trustees changed it to Whangamoa Trust (the Applicant)²¹. Although, as these properties, being Lot 15 and 16 DPS 10881, are lease areas held on RT 505759 the owner, under the RMA is any person who has any leasehold estate or interest in the land, to take a lease. Nevertheless, and in accordance with Section 95E, consideration of the adverse effects on persons at these properties has been carried out below.

²¹ [Whangamoa Trust – Māori Education Trust](#)

[See next page]



Figure 6 - 88 and 94 Whangamoa Drive in relation to development area, showing Group 1 - 3

The proposal has the potential to have an adverse effect on persons at these properties as a result of increased traffic generation, when compared to the existing environment, and associated effects in relation to safety, noise and headlight glare created by vehicles.

Further to this, increased residential density has the potential to increase residential intensity, which can adversely impact residential amenity including privacy and low levels of noise.

These components of the proposal have been considered further below.

Transportation effects

The Assessment above in Section 3.5 of this Report, under the heading transportation applies here. In terms of the abovementioned properties, these directly adjoin the proposed development, and there is potential for adverse effects to arise associated with vehicle movements, being the safe and efficient functioning of the transport network, the nature of vehicle movements, noise and headlight spill

In terms of traffic generation, the updated Transport Assessment Report (TAR) expects 212 vehicle movements per day, based on the proposed residential unit size and number of respective residential units.

Therefore, when considering the nature of the proposal, being a papakāinga in the RURZ1 zone overlaid by the Otaramarae Development Area (OMDA) which states in OMDA-APP1 – Development Activity Statement for Area OR that, *This area consists of a maximum of 70 owners' sites. In addition to this development tourism accommodation is proposed in the southern portion of the site consisting of 50 rooms, along with a store/fuel site to be located within the vicinity of the 30 caravan sites.*

While I do not consider the residential unit density anticipated by OMDA-APP1, as discussed above, to be a “baseline” for effects associated with traffic generation, given that any residential development over two residential units requires a resource consent, I have had regard to the “planned environment” and PK-R1(4)(a), those matters of non-compliance and the objectives and policies relevant to the matters of discretion. In doing so, I have turned my mind to the adverse traffic amenity effects associated with the traffic generated by the proposal, being the safe and efficient functioning of the transport network, the nature of vehicle movements, noise and headlight spill.

Effects associated with the safe and efficient functioning of the transport network is discussed in the TAR, which I have relied on, and on this basis, it is my opinion that any adverse effects on persons at this property will be less than minor.

In terms of the nature of traffic effects, they will be residential in nature (incl. any heavy vehicles associated with rubbish collection, deliveries and public transport), therefore it is my opinion that any adverse effects associated with the nature of vehicle movements will be less than minor.

In terms of noise, Section 326 of the Act excludes any noise emitted by any vehicle being driven on a road (within the meaning of [section 2\(1\)](#) of the Land Transport Act 1998), therefore noise effects within Whangamoa Drive along the road will be less than minor. Nevertheless, when considering the noise environment for the RURZ1 zone, being rural working environment and that the roading network within the proposal in relation to the properties identified above is 20m at the closest point and is to be a low-speed environment, it is my opinion that any adverse effects on persons as a result of traffic noise will be less than minor.

Head light glare will be noticeable to persons at these properties when considering the existing environment. Nevertheless, given the separation, change in topography, intervening vegetation and buildings and that the morning peak traffic hours are expected to be between 7 – 10am and afternoon peak period to be 3 – 6pm, there is expected to be lower vehicle movements in the early morning / evenings when headlights will be required. When considering the low levels of traffic at these times, and that vehicles are expected to enter and exit the sight with low-beam, it is my opinion that any adverse effects associated with head light glare will be less than minor.

When considering the DP framework for identifying adverse effects, it is my opinion that the overall traffic amenity effects will be less than minor, albeit resulting in a noticeable change to the existing environment.

In terms of pedestrian traffic, a footpath is to be expected through PK-S1, where the shared access serves 9 – 20 residential units. When considering the proposed residential activity, the intensity and frequency in use is not considered to be out of character for the receiving environment.

Overall, and when considering the above, it is my opinion that any adverse pedestrian and traffic effects on persons at these properties will be less than minor.

Residential character and amenity effects

In terms of the proposed built form, and interface with residential activities, these two properties will directly adjoin one proposed residential unit (Unit 23), and persons at 94 Whangamoa Drive will view Unit 4 & 5 which adjoin an informal access leg²² to this property. While persons at these properties will view aspects of the proposal in terms of the wider development (i.e., beyond the interfacing units) given topography²³ and site layout (i.e., separation between buildings), any adverse residential character and amenity effects beyond the directly adjoining unit will be less than minor for the reasons below.

In terms of Unit 23, it is noted that the Agents assessment is based on the RESZ4 provisions applying through OMDA-R2. While the OMDA provisions do form part of the planning context, as discussed in Section 2.0 of this Report, the applicable provisions are set through PK-R1(3) and the underlying RURZ1 zoning.

On this basis, Unit 23 breaches the 10m setback requirements, from Lot 15 and 16 DPS 10881 which are lease area boundaries, which has the potential to adversely impact character and amenity values for persons at these properties. In relation to the yard non-compliance, I have had regard to PK-R1(4)(b), where a performance standard is not met, the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies. In doing so, I have considered RURZ-P11 and RURZ-P12, particularly RURZ-P12(1) – (7). While Unit 23 will breach the yard setback, it is my opinion that the separation between buildings at these properties and Unit 23 in combination with low density (i.e., one single level residential unit), topography and proposed planting (planting being along the boundary and within the development, including along the SW hill face) the proposal will achieve the purpose of the objective and policy, and in turn will have a less than minor adverse effect on persons at these properties.

In relation to Units 4 & 5, and the interface between these properties, given these will comply with the bulk and location provisions, the relationship between these properties and the subject site would be akin to a compliant PK-R1(3) development, which I demonstrates consistency with the corresponding objectives and policies for the zone and papakāinga chapter in relation to any adverse bulk and location effects.

In terms of residential intensity, I have considered that compliance with the relevant bulk and location performance standards is relevant but not necessarily sufficient to determine the degree of adverse effect. However, combining this with the proposal's compliance with residential density in relation to persons at these properties, demonstrates residential activities within those buildings is at an intensity anticipated by the DP. Therefore, it is my opinion that any adverse noise, privacy effects, and amenity effects will be less than minor on persons at these properties.

In terms of the proposed baths, benches and outdoor kitchen adjoining 94 Whangamoa Drive, while these amenities will service the wider papakāinga development, they are ancillary activities residential in nature and compliance with NOISE requirements will be required (if consent is required) that could be reasonably anticipated with PK-R1(3).

Overall, it is my opinion that any adverse character and amenity effects on persons at these properties will be less than minor.

²² No Right of Way on the Record of Title

²³ Site visit photos (pg. 91, 97 – 102, 107 – 111) – ID: 21293917

Construction effects:

The assessment in Section 3.5 of this Report in relation to construction effects applies here, as it relates to effects on persons at these properties.

On this basis, it is my opinion that the combination of the effects being temporary (i.e., the duration of constructing the residential units and associated works) and compliance with construction noise requirements (if consent is granted), any adverse effects on persons at these properties will be less than minor.

Group 2

93 Whangamoa Drive (Lot 17 DPS 10881)

This property is directly adjacent to the development area, on the northern side of Whangamoa Drive as illustrated in Figure 6 above. For the reasons above, and that persons at these properties will interface with a development at a scale anticipated by PK-R1(3), it is my opinion that any adverse character and amenity effects on persons at these properties will be less than minor.

97 Whangamoa Drive

This property is directly adjacent to the development area, to the northern east, opposite Whangamoa Drive as illustrated in Figure 6 above. This property contains Ōtaramarae Pounamunui Marae. There is potential for the proposal to have reverse sensitivity effects on activities at Ōtaramarae Pounamunui Marae.

However, the Agent states in Section 6.2 of the application that *2/97 Otaramarae Road (Rotoiti 1A2B1 Block - Pounamunui (Ōtaramarae) Marae) of which adjoins the subject site to the north-east is understood to be held in common ownership with the applicant and therefore written approval for the activity is considered implicit.*

Nevertheless, given the nature of the proposal and for the reasons above, it is my opinion that any adverse character and amenity effects on persons at these properties will be less than minor.

119, 129 and 135 Whangamoa Drive

The Agent assesses the effects on persons at these properties in Section 7.3.3 of the Application, which I generally agree with. For these reasons, and the reasons above, it is my opinion that any adverse character and amenity effects on persons at these properties will be less than minor.

Group 3, 4, 5 and 6

These properties adjoin the subject site but are on the periphery of the development area (270m to 1.6km away). Views of the development will be passing while entering or exiting the site.

For the reasons above, it is my opinion that any adverse character and amenity, noise, construction and transportation effects on persons at these properties will be less than minor.

Within Group 4 and Group 5, it is noted that 201D and 235A Whangamoa Drive properties adjoin SNA27 – Te Ti Bay which will receive stormwater from the proposal, as discussed in updated Stormwater Management

Report (SMR) prepared by Maven BOP Ltd, with hydraulic modelling results shown in Section 4.3.4 stating, *The maximum depth of water across Whangamoa Drive is 316mm in pre-development, and 320mm post development, meaning there is a 4 mm increase in maximum water level between pre-development and post-development scenarios.* Figure 8 of the SMR illustrates where the 4mm depth change meets predevelopment depth, excerpt below for ease of reference;

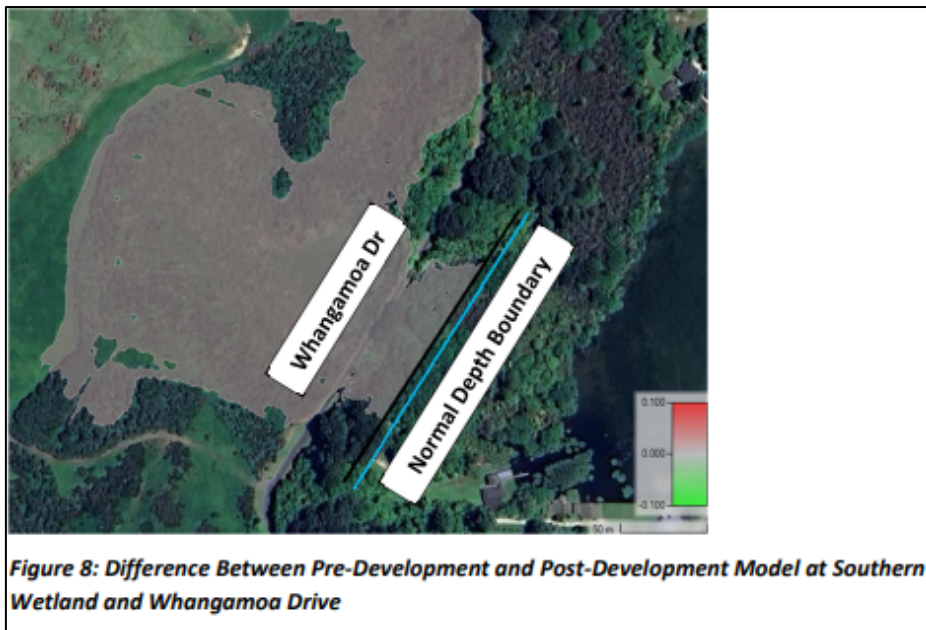


Figure 7 - Excerpt of Figure 8 from the updated SMR

As for properties within Group 5 that use Whangamoa Drive, a 9mm increase is predicted over Whangamoa Drive. Section 5.3 of the SMR, which concludes that the velocity of the water is mitigated by existing established vegetation so that flow velocities do not induce erosion or cause damage.

I have relied on the stormwater management report and 's92 Responses', prepared by Maven BOP Ltd. This aspect has been reviewed by Council's LDE and no issues have been raised, subject to conditions of consent (if consent is granted).

On this basis, it is my opinion that any adverse stormwater effects on persons at these properties will be less than minor.

Group 7

This property adjoins to the west, approximately 440m from the development area. Given the separation and topography between the boundary of the development area and this property, it is my opinion that any adverse effects will be less than minor.

Group 8

It is noted that the listed owner of these properties, at the time of writing this Report, is Hulton Patchell Support Services Limited as Custodian Trustee of the Whangamoa Trust (the Applicant). Nevertheless, an assessment is carried out below.

In terms of character and amenity effects, given the separation and topography between the boundary of the development area and this property, it is my opinion that any adverse effects will be less than minor.

Furthermore, given the properties are in the same ownership RURZ-S6 in relation to reverse sensitivity can be met, and there are no existing quarries within 300m. Therefore, any reverse sensitivity effects at this property will be less than minor.

Overall, it is my opinion that any adverse reverse sensitivity, character and amenity effects on persons at these properties will be less than minor.

Other persons

It is noted in *Gabler v Queenstown Lakes District Council*, [2017] NZHC 2086, (2017) 20 ELRNZ 76, 2017 WL 3839244, it states “If those persons closest to the proposed activity are not affected even in a minor way, then it is implausible that those further away would be considered to be affected. The Council does not need to record that.”

On this basis, other than persons identified above, I do not consider any other persons affected by the proposal.

Conclusion

For those reasons given above, I consider the effects on persons will be less than minor.

4.5 Step 4: Limited notification in special circumstances - s95B(10)

The consenting history is discussed in section 1.3 of this Report. Consultation and correspondence is discussed in Section 1.5, and Section 3.6 of this Report, with regards to correspondence received on behalf of a group of residents and bach owners on Otaramarae and Whangamoa Drive.

In terms of the correspondence, and for the purpose of s95E and assessing effects on persons, Sigma Consultants advised Council after speaking with their client’s representative that;

“the group are not wanting to be identified at this stage – as some of them own leasehold properties. However, there are 6 parties that have provided funding for the initial investigations by ourselves and Hobec lawyers, and there are 15 other parties that have indicated that they would like to be involved if this goes further. All reside in the Otaramarae or Whangamoa Drive area.

The group has noted that *‘there are potentially 80 plus households who would wish to be a part of this action if it goes further. None were notified when the district plan was changed and they feel that this area is not capable of absorbing this many new houses and they feel that a lack of consultation or dialogue by the trust has compromised their rights’.*²⁴

It is not clear if Sigma Consultants have made enquiries on behalf of the same people as Holland Beckett, or the individuals that have lodged LGOIMA’s. Therefore, I have decided not to group them.

Nevertheless, the reasons for resource consent are discussed in Section 2 of this Report. Given these factors

²⁴ Email from Sigma Consultants regarding size of group – ID: 21261187.

and the reasons in Sections 3.4.1, 3.5, 3.6 and 4.4 of this Report, it is my opinion that there are no special circumstances in relation to the proposal given there is nothing unusual, abnormal or exceptional about this application when considering the planning context and receiving environment. Therefore, it is my opinion that special circumstances for limited notification do not apply.

4.6 Conclusion on limited notification

It is concluded on the findings of the above assessment under s95B of the RMA that the application proceeds on a non-notified basis.

5.0 Notification Recommendation

I recommend that the resource consent application made by Barker & Associates Limited (the Agent) for land use consent to construct and maintain 28 papakāinga residential units (within 26 standalone residential buildings), including outdoor amenity areas (i.e., playground and basketball court), parking, access, a non-residential activity (i.e., community building), and associated infrastructure (including a above ground infrastructure for storage and drainage of stormwater) at 108 Whangamoa Drive (legally described as Rotoiti 17 Block (ML 22414)) in the Rural 1 Zone - Working Rural Zone numbered LU25-010302 by Council, be processed in the following manner: **The application be processed non-notified.**



Lewis Stevenson
Senior Consents Planner

Date: 08 December 2025

Reviewed by



Lorelle Barry
Manager Consenting Services

Date: 26/11/2025 & 09/12/2025

Authorised Officer Signature



Lorelle Barry
Manager Consenting Services

Date: 09/12/2025

6.0 Section 104 – Consideration of applications

A decision was made under section 95 of the Act to process the application on a non-notified basis. An assessment of the application under section 104 of the Act is provided below.

7.0 Section 104(1) – Matters that consent authority must have regard to

The environment is described in Section 3.4 of this report and is relevant here, insofar as it relates to s104. For conciseness, the assessment of the ‘environment’ has not been repeated here. An assessment of s104(1)(a), (b) and (c) has been carried out below.

7.1 Effects disregarded

Pursuant to s104(2), when forming an opinion for the purposes of s104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the “permitted baseline”).

The “permitted baseline” was discussed in Section 3.4 of the approved notification report. This discussion and conclusion is also considered relevant for the purposes of the assessment under s104(1)(a).

Pursuant to s104(3)(a), when forming an opinion for the purposes of s104(1)(a) a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition.

7.2 s104(1)(a) and (ab) - The following actual and potential effects are relevant to this proposal:

Positive Effects

It is noted that any package of positive measures is viewed separately from the mitigation measures proposed (i.e., measures already considered in remediation or mitigation cannot be counted again as positive effects of the proposal). In this case, positive effects are discussed in Section 9.0 of the Application which are shown below for ease of reference;

- *The activity includes development of papakāinga within an identified development plan area (Whangamoa Trust - Otaramarae Development Plan Area (OMDA))*
- *The proposal will result in the development of 26 [28] Papakāinga housing units in an existing rural-residential area that will give effect to the environmental quality and amenity value outcomes sought by the Rotorua Lake’s District Plan; and*
- *The housing will provide a positive response to increased demand for housing by providing warm, dry, safe and low maintenance homes that will accommodate tangata whenua needs.*

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are less than minor.

It is noted that extensive planting is also proposed, both within the development area, and adjoining along the SW hill face (i.e., embankment revegetation planting). Planting within the development is proposed to mitigate effects associated with the proposal, therefore I have not considered them further here. Revegetation planting is proposed to be undertaken in the medium to long term.

The DP does recognise that *resource consents or Iwi and Hapū management plans can be prepared by Iwi and Hapū for the future intended development of Māori land. Such development may include Marae, papakāinga, kaumātua housing, habitat/wetland restoration, and commercial activities such as tourism ventures, business hubs, fishing, aquaculture, forestry and geothermal energy production, and that the district*

plan provides a policy and rule framework that enables development on Māori land, while recognising that activities can generate environmental effects that may require management and solutions. Social and cultural benefits are high and can be further enhanced with designs that are functional and result in positive environmental outcomes (SDML-I1).

Overall, it is my opinion that the potential beneficial / positive effects of granting resource consent will be moderate in the short (i.e., upon occupation of residential units) and long term (i.e., upon establishment of revegetation planting) and acceptable on the receiving environment.

Proffered Conditions

Pursuant to s104(1)(ab), the applicant has proffered conditions of consent (shown in the decision below) ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

The draft conditions, with track changes, have been saved to the file for further background.

Meaning of effect

In the Act, unless the context otherwise requires, the term **effect** includes—

- a. any positive or adverse effect; and
- b. any temporary or permanent effect; and
- c. any past, present, or future effect; and
- d. any cumulative effect which arises over time or in combination with other effects—
- e. regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- f. any potential effect of high probability; and
- g. any potential effect of low probability which has a high potential impact.

The actual and potential adverse effects of this proposal have been identified and assessed above under Section 3.5 of the notification report. The positive effects of the proposal are discussed in Section 7.2 of this report.

As discussed in Section 3.4 of this Report, the environment includes the existing environment and the reasonably foreseeable future environment.

In terms of the actual and potential effects on the environment, the positive effects are moderate to high (i.e., development on Māori land for papakāinga purposes, that meets the needs of those landowners and respects the exercise of kaitiakitanga and the relationship of tangata whenua), whereas the adverse effects are low. Therefore, it is my opinion that the proposal will have an acceptable effect on the environment.

The extent to which the proposal is consistent with (or contrary to) the relevant planning provisions is set out below.

8.0 Section 104(1)(b) - Relevant provisions

8.1 National Environmental Standard/Other Regulations/National Policy Statement/New Zealand Coastal Policy Statement

The relevant provisions of s104(1)(b)(i) – (vi) are discussed below. I do not consider any of the other clauses of s104(1)(b) to be relevant.

8.1.1 Section 104(1)(b)(i) - National Environmental Standards (NES)

Given the role of the territorial authority, the only relevant NES is the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES:CS)

The assessment in Section 2.3 of this report is relevant here and in summary, and in accordance with Regulation 6(3) of the NES:CS, the site is not covered by Regulation 5(7) or considered “piece of land”. Therefore, further assessment of the regulations is not required.

8.1.2 Section 104(1)(b)(ii) – Other regulations

I do not consider any other regulations to be relevant to the proposal.

8.1.3 Section 104(1)(b)(iii) - National Policy Statement (NPS)

The only relevant National Policy Statement are;

- Indigenous Biodiversity (NPS:IB)
- Freshwater (NPS:FW)

NPS: IB

In terms of NPS:IB, the proposal is consistent with the objective set out in Clause 2.1, *to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity*, and achieves this through clauses 2.1(1)(b)(i) to (iv), as the proposal is carried out on Māori land, minimal to no indigenous vegetation removal is required, planting of native vegetation is proposed within the development, with revegetation along the western hill face (in the long term), planting within the SW detention pond and the proposal is for a papakāinga development, that provides for the social, economic, and cultural wellbeing of people and communities now and in the future in accordance with Clause 3.18.

Therefore, I am satisfied that the proposal is consistent with the NPS: IB.

NPS: FW

The Agent has carried out an assessment of the NPS: FW in Section 10.3 of the Application, which I generally agree with. In summary, the Stormwater Management Report prepared by Maven BOP Ltd and supported by a Wetland and Ecological Assessment prepared by EcoResto Ltd aligns with best practice stormwater guidance principles and Te Mana o te Wai.

Therefore, I am satisfied that the proposal is consistent with Objective 2.1, corresponding policies and the NPS: FW.

8.1.4 Section 104(1)(b)(v) – Bay of Plenty Regional Policy Statement and Natural Resources Plan

The Bay of Plenty Regional Council reviewed the application and provided comments to Council and the Agent. As discussed in Section 1.8 of the application, a BOPRC has been sought. Therefore, I am satisfied that the proposal will not frustrate the NPS/RPS, provided consent is granted.

8.2 Section 104(1)(b)(vi) - Rotorua District Plan

When considering Section 75 of the RMA and in terms of the DP, consideration has been given to the extent to which the proposal complies with relevant rules (performance standards), in order to implement the relevant objectives and policies.

In addition to this, I've considered the key issues influencing the relevant policy framework, for the respective chapters and zones, in relation to the proposed papakāinga;

SDML-I1 and PK

The key issues for papakāinga are set out in SDML-I1, discussed above, with the Anticipated Environmental Result, being new activities on Māori land (SDML-AER1).

RURZ-I1 to I5 – Water quality, maintenance of productive rural land, character and amenity values, reverse sensitivity and the character of rural settlements

The assessment above in relation to NPS: FW applies here in relation to water quality. While the proposal will occur on useable land²⁵, the development area does not contain versatile soils as it has LUC 6 classed land and is not considered to be highly productive. Nevertheless, the proposal has the potential to impact the productive capacity of the subject site which is a key issue (RURZ-I2). In this case, the development area is approximately 28,630m² of the total site area, and when considering PK-R1(3) and OMDA-APP1 which anticipate residential development in the RURZ1 zone, as well as the balance of the land continuing to be used for rural production activities, the overall productive capacity for the site will be maintained. The extent to which the proposal adversely impact the character and amenity values, and reverse sensitivity is discussed in Section 3.5, which concludes the effects will be less than minor, therefore acceptable.

Overall, it is my opinion that the proposal will achieve the anticipated environmental results in RURZ-AER1 to 5.

8.2.1 Relevant Assessment Criteria

In this case, the relevant assessment criteria for the papakāinga are set out in PK-R1(4)(a) to (h), which includes PK-MD1, with the assessment relevant to EIT-R10 in EIT-AC1.

Section 11 of the application discusses the relevant assessment criteria, being RURZ-AC1, which in summary concludes *the proposal meets the relevant assessment criteria of the Rotorua Lakes District Plan for the reasons described in the preceding sections of this report* [the application], which I do not agree with. Furthermore, Section 11 does not explicitly assess the assessment criteria in Rule PK-R1(2). However, I do agree that the assessment in the application addresses the matters identified in the respective assessment

²⁵ DP definition: all land except: a. areas with a Land Use Capability of Class VII and VIII; b. ephemeral watercourses; c. wet areas; d. slopes over 35 degrees; e. Significant Natural Areas.

criterion which I generally agree with to the extent discussed in Section 3.5 of this Report, which discusses the extent to which the activity will avoid, remedy or mitigate the effects of non-compliances on achieving the purpose of the relevant performance standard and objectives and policies. Further assessment of the objectives and policies is carried out below.

As for EIT-R10, an assessment of the relevant assessment criteria was provided in the 's92 Response', which I generally agree with.

Therefore, it is my opinion that the proposal has considered and suitably responded to the relevant assessment criteria in the DP, and any effects on the receiving environment will be acceptable and any adverse effects will be less than minor, provided conditions of consent are met (if consent is granted).

8.2.2 Operative objectives and policies

The relevant objectives and policies are considered to include:

- PK – Papakāinga and kaumātua housing and Strategic Direction – Development of Māori Land (SDML)
- RURZ- Rural Zones
- EIT – Energy, Infrastructure and Transport and EW - Earthworks

Papakāinga and kaumātua housing (PK) and Strategic Direction – Development of Māori Land (SDML)

As the proposal does not comply with shared private access requirements, yards and residential unit density there is potential for the proposal to be inconsistent with the relevant objectives and policies for PK and SDML chapter of the DP.

The Agent has carried out an assessment of the NPS: FW in Section 10.3 of the Application, which I generally agree with. On this basis, and for the reasons in Section 3.5, it is my opinion will be consistent with PK-P1 and SDML-O1 relating sustainable development of Māori Land.

In my opinion, the proposal is consistent with the objectives and policies in the PK and SDML chapters of the DP.

RURZ1 – Rural 1

In accordance with PK-R1(4)(a)&(b), consideration should be given to the (a) *those matters of non-compliance and the objectives and policies*; and (b), *where performance standards of the zone are not met: the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion*.

In terms of RURZ performance standards, the non-compliances are in relation to shared private access requirements, yards and residential unit density (as set by PK-R1(3)).

Therefore, RURZ-O1, RURZ-O2, RURZ-O3, RURZ-O4 and the corresponding policies are relevant to the proposal. For the reasons above, it is my opinion that the proposal is general consistent with the objectives and policies for the zone.

In terms of RURZ-O2, and rural production land, the proposed development area is approximately 28,630m², and PK-R1(3) anticipates up to ten residential units, with one residential unit per 2,000m² which would be 20,000m². While the current proposal will utilise a further 8,630m², the impact of this on the balance of the

currently used for agricultural production activities will be minimal. Furthermore, the assessment development area has been clustered which is a result of the increased residential unit density

Overall, it is my opinion that the proposal is consistent with the objectives and policies in the RESZ chapter.

EIT - Energy, Infrastructure and Transport and EW – Earthworks

Given the extent to which the proposal is consistent with the assessment criteria in the EIT chapter and considering EIT-O1 to EIT-O3 and the corresponding policies, it is my opinion the proposal is generally consistent with the objectives and policies in both the EIT and EW chapter.

Plan Change 8

Plan Change 8 aims to improve how we manage natural hazard risks throughout the district, from flooding, active fault rupture, land stability (slope stability, liquefaction and soft soils), geothermal hazards and wildfire.

Matters relating to flooding, fault lines and land stability have been discussed above, and considered to be acceptable. Plan Change 8 introduces consideration of wildfire, and HN-P5 which states;

Mitigate the risks of wildfire associated with development by:

- i. *Requiring firefighting water supply for activities in more densely populated zones and papakāinga to reduce the risk of wildfire occurring.*
- ii. *Encouraging subdivision design in rural areas and at the rural-urban fringe to consider the potential risks of wildfire and, where appropriate, include measures that may help reduce the risks. Such measures may include:*
 - a. *identifying suitable locations for building platforms and accessways that reduce exposure to wildfire hazards and facilitate egress;*
 - b. *facilitating access for emergency services; and*
 - c. *choice of plant species to reduce the risk of fire.*

In this case, firefighting water supply will be provided. The proposed Units will be sufficiently setback from boundaries to provide for egress, as well as all residential units will have legal and physical access to the internal roading network that will allow for egress, as well as access for emergency services.

Plant species will be selected based on the ecological district.

Overall, I consider the proposal to be generally consistent with NH-P5 as notified by PC8.

Conclusion on objectives and policies

For the reasons above, it is my opinion that the proposal is consistent with the relevant objectives and policies in the DP.

8.3 s104(1)(c) - any other matter

Pursuant to s104(1)(c) Council must have regard to any other matter relevant and reasonably necessary to determine the application. This is considered to be District Plan integrity and s106A.

8.3.1 Precedent effect and District Plan integrity

It is noted that the precedent effect of granting a resource consent (in the sense of like cases being treated alike) is not an effect on the environment but is a relevant factor for a consent authority to take into account when considering an application for a consent to a non-complying activity. While the activity status of the application is Discretionary, based on the bundling principle, an assessment has been carried out below.

In this case, the proposal is consistent with the objectives and policies, and is generally consistent with the relevant assessment criteria, albeit breaching yards (Unit 23), density and number of users on a shared access.

Furthermore, it is my opinion that the proposal will not be out of character with the receiving environment and any actual or potential effects on the receiving environment will be acceptable, provided conditions of consent are met (if consent is granted).

Therefore, I do not consider that the proposal has unique or distinguishing components, given the degree of consistency with the DP.

8.3.2 Section 106A - Consent authority may refuse land use consent in certain circumstances

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 passed into law, through Royal Assent on the 20th August 2025 which introduced Section 106A, which I've considered below.

- (1) A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.*
- (2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:*
- (a) the likelihood of natural hazards occurring (whether individually or in combination):*
 - (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:*
 - (c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):*
 - (d) whether the proposed use of the land would result in adverse effects on the health or safety of people.*
- (3) Conditions imposed under subsection (1) must be—*
- (a) for the purposes of avoiding or mitigating the effects referred to in subsection (1); and*
 - (b) of a type that could be imposed under section 108.*

A geotechnical report and stormwater management plan was submitted with the application. Both of these were reviewed by Council's Land Development Engineer, and the following comments were provided;

- The Geotechnical Report has identified that the site is suitable for residential development providing the units are constructed in accordance with the recommendations of the report. Each household unit will be provided with legal and physical access to Whangamoa Drive.
- The applicant has proposed bore water for the units and communal firefighting storage tanks. Wastewater will be discharged to the public network, the main line in the shared driveway will be installed as part of the civil works and the Low Pressure Grinder Pump (LPGP) will be installed as part of the Building Consent for each unit.

- Water will be provided from an on-site bore with firefighting storage. Stormwater will be managed via swales and raingardens that discharge to the wetland. Wastewater will be discharged to the Council network, the proposal is for 2 units to share a LPGP where possible, when sharing a pump unit the storage chamber volume of 1500l is required. Access will be provided via the new private shared access, the access is not adequate for public refuse collection trucks therefore the applicant will need either bring the refuse out to the public road to a suitable collection area or enter a private collection agreement.

On this basis, and relying on the technical inputs, I do not consider that there is a significant risk from natural hazards, subject to conditions of consent (if consent is granted).

9.0 Part 2 matters

In Part 2 of the Resource Management Act 1991, Section 5 sets out the purpose and principles of the Act for the sustainable management of natural and physical resources. The Court of Appeal Decision (the Davidson decision) has established the appropriate framework in which to assess resource consent applications. This was necessary given that s104 makes the assessment of applications subject to Part 2 however other High Court decisions had brought into question the relevance of Part 2 when the national, regional and district policies and plans are all required to give effect to Part 2. The Davidson decision now establishes that Part 2 can be considered however this is more appropriate when there are deficiencies in the planning instruments and their alignment to Part 2. In my opinion, there is nothing to suggest that the provisions of the Rotorua District Plan have any deficiencies which would suggest a misalignment with Part 2. Further assessment under Part 2 is not therefore required.

10.0 Recommendation

The above assessment has concluded that any actual and potential effects of the proposal are acceptable, and the proposal is consistent with the relevant objectives and policies of the operative planning documents as well as with all other matters. The proposed activity meets the purpose and principles of Part 2 of the Act and therefore subject to the conditions listed within the decision to be served under section 113 the proposal can **be granted**.

09 December 2025

Barker & Associates Limited
PO Box 1986
Shortland Street
Auckland 1140

Tēnā koe Alisa,

Re: Notice of decision

Application number:	LU25-010302
Type of application:	Land use consent – Discretionary
Applicant:	Whangamoa Trust
Description:	Construct and maintain 28 Papakāinga units, including outdoor amenity areas (i.e., playground and basketball court), parking, access, a non-residential activity (i.e., community building) and associated infrastructure (including a above ground infrastructure for storage and drainage of stormwater)
Site address:	108 Whangamoa Drive Rotoiti North Rotorua 3074
Legal description:	Lot 3 DP 23705 (Accessway), Rotoiti 17 Block (ML 22414), Part Lot 13 DPS 42354, Lot 2 DPS 40578

I wish to advise that the following decision has been made under authority delegated to staff in respect of the above application:

- a. Pursuant to Section 95A of the Resource Management Act 1991, the Rotorua District Council has decided in its discretion not to publicly notify the application. Council is satisfied after due consideration of Section 95D that the adverse effects on the wider environment will be or are likely to be no more than minor. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 95A(9).
- b. The Council has decided after taking into due consideration the requirements of Sections 95B and 95E of the Resource Management Act 1991 that the adverse effects of the activity on persons are less than minor. Limited notification is not mandatory under Section 95B(2) and (4). Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 95B(10).
- c. That pursuant to Section 37 and 37A of the Resource Management Act 1991, the Council advises that the 20 working day limit for issuing a resource consent is being extended by 20 working days due to complexity, 15 working days with agreement from the Applicant and 22 working days in relation to the time taken to review draft conditions of consent.

 Civic Centre, 1061 Haupapa Street, Private Bag 3029, Rotorua 3046, New Zealand

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- d. Pursuant to Sections 34A, 104, 104B, 106A and 108 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent Land to construct and maintain 28 papakāinga residential units (within 26 standalone residential buildings), including outdoor amenity areas (i.e., playground and basketball court), parking, access, a non-residential activity (i.e., community building) and associated infrastructure (including a above ground infrastructure for storage and drainage of stormwater) at 108 Whangamoa Drive (legally described as Rotoiti 17 Block (ML 22414)) in the Rural 1 Zone - Working Rural Zone subject to the following conditions:

Conditions of consent

1. The proposal shall be carried out in general accordance with the application prepared by Barker & Associates Limited numbered LU25-010302 and plans numbered LU25-010302/1-XX by Rotorua District Council, including (but not limited to) the following information submitted with the application, except where modified by any conditions of this consent;
 - i. 'S92 responses', and supporting correspondence
 - ii. Updated Landscape Plans, prepared by Greenwood Associates Ltd
 - iii. Landscape Assessment Report (LAR), prepared by Greenwood Associates Ltd
 - iv. Wetland and Ecological Assessment, prepared by EcoResto Ltd
 - v. Revised Traffic Assessment, prepared by Traffic Planning Consultants Ltd (TPC)
 - vi. Infrastructure Report, prepared by Maven BOP Ltd
 - vii. Revised Stormwater Management Report, prepared by Maven BOP Ltd
 - viii. Geotechnical Feasibility Report, prepared by ENGEO Ltd
 - ix. PSI & DSI, prepared by HAIL Environmental Ltd

Compliance

2. The consent holder shall appoint a representative in relation to managing compliance with conditions of consent. This person shall act as a single point of contact for dealing with Council's Compliance Team, in ensuring and demonstrating that conditions of consent are met. Contact details of this person shall be provided to Council no later than 5 working days prior to any site works commencing in relation to this consent.
3. All conditions relating to this resource consent (other than those which are on-going or have a specified date in the condition) must be met in full and a Planning Compliance Certificate issued within three months of occupation of the residential units, unless otherwise specified.

Financial Contribution

4. That a financial contribution for reserves and heritage purposes of \$1,712.64 (+ GST) shall be paid to Council prior to the occupation of the residential units. This amount has been assessed at 2.5% of the land value of a 2,000m² for 26 additional units in accordance with Part 2 – Financial Contributions chapter of the Operative District Plan.

Landscape Planting Plan

5. Prior to applying for building consent for the residential units, a detailed Landscape Planting Plan shall be prepared by a suitably qualified and experienced person, demonstrating plant species are

suitable for the ecological district and appropriate to the site and location, in general accordance with the approved landscape plans prepared by Greenwood Associates Ltd numbered LU25-010302/X – X, and submitted to Council to the satisfaction of the Manager Consenting Services, Rotorua District Council or their delegate, Rotorua District Council for their approval prior to implementation of the planting plan. The Landscape Planting Plan shall detail all landscaping within the development.

6. That the detailed planting plan in Condition 5 shall include an ongoing monitoring and maintenance plan prepared by a suitably qualified and experienced person. The plan shall include two sections, firstly the works required for successful establishment and secondly ongoing (long term maintenance) including the following requirements;
 - irrigation
 - weed and pest control
 - infill planting
 - controls during construction
 - inspection timeframes
 - contractor responsibilities and responsibilities for ongoing maintenance requirements
7. All landscaping as detailed on the landscape plan in Condition 5 shall be implemented within 3 months of code of compliance being issued for the residential units or within the first planting season (May to September).
8. That all landscaping throughout the site shall continue to be maintained by the consent holder, in accordance with the approved ongoing monitoring and maintenance plan, for the lifetime of the activity.

Hard landscaping plan

9. Prior to applying for engineering plan approval (Condition 33), a Hard Landscape Plan for the common areas shall be prepared by a suitably qualified and experienced person, and submitted to the Rotorua District Council to the satisfaction of the Group Manager – Destination Development, Rotorua District Council or their delegate. The hard landscape plan shall be prepared in general accordance with the approved concept plan prepared by Greenwood Associates Ltd labelled LU25-010302/ X-X by Council.

[Advice note: The hard landscape plan can be combined with the Landscape Planting Plan (in condition 5), and should include locations and widths for footpaths, driveways and other hard surface areas in common areas, along with information on the materials, colour and finish for each hard surface.]

10. Any material utilised as an impervious surface such as concrete or pavers shall be dark/tinted, unless it is asphalt or exposed aggregate concrete.
11. Hard landscaping shall be implemented prior to occupation of the residential units.
12. That the hard landscaping throughout the site shall continue to be maintained by the consent holder, in accordance with the approved hard landscape plan.

Plantation Forestry

13. Prior to constructing Units 23 – 26, evidence shall be provided to Council demonstrating a 30m buffer between the existing plantation forestry and residential units is provided.

Light and glare

14. Prior to applying for engineering plan approval (Condition 33), a lighting plan shall be prepared by a suitably qualified lighting designer and submitted to Rotorua District Council to the satisfaction of the Group Manager – Destination Development, Rotorua District Council or their delegate.

Reflectivity

15. Exterior surfaces of buildings, including the roof, joinery and downpipes, shall not exceed 37% reflectivity.

Community Facility

16. Activities shall be related to or provide ancillary services to the papakāinga activity. The intended uses may include the following: The Whangamoa Trust office, group meeting facilities, provision of pastoral and health care, formal and informal social gatherings. Note, this list is not exhaustive and uses shall otherwise comply with the definition of “community facility” within the District Plan.
- (a) There shall be no commercial or retail uses unless ancillary to the papakāinga activity.
 - (b) Hours of operation (except for temporary activities) shall be restricted to 8am – 5pm, Monday to Sunday.

Construction Noise

17. Noise associated with the construction activity shall comply with the limits recommended in, and shall be measured in accordance with, NZS6803:1999 – Acoustics – Construction Noise.

Road naming and signs

18. Prior to, or at the time of lodging engineering plan approval, the Consent Holder shall provide the proposed road names for approval to the satisfaction of the Group Manager – Destination Development, Rotorua District Council or their delegate. The road names shall be determined and assessed in accordance with Rotorua District Council’s Road Naming Policy.
19. That the road naming signs with the approved road name shall be installed prior to occupation of the residential units.

Engineering

20. That all vested engineering works required to be undertaken to satisfy the conditions of this consent shall be carried out in accordance with the requirements of the Waikato Local Authority Shared Service, Regional Infrastructure Technical Specifications (RITS), and any agreed OR conditioned departures to the satisfaction of the Group Manager Infrastructure and Assets, Rotorua District Council, or their delegate.

21. That in carrying out the proposed works no run off, silt, sediment, dust or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads, drains or waterways. This shall be achieved by installing and maintaining appropriate erosion, sediment and dust controls (in accordance with the Bay of Plenty Regional Council Sediment and Erosion Control Guidelines) prior to and during the works until the site is stabilised.
22. That the developer shall identify a suitably qualified and experienced representative (hereinafter referred to as the “developer’s representative”) who has suitable experience in all phases of land development engineering work and the developer shall notify Council of the name of the person so employed prior to commencing any work. This may be the same person as required by Condition 2.

Infrastructure

23. The Civil Infrastructure shall be constructed in accordance with the Infrastructure Report prepared by Maven (Project J00601, 23 March 2025).
24. The stormwater runoff shall be managed on-site in accordance with the Stormwater Management Report prepared by Maven (Project J00601, 19 June 2025).
25. The units shall be provided with adequate water storage for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Access

26. The access shall be constructed in accordance with the Infrastructure Report prepared by Maven (Project J00601, 23 March 2025) and the Transportation Assessment by Traffic Planning Consultants (Job Number 230643, 1 July 2025).

Capital Contribution

27. That a capital contribution for the subsidised network component of Okere Falls Sewerage Scheme shall be paid to Council. The amount of the capital contribution shall be \$91,727.20 (ex GST) or an alternative monetary amount is agreed to by Council. This contribution shall be paid by the Consent Holder prior to the issue of Building Consent at a rate of \$5,732.95 (excluding GST) per Low Pressure Grinder Pump included in that Building Consent.

Geotechnical/Earthworks

28. The units shall be designed in accordance with the recommendations of the Geotechnical Feasibility Assessment by ENGEO (Project Number 024843.000.001, 16 October 2024).
29. Prior to or as part of an application for building consent the consent holder shall provide a copy of the Geotechnical Completion Report required through land use consent LU24-010248 (Condition 12).

30. Upon completing earthworks, an as-built shall be provided showing the finished ground level and no subsequent buildings shall exceed 7.5m from natural ground level.

[Note: natural ground level is the level before earthworks have been undertaken]

Refuse Collection

31. A Waste Management Plan (WMP) shall be prepared that details how waste collection will operate within the private road and the requirements of the residents. The WMP shall be submitted for Council's written certification in conjunction with the Civil Works Building Consent to the satisfaction of the Group Manager Infrastructure and Assets, Rotorua District Council or their delegate.

Civil Works Building Consent

32. That internal engineering design plans and specifications shall be submitted to the RLC Building Team (or their delegate) for written approval prior to commencing private civil infrastructure work on-site. As-built drawings of the completed infrastructure shall be provided as required for civil works building sign off and/or Code of Compliance Certification. The engineering design plans shall include:
- i. Private roading details;
 - ii. Water supply infrastructure design;
 - iii. Private wastewater infrastructure;
 - iv. Stormwater infrastructure design;
 - v. Earthworks and sediment and erosion control plans.

Engineering Plan Approval (vested infrastructure)

33. That engineering design plans and specifications shall be submitted to the Group Manager Infrastructure and Assets, Rotorua District Council or their delegate, for written approval prior to commencing work on-site. As-built drawings of the completed infrastructure to vest shall be provided upon completion. The engineering design plans shall include:
- i. Wastewater rising main & connection details for connection to Council LPGP system,

Reasons for council decision:

1. Principle Issue – Development of a RURZ1 site for Papakāinga has the potential to adversely affect the character and amenity values for the immediate and surrounding area. In addition to this, intensification of the site has the potential to have an adverse effect on traffic generation, visual amenity, sediment and erosion and stormwater management.
2. Main finding of facts – Barker & Associates Limited (the Agent) has applied on behalf of the Whangamoa Trust (the Applicant) for a land use consent to Construct and maintain 28 Papakāinga units, including outdoor amenity areas (i.e., playground and basketball court), parking, access, a non-residential activity (i.e., community building) and associated infrastructure (including a above ground infrastructure for storage and drainage of stormwater) at 108 Whangamoa Drive (legally described as Rotoiti 17 Block (ML 22414)) in the Rural 1 Zone - Working Rural Zone.

A full assessment of the proposal has been completed in the Council Officer's (Section 42a) Report for this decision.

3. The proposal is located at 108 Whangamoa Drive, Rotoiti, legally described as Rotoiti 17 Block. It is held under Record of Title identifier 505759, issued 01 December 2009, with a total area of 155.321 hectares (ha). Specifically, the proposal relates to an approximate 28,630m² area of land located in the northern corner of Rotoiti 17 Block, referred to hereon as the development area.

The development area has a Rural 1 (RURZ1) – Working Rural Zone overlay, as well as being located within the Whangamoa Development Area (Owners Reservation (OR) Area and Eco Farm – Area A) - OMDA.

The development area gains access off Whangamoa Drive, which is a private shared access. The development area sits to the south / west of established residential sites and rises generally uniformly in topography from approximately 294m at Whangamoa Drive to 305m, before the site rises steeply to the west. Ōtaramarae Pounamunui Marae adjoins to the east, with Lake Rotoiti to the east of this. Whangamoa Drive also provides access to a number of leasehold / freehold properties to the east/south east. The development area is generally in pasture, like with the balance of the subject site, although it does contain patches of plantation forestry, indigenous vegetation and wetlands.

A description of the site and surrounds can be found in Section 3 of the application. A site visit was also carried out on 6 May 2025 – A full set of site visit photos have been saved on file.

4. A full description of the proposal has been provided by the Agent in Section 4 of the application and is supported by a number of technical reports (listed in Condition 1) which support the proposal. Furthermore, additional information has been received in the 's92 Responses' which supports the proposal. Therefore, this should be read in conjunction with the reasons for Council's decision. In addition to this, Council's Land Development Engineer has provided technical advice with regards to engineering matters. These comments have been considered in the approved s42A Council Officers Report and the reasons for granting Council's decision.
5. The reasons for granting resource consent on a non-notified basis are set out in the approved Council Officers Report, which apply here but for conciseness have not been repeated. However, for ease of reference, a summary is provided below.
6. The proposal triggers Rule PK-R1(4) for a Papakāinga and kaumātua housing (including a community building) and EIT-R10(1) to construct stormwater swales and a detention pond. In accordance with the 'bundling' principle, the most restrictive activity status shall apply, and as such, the application is considered a Discretionary Activity.
7. In making this decision Council considers that any effects on the environment and persons will be less than minor in accordance with s95D and Section 95E of the Act.
8. The Council has had regard to the provisions of the Operative Rotorua District Plan and in particular to the abovementioned rules and the relevant assessment criteria set out in PK-R1(4)(a) to (h), which includes PK-MD1 and EIT-AC1 in the relevant chapters of the district plan. Consideration has also been given to the Otaramarae Development Area (OMDA) that overlays that site, which states in OMDA-APP1 – Development Activity Statement for Area OR that, This area consists of a maximum of 70 owners' sites. In addition to this development tourism accommodation is proposed in the southern

portion of the site consisting of 50 rooms, along with a store/fuel site to be located within the vicinity of the 30 caravan sites.

9. The proposal is generally consistent with the relevant objectives and policies in the PK and SDML Chapter that seek to enable development on Māori land for papakāinga purposes, that meets the needs of those landowners and respects the exercise of kaitiakitanga and the relationship of tangata whenua, through the implementation of the PK chapter. Otherwise, the proposal is generally consistent with all other relevant objectives and policies in the RURZ Chapter, in the context of Part 2-PK.

An assessment of the relevant objectives and policies is set out in the approved Council Officers Report, which apply here but for conciseness have not been repeated.

10. In terms of the actual and potential effects on the environment, the positive effects are moderate to high (i.e., development on Māori land for papakāinga purposes, that meets the needs of those landowners and respects the exercise of kaitiakitanga and the relationship of tangata whenua), whereas the adverse effects are low. Therefore, the proposal will have an acceptable effect on the environment.
11. On balance, the proposal is considered to be consistent with Part 2 of the Resource Management Act 1991 (the Act).
12. The Geotechnical Report has identified that the site is suitable for residential development providing the units are constructed in accordance with the recommendations of the report. Each residential unit will be provided with legal and physical access to Whangamoa Drive.
13. Water will be provided from an on-site bore with firefighting storage. Wastewater will be discharged to the public network, the main line in the shared driveway will be installed as part of the civil works and the Low Pressure Grinder Pump (LPGP) will be installed as part of the Building Consent for each unit. The proposal allows for up to 2 units to share a single LPGP where possible, when sharing a LPGP the storage chamber volume of 1500 litres is required. The capital contribution has been calculated on the number of LPGPs required, this reduces the contribution compared to calculating the contribution based household units.
14. Stormwater will be managed via swales and raingardens that discharge to the wetland and then to the lake.
15. Access will be provided via the new private shared access, the access is not adequate for public refuse collection trucks as the on-site turning area requires the trucks to reverse within the private property therefore the applicant will need either bring the refuse out to the public road to a suitable collection area or enter a private collection agreement.

Advisory notes:

The consent holder is advised that:

(a) Timeframe for Giving Effect to this Consent

The above consent lapses on the expiry of 5 years after the date of receiving this letter, unless the consent is given effect to.

(b) Monitoring

Fulfilment of the conditions of this consent within the timeframe specified in the consent is necessary to carry out the proposal for which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council's Monitoring and Compliance Officer. Please email Council's Monitoring Officer through planning.inbox@rotorualc.nz to advise of the start date of any proposed works required under this consent at least ten working days prior to commencement of works. Please also contact the Monitoring Officer to schedule a final inspection when you have completed the conditions of consent so that a Planning Compliance Certificate can be issued.

Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Rotorua District Council when monitoring the conditions of this consent.

(c) Right of Objection

If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357A of the Resource Management Act 1991. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision. In addition, there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.

(d) Obligations under the Heritage New Zealand Pouhere Taonga Act 2014

Council has no records of an archaeological site on this property. This may be due to one of two factors. Either, there are no sites present or there has not been an archaeological survey undertaken. Please be advised that both known and unknown archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. If during the exercising of this consent any archaeological site is uncovered work must stop and permission be obtained from Heritage New Zealand under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014.

(e) Other Consents may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Rotorua District Plan. The proposal must also comply with the Building Act 2004 and Bay of Plenty Regional Plans. All necessary consents and permits shall be obtained prior to development.

(f) Ecological values

Comments in the Bay of Plenty Regional Council letter dated 28 April 2025, under the heading Ecological values, should be considered when preparing planting plans.

In relation to the revegetation planting, plant species should be suitable for the ecological district and appropriate to the site and location, and planted within the planting season (May to September).

(g) Building Consents

Any new building work (refer section 8 NZ Building Act 2004) must comply with both the NZ Building Act and the NZ Building Code. Site works undertaken in preparation to the new dwelling/s and sanitary/stormwater drainage must not be undertaken until the building consent is issued (Refer to NZ Building Act 2004 with section. The new dwellings will require building consent to be approved prior to any construction - (please note that the BC process will consider all natural hazards and review Sections 71/72/73 NZBA).

(h) Works within the Road Reserve

If you are to undertake any physical work on the state highway, including the upgrade of any vehicle crossing, you are legally required to apply to New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved. Please submit your CAR to New Zealand Transport via Submitica a minimum of fourteen working days prior to the commencement of any works on the state highway.

(i) Engineering Plan Approval

The engineering design plans and specifications shall be submitted to the Group Manager Infrastructure and Assets (or their delegate) via the email LandDevelopment@rotorualc.nz.

(j) Waste Collection

Waste collection from private property is subject to approval by the Manager, Waste and Climate Change. A Waiver of Liability and Indemnity agreement shall be signed by the Consent Holder/Land owner for access to private property by Council for the collection of waste.

(k) Works on Council's Services

Any works to be undertaken on Council's services must be by a Council approved contractor.

(l) Application for New Connections

Application for new water and wastewater connections will need to be made to Council with the payment of appropriate fees.

(m) Location of Water Connections

The consent holder is advised that the water connection (Toby Box) should not be installed within a vehicle crossing.

(n) Firefighting Water Supply

The NZFS Fire Fighting Water Supplies Code of Practice SNZ PAS 4509 details the requirements. The firefighting water supply shall be installed prior to the occupation of any building.

(o) Capital Contribution and Capital Cost for the LPGP system.

The capital contribution for the subsidised network components of the sewerage scheme includes the cost of street and trunk mains, wastewater treatment plant contribution and allowance for the cost of design and construction supervision. The capital cost estimate for the LPGP system (tank, pump, valves etc.) is \$16,000-\$20,000 this cost estimate is indicative only and is based on the approximate market prices at that time. It is subject to local conditions, price, and contractor variation.

(p) Low pressure grinder pump system (LPGP) procedure

- All work on LPGP system on private property, including commissioning, relocating, extending, modifying, or decommissioning will need a building consent. It is recommended that this work is included as part of the building consent for the new dwelling.
- At the time of building consent Council's Infrastructure Team should be contacted in the first instance to initiate the design and approval process.
- Works can only be undertaken by contractors that have been approved by the Rotorua District Council.

- It is the owner's responsibility to engage an RDC approved contractor to supply and install the LPGP grinder pumps and associated equipment and to connect to the public wastewater system. The applicant will need to obtain a price for this work and pay the contractor directly.
- All works must be in compliance with the supplier's recommendations and Councils specifications.
- All materials must be sourced from the supplier of the original system, being Ecoflow NZ Ltd (this is generally done by the approved contractors themselves).
- RDC staff will provide a basic design/layout plan for the approved contractor as part of the connection application process.
- All works must be inspected tested and signed off by RDC Building Officer and Water Solution Compliance Engineer.
- As built plans for the LPGP system including the connection to the public wastewater network must be supplied to Council.

(q) Ground Water

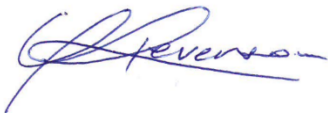
For the take and use of groundwater to be a permitted activity the applicant should ensure they comply with the Regional Council rules or a Resource Consent will be required, please contact the Regional Council for more information.

(r) Registering Subdivision Water Supply with Taumata Arowai

The water supply for this subdivision will have to be registered with the Taumata Arowai Public Register of Drinking Water Supplies in accordance with the Health (Drinking Water) Amendment Act 2007 which considers any drinking water that is piped across a boundary to be a "networked" supply and therefore must be registered. Please contact Taumata Arowai Phone 0800 224 555.

If you have any questions regarding this decision, please contact Lewis Stevenson, or the duty planner.

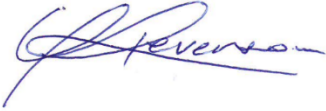
Yours faithfully



Lewis Stevenson
Senior Consents Planner

Recommendation:

It is recommended that the above decision be approved.



Lewis Stevenson
Senior Consents Planner

Date: 08 December 2025

Review:


Lorelle Barry
Manager Consenting Services

Date: 26/11/2025 & 09/12/2025

Decision of council:

Pursuant to section 34A of the Resource Management Act 1991 and in accordance with the powers delegated to me under the Rotorua District Council Delegation Manual, I make the decision recommended above to GRANT the application.

Signed for and on behalf of the
Rotorua District Council



Lorelle Barry
Manager Consenting Services

Date: 09/12/2025