

**Under the Resource Management Act 1991**

**And**

**In the matter of Proposed Plan Change 2 to the Rotorua District Plan**

---

**STATEMENT OF EVIDENCE IN REPLY OF CRAIG BATCHELAR**  
**Dated 2 October 2020**

---

---

TOMPKINS | WAKE

Westpac House  
430 Victoria Street  
PO Box 258  
DX GP 20031  
Hamilton 3240  
New Zealand  
Ph: (07) 839 4771  
Fax: (07) 839 4913  
[tompkinswake.co.nz](http://tompkinswake.co.nz)

## **QUALIFICATIONS, EXPERIENCE AND ROLE**

1. My name is Craig Batchelar. I am a planner and partner at Boffa Miskell Limited. My qualifications, experience and role in the development of proposed Plan Change 2 are outlined in Section 1.3 of the Section 42A Report.

## **SCOPE OF EVIDENCE**

2. This statement of evidence in reply provides:
  - (a) Further information and assessment in relation to matters raised by submitters;
  - (b) Further information and assessment in relation to matters raised by the panel;
  - (c) A Plan Change Revision document including recommended amendments that are accepted by the Council (Appendix 1); and
  - (d) A table of the amendments to the Plan Change that are accepted by Council, and the submission they relate to (Appendix 2).
3. This statement of evidence has been reviewed by the Council's planning staff who reported to the Panel, Ms Kate Dahm and Ms Kim Smith. Ms Dahm and Ms Smith agree with the assessment and recommendations.
4. The issues are presented generally in the order of my previous summary evidence.

## **PROPOSED PLAN CHANGE 2 - PUKEHANGI HEIGHTS DEVELOPMENT AREA**

### **Structure Plan**

5. Clarification has been sought as to whether the Structure Plan is indicative or directive in nature (in terms of the outcomes sought and location of activities) and whether it is consistent with Method 18 of the Regional Policy Statement.
6. Method 18 is set out in Appendix 3. It applies to all "large scale land use changes" (more than 5ha) and has a list of issues to address "as appropriate and applicable" to integrated provision of infrastructure and management of environmental effects.
7. Method 18 is identified as one of the methods of achieving several urban growth, natural environment, heritage, infrastructure, and natural hazard policies under the RPS. These are listed in Appendix 4.
8. The RPS definition of "structure plan" is:

***"Structure Plan: A planning technique applied to a defined geographical area so as to ensure coordinated development of the area through the integrated***

*provision of infrastructure and the integrated management of related environmental effects, and which may also encompass financial, economic, social and cultural considerations.”*

9. The content of a Structure Plan is not prescribed and is to be determined “as appropriate and applicable”:

*“... is intended to allow the content of a structure plan to be tailored to the nature and scope of the development proposal to which it relates and, to give effect to this Method, District plans can identify methods for assessing which of the above matters must be addressed, in light of the particular scope of the proposed land use change and its environmental effects<sup>1</sup>”*

A “Structure Plan” in the form of a geographic plan is not required as an output from Method 18, although that has generally been the practice for local authorities in the region. Some structure plans also comprise a large amount of text which explains the features shown on a structure plan.

10. Structure Plans support policy integration across a range of statutes that affect urban growth management including the RMA, Local Government Act 2000 (LGA), Land Transport Management Act 2003, and other legislation. Some financial, economic, social and cultural elements of a structure plan may not have a local area based geographic expression and may not be relevant for inclusion in a District Plan. There is no prescription on how a Structure Plan should be implemented, be it statutory or non-statutory, indicative or prescriptive. A Structure Plan is not required to be included in the District Plan. As a result, the content of Structure Plans and their approach varies within the region.
11. The operative Rotorua District Plan currently has no “Structure Plans” per se for the Rotorua Urban Area. However, there are 12 “Mahere Whakawhanake – Development Plans”<sup>2</sup> in the District Plan that are a form of structure plan. These provide for particular activities on identified sites which are not directly provided for by the underlying zoning or have been approved by way of a private plan change and do not align with the provisions of the underlying zone. The TAGHL site is currently subject to

---

<sup>1</sup> From Method 18

<sup>2</sup> Appendix 5 Mahere Whakawhanake - Development Plans

a Mahere Whakawhanake – Development Plan (Twin Oaks). Varying rule frameworks apply to the Mahere Whakawhanake – Development Plans.

12. A Structure Plan consistent with Method 18 is currently in development to promote integrated management of land use and infrastructure on the eastern side of Rotorua under the LGA and RMA.
13. In Tauranga City, Structure Plans form part of a Development Contributions Policy under the LGA. Detailed, prescriptive Structure Plans in the District Plan were found to be inappropriate due to the constrained ability to change and adapt infrastructure and land use planning under the RMA first schedule process. The City Plan includes “Urban Growth Plans” that provide a high-level spatial framework for growth areas<sup>3</sup> with varying degrees of detail and prescription linked to policies, activity standards and terms, and discretions.
14. In the Western Bay of Plenty District, Structure Plans are included in the District Plan and form the basis of integrated land use and infrastructure planning with Financial Contributions under the RMA. These plans comprise both maps and text.
15. For the Pukehangi Heights Development Area, the Section 32 Report identifies structure plans as a tool to achieve quality of urban development and to ensure that development is coordinated with the provision of infrastructure<sup>4</sup>. The scope of the Structure Plan was developed in collaboration with BOPRC, and correspondence clarifies their expectations for the more complex matters (See Appendix 7).
16. Elements of the proposed structure plan are spatially referenced to the extent practicable and made as directive as necessary through the policy and rule framework. The “Indicative” Structure Plan elements are those where fixing a location is not practicable due to decisions yet to be made on the development layout, including final ground levels following earthworks.
17. For example:
  - (a) The landscape areas mapped in the structure plan correspond to and explain the mapping of zones (in the case of the lower terrace, mid-site escarpment, upper terrace, upper escarpment) and their distinct set of rules.

---

<sup>3</sup> [http://econtent.tauranga.govt.nz/data/city\\_plan/maps/S6/Section6\\_Index.pdf](http://econtent.tauranga.govt.nz/data/city_plan/maps/S6/Section6_Index.pdf)

<sup>4</sup> 7.2 Regional Policy Statement

- (b) The escarpment transition areas mapped in the structure plan spatially identify where specific rules apply to protect landscape values.
  - (c) Proposed rules A5.2.3.3 and A5.2.4.3 require enlarged yards in areas identified in the structure plan.
  - (d) The structure plan shows where Policy 2.4: Traffic and Access seeks to implement access and amenity controls along Pukehāngi Road through the subdivision process.
  - (e) The road connection on the Structure Plan between Area A (TAGHL) and Area B (Hunt) is prescribed in a performance standard.
  - (f) The road layout between Area A (TAGHL) and Area B (Hunt) connecting through to Pukehangī Road provides a layout modelled to ensure vehicle movements down Matipo Avenue do not exceed an agreed level (Performance Standards A5.2.3.4.11).
  - (g) Medium Density Residential Development in Rule A5.2.3.3.9 refers to the areas indicated on the Structure Plan.
  - (h) Community, Retail and Commercial Activities in Rule A5.2.3.3.10 refers to the areas indicated on the Structure Plan.
  - (i) The indicative road network is identified in Policy 2.4 as optimising traffic management. Applications would be assessed against this policy, with variances evaluated against the baseline network shown on the Structure Plan.
18. Our review of the proposed provisions has identified that there are also some areas where specific referencing between policies/rules and the structure plan will improve certainty. These are included in the amended Plan Change in Appendix 1.

**National Policy Statement – Urban Development 2020 (NPS – UD)**

- 19. The Section 42A Report discusses the NPS-UD in the context of demand for land and affordable housing.
- 20. The Council is currently working on the required elements of the NPS-UD. The Council must provide sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. The Plan Change is a significant contribution to meeting development capacity requirements as recognised by the acceptance of the streamlined plan process.

21. The implementation provisions of the NPS-UD set out the measures to provide sufficient development capacity. Development capacity must be plan enabled, infrastructure ready, feasible, and reasonably expected to be realised.
22. To be 'plan-enabled', the land must be zoned for housing with housing use permitted, controlled, or restricted discretionary activity. The Pukehangi Heights Development Area will meet this requirement, albeit that activity status appropriately changes to Discretionary or Non-complying where certain performance standards are not met.
23. To be 'infrastructure-ready', in the short term there must be adequate existing development infrastructure to support the development of the land. In the medium term, there must be adequate existing development infrastructure, or funding for adequate infrastructure to support development of the land is identified in a long-term plan. The Pukehangi Heights Development Area will meet the requirement for infrastructure-ready in the medium term, with priority given to projects that will bring forward development as soon as possible.
24. This includes current resourcing (including the stormwater assessment work undertaken for the Plan Change by WSP and Tonkin and Taylor) and future resourcing under the LTP being directed towards development of the Stormwater Management Plan for the Development Area, in parallel with wider Catchment Master Planning.  
An application<sup>5</sup> has recently been made to the Department of Internal Affairs for funding towards planning and design (\$1M) and construction (\$6M) for Pukehangi/West Stormwater projects. The projects include two specific classes of works:
  - (a) Upgrade of sections of the Rotorua Urban Area stormwater reticulation network to address current flooding risk/issues and to allow for new housing by better management of anticipated additional stormwater runoff from new developments.
  - (b) Construction of storage/detention ponds at strategic locations within the Rotorua Urban Area stormwater catchments to control and manage stormwater flows and to reduce the impact of additional runoff from new developments into the existing urban stormwater reticulation system.

---

<sup>5</sup> Application for Three Waters Stimulus Grant Delivery Plan 30 September 2020

25. A decision is expected by 31 October 2020.

## CULTURE, ARCHAEOLOGY AND HERITAGE

26. A number of changes were requested by submitters to provisions relating to non-notification and protection of cultural sites. These are addressed below.

### **Non-notification rule: Appropriate reference to Ngāti Whakaue**

27. Clarification is sought over the appropriate reference to Ngāti Whakaue in the proposed Non-Notification rule.
28. Lani Kereopa on behalf of Te Komiro o te Utuhina (Submitter No. 42) has advised that there is currently no entity mandated to address environmental issues for Ngāti Whakaue. However, it is understood that Ngāti Whakaue are working on establishing an environmental arm. Te Komiro o te Utuhina were mandated to work on the Plan Change in 2018. On this basis it is recommended that the reference to Ngāti Whakaue is amended as follows to provide greater guidance for applicants:

*Ngāti Whakaue (as represented by Te Komiro o te Utuhina or its successor).*

### **Non-Notification Rule - Wording**

29. To address questions raised by submitters on the lack of certainty associated with the Non-Notification Rule it is recommended that Rules A5.2.3.2, A5.2.4.2 and A5.2.5.2 are amended to read:

Any application for resource consent for the activities listed in Table A5.2.3.1 a 4 - 11 shall be considered without public or limited notification if the Land Use and/or Subdivision are consistent with the Pukehāngi Development Area Structure Plan and Performance Standards, with the exception that applications that relate to culturally significant sites, downstream water quantity, downstream water quality or Lake Rotorua water quality will require the written approval of Te Rūnanga o Ngāti Kearoa Ngāti Tuarā Trust, Ngāti Whakaue (as represented by Te Komiro o te Utuhina or its successor), and Te Arawa Lakes Trust in order to proceed without limited notification.

### **Non-Notification Examples from the Operative District Plan**

30. The Hearing Commissioners requested information on how non-notification rules are dealt with elsewhere in the District Plan.
31. The Residential Zone Chapter includes the following *Advice Note*:

*'ADVICE NOTE – ELECTRICITY LINES:*



*1. Where an activity requires resource consent because it is within the National Grid Corridor or National Grid Yard then the application need not be publicly notified and need not be served on any affected party apart from Transpower New Zealand limited who will be considered an affected party.'*

- 32. The Advice Note is included with a number of other advice notes on issues ranging from Comprehensive Residential Development, planting of vegetation near electricity lines, and the Rotorua Traffic Bylaw.
- 33. There is a performance standard that exempts compliance with associated performance standards if, among other things, written consent has been provided by NZTA (Appendix 11: Noise, A11.6.3: *Acoustic Treatment of Noise Sensitive Activities*). This may have been the reference that was referred to during the Hearing.
- 34. No other non-notification provisions have been identified in the District Plan.
- 35. A stand-alone rule, as proposed, is preferred to ensure the rule is prominent and has the certainty of a rule.

**Performance Standard: Protection of Cultural Identity and Sites of Archaeological or Cultural Importance (A5.2.3.4.10 and A5.2.4.4.6)**

- 36. The performance standard states:

*The application shall:*

*Identify measures that recognise and protect the interests of other Te Arawa iwi and hapu with associations with the cultural landscape including downstream sites and values;*
- 37. Clarification has been requested on what this could include. Examples include a sediment control plan or erosion protection to address downstream cultural sites or other specific measures that may follow from the Stormwater Management Plan.

**Method Regarding the Resourcing of Tangata Whenua**

- 38. The joint Iwi Submitters have suggested a new method:

*Support and facilitate tangata whenua participation in resource management processes, including by providing resourcing.*
- 39. Inclusion of a method is supported and is consistent with Council's broader approach to work together with iwi. However, costs associated with consultation in relation to specific subdivision applications can be recovered (to some extent at least) from future developers. As such, it is recommended that the Method reads as follows:

Applicants and the Council shall support and facilitate tangata whenua participation in resource management processes.

## **FLOODING AND STORMWATER**

### **Objectives and Policies**

40. Submissions by BOPRC seek amendments to establish separate objectives and policies for overall stormwater effects and flood risk effects. While this is generally supported, their suggested objective for flood risk management has generalised language which does not define any specific or measurable outcomes that should be achieved. The objective as notified is preferable. The Revised Plan Change addresses this issue by providing separate objectives and policies for stormwater effects and flood hazard risk management.
41. Submissions by mana whenua seek a policy that the Council should refuse to grant resource consents where subdivision and development will cause an increase in downstream flood risk.
42. The Section 42A Report did not support this approach due to concerns over appropriateness (a concern over fettering of s104 discretions), instead recommending that where relevant performance standards for the avoidance of flood risk were not met, that an application be assessed as a non-complying activity.
43. During the course of the hearing it was indicated that the policy as sought had support via Environment Court case law and should be reconsidered. Options for wording such a policy were provided by the submitters legal counsel<sup>6</sup>.
44. The policy is included in the Revised Plan Change in a way that captures the intent of the submission with revisions that align the policy with the document format. The non-complying activity status for applications that fail to meet the flood risk management performance standards is consistent with this policy.

### **Performance Standards**

45. Submissions by BOPRC seek various technical amendments to the performance standards.

---

<sup>6</sup> Memorandum of Counsel In Relation to Supplementary Matters Dated 22 September 2020

46. The amendments have been the subject of ongoing discussion between the councils and many of the amendments have been agreed to.
47. The issues where disagreement remains is over the form of a 'flood risk management' performance standard and the inclusion of 'design criteria' performance standards.
48. The Plan Change as publicly notified contains 'flood risk management' performance standards<sup>7</sup>. The performance standard states:
- "Natural Hazard Risk Management*
- A Natural Hazard Risk Assessment that complies with Regional Policy Statement Appendix L – Methodology for Risk Assessment shall be provided which shall demonstrate that a low level of risk will be achieved within the Development Area without increasing risk elsewhere:*
- i. Flooding; and*
- ii. Land instability and liquefaction."*
49. Regional Policy Statement Appendix L – Methodology for Risk Assessment sets out the default methodology to be used to analyse and evaluate risk where such analysis and evaluation is required under Policies NH 8A<sup>8</sup> and NH 9B<sup>9</sup> and no alternative methodology has been included in a relevant regional, city or district plan or is recognised in the consideration of a resource consent application.
50. The submission seeks to include a performance standard that departs from the Appendix L methodology. The first limb of the performance standard requires "*no increase in velocity, flood depth and flood extent*" without considering the consequences of any such change as required under Appendix L. The second limb of the performance standard appears to paraphrase the Appendix L methodology but leaving out many important elements.
51. In my opinion, the performance standard as publicly notified is more appropriate as it gives effect to the RPS as is intended. No alternative methodology has been included in a relevant regional, city or district plan.

---

<sup>7</sup> A5.2.3.4.8 and A5.2.4.4.5

<sup>8</sup> Policy NH 8A: Assessment of natural hazard risk at the time of plan development

<sup>9</sup> Policy NH 9B: Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use before Policies NH 7A and NH 8A have been given effect to

52. Separating the flood hazard and land instability elements into two separate performance standards is supported as it is the intention of Policy 3.1 is that flood risk management should be addressed as part of the Stormwater Management Plan.
53. BOPRC also seek inclusion of the design criteria used in the design, modelling and risk assessment for the current Structure Plan as design criteria for future detailed design of stormwater management systems. Their position is that these criteria are needed to meet the RPS requirement to apply a 'precautionary approach' to managing flooding risk in a catchment that is in a stressed state.
54. The relevant policy and explanation are set out below:

***"Policy IR 1B: Applying a precautionary approach to managing natural and physical resources***

*Apply a precautionary approach to the management of natural and physical resources, where there is scientific uncertainty and a threat of serious or irreversible adverse effects on the resource and the built environment.*

***Explanation***

*There is a lack of complete information and understanding about some natural and physical resources, and their use and development. A precautionary approach requires that any adverse effects can be identified and understood and any activity is carried out at a level or rate that adequately considers the risk of operating with imperfect information. Where appropriate, the precautionary approach may include an adaptive management approach.*

*Councils are expected to apply the precautionary approach as appropriate when considering resource consents and developing district and regional plans.*

*Where a precautionary approach is needed, such activities will be considered as part of the planning and resource consent process."*

55. RLC stormwater experts agree that a precautionary approach is required, but do not accept that the design criteria applied to the design, modelling and risk assessment for the Structure Plan are necessarily appropriate to future preliminary and detailed design. Their preference is that there be flexibility to apply the best tools and techniques available at the time the design work is undertaken. At the time the final design work is undertaken there will be better information and understanding about

natural and physical resources, and their use and development. This is set out in the Evidence in reply from Liam Foster.

56. From a planning and process perspective, the likelihood of an adverse development outcome from the Council's position is mitigated by several factors including:
- The natural hazard risk management outcomes being clearly defined by objectives and policies in the Plan Change;
  - The design work being undertaken by suitably qualified and experienced personnel, guided by information requirements, and subject to testing and collaboration through development of the Stormwater Management Plan;
  - The final design proposals requiring discharge consents to be granted by BOPRC as the final arbiter.
57. This final factor creates a strong incentive to agree the final design criteria early in the process with BOPRC to ensure the proposed system design is ultimately capable of being consented.
58. It is not usual for the level of prescription of design criteria to be included in a District Plan. They would more typically be found in a supporting technical document to a Regional Plan or District Plan, providing for adaptation outside the First Schedule process.
59. For the above reasons, the revised Plan Change recommended in Appendix 1 does not include the design criteria sought by BOPRC.
60. If the Panel consider that the Design Criteria should be included, they should also include an explicit pathway for alternative design criteria to be applied, but subject to appropriate testing. This will also give effect to the Policy IR 1B intention that allows the precautionary approach to include adaptive management.
61. A suggested text incorporating the Design Criteria sought by BOPRC and the alternative design criteria pathway are included in Appendix 6.

## LAKE ROTORUA NUTRIENT MANAGEMENT

### Memorandum of Understanding<sup>10</sup> (MOU)

62. Information on a nutrient management MOU is provided in the Plan Change 2 — Nutrient Management Background Report. The Panel has sought clarification of the status of a pending review of the MOU.
63. A review of the MoU was in progress at the time the s42A report was prepared. The latest draft of the MOU is under discussion between RLC and BOPRC staff. The completion of the review process will require engagement with TALT, followed by recommendations to the CEOs to execute the document on behalf of the MOU partners, based on unanimous agreement. The review is expected to be complete by December 2020.
64. The draft MOU amends and simplifies the formula for calculating urban nitrogen losses, including the addition of a factor that recognises that pastoral losses are attenuated and WWTP losses are not.
65. The draft MOU provides direction on how a nitrogen allocation shortfall can be addressed. Where an urban subdivision or development has insufficient NDA, the draft provides that the shortfall can be:
- (a) Transferred from another part of the property or another property; or
  - (b) Purchased through catchment nitrogen trading (as will be allowed for from 2021 under PC10); or
  - (c) Purchased through an RLC nitrogen offsetting system.
66. Under Option a) or b), if the NDA has already been transferred off the land being developed, the initial 2032 NDA would need to be re-acquired. This is not the current situation for land within the Pukehangi Heights Development Area but is an issue at other locations.
67. For Option c), RLC intends having a nitrogen offsetting policy in place by July 1, 2021, through the current review of the Long Term Plan, with implementation to follow thereafter. This means that the nitrogen offsetting option is likely to be available at the time of subdivision of the Pukehangi Heights Development Area.

---

<sup>10</sup> Memorandum of Understanding - Nitrogen Accounting Approach for Rotorua Wastewater Treatment Plant Discharge

### **Current Subdivision Consent Practice and Procedure**

68. The Section 42A Report briefly discusses current practice and procedure within Council as a factor in assessing the overall effectiveness of the existing nutrient management planning framework<sup>11</sup>.
69. In this regard, integrated management of nutrient effects is implemented through pre-application meetings, application referrals to BOPRC, Council asset managers (i.e. WWTP) assessments as affected parties, and the use of s91 and s95 of the RMA to align processes and obtain information. Urban greenfield subdivision assessments consider the issue of nutrient losses and include consent conditions (consent notices) where necessary to control future land use to ensure development remains within nutrient loss limits.
70. The weaknesses of current practice and procedure are identified as:
- (a) Limited transparency and lack of formal documentation of practice and procedures; and
  - (b) A reactive approach where applicants tend not to address the issue in the initial design and planning of development proposals. The issue is often the subject of further information requests.
71. With PC10 progressing to final resolution, it is timely to anchor provisions in the Plan Change, particularly given that nutrient management conditions are already being imposed on subdivision consents.
72. The management framework will continue to develop over the next few years as other elements fall into place such as the MOU, WWTP consent, BOPRC nitrogen trading scheme, and RLC nitrogen offsetting. The recommended Plan Change provisions are sufficient to accommodate this operating environment, ahead of a wider Plan Change.

### **National Policy Statement – Freshwater Management (NPS-FM)**

73. The NPS-FM requires Councils to give effect to the NPS-FM as soon as reasonably practicable.
74. It is understood that all parties involved in PC10 regard the plan change as heading in the direction dictated by the NPS-FM<sup>12</sup>.

---

<sup>11</sup> Paras. 8.166 and 8.167

<sup>12</sup> Per Comm Theresa Le Bas Tompkins Wake 28 September 2020.

75. Any changes will be made through the processes set out in the Regulations and NPS in due course, in order to meet the 31 December 2024 deadline to notify plans to give effect to the NPS-FM 2020.
76. The NPS-FM requires Councils to give effect to the NPS-FM as soon as reasonably practicable. Given they will be consistent with PC10, the proposed amendments to the Plan Change provisions are a reasonably practicable way to give effect to the NPS-FM.

### **Objectives**

77. A locality specific “no net increase” objective for nutrient losses from urban subdivision is recommended in the Section 42A Report. Submissions from TALT seek that the objective should instead be to decrease nutrient losses, consistent with Regional and District Plan objectives and policies.
78. The amendment to the objective sought by TALT is appropriate. The Nitrogen Demand Allocation (NDA) for each subject property represents a reduction of nitrogen losses after 2032. On this basis, “no net increase” based on the limits set under the NDA will result in a decrease in accordance with the regional nutrient management framework.
79. Accordingly, a revised objective is included in the recommended amendments with a consequential amendment to the “General Principle” in the Introduction section.

### **Performance Standards**

80. BOPRC support the majority of the s42A recommended changes which address nutrient management with some further amendments sought to strengthen and, clarify PPC2 and / or better align with PPC10<sup>13</sup>.
81. There is no need to include a definition of “Nutrient Management Plan” (NMP) in the Plan Change. The proposed performance standards provide sufficient certainty on the content of an NMP.
82. The requested inclusion of a definition of “*suitably qualified and experienced person*” (SQEP) to undertake the assessment of nitrogen losses from development is not supported. Under the reviewed MOU, the calculation of urban nutrient losses will be relatively straightforward and should not require a SQEP. If this requirement is seen as necessary, it would be more appropriately included in the MOU. Having the SQEP

---

<sup>13</sup> Summary of Evidence of Joanne Watts of the Bay of Plenty Regional Council



requirement in the MOU would be more effective as it would apply to all urban land, not just the land within the Pukehangi Heights Development Area.

83. The following amendment to performance standards<sup>14</sup> is sought by BOPRC:

“Where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site (Nitrogen Shortfall), proposals to address the Nitrogen Shortfall. This may include the application of a Council-operated offset regime.”

84. It is agreed that, for clarity, the wording of the existing performance standard can be improved. A revised wording is included in the amended Plan Change in Appendix 1, which also refers to the options for addressing nitrogen shortfalls referred to in paragraph 64 above. Consequential minor amendments to clarify Policy 5.1 and Policy 5.2 are also recommended.
85. The requested inclusion of a definition of NDA is generally supported, although the wording as requested by BOPRC is implicitly linked to PC10. The recommended definition is explicit that NDA is that which accords with the provisions of the NRRP (including PC 10).
86. The addition of mirroring provisions in the Land Use Performance Standards is not supported. The cross referencing rule already recommended in response to submissions by TALT<sup>15</sup> should be sufficient to address the rare cases where urban land use change occurs without a prior subdivision consent application process. The same issue applies to the other subdivision performance standards.

### **Comprehensive Nutrient Management and Land Use Suitability Assessment**

87. The benefit of undertaking the comprehensive nutrient management and land use suitability assessment before the plan change is finalised, as recommended by BOPRC, is not clear. There are no suggested amendments to the Plan Change flagged as a possible outcome from this work.
88. The Hunt Family submission seeks that Council lead the Nitrogen Management Plan process for the full Development Area, similar to the lead role Council is taking with stormwater management.

---

<sup>14</sup> A5.2.3.4 Performance Standards – Subdivision 14.c. and A5.2.4.4 Performance Standards – Subdivision 10.c.

<sup>15</sup> Additional to A5.2.3.3 and A5.2.4.3: Performance Standards – Subdivision shall apply, where relevant, to any proposed land use that occurs prior to subdivision.

89. Preliminary assessments undertaken by Council, based on the formula expected to result from the MOU review, have indicated a likely nitrogen shortfall that will need to be managed. The identification of this nitrogen shortfall has been a key consideration in recommending inclusion of nutrient management rules in the Plan Change.
90. Options for managing nitrogen can only be finally confirmed when the site development is planned in detail, and information is available to make the necessary calculations. This will occur at subdivision consent stage at site level and is an issue that can, and should, be addressed by landowners who own the NDA asset. There is nothing to stop landowners, regional and district Councils from working collaboratively to optimise outcomes for nutrient management within the recommended framework of Plan Change provisions.

#### **AGRICULTURE IN RURAL 2 ZONE**

91. Within the Rural Residential Zone (mid site escarpment) the following Performance Standard has been recommended in the s42A report:

9 Farming

No agricultural activity shall be undertaken except within the Pukehangi Southern Slopes.

92. Clarification has been sought over the definition of 'agricultural activity'. There is no definition of 'agricultural activity' in the District Plan. The term was adapted from the following definition:

*agricultural production activities*

*an agricultural or horticultural activity having as its primary purpose the production of goods for human or animal use and consumption and includes any livestock or crop using the in-situ soil, vegetation, water and air as the medium for production, and must include maintaining the ground cover. For the avoidance of doubt agricultural production activities includes:*

- *Packing sheds and accessory activities including the storage and initial processing of horticultural and agricultural products produced on site*
- *The storage and disposal of solid and liquid animal waste*
- *Greenhouses/glasshouses with a permeable floor and where the soil profile is maintained*
- *Accessory activities*

93. The intention was to differentiate this from horticultural activities. However, the definition is inclusive, and it would be appropriate to refer to *agricultural production activities* in the Performance Standard.
94. BOPRC seek that the exception for the Pukehāngi Southern Slopes be removed from the recommended performance standard, stating it is unclear why the area was excluded; the area appears less suitable for agriculture than the other Rural 2 areas in the plan change; and soil retention and prevention of erosion on such slopes are key to maintaining water quality.
95. The performance standard was recommended for the rest of the Rural 2 Zone because farming would not generally be appropriate on the small rural residential lots in this mixed urban/rural setting. It is recommended that the exception for Pukehāngi Southern Slopes be retained because agricultural activity on the Pukehāngi Southern Slopes would not have the same risk of reverse sensitivity.
96. The separate nutrient management provisions are appropriate to manage the nutrient aspect of agriculture. It may be that retirement is proposed to meet nutrient allocations as development proceeds.

#### **RURAL 1 ZONE - YARDS (FORESTRY REVERSE SENSITIVITY STANDARD)**

97. During the presentation of D Witehira and J Mitchell a request was made to extend the reverse sensitivity buffer along their boundary to include the Rural 1 Zone land also. The Structure Plan has been amended to reflect this and the following performance standard recommended:

##### **Yards**

The minimum yard for buildings shall be as provided for in the Rural 1 Zone provisions except as follows:

Yards from the boundary adjacent to forestry where indicated in the structure plan: 30m

#### **TRANSPORT AND THE ROAD NETWORK**

##### **State Highway Effects**

98. The Transport Agency is concerned that the effects of future development within the Pukehāngi Heights Development Area on the safety and efficiency of the intersection of Malfroy Road and State Highway 5 have not been adequately addressed in the Plan Change.

99. The traffic modelling information indicates that the intersection of Malfroy Road and State Highway 5 does not have enough capacity in its current form to safely and efficiently accommodate the additional traffic associated with future development in the Plan Change area and predicted traffic growth from other areas.
100. The intersection's performance is likely to deteriorate from 'Level of Service E' (delays of 55 to 80 seconds) or better, to 'Level of Service F' (delays of more than 80 seconds) on one or more legs before the Development Area is fully developed. The transport experts agree that Level of Service F is not acceptable.
101. The NZTA submission seeks:
- Additional performance criteria that require subdivision applications to be accompanied by a Traffic Impact Assessment once the number of residential lots within the Pukehangi Heights Development Area exceeds 500.
  - Additional assessment criteria for restricted discretionary activities of "traffic safety and operational effects regarding State Highway 5".
  - Changes to the proposed non-notification clauses to enable Waka Kotahi - NZ Transport Agency to be notified as an affected party once the number of residential lots within the Pukehangi Heights Development Area exceeds 500 and a traffic assessment is required.
102. This position was subsequently updated at the hearing to request that no development be allowed beyond 500 residential lots without an upgrade of the Malfroy Road and State Highway 5 intersection.
103. Council's transport expert confirmed at the hearing that further modelling confirms that Level of Service F would be reached at between 500 and 600 household units.
104. Council's position is that the most appropriate way to address this infrastructure capacity issue and give effect to the NPS-UD is through the infrastructure planning and programming mechanisms of the Long-Term Plan and Regional Land Transport Plan. The planning mechanisms will be supported by the Future Development Strategy now required under the NPS-UD to assist the integration of planning decisions under the Act with infrastructure planning and funding decisions.
105. These planning mechanisms do not provide certainty for the timeframe of the upgrade sought by the NZTA submission because the need for the project (which has a current cost estimate of \$2.3M) will be reviewed against the available information and

prioritised against other demands on funding. It is appropriate that a project in the order of several million dollars be subject to this priority-based decision-making process.

106. The threshold provisions sought by the Transport Agency would potentially have been appropriate if development in the plan change area could be designed to direct traffic flows away from the intersection; or if development in the plan change area were expected to undertake the infrastructure upgrade itself. In these cases, appropriate conditions on subdivision design or works and services could be imposed. However, there are no such expectations.
107. The provisions sought by the Transport Agency would provide opportunity to consider the contribution of subdivision in the plan change area to further reduction of level of service. However, the intersection is located on a state highway in a central location in the city and levels of service could be affected by traffic changes for many other reasons. Any benefit of such provisions must also be balanced with their effect on certainty for developer investment and ultimately the provision of housing and achievement of the National Policy Statement.
108. If the panel decides that it should accept the NZTA submission, a performance standard wording is suggested below. A threshold of 500 residential lots should be applied given that the evidence is the level of service is likely to remain below the 'Level of Service F' threshold.

*Add an additional subdivision performance standard for development traffic in Rural 2 Zone and Residential 1 Zone, A5.2.3.4(11) and A5.2.4.4(7):*

*Where a total of 500 or more residential lots, or the equivalent number of vehicle trips during the evening peak hour, are proposed within the Pukehanqi Heights Development Area a traffic assessment shall be provided to confirm that the level of service at the intersection of Malfroy Road and State Highway 5 is unlikely to exceed delays of 80 seconds after the development is complete.*

109. Subdivisions that cannot meet this performance standard would be a discretionary activity and the non-notification rule would not apply. Therefore, there is no need to make further amendments to the non-notification rules. As a discretionary activity, there is also no need to include assessment criteria.

110. However, it is also noted that, as the effects on intersection capacity are cumulative, it may be difficult to manage the contribution of individual subdivision applications unless a clear policy position is also taken in the District Plan.

#### **Matipo Avenue - Use for Construction Access**

111. Ken Scott for Matipo Avenue Residents Incorporated Society provided an assessment of potential pavement effects associated with construction traffic.
112. Council's traffic expert, Grant Smith, has confirmed pavement design and construction is not within his area of expertise.
113. Consideration of pavement effects could be assessed should construction access be proposed up Matipo Avenue. As currently proposed, construction access up Matipo Avenue is a Discretionary Activity. Although pavement design could be considered the issue is not explicit in the plan change provisions at present.
114. The proposal by Te Arawa Group Holdings includes details of what a Construction Traffic Management Plan could address, and pavement design is one of the issues identified. It is recommended that this is included in the Plan Change. However, the other components of the Te Arawa Group Holdings submission are not supported, specifically the change in activity status to Restricted Discretionary and the associated non-notified status. While the technical reasoning for Restricted Discretionary status is generally accepted ( a discrete set of issues need to be considered) , the Discretionary Activity status was agreed and included in the District Plan as consistent with the settlement of the appeal by the submitters with the landowner and Council as signatories. At the time, this was considered appropriate to enable assessment of any safety and amenity effects on Matipo Avenue.
115. It is also recommended that the number of vehicle movements is also included in the Construction Traffic Management Plan to enable consideration of amenity effects.
116. It is recommended that the following amendments to Performance Standards A5.2.3.4.12 and A5.2.4.4.8 are included in the Plan Change:

A Construction Traffic Management Plan shall be submitted, which shall include (but not be limited to):

- Pavement rehabilitation condition and monitoring;
- Number of heavy vehicle movements;
- Temporary speed limits;

- Parking restrictions;
- Hours and duration of operation;
- Details of truck washing facilities;
- Application of turning restrictions and truck routes.

## **DEMAND FOR RESIDENTIAL LAND AND AFFORDABLE HOUSING**

### **Yield**

117. Clarification has been sought by the Panel on the impact of the indicated increase in the area of stormwater ponds on development yield and the ability to meet the Minister for the Environment’s expectation that:

*“...the recommended Plan Change 2: Pukehangi Heights should provide sufficient development capacity for a minimum housing yield of approximately 790 dwellings, comprising a mix of densities and typologies that will meet demand, while recognising the constraints that apply to the land that is subject to the rezoning.”*

118. The residential development yield from the Development Area was estimated to be within the range of 750 – 900 units. Actual yield is dependent on several factors including the final allocation of land to stormwater management and lot sizes that are provided.
119. The most likely upper yield at full development for planning purposes was assessed as:
- Residential: 800 (11 Lots/ha)
  - Rural Residential: 100
  - Total: 900
120. This took into account the location, slope and aspect of the land, and take up of medium density opportunities.
121. A version of the Structure Plan (Revision M) was developed as internal document to support stormwater and nutrient assessments and is included in Appendix 5. This shows the possible footprint of stormwater ponds at the bookended 14ha level.
122. The 8ha increase in pond area over the Structure Plan as publicly notified would reduce the “likely upper yield” estimate to 810 household units, in excess of the Ministers minimum yield target.

123. This does not take into account the ability to offset the impact of the increase in stormwater pond area by reducing lot sizes. The maximum yield, applying the minimum lot area for low density and medium density as shown on the publicly notified structure plan is significantly greater than the likely upper yield:

- Residential: 1260 (16.5 Lots/ha)
- Rural Residential: 100
- Total: 1360

124. Having regard to the above, there is confidence that the Ministers minimum yield target of 790 household units is enabled by the Plan Change, recognising the additional stormwater constraints that may ultimately apply to the land.

### **Medium Density Housing**

125. The Plan Change includes indicative areas for Medium Density Housing on the Structure Plan where restrictive discretionary activity status applies. Medium Density Housing would otherwise be a full discretionary activity. This is a light handed, permissive approach whereby Medium Density Housing is enabled but not required to be developed at these locations.

126. A “minimum density” planning approach has not been applied to the Plan Change, consistent with the approach taken by the Council over other urban areas which apply a conventional planning approach, with objectives and policies that lean heavily towards protecting the status quo: E.g.

*“The character and amenity values of the residential zones are maintained and enhanced.”<sup>16</sup>*

*Maintain the following qualities and characteristics of the Residential 1 zone:*

- *Low density residential areas*
- *A mix of single and two storey buildings*
- *...<sup>17</sup>*

127. This is an issue that the Council will need to address over the next two years in giving effect to the NPS-UD development capacity policies for Rotorua as a Tier 2 urban environment.

---

<sup>16</sup> Objective 4.3.2

<sup>17</sup> Policy 4.3.2.1



128. In my opinion applying a mandatory minimum density requirement to the Plan Change would be a step too far for now, and beyond the scope of the Plan Change.

#### **WATER QUALITY AND STORMWATER**

129. Issues raised by TALT in relation to water quality are also addressed in the context of the Stormwater Management Plan discussed above.
130. TALT also seek reference to stormwater quality treatment in the objective for Integrated Urban Design. An amendment is supported as it reinforces the importance of water quality management in the context of the overall site design, and practicable way of promoting the outcomes sought by the NPS – FM. It is also noted that this issue is covered in the new objective proposed for stormwater effects as sought by BOPRC.

#### **REVERSE SENSITIVITY EFFECTS – SPEEDWAY**

131. Amendments are recommended to the policy proposed in the section 42A report to avoid ambiguity as to who is to undertake measures to reduce noise reverse sensitivity effects.

#### **PRE-INTENSIFICATION SUBDIVISION**

132. The submissions of the Hunt Family, TAGH and Paul Sumner sought the ability to subdivide off development areas or blocks from the parent site to enable and facilitate development without the detailed assessments required under the performance standards.
133. The s42A report recommended no changes be made in response to the submissions. It explained the subdivision would be assessed as a discretionary activity (or non-complying in the case of proposed changes for stormwater performance standards) and, therefore, would not be prevented where the effects are proven to be negligible and the subdivision consistent with the objectives and policies.
134. TAGH agreed with these conclusions but the Hunt Family did not, stating non-complying activity status would likely reduce the level of certainty or confidence needed to proceed. The Hunt Family recommend a new rule to address pre-intensification subdivision with a lower activity status and requirements to demonstrate that the subdivision and proposed lot boundaries will not inhibit the key road linkages, cycleways, or stormwater, recreation areas or other strategic infrastructure.

135. The approach proposed by the Hunt Family is not supported for the reasons given in the s42A report<sup>18</sup>. Achievement of integrated development across development blocks is complex and the gateway tests of a non-complying activity are considered appropriate.

#### **Minor Alterations**

136. Clarification was also sought on the following as recommended in the Council Planning Report:
- Bus stops - bus stops have been removed from the structure plan;
  - Cultural and archaeological sites - the Structure Plan key has been amended to refer to 'Cultural and archaeological sites'.
137. To assist referencing by plan users, the bullet point clauses in the Plan Change have been changed to numerals. This is an alteration of minor effect in terms of Clause 16 of the First Schedule. These are not shown as tracked changes.

---

<sup>18</sup> See Paragraphs 8.597-8.605



## **Appendix 1**

### **Plan Change 2: Pukehangi Heights Provisions Recommended by RLC for Hearing**

## Appendix 2

**Table of Amendments to the Plan Change that are accepted by Council**

Provision	Change sought	Submitter	Accepted or rejected by Council
Introduction, Objectives and Policies			
Principles – General Principles	Replace “demonstrates no net increase” with “contributes to the reduction”	Iwi Submitters	Accept
Objective 2: Integrated Urban Design	Add the words “including stormwater treatment design which maintains, or enhances where degraded, downstream water quality.”	Iwi Submitters	Accept in part
Policy 2.10 Reverse sensitivity	Clarify who is to take measures to reduce reverse sensitivity	Rotorua Stockcar Club Inc (Question from Commissioners)	Accept in part
New Objective 3: Flood Hazard Risk Management	Insert a new objective “Natural Hazard risk for flooding is managed within the Pukehangi Heights Development Area and in the downstream environment.”	BOPRC	Reject
Amend Policy 3.1 Flood Hazard Risk Management	Replace the first sentence of Policy 3.1	BOPRC	Accept
Insert a new policy – no increase in flood risk	Insert a new policy providing that consent will be declined if cannot demonstrate no increased flood risk.	Iwi Submitters	Accept in part
New Objective for Stormwater Effects	Insert a new objective for “Effects and Development”	BOPRC	Accept in part
New Policy for Stormwater Effects	Insert a new policy for “Effects and Development”	BOPRC	Accept in part
Objective 5: Nutrient Management	Replace “no net increase” with “in a decrease”	Iwi Submitters	Accept

Policy 5.1 Nutrient Management	Delete “where practicable”	Iwi Submitters	Accept in part
Policy 5.1 and 5.2 Nutrient Management	Replace reference to “nutrient limits” with reference to “Nitrogen Discharge Allocation”	BOPRC	Accept
Rules – Pukehangi Heights Development Area – Residential 1 Zone			
Rule A5.2.3.1 Activities	New Activity rule providing for activities not meeting performance standards relating to stormwater to be a non complying activity.	BOPRC Iwi Submitters	Accepted in s42A report (rule A%2.3.1.15)
Rule A5.2.3.1 Activities	New rule for pre-intensification subdivision	Hunt Family	Reject
A5.2.3.2 Non-notification	Amend rule to identify iwi groups as affected parties for applications relating to cultural sites, downstream water quantity and quality.	Iwi Submitters Opposed by Hunt Family	Accept
A5.2.3.2 Non-notification	New rule for limited notification of BOPRC	BOPRC	Accept in part
A5.2.3.4.7 Performance Standards – Stormwater Management	Replace performance standard A5.2.3.7 Stormwater Management	BOPRC	Accept in part
A5.2.3.4.8 Performance Standards – Natural Hazard Management	Consequential change to separate out flood hazards	BOPRC	Accept in part
A5.2.3.4.12 Construction traffic	Replace performance standard requiring construction traffic to gain access from alternatives to Matipo Avenue with a requirement to prepare a Construction Traffic Management Plan	TAGH Opposed by MARIS	Accept in part
A5.2.3.4.14 Nutrient management	Amend performance standard as set out in evidence of Joanne West	BOPRC	Accept in part
Rules – Pukehangi Heights Development Area Mid Site Escarpment – Rural 2 Zone			
Rule A5.2.4.1 Activities	New Activity rule providing for activities not meeting	BOPRC Iwi Submitters	Accept

	performance standards relating to stormwater to be a non complying activity.		
A5.2.4.2 Non-notification	Amend rule to identify iwi groups as affected parties for applications relating to cultural sites, downstream water quantity and quality.	Iwi Submitters Opposed by Hunt Family	Accept
Rule A5.2.4.2 Non-notification	New rule for limited notification of BOPRC	BOPRC	Accept in part
Rule A5.2.4.3.9 Performance standards – land use – farming	Clarify meaning of “agricultural activity”	BOPRC (Question from Commissioners)	Accept
Rule A5.2.4.4.4 Performance standard for stormwater management	Replace performance standard A5.2.4.4.4 Stormwater Management	BOPRC	Accept in part
Rule A5.2.3.5 Performance Standards – Natural Hazard Management	Consequential change to separate out flood hazards	BOPRC	Accept in part
Rule A5.2.4.4.8 Performance standard for construction traffic	Delete performance standard requiring construction traffic to gain access from alternatives to Matipo Avenue with a requirement to prepare a Construction Traffic Management Plan	TAGH Opposed by MARIS	Accept in part
Rule A5.2.4.4.10 Performance standard for nutrient management	Amend performance standard as set out in evidence of Joanne West	BOPRC	Accept in part
Rules – Pukehangi Heights Development Area Upper Escarpment – Rural I Zone			
Rule A5.2.5.2 Non-notification	Amend rule to identify iwi groups as affected parties for applications relating to cultural sites, downstream water quantity and quality.	Iwi Submitters	Accept

Rule A5.2.4.2 Non-notification	New rule for limited notification of BOPRC	BOPRC	Accept in part
Rule A5.25.3.2 Performance standard Yards	Include 30m reverse sensitivity yard setback to Rural Zone also.	D Witehira, J Mitchell	Accept
Methods			
Method A5.2.7	Insert new method providing for resourcing of tangata whenua participation	Iwi Submitters	Accept in part
Method A5.2.7	Insert new method regarding consultation with BOPRC regarding applications for subdivision consent	BOPRC	Accept in part through new performance standard
Part 17 – Definitions			
Part 17: Definitions	Insert definitions of “suitably qualified and experienced person”, “nutrient management plan” and “nitrogen discharge allocation”	BOPRC	Accept in part by inserting a definition of “Nitrogen Discharge Allocation”
Withdrawal of Freedom Villages Submission			
Withdrawal of submission by Freedom Villages	Delete changes recommended in s42A report: Principles: Lower Terrace Policy 1.2 Lower Terrace – Medium Density Residential Development and Retirement Village Policy 2.1a Lower Terrace – Retirement Village Policy 2.2a Ecological Values Activity rules 5.2.3.1.8a and 10a A5.2.3.3.11 Retirement Villages A5.2.3.4.5a Protection of Ecological Values Associated with the Mangakakahi Stream and 6a Retirement Villages A5.2.6.3a Land Use within the Pukehangi Heights Development Area – Retirement Village within the Retirement Village overlay Part 12: Future Growth Structure Plan amended	No jurisdiction to amend	Plan Change 2 returned to notification version for these provisions



Structure Plan			
Structure Plan	Refer to “cultural and archaeological sites”	Amendment to reflect recommendations in s42A report	Accepted in s42A report
Structure Plan	Show 30m yard in Rural Zone	D Witehira, J Mitchell	Accept
References to the Structure Plan	Improved referencing between the policies/rules and the Structure Plan	Parklands Estate (Questions from Commissioners)	Accept
Amendments not transferred from s42A report	Policy 2.4d Traffic and Access A5.2.3.3.2vii Yards A5.2.4.3.2A Yards	As stated in s42A report	Accepted in s42A report

## Appendix 3

### Regional Policy Statement: Method 18: Structure plans for land use changes

*Prepare structure plans for all large-scale land use changes to ensure:*

- *Coordinated development through the integrated provision of infrastructure; and*
- *Integrated management of related environmental effects.*

*Structure plans shall, as appropriate and applicable:*

*(a) Identify land which is to be used or developed for urban purposes;*

*(b) Identify intensification areas;*

*(c) Show proposed land uses, including:*

*(i) Arterial and collector roads, rail and network infrastructure*

*(ii) Residential, commercial and business centres*

*(iii) Schools*

*(iv) Parks*

*(v) Land required for recreation*

*(vi) Land to be reserved or otherwise set aside from development for environmental protection purposes*

*(vii) Appropriate infrastructure corridors*

*(viii) Community, health and social service facilities, including those necessary to cater for an ageing population.*

*(d) In respect of proposed land uses (see (c) above), demonstrate the live-work-play principle to development;*

*(e) Show how the target yields set out in Policy UG 4A will be met;*

*(f) Identify all existing and consented, designated or programmed infrastructure and infrastructure corridors;*

*(g) Identify infrastructure requirements, including the provision of and responsibility for that infrastructure;*

*(h) Identify all known contaminated sites that land to be used for urban purposes may contain and show how adverse effects from contaminated land are to be avoided, remedied or mitigated;*

*(ha) Identify all known natural hazards that land to be used for urban purposes may be subject to, or contain, and show how low natural hazard risk is to be maintained or achieved;*

*(i) Identify significant cultural, natural and historic heritage features and values and show how they are to be protected;*

*(j) Identify significant view shafts to be maintained and enhanced through the avoidance of inappropriate development;*

*(k) Show how any adverse effect of increased stormwater runoff is to be mitigated;*

*(l) Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated;*

*(m) Show how provision has been made for public transport, cycleways and pedestrian connections;*

*(n) Document consultation undertaken with persons (including tangata whenua) affected by or interested in the proposed land uses, and any response to the views of those consulted;*

*(o) Show how the sequencing of urban growth requirements detailed in Policy UG 6A will be achieved;*

*(p) Include Urban Design Plans which:*

*(i) Apply and demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities;*

*(ii) Outline the urban design objective and rationale;*

*(iii) Provide an analysis of context;*

*(iv) Provide a site analysis; and*

*(v) State design outcomes for the proposed development.*

*“As appropriate and applicable” is intended to allow the content of a structure plan to be tailored to the nature and scope of the development proposal to which it relates and, to give effect to this Method, District plans can identify methods for assessing which of the above matters must be addressed, in light of the particular scope of the proposed land use change and its environmental effects*

## Appendix 4

### RPS Policies implemented through Method 18 Structure Plans

- (a) Policy EI 3B: Protecting nationally and regionally significant infrastructure;
- (b) Policy EI 4B: Recognising the benefits from nationally and regionally significant infrastructure and the use and development of renewable energy;
- (c) Policy IW 2B: Recognising matters of significance to Māori;
- (d) Policy IW 5B: Adverse effects on matters of significance to Māori;
- (e) Policy MN 1B: Recognise and provide for matters of national importance;
- (f) Policy MN 7B: Using criteria to assist in assessing inappropriate development;
  
- (g) Policy UG 3A: Promoting travel demand management across the region
- (h) Policy UG 8B: Implementing high quality urban design and live-work-play principles;
- (i) Policy UG 9B: Co-ordinating new urban development with infrastructure;
- (j) Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations;
- (k) Policy UG 11B: Managing the effects of subdivision, use and development on infrastructure;
- (l) Policy UG 13B: Promoting the integration of land use and transportation;
- (m) Policy UG 17B: Urban growth management outside of the western Bay of Plenty sub-region;
- (n) Policy NH 3B: Natural hazard risk outcomes;
- (o) Policy NH 4B: Managing natural hazard risk on land subject to urban development;
- (p) Policy NH 9B: Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use before Policies NH 7A and NH 8A have been given effect to;
- (q) Policy NH 12A: Managing natural hazard risk through regional, city and district plans;

## **Appendix 5**

### **Structure Plan Revision Issued for Stormwater Management**

KEY

Lower Terrace

Mid-site Escarpment

Upper Terrace

Upper Escarpment

Pukehangi Southern Slopes

Extent of Areas A and B

RL 385 Contour Line

Archeological site

Water Reservoir

Pukehangi Pa

Indicative Structure Plan Features:

Stormwater / Recreation Areas

Medium Density Residential Development Area

Community, Retail & Commercial Area

Primary Roads

Additional Primary Road Connection

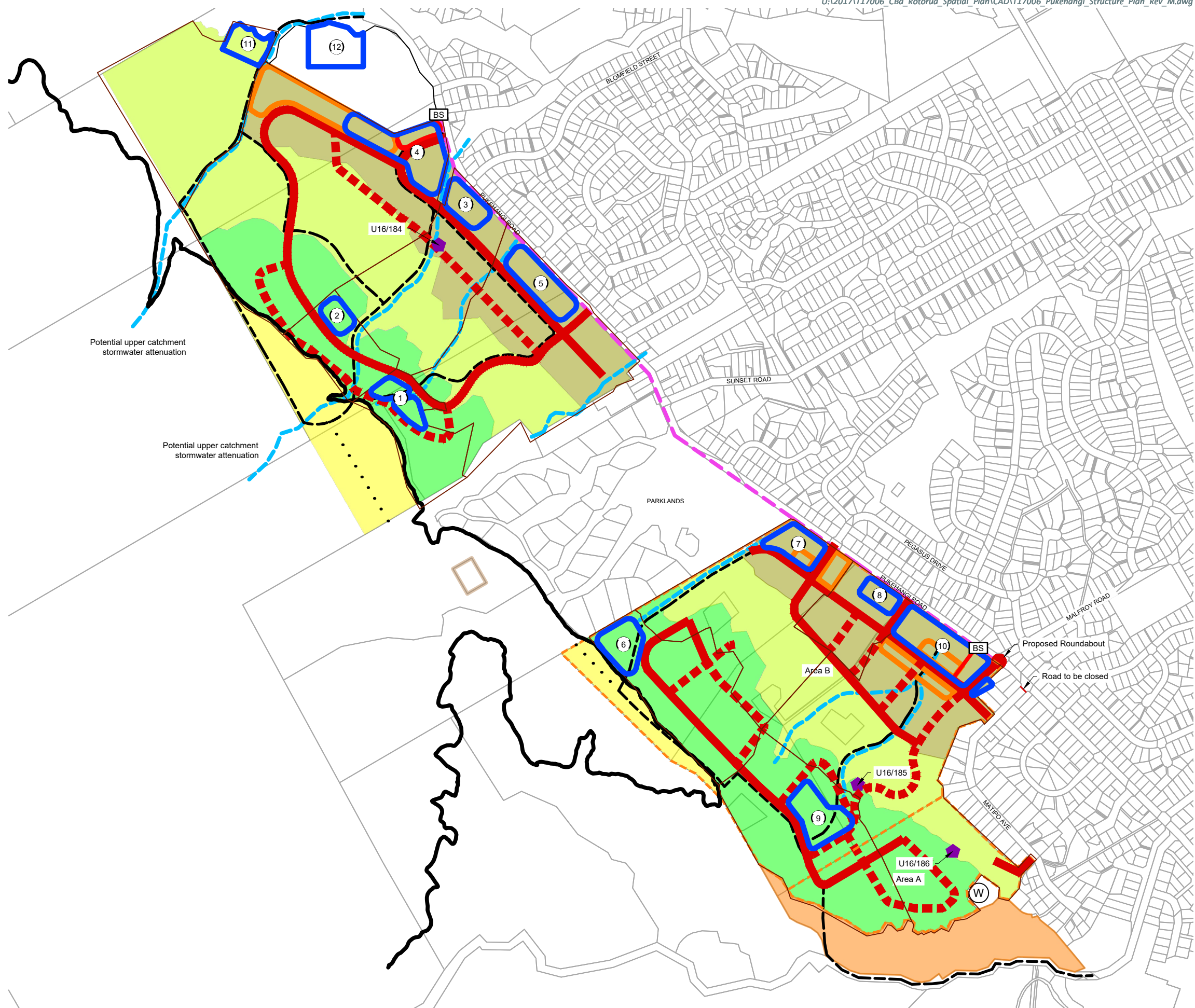
Overland Flow Paths  
(Indicative width 10-15m to accommodate 0.2% AEP event )

Walkway

Future Walkway  
(Not formed until and unless legal access over Lot 36 DP 367989 and Lot DP 367989 is created)

Cycleway

BS Bus Stop



## Appendix 6

### Suggested Text Incorporating Design Criteria Sought by BOPRC and Alternative Design Pathway

#### (d) Design Criteria for Mitigation Measures

The site-wide mitigation measures (A5.2.3.4.7(v)) shall be consistent with the following Design Criteria.

- i. The Soil Conservation Service (SCS) rainfall-runoff method is to be used; runoff curve numbers shall be in accordance with Table 4.1 of the WSP report (Version 2 dated 19 August 2020);
- ii. Initial abstraction (losses) of 0mm;
- iii. 72-hour centrally located fully-nested storm profile based on rainfall intensities from the NIWA's HIRDS software;
- iv. Calculated by the RLC floodplain storm water models and the BOPRC Greater Utuhina Catchment Model (the Models) for the following storms:
  - a. 10% AEP current climate storm;
  - b. 1% AEP current climate storm;
  - c. 1% AEP 2130 (RCP 8.5) storm;
  - d. 2% AEP 2130 (RCP 8.5) storm; and
  - e. 0.2% AEP 2130 (RCP 8.5) storm.
- v. Overland flow paths  
The sizing and location of overland flow paths (originating upstream of the Development Area) shall be designed to take into account the 0.2% AEP 2130 storm, to show that each flow path:
  - a. is of adequate capacity to cope with the anticipated flow; and
  - b. discharges to a location that does not detrimentally affect other properties.
- vi. Secondary flow paths  
The design of secondary flow paths (flows originating within the Development Area) shall be designed to take into account the 1% AEP 2130 storm:  
The design of secondary flows paths shall consider conditions of total inlet blockage at critical culverts and other critical structures (such as pond and dams) and shall provide for emergency spillways and safe passage of the design storm through private property.  
Flow on roads shall be designed for a depth and velocity (D x V) that demonstrates compliance with the Australian Disaster Resilience Handbook Collection, Guideline 7-3 (Technical flood risk management guideline).  
Secondary flow paths within the Development Area on private property shall require protection by legal easements.
- vii. Dams and ponds  
The geotechnical safety and stability of dams and pond structures shall be demonstrated by a suitably qualified and experienced practitioner.  
Pond outlet structures shall be configured to ensure adequate drainage rates. As a minimum, 50% of the volume in any pond or dam that is only served by the lowest outlet shall drain in no more than 24 hours. Pond outlet structures shall be suitably protected against debris blockage.
- viii. Geotechnical  
The designer shall carry out a geotechnical assessment when considering the large-scale use of infiltration systems including effects on downstream environment.

ix. Alternative Design Criteria

Alternative Design Criteria may be accepted where the alternatives have been tested and proven to apply an appropriately precautionary approach.



## **Appendix 7**

### **Correspondence - Structure Plan requirements for Pukehangi Road Plan Change**

Your Ref:  
Our Ref: 7.00174



18 July 2018

Rotorua Lakes Council  
Private Bag 3029  
Rotorua Mail Centre  
Rotorua 3046

Attention: Kate Dahm

Dear Kate,

### **Structure Plan requirements for Pukehangi Road Plan Change**

Further to our ongoing correspondence and discussions on the proposed large scale residential rezoning at Pukehangi Road. Regional Council considers it timely to reiterate our expectations around structure planning and the Regional Policy Statement (RPS) requirements.

Urban growth within the region is required to give effect to the RPS Urban and Rural Growth management provisions. In particular Policy UG 17B '*Urban growth management outside of the western Bay of Plenty sub-region*' and Method 18 '*Structure plans for land use change*'.

Method 18 requires structure plans be prepared for all large scale land use changes (over 5ha) and outlines specific requirements to ensure a coordinated development and integrated management of environmental effects. The method lists a number of requirements that may be appropriate or applicable for inclusion in the structure plan. While it's unnecessary to repeat these requirements, we hope this letter provides clarification on our expectations for some of the more complex matters.

#### **1.1 Natural Hazard Risk**

The Pukehangi Road plan change will need to give effect to the RPS Natural Hazards provisions. Two key provisions apply, Policy NH 9B and clause (ha) of Method 18.

Policy NH 9B requires an assessment of natural hazard risk at the time of subdivision, or change or intensification of land use. More importantly it requires identification of all known natural hazards that the land may be subject to, or contain and show how low natural hazard risk is to be maintained or achieved.

Similarly Clause (ha) of Method 18 requires that structure plans identify all known natural hazards the land may be subject to, or contain, and show how low natural hazard risk is to be maintained or achieved.

During our initial conversations regarding the rezoning, we compiled a list of natural hazards that need to be addressed as part of the natural hazards risk assessment. These included flooding, landslide, liquefaction, active faults and geothermal that need to be assessed against the RPS Natural Hazard requirements and achieve a low level of risk.

Objective ID: A2907408

### 1.1.1 Flooding and Stormwater

In terms of an assessment around stormwater and flooding, the area to be developed is within the Utuhina Stream Catchment. As discussed the Utuhina Flood Protection Scheme is currently not meeting the agreed levels of service. The combined Regional Flood Risk Project will be investigating solutions to the Utuhina catchment's flooding issues including the development of a catchment model. Unfortunately this won't be completed for at least 18 months which is too late to integrate with your preferred plan change timeframes.

To ensure future development won't have an increased effect on the downstream catchment, further large scale development shouldn't proceed until this model has been completed. However, to ensure structure planning can continue Regional Council will accept a requirement that the post-development peak stormwater discharge for the 1% AEP storm be limited to 80% of the pre-development peak discharge.

The proposal will need to demonstrate:

1. no negative impact on the existing stormwater infrastructure capacity and its availability
2. no negative impact on investment needed to service the area to the level of development anticipated
3. how effects from installing and operating stormwater infrastructure will be managed. While the 80% requirement is a good start, it requires a catchment and capacity analysis to ensure the existing system (SW pipes, culverts etc.) can cope with the concentrated discharge and its timing.

**Regional Council recommends** a peer review of the Opus Stormwater Assessment report be undertaken by a Chartered Professional Engineer (CPEng) with at least five years' experience in hydrological analysis and engineering design. We previously raised concerns over double counting of the runoff reduction data in the first Opus Stormwater Assessment and ensuring the site meets 80% of the 1% AEP stormwater requirement to avoid adverse effects downstream. Below is list of consultants we consider are suitable to undertake this work:

Company	Contact	Email	Mobile	Phone
Beca Limited	Gavin Moore	<a href="mailto:gavin.moore@beca.com">gavin.moore@beca.com</a>		07 577 3996
Bloxom Burnett and Oliver Ltd	Scott Bready	<a href="mailto:sbready@bbo.co.nz">sbready@bbo.co.nz</a>	027 479 5610	07 834 8524
Cardno (NZ) Ltd	Jeremy Gulson	<a href="mailto:jeremy.gulson@cardno.co.nz">jeremy.gulson@cardno.co.nz</a>	021 280 8210	04 384 8765
GHD Limited	Ryan Orr	<a href="mailto:ryan.orr@ghd.com">ryan.orr@ghd.com</a>	027 222 4467	
Harrison Grierson Consultants Ltd	Tim Fergusson	<a href="mailto:t.fergusson@harrisingrierson.com">t.fergusson@harrisingrierson.com</a>	027 748 525	07 308 5478
Tonkin & Taylor Ltd	Mark Pennington	<a href="mailto:mpennington@tonkintaylor.co.nz">mpennington@tonkintaylor.co.nz</a>	021 063 2112	07 571 7384

**Regional Council recommends** the District Plan change for Pukehangi Road will include stormwater and flooding performance standards and related provisions that require a low level of risk to be achieved. A flood risk assessment will need to be completed to ensure development can achieve a low level of risk. We acknowledged a preliminary flood risk assessment is sufficient for structure planning purposes. However, we expect more comprehensive risk assessments will occur when the catchment wide model is completed or subsequent subdivision development progresses to ensure a low level of risk is achieved.

For any questions regarding stormwater and flooding matters you can contact Kathy Thiel-Lardon (Senior Environmental Engineer) [Kathy.Thiel-Lardon@boprc.govt.nz](mailto:Kathy.Thiel-Lardon@boprc.govt.nz).

### 1.1.2 Stormwater Consents

At our Monday 2<sup>nd</sup> July meeting we discussed whether the proposed development would require stormwater discharge consent from Regional Council. We have spoken to our consents staff who have indicated stormwater discharge and earthworks consents would be required for the subdivision development stage. The stormwater discharge can be transferred over to RLC's comprehensive stormwater discharge consent via a subsequent variation once development is complete and the infrastructure vested in Council.

### 1.1.3 Landslide and Liquefaction

**Regional Council recommends** the Opus Landslide report be expanded to show how low landslide risk can be achieved. The assessment uses the Australian Geomechanics Society 2007 Guideline for Landslide Risk Management. This is in accordance with the RPS Appendix L and the Natural Hazard User Guide. The Opus Landslide report identifies risk higher than 'low' and it needs to clearly demonstrate what needs to occur to reduce the landslide risk to low.

**Regional Council recommends** the geotechnical nature of the Opus Landslide Report be expanded to cover off liquefaction and how low risk will be achieved. Liquefaction was identified as a natural hazard that needs consideration as part of the natural hazards assessment.

## 1.2 Contaminated Land

**Regional Council recommends** a preliminary site investigation (PSI) be undertaken for the overall growth area and provide recommendations for further work through the subdivision process once rezoning has occurred. In principal Regional Council wants to ensure the PSI identifies any at risk areas from the outset that could present a risk to future land uses and help inform decision making through the development process.

## 1.3 Transportation

Regional Council seeks a high level of connectivity within the structure plan area and surrounding neighbourhoods to allow for sustainable modes of transport including walking, cycling and buses. Regional Council seeks that the structure plan promotes the integration of land use and transportation to give effect to RPS Policy UG 13B and Method 18(c)(i) and (m).

## 1.4 Archaeology and Cultural

Regional Council recommends that an archaeological and cultural impact assessment report be prepared for the site to satisfy RPS Policy MN 8B *Managing effects of subdivision, use and development on matters of national importance* and Method 18((i) and (n)). We want to ensure that any places of significant cultural or historic value are recognised and provided for within the structure planning for the site.

## 1.5 Proposed Plan Change 10 (Lake Rotorua Nutrient Management)

While not part of the requirement for structure planning it is important to note that the site must comply with the nutrient requirements of Proposed Plan Change 10 to the Natural Resource Plan. If not already actioned, we recommend that the land owners contact our advice and support team to prepare a nutrient management plan and obtain resource consent. This will

ensure alignment of the nutrient allocation plan and the subdivision aspirations for the site (the number of lots that would be available).

Overall we want to ensure that the proposed structure plan gives effect to the RPS, and any potential challenges are addressed early. We trust this information is helpful in progressing the Pukehangi Road Structure Plan Change.

Please feel free to contact myself or Esta Farquhar should you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nassah Steed'. The signature is stylized with a large, looped 'S' and a horizontal line extending to the left.

Nassah Steed  
**Programme Leader (Statutory Policy)**