

# Recommendations following the hearing of Plan Change 2 – Pukehāngi Heights (PC2) to the Rotorua District Plan under the Resource Management Act 1991

**Proposal:** To rezone approximately 160 hectares of Rural zoned land within the Pukehāngi Heights Development Area to enable residential development to occur on two distinct upper and lower terraces, and large lot rural residential development to occur on the north facing escarpment located between the two terraces. Two small scale local centres are also proposed to provide limited commercial services that are easily accessible by walking. Re-vegetation or partial re-vegetation is sought in parts of the development area. The residential development yield is expected to be in the range of 750 – 900 units.

Plan Change – Pukehāngi Heights (PC2) is recommended for **APPROVAL** as amended by us. The reasons are set out below.

<b>Hearing panel:</b>	David Hill (Chairperson) Rob van Voorthuysen Antoine Coffin
<b>Plan Change number:</b>	Plan Change 2
<b>Site address:</b>	Pukehāngi Heights, Rotorua
<b>RLC's SPP application:</b>	12 September 2019
<b>Minister's SPP direction:</b>	19 December 2020
<b>PC2 Notified:</b>	21 January 2020
<b>Submissions closed:</b>	20 February 2020
<b>Submissions summary:</b>	5 March 2020
<b>Further submissions:</b>	19 March 2020
<b>Minister's cl81 extension:</b>	22 June 2020
<b>Hearing:</b>	21 - 23 September 2020
<b>Appearances:</b>	<p><u>For Council:</u> Theresa Le Bas – Counsel Wendy Embling - Counsel Kate Dahm – Planning and Lead s42A author Craig Batchelar – Planning Kim Smith - Planning Liam Foster – Water Resources Scientist Mark Pennington – Water Resources Engineer Gregorio Manzano – Infrastructure Planning (Tabled) Karlee de Brouwer and Anna Nepia-Eparaima - Hearings Administrators</p> <p><u>For the Submitters:</u> Ngāti Kearoa Ngāti Tuarā: ○ Eru George</p>

	<ul style="list-style-type: none"> <li>○ Robyn Bargh</li> </ul> <p>Ngāti Whakaue:</p> <ul style="list-style-type: none"> <li>○ Lani Kereopa</li> </ul> <p>Te Arawa Lakes Trust:</p> <ul style="list-style-type: none"> <li>○ Lara Burkhardt (Counsel)</li> <li>○ Nicola Douglas</li> <li>○ David Marshall (Planning)</li> </ul> <p>Bay of Plenty Regional Council:</p> <ul style="list-style-type: none"> <li>○ Mark Harding – Counsel</li> <li>○ Kathy Thiel-Lardon (Stormwater)</li> <li>○ Peter Blackwood (Flood frequency and Rainfall)</li> <li>○ Phillip Wallace (Hydraulic modelling)</li> <li>○ Peter West (Hydrological modelling)</li> <li>○ Joanne Watts (Water Quality)</li> <li>○ Mark Ivamy (Natural hazards)</li> <li>○ Nathan Te Pairi (Planning)</li> </ul> <p>Hunts Farm:</p> <ul style="list-style-type: none"> <li>○ Stephen Hunt</li> <li>○ Rowan Little (Planning)</li> </ul> <p>Te Arawa Group Holdings Ltd:</p> <ul style="list-style-type: none"> <li>○ Matt Allott (Planning)</li> <li>○ Graham Norman (Traffic)</li> </ul> <p>Matipo Ave Residents Incorporated Society (MARIS):</p> <ul style="list-style-type: none"> <li>○ Ronald Finn</li> <li>○ Andrew Morton</li> <li>○ Ken Scott</li> <li>○ Roger Shreuder</li> <li>○ Dr Margriet Theron</li> </ul> <p>Waka Kotahi – NZ Transport Agency</p> <ul style="list-style-type: none"> <li>• Rodney Albertyn (Planning)</li> <li>• Duncan Tindall (Traffic)</li> </ul> <p>WL Gracie:</p> <ul style="list-style-type: none"> <li>○ Bill Gracie</li> </ul> <p>Rotorua Residents and Ratepayers Association:</p> <ul style="list-style-type: none"> <li>○ Dr Reynold Macpherson</li> </ul> <p>Utuhina Valley Farms:</p> <ul style="list-style-type: none"> <li>○ Linden Hunt</li> </ul> <p>Jill Revel &amp; Gerald Stock</p> <p>Dean Witehira &amp; Jaylene Mitchell</p> <ul style="list-style-type: none"> <li>○ Gareth Buchanan – Forestry Consultant</li> </ul> <p>David Crowley</p>
<b>Commissioners' site visit</b>	20 September 2020
<b>Hearing adjourned</b>	23 September 2020
<b>Reply received:</b>	2 October 2020
<b>Hearing closed:</b>	5 October 2020

## INTRODUCTION

1. This recommendation to the Minister for the Environment is made on behalf of the Rotorua Lakes Council (“the Council” or “RLC”) by Independent Hearings Commissioners David Hill (Chair), Rob van Voorthuysen and Antoine Coffin appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“the RMA”).
2. The Commissioners have been given delegated authority by the Council to make a recommendation to the Minister for the Environment on Plan Change 2 – Pukehāngi Heights (“PC2”) to the operative Rotorua District Plan (“the ODP”) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing, and submissions made and evidence presented during and after the hearing of submissions. That delegation has been extended to cover the eventuality of the Minister referring PC2 back to Council under clause 84(1)(a)(ii) of Schedule 1 of the RMA for further consideration.
3. PC2 was prepared and considered under the streamlined planning process (SPP) of Part 5 of Schedule 1 to the RMA. The process, as directed by the Minister, is fully described in section 3 of the s42A report and is not repeated here.
4. PC2 was publicly notified on 21 January 2020 following the pre-notification process involving Iwi authorities, as required by Clause 4A of Schedule 1 RMA.
5. The submission period closed 20 February 2020. A summary of submissions was notified for further submissions on 5 March 2020, closing on 19 March 2020. A total of 47 submissions (including 2 late submissions) and 8 further submissions (including 2 late submissions) were made on the plan change.
6. All late submissions were accepted by us for the reasons identified in section 4 of the s42A report – there being no objections to that outcome and having taken into account the matters stated in s37A(1) RMA.
7. The hearing commenced on 21 September 2020, within the timeframe directed by the Minister in his 22 June 2020 extension approval.
8. A comprehensive s42A report was jointly prepared by Ms Kate Dahm (lead author), Mr Craig Batchelar and Ms Kim Smith. The report was prepared with the assistance of technical reviews as follows:
  - Rebecca Ryder, Boffa Miskell Ltd – Landscape and visual effects;
  - Grant Smith, Stantec – Transport and traffic issues;
  - James Bell-Booth, Marshall Day Acoustics Ltd – Speedway noise and reverse sensitivity;
  - Craig Batchelar, Boffa Miskell Ltd – Nutrient Management;
  - OPUS PC2 – Pukehāngi Heights Stormwater Report.
9. The s42A report recommended that PC2 should be approved with the amendments identified therein.

10. We issued 3 timetabling and other directions under s41 RMA for reports and evidence exchange, stormwater / flooding expert conferencing, and hearing procedure. We also issued a Minute and s42 RMA order (dated 15 September 2020) for the protection of sensitive cultural information provided by and as sought by Ngāti Kearoa-Ngāti Tuarā.
11. We record our thanks to all parties for complying with and adhering to those directions. In particular, we express our gratitude to those involved in the expert conferencing for the work undertaken in advancing what was the most contentious matter requiring resolution – modelling of the downstream potential for flood effects.
12. The experts' Joint Witness Statement – Stormwater (JWS-S) was dated 1 September 2020 and made available to the parties. The expert facilitation was conducted virtually by Greg Hill on 25 August 2020 with the following experts:
  - Liam Foster;
  - Peter Blackwood;
  - Peter West;
  - Kathy Thiel-Lardon;
  - Phillip Wallace;
  - Sean Finnigan; and
  - Mark Pennington.

Greg Manzano and Mark Townsend attended the expert caucusing as Council representatives.

13. In summary, the JWS-S records that the experts agreed that Mr Foster's WSP modelling was "appropriately conservative"; with the exception of the pond drain-down times the parameters used were appropriate for the assessment undertaken; and, for the scenarios modelled, the assessments showed that maximum flood depth and flood velocity in the areas downstream of the proposed plan change area were likely to change by the amounts shown in the figures presented by WSP. Furthermore, all agreed that further assessment was required, and agreed to an approach for that work, summarized as follows:
  - (a) The drain-down performance of proposed ponds needs to be checked against relevant criteria. Several criteria were proposed, with the following performance agreed as the most appropriate: 50% of the volume stored within detention ponds that can only drain via the lowest outlet, shall drain within 24 hours.
  - (b) Should the proposed ponds not meet the above performance criterion, then the pond configuration shall be re-designed.
  - (c) Following such re-design, the revised outlet analysis shall be provided to the Bay of Plenty Regional Council (BoPRC) for input to the Greater Utuhina Catchment Model (GUCM).
  - (d) The GUCM and the WSP models shall be used to assess the performance.

- (e) Should the revised ponds meet the required performance criterion, then the approach can be confirmed, and the results accepted.
- (f) An amended stormwater report is required that addresses the re-analysis, and also the language changes.

It was agreed that only the 1% AEP event need be used at this stage (checking the 2% AEP and 0.2% AEP could follow confirmation of the pond performance for the 1% AEP event).

- 14. The additional modelling was completed and the WSP Stormwater Report was updated on 14 September 2020.

#### **MINISTER'S SPP DIRECTION – CL78 SCHEDULE 1 RMA**

- 15. The Minister's Streamlined Planning Process direction was issued on 17 December 2019 (the notice published in the 14 January 2020 issue of the New Zealand Gazette).
- 16. Apart from the administrative directions regarding timeframes, specific parties to be notified, and reporting requirements, the Minister's Statement of Expectations noted:
  - *the recommended Plan Change 2: Pukehāngi 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.*
- 17. Furthermore, in his 19 December 2019 letter to Council, the Minister records the reasons for his decision to issue the Direction as:
  - *The SPP to be implemented will allow urban growth issues to be responded to in a timely way, and is proportionate to the complexity and significance of this planning issue. RLC has demonstrated that use of the SPP is appropriate in this case as an alternative to using the standard Schedule 1 process; and*
  - *RLC has demonstrated that it is satisfied that the proposed planning instrument will implement a national direction, being the National Policy Statement for Urban Development Capacity and meet a significant community need for housing.*
- 18. Council's application for a 67-working day / 3 month extension to the overall timeframe was approved by the Minister under clause 81 Schedule 1 RMA on 22 June 2020. That approval was sought and given in respect of the need to complete the modelling necessary to understand the identified stormwater and flood risk, and share that information with submitters.
- 19. As will become evident, while the plan change satisfies the Minister's expectations with respect to overall yield, in the absence of detailed masterplanning the mix of densities and typologies remains at a very broad conceptual level – as represented by enabling provisions in the principal residential areas – low and medium density residential on the lower terrace; rural residential on the mid-site escarpment; and low density on the upper terrace, with associated development controls. We note that the Minister

provided no specific direction regarding ratios, design typologies or price bands. No submitter provided further detail or sought specific relief in that regard.

20. We received little specific information on current housing demand, but we note that Council's Spatial Plan 2018 identifies that increases in population have recently put pressure on Rotorua's existing housing market. The Pukehāngi Heights Development Area is identified in the Spatial Plan as accommodating residential demand in the short term.

## **SUMMARY OF PLAN CHANGE**

21. The proposed plan change is described in detail in the s42A report.
22. In summary, it is proposed to rezone approximately 160 hectares of Rural zoned land within the Pukehāngi Heights Development Area to enable residential development to occur on two distinct upper and lower terraces, and large lot rural residential development to occur on the north facing escarpment located between the two terraces. Two small scale local centres are also proposed to provide limited commercial services that are easily accessible by walking. Re-vegetation or partial re-vegetation is sought in and over parts of the development area. The residential development yield is expected to be in the range of 750 – 900 units.
23. The land comprises three ownership blocks:
  - The Sumner Block to the north;
  - The Hunt Block south of the Parklands development (Area B); and
  - The Te Arawa Group Holdings (TAGH) Block to the south (Area A).
24. The two parts of the Pukehāngi Heights development / plan change area are separated by the existing Parklands development (which is not part of the development area).
25. The following changes were proposed to the ODP:

### **Objectives and Policies**

New place-based objectives and policies to address landscape, urban design, cultural landscape, and natural hazard risk management issues specific to the Pukehāngi Heights Development Area. These supplement the general objectives and policies for the Residential 1 Zone and Rural 2 Zone.

### **Structure Plan**

A Pukehāngi Heights Development Area Structure Plan to guide the future development of the land in relation to landscape management, urban design, protection and enhancement of cultural values, access and connectivity (including active transport modes), and stormwater infrastructure.

The Structure Plan identifies:

- the upper and lower terraces;
- the mid-site escarpment and upper escarpment;

- the Escarpment Transition Areas – these are areas with an underlying residential zoning, but specific provisions in recognition that these areas are more visually sensitive; and
- archaeological sites and the Pukehāngi Pā.

Also identified on the Structure Plan are indicative features, the exact location or size of which may alter to some extent when the sites come to be developed. These include areas for stormwater detention and recreation, medium density development, community, retail and commercial areas, primary and additional roads, overland flow paths, walkways, cycleways and bus stops.

### **Operative and Proposed Zonings**

Zoning of land within the plan change area:

- Under the ODP:
  - the lower terrace and parts of the mid-site escarpment are zoned Future General Residential;
  - much of the mid-site escarpment and upper terrace are zoned Future Rural Lifestyle;
  - the exception to this is the mid-site escarpment across the Te Arawa Group Holdings Block is currently zoned General Residential.
- PC2 proposes:
  - rezoning the Lower and Upper Terraces to General Residential (Residential 1); and
  - rezoning mid-site escarpment to Rural Lifestyle (Rural 2).
- The zoning of the following areas remains unchanged:
  - the southern slopes of the Te Arawa Group Holdings block, near Great West Road, remains as Rural 2 Zone; and
  - the upper escarpment (above the 385m contour) remains as Rural 1 Zone.

The Twin Oaks Development Plan notation is also removed from the Te Arawa Group Holdings block, along with the associated provisions in the ODP. The Development Plan provisions anticipated a retirement facility with up to 120 residential units, village facilities and a 30-bed hospital.

### **Land Use and Subdivision Rules**

New provisions to address landscape, urban design, cultural landscape, natural hazard risk, and traffic management issues specific to the Pukehāngi Heights Development Area are added to supplement the general provisions for the Residential 1 Zone, Rural 1 Zone and Rural 2 Zone. This includes provisions relating to:

- Mitigating effects of development on the landscape and visual values of the Lake Rotorua caldera;

- Requiring a Stormwater Management Plan and Natural Hazard Risk Assessment as part of any subdivision consent application;
- Facilitating small scale convenience retail and childcare facilities at walkable centres adjacent to Pukehāngi Road;
- Facilitating small medium density housing areas adjacent to the walkable centres and open space; and
- Protecting and enhancing identified and future cultural heritage sites and values.

Resource consent notification rules are also proposed so that where subdivision and development proposals meet the proposed standards, applications for resource consent will not be notified to the public or affected parties.

26. The background rationale for the plan change – i.e. to meet anticipated and current demand for residential land and affordable housing – is summarised in section 6 of the s42A report. There is no need to repeat that material here as that is, broadly, the basis upon which the Minister has agreed to direct this plan change to the SPP track.

## **HEARING PROCESS**

27. The Sunday prior to the hearing the Commissioners visited the general location of the plan change and the surrounding areas, including Pukehāngi Pā.
28. The hearing took place over 3 days and was then adjourned for the purpose of receiving further reply evidence from Mr Foster and Mr Batchelar, and Council's written reply.
29. Following receipt of that material (dated 2 October 2020) the Commissioners determined that the hearing was complete and formally closed the hearing on 5 October 2020.

## **PROCEDURAL MATTERS**

30. Other than the acceptance of the late submissions as noted above, one other procedural matter was raised initially for consideration.
31. Submitter Freedom Villages had sought inclusion of land neighbouring the development area to the north to be zoned for medium density residential development (a proposed retirement village). However, after consideration Council had determined that was out of scope of the plan change and the submitter then formally withdrew the submission. No further action from us is therefore required.
32. In accordance with the Minister's direction, on 13 November 2020 parties were given 10 working days to comment on our draft recommendation report. Comments were received from the following:
  - Rotorua Lakes Council;
  - Bay of Plenty Regional Council;
  - Rotorua District Residents and Ratepayers Association;

- Matipo Avenue Residents Incorporated Society;
- Ngāti Kearoa Ngāti Tuarā, Ngāti Whakāue, and Te Arawa Lakes Trust; and
- Hunts Farm.

33. Those comments have been considered and, where deemed appropriate, incorporated into both the recommendation report and the attachments.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

34. The RMA (and settled caselaw) sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were fully set out in the application documentation, legal submissions and evidence, the s42A Report and its companion section 32 assessment. As those provisions were not in dispute, we see no need to repeat them again. We note also that repeated reference was made in the various legal submissions to the relevant and now well-known and established caselaw on the matter. We confirm that we have taken careful consideration of those requirements and the companion caselaw in making our determinations. While this plan change is proceeding under the SPP provisions, the only additional matter that we are required to take into consideration is the Minister's direction and expectations (which we have done and have noted above).
35. Clause 10 of Schedule 1 RMA requires that this recommendation must include the reasons for accepting or rejecting submissions. The recommendation must also include a further evaluation of any proposed changes to the plan change arising from submissions after the s32A RMA evaluation report was prepared; with that evaluation to be undertaken in accordance with section 32AA.
36. With regard to Section 32AA, where we have subsequently accepted and recommended a change not specifically recommended in the s42A report, the evidence presented by the relevant party effectively represents this assessment and, where we have determined that a change to PC2 should be made, that material should be read in conjunction with this decision. That is particularly the case with respect to the further elaboration on the flooding / stormwater management matter at issue.
37. For the record we note that the provisions of PC2, as recommended by us, generally adopt the standard provisions of the ODP except where a modification is required to achieve the overall purpose of PC2. Minimal necessary change was both the Council's intention as it is ours.

## **LEGAL SUBMISSIONS AND EVIDENCE HEARD / READ**

38. In accordance with the Commissioners' s41B RMA Direction, issued on 25 September 2019, the Council planning officer's s42A report and supporting evidence, and submitters' expert evidence was circulated prior to the hearing and taken as read.
39. Legal submissions and additional expert evidence was received from Council as follows:
- Theresa Le Bas (Counsel);
  - Craig Batchelar – Planning;

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- Liam Foster – Flooding and stormwater management; and
  - Mark Pennington – Flooding and stormwater management.
40. Legal submissions and expert evidence were received from submitters as follows:
- Bay of Plenty Regional Council:
    - Mark Harding (Counsel);
    - Kathy Thiel-Lardon (Stormwater);
    - Peter Blackwood (Flood frequency and Rainfall);
    - Phillip Wallace (Hydraulic modelling);
    - Peter West (Hydrological modelling);
    - Joanne Watts (Water Quality);
    - Mark Ivamy (Natural hazards);
    - Nathan Te Pairi (Planning).
  - Waka Kotahi – NZTA
    - Rodney Albertyn (Planning).
  - Hunts Farm
    - Rowan Little (Planning).
  - Te Arawa Lakes Trust
    - Lara Burkhardt (Counsel);
    - Dave Marshall (Planning).
  - Te Arawa Group Holdings
    - Graham Norman (Traffic and transportation);
    - Matt Allott (Planning)
41. In addition, we received legal submissions in reply and supplementary evidence from Council's technical reviewers in response on 2 October 2020 as follows:
- Theresa Le Bas (Counsel);
  - Craig Batchelar (Planning); and
  - Liam Foster (Flooding and stormwater management).
42. The evidence presented was extensive and often contested. As such we see little merit in providing a summary of that evidence but, rather, deal with the evidence by topic below where that evidence concerns relevant matters of significance in contention.
43. We also note for the record that we were particularly assisted by the legal submissions and responses from Ms Le Bas and Ms Embling (for Council), Mr Harding (for the BoPRC), and Ms Burkhardt (for Te Arawa Lakes Trust, Ngāti Kearoa-Ngāti Tuarā and Ngāti Whakaue). This was not a straight-forward exercise.

## **MINISTER'S YIELD REQUIREMENT**

44. We note that there was no firm consensus on the matter of residential dwelling unit yield – in the absence of any detailed master planning exercise or equivalent. However, we were assured by Mr Batchelar<sup>1</sup> that the Minister’s expectations of some 790 dwelling units was within the theoretical range calculated based on standard assumptions about infrastructure, servicing needs and average lot sizes – even with the enlarged area of stormwater detention ponds (an 8ha increase) now under consideration (discussed further below). Mr Batchelar indicated<sup>2</sup> an upper yield of 810 household units if this pond area increase is confirmed as being required.
45. We simply note that we have accepted this yield number for present purposes, but no evidence was, or could be, provided at this stage to give greater confidence. We asked whether, in the absence of any greater certainty, a minimum density approach (i.e. stipulating absolute minimum lot sizes) should be contemplated in the provisions. Mr Batchelar responded that such an approach was not currently provided for in the ODP and he doubted that we had scope to pursue that under the present plan change. We accept that the work required to bring such a provision through at this stage has not been done to a sufficient s32A or s32AA RMA standard and therefore, regardless of scope issues, that is not a present option.

## **PRINCIPAL ISSUES RAISED**

46. We have identified four broad issues that were the focus of submissions, evidence and representations at the hearing:
- the adequacy of the modelling and provisions with respect to the management of on-site stormwater and consequent risk of downstream flooding;
  - the requirement for compensatory nutrient management reduction;
  - the adequacy of cultural values recognition; and
  - the provisions for managing transportation effects.
47. On other matters, we have accepted the analysis made and conclusions drawn in the s42A report and in the reply evidence and closing submissions – discussed summarily below.

## **DISCUSSION AND FINDINGS ON THE PRINCIPAL ISSUES RAISED**

### **Stormwater**

#### **The Issue**

48. Stormwater was one of the main issues of contention for PC2.
49. When any rural area is urbanised the inevitable increase in impervious surfaces (roads, driveways, parking areas, roofs and even compacted earth) leads to an increase in surface water runoff during rainfall events. This can be mitigated (but not avoided) by the use of what is commonly called “source control”, “water sensitive design or “low impact water management”. That includes minimising the formed width

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<sup>1</sup> Batchelar, Evidence in reply, paras 117 - 124

<sup>2</sup> Batchelar, Evidence in reply, para 122

of roads, using grass swales instead of road side gutters, and using soak holes for capturing roof runoff. This low impact design approach is appropriately intended here and it is one of the “Principles” set out in section A5.2A.1 of PC2.<sup>3</sup>

50. Nevertheless, there will be increased stormwater runoff which needs to be managed to avoid adverse effects downstream. This is particularly important here because while, as described in the evidence of Kathleen Thiel-Lardon for the BOPRC, the streams which will receive stormwater from Pukehāngi Heights (the Utuhina, Ōtamatea and Mangakākahi Streams) are part of the Kaituna Catchment Control Scheme and have some degree of flood protection works associated with them, those works are not meeting their desired level of service.<sup>4</sup> Ms Thiel-Lardon noted that a number of culverts under roads are undersized causing the flooding of roads, including SH5. Significant flooding is also currently affecting a large number of residential, commercial and industrial buildings, particularly in areas adjoining the Utuhina Stream. This existing problem will be exacerbated by climate change.
51. Many submitters attested to this existing flooding problem, particularly in the industrial area of the Utuhina catchment downstream of SH5 (as was graphically recounted by Mr Gracie).
52. Ms Thiel-Lardon considered that the existing downstream flooding risk was “high”. Policy NH 2B of the Bay of Plenty RPS titled “Classifying risk” describes a “high” natural hazard risk as one beyond what should be tolerated. For land that is subject to urban development RPS Policy NH 4B requires a “low” natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) by controlling the form, density and design of greenfield development. Policy NH 2B describes a “low” level of risk as one that is generally acceptable.
53. The upshot of the existing situation and the provisions of the RPS<sup>5</sup> is that the development of Pukehāngi Heights and the provisions of PC2 must ensure that the additional stormwater generated by that development is managed and controlled on-site so as not to exacerbate the already dire downstream flooding problem. This approach is often referred to as one that is “hydraulically neutral”, namely one that does not worsen downstream flood effects.
54. In that regard we agree with Ms Thiel-Lardon that off-site mitigation is not appropriate here because of the limited opportunities available downstream for normal flood mitigation options (stopbanks and floodwalls) due to the highly urbanised nature of Utuhina Stream in particular (there is simply no room to build such structures); the limited opportunities for detention dams in the upper catchments of the Utuhina, Ōtamatea and Mangakākahi Streams; and in the Lower Utuhina there are geotechnical challenges due to the existence of geothermal vents. In the Ōtamatea Stream, while there are two recreational reserves of sufficient size that have the potential to help

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<sup>3</sup> Objective 2 also refers to “integrated management of land use and stormwater” and this is further expanded on in Policy 2.3.

<sup>4</sup> Coping with a 1 in 100 year storm event.

<sup>5</sup> Under s75(3) of the RMA the RLC District Plan (including PC2) must give effect to the RPS.

reduce the existing flood risk, robust modelling would be required to assess effects on the wider catchment, and that has not yet occurred.

55. We agree with counsel for BoPRC that any limited opportunities that do exist in the downstream Utuhina catchment to manage flood risk need to be retained for the increased flooding effects of future climate change and future infill within the downstream catchment itself.<sup>6</sup>
56. We find that PC2 should clearly state that stormwater is to be managed and controlled on-site within the Pukehāngi Heights Development Area.

### **The Proposed Solution**

57. As part of the Pukehāngi Heights Structure Plan process the RLC developed a stormwater management solution that involved the use of numerous dry stormwater detention ponds located primarily on the lower part of the Pukehāngi Heights Development Area adjacent to Pukehāngi Road. The configuration of stormwater ponds in the final 1 October 2020 version of the Proposed Structure Plan presented to us showed fifteen ponds covering around 14ha in area. The ponds would be designed to capture the stormwater runoff and slowly release it downstream in a way that would largely avoid adverse effects.
58. The impact of this solution on downstream flooding was jointly modelled by RLC and BoPRC using the Greater Utuhina Catchment Model (GUCM). Separate RLC sub-catchment models generated Pukehāngi Heights stormwater inputs to the GUCM. It was eventually agreed between the councils to use a 72-hour nested rainfall storm event pattern provided by BoPRC as the basis for the modelling. RLC initially opposed this as being overly conservative but later conceded it to be appropriately conservative.<sup>7</sup> A range of return period storms were modelled from the 1 in 10 year storm to a 1 in 500 year climate change adjusted storm. The modelling predicted changes in flood depth, flow velocity and flood duration between the Pukehāngi Heights Development Area and Lake Rotorua for the Utuhina, Ōtamatea and Mangakākahi Streams. Both existing urban development and future maximum urban development<sup>8</sup> adjacent to those streams was modelled.
59. We find the modelling to be comprehensive and appropriate.
60. The modelling concluded that for all storm events there would be either a neutral or positive effect on peak flood water levels and peak velocities in the Utuhina, Ōtamatea and Mangakākahi Streams. In some cases there would be a small increase in flood flow duration. Possible adverse effects of that increased duration (stream bank erosion or prolonged backing up of urban stormwater drains) could be mitigated by routine engineering solutions if required.<sup>9</sup>
61. The modelling shows that it is feasible to develop a stormwater management solution for the Pukehāngi Heights Development Area that is appropriately hydraulically

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<sup>6</sup> Legal Submissions on Behalf of Submitter Bay of Plenty Regional Council, 22 September 2020.

<sup>7</sup> Stormwater JWS Paragraph 12.

<sup>8</sup> Called the 'city future' scenario which is based on current residential zoned land being intensified as permitted under the RLC District Plan.

<sup>9</sup> Such as armouring stream banks or by increased riparian planting.

neutral. RLC has stressed that the final stormwater solution may be different than that modelled and request that flexibility be provided accordingly. We accept that, provided of course that the same positive outcome is achieved.

62. However, it is essential that an integrated approach to stormwater management across the whole Pukehāngi Heights Development Area is taken. We acknowledge that RLC is currently preparing a stormwater masterplan to identify integrated flood management solutions to facilitate future urban growth. However, we understand that this stage of the masterplan process will only present conceptual options rather than detailed solutions.
  63. More relevant is the fact that RLC has applied for funding for Pukehāngi Stormwater Projects and future resourcing for the development of a Stormwater Management Plan (SMP) for the Pukehāngi Heights Development Area will be included in RLC's Long Term Plan.
  64. The PC2 provisions referred to a requirement for an SMP for any area that is to be subdivided. We queried that at the hearing and the RLC witnesses agreed that such a SMP needed to encompass the whole Pukehāngi Heights Development Area and, as it would necessarily require the use of the RLC and BoPRC stormwater runoff models referred to above (or their equivalent), the area-wide SMP could logically only be prepared by the RLC and not be left to disparate landowners or developers to complete in a piecemeal fashion.
  65. We find that the PC2 provisions need to reflect that fact, and that there should be no implication that SMPs can be prepared by developers in the absence of a SMP for the whole Pukehāngi Heights Development Area having first been prepared by RLC.
  66. By the conclusion of the hearing there remained disagreement between RLC and BoPRC regarding the form of a 'flood risk management' performance standard for PC2 and the inclusion of 'design criteria' performance standards.
  67. On the first matter we find that it is appropriate to refer to the RPS Appendix L – Methodology for Risk Assessment as was sought by RLC. However, we consider given the circumstances of this case (and the already compromised Utuhina lower catchment as discussed above) that an additional performance standard is required that refers to avoiding any more than a minor increase in downstream flood flow velocity, flooding depth and flooding extent. As with the SMP discussed above, the 'flood risk management' assessment must be undertaken by RLC for the whole Pukehāngi Heights Development Area and not be left to individual developers.
  68. The second area of disagreement relates to the extent to which the modelling design parameters used to date need to be contained within PC2 by way of specific performance standards. The BoPRC sought that precise details of the parameters used to date be included, whereas RLC sought greater flexibility. We find this matter can be addressed by requiring the design criteria to be used in the modelling that will underpin the eventual Pukehāngi Heights SMP to include the same range of criteria pitched at a level that is at least as conservative as those used in the stormwater modelling report titled "Rotorua Lakes Council, PC2 - Pukehāngi Heights Stormwater Report, WSP, 14 September 2020". We understand that report includes the detailed
- Plan Change 2: Pukehāngi Heights: Provisions recommended by Hearing Panel

design parameters that BoPRC now wish to see included in PC2. Additionally, in the unlikely event that alternative model platforms are used to inform the SMP (RLC also seeks flexibility in that regard) then the alternative model should either be calibrated against the BoPRC's GUCM or produce results that are consistent with it.

69. RLC has advised that an application for a discharge consent for stormwater discharge from the entire Pukehāngi Heights Development Area will be prepared by RLC following the confirmation of PC2.<sup>10</sup> That is appropriate and the PC2 provisions need to recognise that fact. That discharge consent process will provide BoPRC with an additional avenue to ensure that the proposed stormwater management solution (and its technical basis) is appropriate from its perspective.
70. Ngāti Kearoa Ngāti Tuarā, Ngāti Whakaue, and Te Arawa Lakes Trust sought a policy requirement that the RLC should refuse to grant resource consents where subdivision and development would cause an increase in downstream flood risk. That policy would link to a non-complying activity status. This was accepted by RLC in Reply and we agree it is an appropriate response to the circumstances of this catchment and the clearly enunciated views of the iwi groups regarding the need to not make downstream flooding matters worse than they already are.

### **The PC2 Provisions**

71. We note that in response to submissions the RLC agreed<sup>11</sup> to amend the PC2 stormwater provisions to, amongst other things:
- Have separate objectives and policies relating to stormwater effects and flood hazard risk where previously there was a single objective and policy relating to both of these issues;
  - Have limited notification to BoPRC where subdivision applications do not comply with the performance standards relating to stormwater management or flood hazard risk;
  - Include new performance standards setting out the matters to be included in a stormwater management plan; and
  - Clarify in a new performance standard that applications for subdivision consent are to be submitted at the same time as any required applications to the BoPRC for discharge consents.
72. We find those amendments to be appropriate. However, we have made numerous further amendments to better reflect the position relayed to us by RLC at the hearing that the SMP for the whole Pukehāngi Heights Development Area would necessarily be prepared by the RLC in collaboration with landowners, and in consultation with the BoPRC and iwi groups, prior to RLC seeking a stormwater discharge consent for the whole Development Area. Once RLC has completed both of those tasks then individual subdivisions can safely proceed (in terms of stormwater management) under

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<sup>10</sup> Le Bas, Legal Submissions in Reply.

<sup>11</sup> Le Bas, Legal Submissions in Reply.

the umbrella of the SMP and the Pukehāngi Heights Development Area discharge consent.

## **Nutrient Management**

### **The Issue**

73. Lake Rotorua has poor water quality mainly as a result of excess nutrient inputs from rural landuse and wastewater discharges. The BoPRC Regional Policy Statement (RPS) sets a sustainable nitrogen load limit for Lake Rotorua of 435 tonnes per annum. The BoPRC's recent PC10 introduced a comprehensive regime for managing nutrient inputs to the Lake to achieve that limit.
74. The Pukehāngi Heights Development Area predominantly comprises rural landuse activities, apart from the Parklands development in the centre of the site. Each block of land within the Development Area currently has a nitrogen discharge allowance (NDA) assigned to it by the BoPRC. When the Development Area is urbanised, grazing livestock will be removed reducing nitrogen losses from the land and hence nitrogen loading to the Lake. However, all of the additional dwellings will have their sewage reticulated to the RLC wastewater treatment plant (WWTP) which discharges indirectly to the Lake. That will increase the nitrogen loading to the Lake.
75. Where the NDAs attached to the rural land are not large enough to accommodate the nitrogen losses from the urban land use and the increased WWTP discharges then a shortfall exists which must be addressed in order to achieve the RPS outcomes for the Lake. RLC has advised that a shortfall is likely to arise for the Pukehāngi Heights Development Area.

### **The Solution**

76. Submitters, particularly Ngāti Kearoa Ngāti Tuarā, Ngāti Whakaue, and Te Arawa Lakes Trust, considered that PC2 should result in a reduction in nitrogen loading to the Lake. RLC has agreed to this and has proposed a revised objective with a consequential amendment to the "General Principle" in the Introduction section of PC2.
77. There is a 2017 Memorandum of Understanding (MOU) between RLC, BoPRC and the Te Arawa Lakes Trust that sets out a formula for calculating urban nitrogen losses when rural land is urbanised. We were told that a revised MOU is due for completion in December 2020 that will amend and simplify the formula for calculating those losses, including recognition that pastoral losses are attenuated<sup>12</sup> and WWTP losses are not.
78. Where an urban subdivision or development suffers from a shortfall, we were told that the revised MOU will provide that the shortfall can either be:
  - (a) Transferred from another part of the property or another property in the Rotorua Lake catchment; or

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<sup>12</sup> Attenuated means that, in the case of rural land use, nitrogen discharged as fertiliser or animal excreta to the ground is reduced (through decomposition, mineralisation or plant uptake) as it travels through the soil and the underlying groundwater before reaching the Lake. Attenuation factors are typically around 50%.

- (b) Purchased through catchment nitrogen trading (as will be allowed from 1 July 2022 under BoPRC's PC10); or
  - (c) Purchased through an RLC nitrogen offsetting system.<sup>13</sup>
79. RLC intends having a nitrogen offsetting policy in place by July 2021, through the current review of its Long Term Plan, with implementation to follow thereafter. This means that the nitrogen offsetting option is likely to be available before subdivision of the Pukehāngi Heights Development Area commences.

## **PC2 Provisions**

80. As notified, PC2 did not contain specific provisions relating to nutrient management issues. Subdivision consent practice, developed with BOPRC to give effect to Regional Plan Change 10, requires confirmation of the NDA of the parent site, calculation of the nitrogen losses from the proposed development, and to set out the manner in which any shortfall will be addressed. Amendments were sought by submitters, particularly BoPRC, Te Arawa Lakes Trust, Ngāti Kearoa Ngāti Tuarā and Ngāti Whakaue to ensure that the Plan Change adequately addressed nutrient management in order to contribute to achievement of Lake Rotorua water quality objectives. RLC has recommended further refinement of the provisions recommended in the s42A report and we agree that those refinements are appropriate.
81. BoPRC also sought for PC2 to require RLC to do a Nutrient Management Plan for the entire Pukehāngi Heights Development Area prior to subdivision occurring. That proposition was initially appealing to us, but we accept RLC's view that options for managing nitrogen can only be finally confirmed when on-site development is planned in detail, and information is available to make the necessary urban nitrogen loss calculations. RLC stressed that will occur at subdivision consent stage and was an issue that can, and should, be addressed by landowners who own the NDA asset.<sup>14</sup>
82. The result of that approach will be that subdivisions should not be allowed to proceed if the developer cannot remedy any NDA shortfall resulting from the subdivision. PC2 needs to clearly indicate that and we have recommended a minor amendment to Policy 5.2 accordingly.
83. We also note that this means that if a developer wishes to purchase an offset from RLC to address any shortfall they will not be able to do so, or proceed with their subdivision, prior to RLC's nitrogen offsetting system being up and running. That is an unavoidable consequence of RLC's preferred approach to this issue.

## **CULTURAL SITES, CONSULTATION AND NOTIFICATION**

### **The Issue**

84. Archaeological survey and exploratory investigations commissioned by RLC identified 3 archaeological sites, these being two shell middens and an obsidian find within the plan change area. A cultural impact assessment prepared by Ngāti Kearoa/Ngāti

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<sup>13</sup> Batchelar, Statement of Evidence in Reply.

<sup>14</sup> Batchelar, Statement of Evidence in Reply.

Tuara<sup>15</sup> has identified the broad context of occupation and traditional relationships with the cultural landscape, including important landmarks and customary resources.

85. The archaeological sites were identified on the notified structure plan; however, it was not clear to us what protection measures if any would be afforded to the archaeological sites and any other cultural sites known to the tangata whenua in response to urbanisation of the plan change area.
86. Iwi submitters indicated that a number of sites of significance to Māori would be potentially affected beyond the Pukehāngi Heights plan change area as a result of increased stormwater flows in the Utuhina Stream and Mangakākahi Streams.
87. Iwi submitters sought involvement throughout the development process to ensure that their values for cultural sites and streams were accounted for.

### **The Solution**

88. The Iwi submitters in opposition supported the changes recommended in the Council's s42A report which seek to recognise the relationship of iwi with the Pukehāngi Heights area, recognise and protect cultural sites, and provide for notification of iwi as affected parties where a resource consent has the potential to affect culturally significant sites.<sup>16</sup>
89. Concerns were raised during the hearing regarding the wording of the non-notification rule, and whether it created uncertainty for applicants. The Council supported amending the rule so that the iwi groups are identified as affected parties for any application which relates to cultural sites, or downstream water quantity or quality (rather than requiring an assessment of the extent of the effects at this stage).
90. While consideration was given to identification of iwi groups as affected parties in respect of all applications within the Development Area, the submissions for the Iwi submitters made it clear that this would not be the most efficient method to achieving the objectives, as it would create significant resourcing issues for the groups, in respect of applications in which they have no interest.<sup>17</sup>
91. A question arose regarding the identification of iwi groups for the purpose of consultation in performance standard A5.2.3.4.10a where reference is made to consultation with "Ngāti Kea Ngāti Tuarā and, where relevant, with other Te Arawa iwi and hapu". The submissions for the Iwi submitters support the retention of this wording as there may be other iwi groups affected by future applications.<sup>18</sup> The Council submitted that the wording is appropriate as the Council maintains a record of

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<sup>15</sup> Te Runanga o Ngāti Kēaroa/Ngāti Tuarā. Cultural Impact Assessment. An Assessment of the cultural impact of the proposed Pukehāngi Heights Development. Prepared for Rotorua Lakes Council. August 2019

<sup>16</sup> Burkhardt, Legal submissions, paragraph 31.

<sup>17</sup> Memorandum of Counsel in relation to Supplementary Matters dated 22 September 2020, paragraph 7.

<sup>18</sup> Memorandum of Counsel in relation to Supplementary Matters dated 22 September 2020, paragraph 5..

iwi groups and the land in which they have an interest, which can be used by applicants to identify parties for consultation.<sup>19</sup>

92. Lani Kereopa on behalf of Te Komiro o te Utuhina (Submitter No. 42) advised that there is currently no entity mandated to address environmental issues for Ngāti Whakaue. Te Komiro o te Utuhina was mandated to work on the Plan Change in 2018. On this basis Council 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).*

93. The supplementary submissions for the Iwi submitters requested a new “Method” providing for resourcing of tangata whenua participation. This method was supported by the Council, with minor rewording.

## **PC2 Provisions**

94. We note that in response to submissions RLC has agreed to amend the PC2 provisions to, amongst other things:
- Link consultation outcomes with 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 directly to the preparation of the Stormwater Management Plan;
  - Add additional requirements to the protection of Cultural Identity and Sites of Archaeological or Cultural Importance including wider requirements of consultation, recognising cultural landscape and downstream sites and values, protocols and processes for discoveries, and more explicit measures for protection and recognition of cultural sites and archaeological sites at development stages;
  - Add a cultural historic heritage inventory;
  - Amend the non-notification rules to require written approval from 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, for applications that relate to culturally significant sites, downstream water quantity, downstream water quality or Lake Rotorua water quality; and
  - Make minor amendments to the structure plan to refer to cultural sites and archaeological sites.

## **Finding**

95. We find those amendments to be appropriate. However, we have made several further amendments to the use of te reo Māori to reflect the use of appropriate macrons and we have added a required consultation step with potentially affected iwi / hapu in the preparation of the SMP. We have done that on the assumption that agreement will be reached on the detail required in order to avoid the need for

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<sup>19</sup> Advised by Ms Kate Dahm in response to questions during the hearing.

notification of every application (and the potential resource thereby required). Notification is therefore only required where an application is inconsistent with the SMP.

96. We are aware that Ms Burkhardt sought limited notification of all applications that might affect culturally significant sites, downstream water quality or Lake Rotorua water quality. However, we have concluded that with the strong directive requiring on-site stormwater treatment, their involvement in the development of the SMP, and the nutrient management regime required, it is both more efficient and effective for notification to be limited to those applications that are inconsistent with the SMP and more likely to have significance.

## **TRANSPORTATION AND TRAFFIC**

### **The Issues**

97. Two traffic issues presented themselves for determination:
- (a) The use of Matipo Avenue for construction traffic; and
  - (b) The potential effect of Pukehāngi Heights generated traffic on the Malfroy Road / SH5 intersection.

### **Matipo Avenue**

98. The intersection of Matipo Avenue with Pukehāngi Road is proposed to be closed when the main access to the proposed plan change area, a roundabout connecting it at the Pukehāngi Road / Malfroy Road intersection, is constructed. Once that connection is made all traffic into the southern part of the plan change area (both into the Hunt land as well as the TAGH land) would be through that corridor (referred to as the Spine Road). However, if that option does not eventuate in a timely fashion, TAGH sought (among other things) to use Matipo Avenue for construction traffic access to its land – its development plans apparently being more advanced.
99. The Matipo Avenue Residents Incorporated Society (MARIS) noted that it had reached a successful compromise in the Environment Court with respect to the previous Twin Oaks development on the TAGH land in 2015. Under that agreement, temporary construction traffic access was generally to be via Great West Road rather than Matipo Avenue, except for the lower terrace residential development area<sup>20</sup>. MARIS sought the same or similar exclusion under PC2.
100. Having assessed and reviewed the 4 options plus a hybrid, Mr Norman concluded that the Matipo Avenue option should be retained as an option because otherwise the development of the TAGH land would effectively be held hostage to prior development on the Hunt land. He confirmed his expert traffic opinion that the four contrary reasons advanced by MARIS in submissions – being the steepness of gradient, narrow carriageway, unsafe intersection, and amenity effects – were not impediments in terms of construction traffic capability (in the main), traffic management or traffic safety. While he did not feel able to comment on adverse amenity effects, he agreed with

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<sup>20</sup> Norman, Statement of evidence, para 5.3.

Council's traffic and transportation reviewer (Stantec) that those are matters to be addressed once formal development plans and applications are made; they are not matters that need to be resolved at the plan change stage. As he concluded<sup>21</sup>:

*From a traffic engineering perspective, I see no critical issues or effects that should exclude Matipo Avenue as an option for construction traffic that could not be managed by a typical construction traffic management plan.*

101. In that respect, Mr Norman sought amendments to subdivision performance standards A5.2.3.4.12 and A5.2.4.4.8 to enable that outcome.
102. MARIS produced 2 witnesses on this matter – Mr Andrew Morton (retired civil engineer) and Mr Ken Scott (retired roading and transportation engineer). Their professional expertise was not challenged.
103. Mr Morton proposed alternatives in the event that Matipo Avenue has to be used for construction traffic because of development sequencing issues arising between the TAGH and Hunt land. Those alternatives both concerned a short 50m cul-de-sac from Matipo Avenue producing different smaller subdivision options of 6-8 lots. Those reflect MARIS' concern that a through road to/from Matipo Avenue not be provided that might endure should the proposed closure of the intersection with Pukehāngi Road not occur (for whatever reason).
104. Mr Scott gave detailed evidence about the safety and pavement serviceability of Matipo Avenue in concluding that the road was not suitable for construction traffic. In particular, he discussed issues related to pavement and construction loading and the significant effect heavy vehicle construction traffic would have on the residual life of the pavement.
105. Mr Morton recorded that MARIS' support for the closure of Matipo Avenue was contingent upon the Pukehāngi Road / Malfroy Road roundabout proceeding, since the present T-intersection was considered less hazardous than the alternative cross-roads intersection otherwise proposed at Malfroy Road.
106. The evidence we received – confirmed in part by our site visit - regarding construction traffic access from Great West Road was persuasive as to why that option is not to be preferred.
107. We note that we have left the indicative additional primary road connection link between the Hunt land and upper Matipo Avenue in the structure plan at this stage. We were not persuaded that we had sufficient evidence against that prospect to remove it, despite that being the clear preference of MARIS. That is a matter that can and should be properly assessed in due course.

## **The Solution**

108. While we are sympathetic to the concerns of MARIS we do not see why development on TAGH's part of the plan change area should be retarded (and potentially arrested) by potential issues related to sequencing or staging programmes on the Hunt land and the completion of the preferred Pukehāngi Road / Malfroy Road interchange access for

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<sup>21</sup> Norman, Statement of evidence, para 8.2.

construction traffic. Hopefully, of course, those developments can and will be co-ordinated – but that cannot be guaranteed. If they are co-ordinated then there will be no need for general construction traffic to access Matipo Avenue.

109. If that access is required, which we have referred to as *lower* Matipo Avenue, we accept that the pavement and associated issue raised by MARIS will need to be addressed directly and up-front. However, we consider it appropriate that the Matipo Avenue option only be authorised following evidence that access via the Pukehāngi Road / Malfroy Road interchange is not practicable at the time the relevant resource consents are sought. Furthermore, we do not agree that the whole of Matipo Avenue should be able to be used by construction traffic for the general amenity reasons stated by MARIS. Accordingly, we have limited that to the lower part of Matipo Avenue at or about the location where the Twin Oaks Development Plan approved access cul-de-sac is shown under the operative District Plan (proposed to be deleted by PC2), and where the proposed road from Area B to Matipo Avenue is shown on the PC2 proposed Structure Plan. While we accept that this would require the agreement of Hunt Farm, if agreed it would enable development on TAGH land to commence.

## **PC2 Provisions**

110. Mr Batchelar, in his reply for Council, noted<sup>22</sup> that, as notified, construction traffic access via Matipo Avenue is a discretionary activity – though pavement design is not explicitly referred to. He recommended that this be made explicit if access is proposed and included recommended amendments to the Construction Traffic Management Plan (CTMP). That proposed provision (amending performance standards A5.2.3.4.12 and A5.2.4.4.8) reads:

*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.*

111. We accept those amended provisions along with appropriate amendments in line with our conclusion above. In addition, we have included MARIS as a party to be consulted with respect to developing the CTMP if construction traffic is to use Matipo Avenue.

## **Malfroy Road / SH5 Intersection**

112. Waka Kotahi / NZTA had noted that Malfroy Road provides a direct connection between the Pukehāngi Heights development area and SH5, and that traffic modelling indicated a concern about whether there was sufficient residual capacity at the Malfroy Road / SH5 intersection to accommodate additional traffic associated with the potential development. The current traffic modelling forecasts a level of service deterioration

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<sup>22</sup> Batchelar, Evidence in reply, para 113

from LoS E to LoS F on one or more legs before complete build-out of the development area.

113. Waka Kotahi / NZTA had commissioned a review of Stantec's modelling (and associated traffic effects) by Mr Duncan Tindall (Technical Director – Traffic Engineering and Transport Planning at GHD New Zealand) – based on an additional 755 dwellings.
114. While an upgrade to that intersection is included in Council's LTP, the exact nature and timing for that remains uncertain.
115. Waka Kotahi / NZTA therefore sought a number of amendments to PC2, including additional assessment criteria, performance criteria (Traffic Impact Assessments addressing that intersection issue to be submitted with subdivision applications once 500 residential lots are exceeded), and notification once 500 residential subdivision lots are exceeded.
116. Mr Batchelar acknowledged that its traffic and transport reviewer, Stantec, agreed that the intersection would likely be at capacity as stated, noting that the upgrade is identified in Council's Land Transport Activity Management Plan and capital funding is provided in its LTP. However, he did not consider any amendment necessary to PC2 as those facts satisfy the "infrastructure ready" test of the NPS-UD. Should the issue of concern to Waka Kotahi / NZTA materialise as forecast, that can be addressed as subdivision applications arise in time. All parties are on notice.
117. However, in reply for Council, Mr Batchelar accepted that such a provision as that sought by Waka Kotahi / NZTA is not entirely unmerited and proposed a provision for consideration at the 500 lot threshold – noting that failure to meet the provision would default to a discretionary activity in any event.

## **The Solution**

118. Mr Batchelar's proposed provision reads:

*Add an additional subdivision performance standard for development traffic in Rural 2 zone and Residential 1 zone, 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 Pukehāngi 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.*

119. While we accept Council's argument that the provisions satisfy the "infrastructure ready" aspect of the NPS – UD, we see no harm in including Mr Batchelar's provision as that will either be redundant if the upgrade has already proceeded at that particular point in time, or it will not and a traffic assessment on the issue would likely prove useful.

## **PC2 Provisions**

120. We recommend including Mr Batchelar's additional performance standard based on subdivision applications once applications for 500 lots are exceeded. We recommend adding this to performance standard A5.2.3.4(11) as well as to A5.2.4.4(7).

## OTHER MATTERS

121. Other matters addressed by us include:

- (a) Whether the structure plan is indicative or directive, and is consistent with Method 18 of the BoPRPS;
- (b) The proposed notification exceptions;
- (c) Review status of the 2017 MoU on Nitrogen Accounting Approach for the Rotorua Wastewater Treatment Plant discharge between Council and the BoPRC – and its relationship with / to the NPS - FM;
- (d) Clarification on terms – *agricultural activity* is an undefined term used in a performance standard applying to the rural residential zone in the mid-site escarpment (no such activity is permitted);
- (e) Extension of the forestry reverse sensitivity (minimum 30m yard) standard;
- (f) Clarification as to who bears the onus for mitigating reverse sensitivity effects on the Rotorua Speedway; and
- (g) The request for the availability for pre-intensification subdivision.

122. Those matters were formally and satisfactorily addressed by Mr Batchelar and Ms Le Bas in reply. In short, we note the following with reference to the above:

- (a) The Structure Plan has elements of both direction and indication, and is consistent with the RPS Method 18 (which requires structure plans for large scale (i.e. >5ha) land use changes) and the approach generally adopted for the 12 "Mahere Whakawhanake – Development Plans" in the ODP. We accept that conclusion;
- (b) Amendments are recommended to more clearly identify the iwi groups (where appropriate) required to be consulted and notified and to avoid uncertainty for applicants. We agree that is sensible;
- (c) We were told that the reviewed MoU is due to be completed in December 2020 and this would bring it into line with the NPS – FM. Furthermore, Council will consider a plan change to implement the provisions of the BoPRC's proposed Plan Change 10 (which sets nitrogen load limits for Lake Rotorua of 435 tonnes per annum allocated to rural and urban land uses);
- (d) This term is proposed to be amended to reflect the term defined in the RDP of "agricultural production activity". We agree;
- (e) The forestry reverse sensitivity yard standard of 30m is recommended. We agree that is prudent to avoid potential harm;

- (f) The speedway reverse sensitivity Policy 2.10 is recommended for amendment to clarify that the onus for mitigation lies with the subdivider or developer. We accept that as the proper approach; and
- (g) The Hunt family had sought an exemption from the detailed assessment requirements of the performance standards in order to be able to advance initial small lot subdivision applications to front load finance for the larger development. Council opposed this on the ground that a non-complying activity application was the proper route in order to avoid the possibility of ad hoc subdivision undermining the ability to achieve integrated development across the Development Area. We agree with Council. If a small lot subdivision is consistent with the structure plan and the objectives and policies for this development area it should have no difficulty securing consent.

## **STATUTORY PROVISIONS**

- 123. As we noted earlier in this decision, the RMA sets out a range of matters that must be addressed when considering a plan change. We confirm that we have addressed those matters.
- 124. We also note that s32 RMA clarifies that the required analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- 125. As we have taken account of the NPS - Urban Development 2020 and the NPS for Freshwater Management 2020 we see no need to make (or benefit to be gained from) explicit reference to Part 2 RMA. We are satisfied that PC2, as amended by us, satisfies the sustainable management of natural and physical resources purpose and its principles.
- 126. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC2 has been developed in accordance with the relevant statutory and planning policy requirements, and will clearly assist the Council in its effective administration of the ODP.

## **SUBMISSIONS**

- 127. For the record we note that we have generally accepted (and recommend) the recommendations on submissions made in sections 6 - 9 of the s42A report and Appendix 2 of Mr Batchelar's Reply evidence of 2 October 2020 (and to avoid needless repetition those particulars are adopted and not repeated here). While we may have reached a different conclusion on the issues raised because of the evidence and representations heard, or have framed a different provision solution, this latter typically falls within the general ambit of the submissions made and/or relief sought and therefore our recommendation remains the same as in the s42A report requiring no formal amendment therein.
- 128. In the event that we might have overlook a subtlety which changes a recommendation made in the s42A report or Mr Batchelar's Appendix 2, the context of our recommendation report should prevail in determining otherwise.

129. We also note that as a result of the development of the flooding, stormwater and nutrient management issues throughout this process – and particularly up to and including the hearing – the related and broadly agreed provisions have been re-organised in the version that we now recommend. We are confident that the provisions recommended are within scope of the submission made and evidence given.

## **PROVISIONS AND MAPS**

130. Many of the recommended changes to the notified provisions are in the manner of editorial – tidying up the wording (without changing the provision’s meaning or import) or re-organising them in a more consistent manner (for example by bringing objectives forward to the objectives section). This is entirely within the scope of submissions made, in our view.

131. Having accepted Council’s advice that the Structure Plan contains both directive and indicative matters, we have not recommended any further changes to that (or the zoning map) provided by Mr Batchelar in his evidence in reply.

132. The more substantive changes recommended arise from our consideration of the flooding / stormwater, nutrient management and construction traffic access matters.

## **Appendices**

133. Attached and integral to this decision are 4 Appendices as follows:

- Appendix 1 = Recommended Plan Change 2: Pukehāngi Heights provisions;
- Appendix 2 = Track changes version of Appendix 1 Provisions;
- Appendix 3 = Pukehāngi Heights Structure Plan and Zoning Map.

## **RECOMMENDATION DECISION**

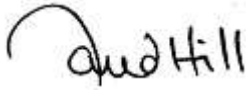
134. Pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, we recommend that the Minister approve Plan Change 2: Pukehāngi Heights to the Rotorua District Plan, subject to the modifications as set out in this recommendation decision and the provisions attached as Appendix 1 and the plans attached as Appendix 3.

135. Submissions on the plan change are recommended to be accepted and rejected in accordance with this recommendation decision as indicated in the Summary Table attached as Appendix 4. In general, these recommendations follow the recommendations set out in the Council’s section 42A report, except as identified above in relation to matters in contention.

136. The overall reasons for the recommendation are that Plan Change 2: Pukehāngi Heights:

- a. will assist the Council in achieving the purpose of the RMA;
- b. gives effect to the Bay of Plenty Regional Policy Statement, the NPS - Urban Development 2020 and the NPS for Freshwater Management 2020;
- c. accords with the purpose and principles of Part 2 of the RMA;

- d. is supported by necessary evaluations in accordance with sections 32 and 32AA RMA; and
- e. will help with the effective implementation of the Rotorua District Plan.

A handwritten signature in black ink, appearing to read 'David Hill'.

**David Hill**  
**Chairperson**  
**& for Commissioners Rob van Voorthuysen and Antoine Coffin**

**Date: 10 December 2020**

## **Appendix 1 – Plan Change 2: Pukehāngi Heights Provisions**



# Appendix 1

## Plan Change 2: Pukehāngi Heights

### Provisions Recommended by Hearing Panel

#### APPENDIX 5

#### DEVELOPMENT PLANS, DEVELOPMENT AREAS, AND STRUCTURE PLANS

- A5.1 INTRODUCTION
- This Appendix includes Development Plans, Development Areas, and Structure Plans, along with the supporting provisions (where relevant), for the following areas:
- A5.2 Parklands Estate Pukehāngi Road Development Plan
  - A5.2A Pukehāngi Heights Development Area
  - A5.3 Wharenui Road Area Development Plan
  - A5.4 Scion Innovation Park Development Plan
  - A5.5 Waipa Business Park Development Plan
  - A5.6 Whangamoa Trust – Ōtaramarae Development Plan
  - A5.7 Lakefront East Development Plan
  - A5.8 [Deleted]
  - A5.9 Taheke 8C Development Plan
  - A5.10 Ōturoa Vista Development Plan
  - A5.11 Ōwhatiura Development Plan
  - A5.12 Kāingaroa Papakāinga Development Plan

#### A5.2A PUKEHĀNGI HEIGHTS DEVELOPMENT AREA

##### A5.2A.1 Introduction

The Pukehāngi Heights Development Area adjoins the existing urban area to the south west of Pukehāngi Road. The area has been identified for future growth given it is close to central Rotorua, has good aspect and views that create an opportunity for high amenity residential development, and is contiguous with existing urban development giving ease of access to infrastructure.

Area wide assessments of landscape, natural hazards, transport, stormwater and archaeological and cultural values have been undertaken to ensure the suitability of the area for a mix of development types including low and medium density residential development and rural residential development.

Pukehāngi Heights Development Area provides potential for comprehensive, integrated development with associated landscape, cultural, ecological, water quality and public access benefits.

The Pukehāngi Heights Development Area is located on the lower slopes of the Caldera Rim. The Caldera Rim landscape has been recognised as being highly valued by the Rotorua community.

The landscape values of the Caldera Rim have been assessed in the 'Rotorua Caldera Rim – Caldera Rim Rural Character Design Guideline' (October 2012), which also provides guidance on how to integrate growth and land use change into the landscape.

The Design Guideline identifies the Pukehāngi Heights Development Area as being within the 'less sensitive rural landscape' situated below the RL385 contour. Above this contour, the areas rural or natural character should be maintained. The less sensitive rural landscape still contains important rural character and amenity values but is less sensitive to land use change.

The main land form broadly comprises two terraces with an escarpment between. The Lower Terrace adjoins Pukehāngi Road and slowly rises to meet the Mid-site Escarpment that rises to a broad Upper Terrace extending northwest/southeast with intervening valleys. The Upper Terrace has an escarpment backdrop.

The urban design approach seeks to enable development while maintaining and enhancing identified environmental values. This is guided by the Pukehāngi Heights Development Area Structure Plan that applies both general and place-specific principles.

While few archaeological features remain, cultural assessments prepared identify the area's cultural and historical significance, with settlement occurring over 500 years ago. The whole area is significant for Ngāti Kea Ngāti Tuarā as a meeting point between their ancestors' traditional homes of Horohoro, Tihi-o-Tonga, Tārewa and Patetere. Key cultural features include the old pā sites - Pukehāngi and Puketapu and the north-facing slopes from the kāinga at Paparata towards the north-west (along what is now Pukehāngi Road) that were used extensively by tangata whenua as mahinga kai.

The area is also significant for other iwi and hapū with associations with the cultural landscape including downstream sites and values.

### **Principles**

The general principles for the Pukehāngi Heights Development Area are:

- Development that responds to the landscape values of the Caldera Rim and the topography of the area;
- Development that recognises, protects and provides for the expression of the cultural and archaeological values of the area;
- Roads, walkways and cycleway connections throughout the area and connecting with adjoining sites;
- Comprehensively designed low impact stormwater management integrated with development;
- Enhancement of ecological values by including indigenous vegetation plantings; and
- Excellent urban design outcomes including for solar access and passive surveillance of public spaces.
- Development that is designed within nutrient management limits and contributes to the reduction in nitrogen entering Lake Rotorua.

The place-specific principles are:

#### **Lower Terrace**

- Low density residential development;
- Medium density residential development located on land of easy contour adjacent to local services and open space, and sleeved with lower density residential development, commercial development or open space to provide a harmonious transition with existing low density residential development along Pukehāngi Road;
- Small commercial areas for local convenience retail, a cafe and or childcare located near to intersections with Pukehāngi Road; and
- A transitional area along the base of the Mid-site Escarpment where additional landscape and building controls apply (Escarpment Transition Area 1).

#### Mid-site Escarpment

- Partially re-vegetated native bush and specimen tree network to form a backdrop to the development on the Lower Terrace;
- A visual character that is dominated by areas of re-vegetation near the Parklands Estate development transitioning through to an open space character close to Matipo Avenue and Paradise Valley Road;
- Rural residential development;
- Landscape design that integrates development with the surrounding environment including the 'Parklands Estate' Development; and
- Design controls on buildings.

#### Upper Terrace

- Low density residential development; and
- A transitional area along the front of the Upper Terrace where additional landscape and building controls apply (Escarpment Transition Area 2).

#### Upper Escarpment

- No development on the upper escarpment; and
- Partial re-vegetation to form a coherent transition from the Parklands Estate development and to create a backdrop to development on the Upper Terrace.

#### Pukehāngi Southern Slopes

- Rural 2 Zone provisions apply.

The specific objectives, policies and rules for the Pukehāngi Heights Development Area identify outcomes that are additional to those sought by the general provisions of the Residential 1 and Rural 2 Zoning of the land. Where there is any conflict, the specific provisions shall take precedence.

### **A5.2A.2 Objectives and Policies**

The objectives and policies shall be read in conjunction with the provisions for the Residential 1 and Rural 2 zoning.

#### **Objective 1: Pukehāngi Heights Development Area – Landscape Values**

Maintain the valued landscape character and amenity values associated with the wider caldera rim while enabling development that is consistent with the principles of the Pukehāngi Heights Development Area Structure Plan and visually integrates with surrounding land uses.

##### **Policy 1.1 Lower Terrace – Low Density Residential Development**

Enable development on the Lower Terrace that is consistent with Residential 1 Objectives and Policies.

##### **Policy 1.2 Lower Terrace – Medium Density Residential Development**

Enable medium density residential development within defined locations where the development is designed to provide diversity and choice in housing and to integrate with the character of the surrounding area.

##### **Policy 1.3 Lower Terrace – Maintenance of Landscape Values**

Manage the landscape and visual sensitivity at the base of the Mid-site Escarpment by defining an area (Escarpment Transition Area 1) within which:

- a. recessive colours are used on structures and buildings, and controls on building height to mitigate visual effects;
- b. landscape planting is used to mitigate visual effects of development and to provide a coherent transition between the landscape character of the Lower Terrace and the Mid-site Escarpment;
- c. changes to land form that require visually obtrusive retaining structures are avoided; and
- d. other measures mitigate the visual impact of development.

**Policy 1.4 Mid-site Escarpment – Rural Residential Development**

Enable rural residential development on the Mid-site Escarpment that allows for view shafts from all identified building platforms whilst providing a partially re-vegetated native bush and a specimen tree network.

**Policy 1.5 Mid-site Escarpment – Maintenance and Enhancement of Landscape Values**

Maintain and enhance the landscape values of the Mid-site Escarpment by:

- a. Providing a visual character that is dominated by areas of re-vegetation near the Parklands Estate development transitioning through to an open space character close to Matipo Avenue and Paradise Valley Road;
- b. Reducing the visibility of development on the Mid-site Escarpment;
- c. Providing an open space and integrated vegetated backdrop to development on the Lower Terrace that retains the natural landform integrity;
- d. Ensuring that development achieves the intended landscape outcomes through a design process that takes into account the landscape values and attributes of the site; and
- e. Controlling the landscape and visual effects of buildings, structures and earthworks following the completion of development by:
  - clustering built development to enhance the dominance of open space and re-vegetation and to minimise the visibility of roads and accessways;
  - avoiding urbanised boundary lot fencing dominating the pattern of development along the Mid-site Escarpment.
  - locating buildings away from the escarpment edges; and
  - locating building platforms to minimise the need for extensive earthworks.

**Policy 1.6 Upper Terrace – Low Density Residential Development**

Enable development on the Upper Terrace that is consistent with Residential 1 Objectives and Policies.

- Policy 1.7      Upper Terrace and Upper Escarpment – Maintenance and Enhancement of Landscape Values
- Maintain and enhance the landscape and visual values of the Upper Terrace and Upper Escarpment by:
- a. Avoiding development above RL 385m on the Upper Escarpment;
  - b. Managing the landscape and visual sensitivity at the top of the Mid-site Escarpment by:
    - defining an area (Escarpment Transition Area 2) within which additional measures will apply;
    - ensuring buildings are well set back from the top of the Mid-site escarpment;
    - ensuring that there is good separation between buildings to create a low-density character when viewed from the central Rotorua urban area;
    - avoiding a uniform pattern of development;
    - using recessive colours on structures and buildings, and controls on building height to mitigate visual effects;
    - using landscape planting to mitigate visual effects of development and to provide a coherent transition between the landscape character of the Mid-site Escarpment and the Upper Terrace while providing for view shafts from all identified building platforms near the edge; and
    - other measures that mitigate the visual impact of development.
- Policy 1.8      Pukehāngi Southern Slopes
- Enable development and land use activity that is consistent with Rural 2 objectives and policies.
- Policy 1.9      Integration with surrounding areas
- Provide a visual transition from the indigenous bush character of the Parklands Estate Development to the landscape character of the surrounding area.
- Objective 2: Pukehāngi Heights Development Area – Integrated Urban Design
- The environmental quality, character, amenity and cultural values of the Pukehāngi Heights Development Area are developed and then maintained and enhanced through appropriate urban planning and design, including through integrated management of land use and stormwater.
- Policy 2.1      Lower Terrace – Medium Density Residential Development
- Enable medium density development that delivers the following qualities and characteristics:
- a. Buildings with design qualities appropriate to higher density living;
  - b. Visual and aural privacy;
  - c. Diversity of built form;
  - d. Smaller household units and apartment style living;
  - e. Outdoor space of a high quality; and
  - f. Amenity planting to reduce the dominance of the built environment.

Policy 2.2      Environmental Enhancement

Reduce nutrient losses, restore and enhance indigenous biodiversity and ecological functioning through partial re-vegetation of the Mid-site Escarpment.

Policy 2.3      Integration of Land Use and Stormwater Management

Provide for integrated management of land use and stormwater by:

- a. Management of water quality and quantity through the application of low impact design principles with the development of a “treatment train” using measures that distribute stormwater management across the site including:
  - Source Control - individual lot level stormwater management approaches such as soak holes for capturing roof runoff, rain gardens, rainwater harvesting;
  - Site Control – collecting and conveying runoff from a collection of lots through to smaller stormwater management facilities such as dry attenuation zones, swales, through to;
  - Regional Control - larger dedicated catchment facilities, such as detention basins, ponds and wetlands.
- b. Designing stormwater infiltration measures based on a geotechnical assessment to achieve and maintain a low level of risk of landslip or liquefaction within the Development Area without increasing risk elsewhere;
- c. Minimising the formed width of roads to reduce stormwater run-off while ensuring that road function and safety is maintained;
- d. Integrating the use of open space for stormwater management and recreation including the provision and protection of adequate space to safely accommodate detention ponds and overland flow paths; and
- e. Ensuring that appropriate stormwater infrastructure is provided at the right time and that costs are shared on an equitable basis.

Policy 2.4      Traffic and Access

Ensuring that construction and development traffic is accommodated in a manner that maintains connectivity, safety, and amenity within the capacity of the road network by:

- a. Identifying an indicative primary road network on the Structure Plan with connections to the existing road network to optimise traffic management;
- b. Identifying additional primary road connections on the Structure Plan that may be provided to improve connectivity;
- c. Identifying appropriate construction traffic routes where necessary; and
- d. Ensuring efficient and safe walkways are provided to existing and potential future public transport facilities along Pukehāngi Road.
- e. Avoiding lots that access Pukehāngi Road to ensure the safety of any future cycleway along Pukehāngi Road is protected; and to minimise demand for on street parking and the need to upgrade the carriageway width.
- f. Designing and locating road intersections with Pukehāngi Road to reduce the effects of vehicle light spill into houses located opposite the new roads.

- Policy 2.5      Street Character and Amenity
- Develop a local street character that:
- a. Minimises the formed width of roads to create a low speed road environment, while ensuring that road capacity, function and safety is maintained;
  - b. Provides a wide vegetated berm incorporating street planting on the Upper and Lower Terraces to create an attractive street environment and to break up the mass of buildings and development;
  - c. Reduces building setbacks to promote the use of streets as safe social spaces;
  - d. Promotes passive surveillance of the street through visually permeable street boundary fencing; and
  - e. Avoids negative impacts on amenity values from high fences on rear yards along Pukehāngi Road through the use of permeable fencing and optional screening planting behind.
- Policy 2.6      Local Reserves and Open Space
- Ensure the design of reserves and open space incorporates best practice, including the application of Crime Prevention through Environmental Design principles.
- Policy 2.7      Public Walking and Cycling Access
- Provide high levels of connectivity within and around the site for walking and cycling.
- Policy 2.8      Local Services
- Enable small scale retail, cafe and childcare activities to provide convenient and highly accessible local services to the Development Area and surrounding residential area.
- Policy 2.9      Cultural: Identity, landscapes and Values
- Ensuring that subdivision, use and development expresses the cultural history and identity of Tangata Whenua, recognises the cultural landscape, and recognises and protects the values of archaeological and cultural sites and areas within the Development Area by:
- a. Consulting with Tangata Whenua through the design and planning stages of development;
  - b. Expressing cultural identity through measures such as the inclusion of structures or art in public spaces, interpretation plaques, a cultural trail, place naming;
  - c. Recognising that the Development Area forms part of a wider cultural landscape for Ngāti Kea Ngāti Tuarā;
  - d. Recognising the interests of other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
  - e. Identifying archaeological and cultural sites and areas, and providing legal and practical access for Tangata Whenua;
  - f. Assessing the values and associations of identified archaeological and cultural sites and areas, and the wider cultural landscape; and

- g. Mitigating adverse effects on the values and associations of identified sites and areas, and other sites and areas that may be discovered during development.

**Policy 2.10 Reverse sensitivity associated with the Rotorua Speedway**

Ensure that noise emissions from the speedway are considered for subdivision in Area C on the Pukehāngi Heights Structure Plan and that measures are taken by those subdividing and developing land in the Pukehāngi Heights Development Area to reduce the potential for reverse sensitivity to the speedway and achieve an appropriate noise environment for residents.

**Objective 2a: Pukehāngi Heights Development Area - Stormwater Effects**

Cumulative stormwater effects are managed in an integrated manner solely within the Pukehāngi Heights Development Area without the need to rely on upstream or downstream detention options.

**Policy 2a.1 Stormwater Effects**

Manage the cumulative stormwater effects within the Pukehāngi Heights Development Area and on the downstream environment through a Stormwater Management Plan (SMP) for the entire Pukehāngi Heights Development Area that is prepared by Rotorua Lakes Council in collaboration with land owners prior to Council obtaining a discharge permit for the catchment and prior to any subdivision occurring.

The SMP must include:

- (i) A Natural Hazard Risk Assessment that complies with Regional Policy Statement Appendix L – Methodology for Risk Assessment which shall demonstrate that a low level of risk will be achieved within the Pukehāngi Heights Development Area without increasing the flooding risk downstream;
- (ii) The same range of criteria which must be at least as conservative as those used in the stormwater modelling report titled “Rotorua Lakes Council, PC2 - Pukehāngi Heights Stormwater Report, WSP, 14 September 2020”;
- (iii) Verification that if model platforms other than those used in the report titled “Rotorua Lakes Council, PC2 - Pukehāngi Heights Stormwater Report, WSP, 14 September 2020” are used for the SMP to predict downstream flooding effects, that the alternative model platforms produce results that are consistent with the empirical data for the catchment at the appropriate gauged location;
- (iv) Information and Assessment Requirements for stormwater management solutions for individual subdivisions;
- (v) The intended scale, nature and form (including ground levels) of development and subdivision in the Development Area;
- (vi) An assessment of potential effects of stormwater (velocity, flood depth, flood extent) as well as related erosion effects on the downstream catchment that includes the Lower Utuhina catchment;
- (vii) The assessment shall consider the potential for effects related to flood duration including:

- a. holding up stormwater discharges to the streams due to elevated and longer duration backwater;
  - b. increased stream bank erosion and channel instabilities from extended periods of elevated flows;
  - c. increased length of time buildings, roads, footpath, and structures might be flooded above the key flood hazard threshold for depth and velocity ( $D \times V > 0.3$ );
- (viii) An assessment of the potential effects on water quality;
- (ix) Details of mitigation measures for the entire Development Area. Details shall include:
- a. The size of ponds, location, configuration of the outlet structures, discharge locations, and hydraulic performance of the ponds for on-site stormwater management; and
  - b. The size of channels and the related erosion protection measures for primary, secondary and overland flow paths (on-site and off-site) including for the receiving waterways immediately downstream;
- (x) Consideration of the sensitivity of proposed stormwater management measures to the staging of development in the Development Area;
- (xi) An assessment of potential effects of stormwater management measures on land stability and liquefaction;
- (xii) The condition of existing infrastructural assets;
- (xiii) The intended staging and timing for the provision and vesting and/or upgrading and replacement of infrastructural assets;
- (xiv) Detail of ongoing operational procedures and maintenance requirements for any water quantity and/or quality control structures or formed features such as ponds/dams;
- (xv) The outcomes of consultation with the Bay of Plenty Regional Council, Te Rūnanga o Ngāti Kēaroa Ngāti Tuarā Trust, Ngāti Whakaue (as represented by Te Komiro o te Utuhina or its successor), and Te Arawa Lakes Trust and other affected stakeholders.;
- (xvi) The specification of effects-based criteria or thresholds that would trigger a requirement for the limited notification of land use and subdivision applications to Te Rūnanga o Ngāti Kēaroa Ngāti Tuarā Trust, Ngāti Whakaue (as represented by Te Komiro o te Utuhina or its successor), and Te Arawa Lakes Trust.

### Objective 3: Pukehāngi Heights Development Area – Flood Hazard Risk Management

Ensure that the SMP prepared by Rotorua Lakes Council under Policy 2a.1 achieves and maintains a low level of flood hazard risk within the Pukehāngi Heights Development Area, and that flooding risks (including from flood flow velocity, flooding depth and flooding extent) are not increased within urban areas in the downstream Otamatea, Mangakakahi and Utuhina Stream catchments<sup>23</sup>.

#### Policy 3.1 Flood Hazard Risk Management

<sup>23</sup> As defined by the BOP Regional Policy Statement

- a. The SMP prepared under Policy 2a.1 shall:
  - demonstrate that Objective 3 can be achieved; and
  - identify and protect primary and secondary overland flow paths downstream of the Pukehāngi Heights Development Area for any storm event that exceeds the capacity of the stormwater solution provided within the Development Area

Policy 3.2 Refusing Resource Consent where Objective 3 Not Met

Rotorua Lakes Council will refuse applications for resource consent where the proposed subdivision, use or development will not achieve the downstream flooding risk outcomes listed in Objective 3.

Objective 4: Pukehāngi Heights Development Area – Landslide and Liquefaction Hazard Risk Management

Ensure that development within the Pukehāngi Heights Development Area achieves and maintains a low level of landslide and liquefaction hazard risk<sup>24</sup> within the Development Area, without increasing risk in surrounding areas.

Policy 4.1 Landslide and Liquefaction Risk Management

Ensure that a low level of risk from landslide or liquefaction is achieved and maintained within the Development Area without increasing the risk to surrounding areas following subdivision and development by:

- a. Undertaking a landslide assessment in accordance with AGS 2007 Landslide Risk Management Framework as part of any application for subdivision;
- b. Undertaking a liquefaction assessment in accordance with Planning and engineering guidance for potentially liquefaction-prone land Resource Management Act and Building Act aspects Rev 0.1 Issue date September 2017 Ministry of Business, Innovation and Employment (MBIE) as part of any application for subdivision; and
- c. Implementing any necessary risk treatment measures to ensure that low landslide and liquefaction risk is achieved within the Development Area without increasing risk in surrounding areas.

Objective 5: Pukehāngi Heights Development Area – Nutrient Management

Development within the Pukehāngi Heights Development Area results in a decrease in nutrient losses thereby contributing to water quality improvements in Lake Rotorua.

Policy 5.1 Subdivision and land use shall be designed to achieve nutrient losses within the limits of the Nitrogen Discharge Allocation to the land, subject to Policy 5.2 below.

Policy 5.2 Any nutrient losses from subdivision and land use that exceed the limits of the Nitrogen Discharge Allocation to the land must be accounted for and offset otherwise subdivision consent will not be granted.

Policy 5.3 The assessment of nutrient losses shall follow best practice and be in accordance with any Council approved policy or guidelines, including any Nitrogen Allocation Transfer Plan (or equivalent) certified under the discharge consent for the Rotorua Wastewater Treatment Plant

<sup>24</sup> As defined by the BOP Regional Policy Statement

### A5.2.3 Rules - Pukehāngi Heights Development Area - Residential 1

#### A5.2.3.1 Activities

Table 5.2.3.1 a Pukehāngi Heights Development Area Residential 1

Rules	Activity Status
Land Use	
1. Any of the activities listed in the Residential 1 Zone but located in this Development Area other than those activities listed below.	As for Residential 1 Zone
2. Any activity stated as a permitted activity that does not meet the performance standards in A5.2.3.3.	RD
3. An activity listed above as a Restricted Discretionary Activity (RD) that does not meet the performance standards in A5.2.3.3.	D
4. Infrastructure as shown on the Pukehāngi Heights Development Area Structure Plan	RD
5. Development within the 'Medium Density Residential Development Area' that meets Performance Standard A5.2.3.3 - 9.	RD
6. Child Care Centre within the Community, Retail and Commercial Area shown on the Structure Plan.	RD
7. Convenience Retail and Offices within the Community, Retail and Commercial Area shown on the Structure Plan.	RD
8. Café within the Community, Retail and Commercial Area shown on the Structure Plan.	RD
Subdivision	
9. Subdivision that is consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area and that complies with the Pukehāngi Heights Development Area - Residential 1 Subdivision Performance Standards A5.2.3.4.	RD
10. Subdivision within the 'Medium Density Residential Development Area' that meets Performance Standard A5.2.3.4	RD
11. Subdivision where the site includes an archaeological or cultural site.	RD

12. Subdivision within the Stormwater / Recreation Areas.	RD
13. Subdivision that is not consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area.	D
14. Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with one or more of the Pukehāngi Heights Development Area - Residential 1 Subdivision Performance Standards A5.2.3.4.	D
15. Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with A5.2.3.4.7 Stormwater Management and A5.2.3.4.8 Natural Hazard Risk Management	NC
<p>Exceptions:</p> <p>The following rules do not apply to the Pukehāngi Heights Development Area:</p> <p>Infrastructure: 15.5.25</p> <p>Subdivision 13.5.1.10</p>	

#### **A5.2.3.2 Non-Notification**

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:

- a. Applications that are inconsistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 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.
- b. Subdivision applications that do not meet the subdivision performance standards in A5.2.3.4.7, A5.2.3.4.7a and A5.2.3.4.8 will require the written approval of the Bay of Plenty Regional Council in order to proceed without limited notification.

#### **A5.2.3.3 Performance Standards - Land Use**

- 1 The Residential 1 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.
- 2 Yards
  - a. The minimum yard for buildings shall be as follows:
    - i. Front yards: 3.0m
    - ii. A garage door or carport shall be located at least 4.5m from the road boundary
    - iii. Side and rear yards: 1.5m

- iv. Rear sites - south yard: 1.5m
- v. Rear sites - all other yards: 2.5m
- vi. Rural 1 Zone boundary 5m
- vii. Yards from boundary adjacent to forestry where indicated in the Structure Plan 30m

- b. Except on side boundaries where there is an existing common wall between two semi-detached units on adjacent sites, or where a common wall is proposed, no yard setback is required along that part of the boundary covered by such a wall.

### 3 Outdoor Recreation and Amenity Space

- a. The outdoor recreation and amenity space (including decks) for dwellings shall be:
  - i. a minimum of 40m<sup>2</sup> of the net site area excluding any areas used for parking and turning vehicles;
  - ii. directly accessible from the principal living room, dining room or kitchen; and
  - iii. capable of containing a 4.5m diameter circle.
- b. Where the outdoor recreation and amenity space is located on the southern side of the dwelling it must be located at least 4m from the southern end of building.

### 4 Impervious Area

The maximum site coverage for impermeable surfaces shall be 55%, except that the maximum site coverage for impermeable surfaces shall be 80% on sites with:

- i. Semi-detached dwellings; or
- ii. Medium Density Residential Development located within the Medium Density Residential Development Area.

### 5 Fencing

- a. The maximum height of any fence, wall or combination of these structures located between the dwelling and the front boundary of a site or adjoining any public open space:
  - i. shall not exceed 1.6m in height; and
  - ii. any fencing above 1.2m in height shall be visually permeable (that being that where any fencing is above 1.2m in height at least 50% of that area can be seen through).
- b. Fences on rear boundaries adjoining Pukehāangi Road shall be visually permeable (that being at least 50% of the fencing can be seen through) but may incorporate screen planting behind.

### 6 Household Unit Density

- a. Semi Detached Unit

In addition to the Residential Zone Performance Standard (4.6.4.a), the minimum net site area for a semi-detached unit shall be 500m<sup>2</sup> (250m<sup>2</sup> per unit).

- b. Smaller sites

Where a site is less than 450m<sup>2</sup>, the maximum density shall be one dwelling per site.

## 7 Protection of Landscape Values in Escarpment Transition Area 1

### a. Reflectivity:

- i. The reflectivity value of external walls and joinery shall not exceed 37%.
- ii. The reflectivity value of roofs shall not exceed 25%

### b. Fences and retaining walls:

- a. Retaining walls shall not exceed 2m in height; and
- b. Retaining walls shall be screened with planting or constructed of low visibility materials such as, natural materials including stone and timber that weather naturally, or if painted, colours with a reflectivity value that shall not exceed 25%.

Note: Other conditions on site development may be identified in a Consent Notice registered on the relevant Certificate of Title.

## 8 Protection of Landscape Values in Escarpment Transition Area 2

### a. Height: The maximum height of a building or structure shall be 6m;

### b. Yards:

- i. The minimum side yard for buildings shall be 5m and one side yard may be reduced to 2m; and
- ii. The minimum rear yards for buildings shall be 7m.

### c. Modulation: Maximum continuous building length shall be 15m.

### d. Household Unit Density: One dwelling per lot.

### e. Reflectivity:

- i. The reflectivity value of external walls and joinery shall not exceed 37%.
- ii. The reflectivity value of roofs shall not exceed 25%.

### f. Fences and retaining walls: Fencing or retaining walls (excluding front boundary fences) shall be screened with planting or constructed of low visibility materials such as, natural materials including stone and timber that weather naturally, or if painted, colours with a reflectivity value that shall not exceed 25%.

Note: Other conditions on site development may be identified in a Consent Notice registered on the Certificate of Title of the site.

## 9 Medium Density Residential Development

### a. Location: Within the areas as indicated on the Pukehāngi Heights Development Area Structure Plan.

### b. Urban Design Assessment: An Urban Design Assessment shall be provided with any resource consent application. The assessment shall be prepared by a suitably qualified urban design professional and shall set out the development objectives and design principles and address all matters of discretion in A5.2.6.2.

### c. Minimum parent ~~net~~ site area: 1500m<sup>2</sup>.

### d. Minimum net site area per dwelling: 200m<sup>2</sup>.

- e. Maximum height: 9m.
  - f. Private outdoor living space:
    - i. Ground floor unit: A minimum of 25m<sup>2</sup> being able to accommodate a 4m diameter circle situated adjacent to one of the main living areas of the dwelling on the northern, eastern, or western side of the property;
    - ii. Upper floor unit: A minimum of 10m<sup>2</sup> being able to accommodate a 2.5m diameter circle situated adjacent to one of the main living areas; and
    - iii. Any outdoor living space provided shall be exclusive of any access space.
  - g. Storage and service space: A minimum of 5m<sup>2</sup> of open space per dwelling that can accommodate a 2m diameter circle.
- 10 Community, Retail and Commercial Activities
- a. Location: Within each of the areas indicated on the Pukehāngi Heights Development Area Structure Plan the following activities may occur.
    - i. Convenience retail activities not exceeding 600m<sup>2</sup> in total gross floor area within each centre provided that any one tenancy shall be limited to a maximum of 300m<sup>2</sup>;
    - ii. Offices;
    - iii. Café: Up to 200m<sup>2</sup> net floor area; and
    - iv. Early Childhood Centre: Up to 50 Children.
- 11 The performance standards in A5.2.3.4 Performance Standards – Subdivision shall apply, where relevant, to any proposed land use that occurs prior to subdivision.

#### **A5.2.3.4 Performance Standards – Subdivision**

- 1 The provisions of Part 13: Subdivision for the Residential 1 Zone, along with any other relevant provisions of the District Plan, apply in the Pukehāngi Heights Development Area unless otherwise specified below.
- 2 Minimum Lot Width for Solar Access  
  
The minimum width of any property where the front boundary faces north, and access is from the north, or is within 25 degrees of north, shall be 18m.
- 3 Semi-detached Units (i.e. one unit per 250m<sup>2</sup>)  
  
Minimum lot area: 500m<sup>2</sup>.
- 4 Protection of Landscape Values in Escarpment Transition Areas 1 and 2  
  
A Landscape and Visual Assessment shall be provided for subdivision in Escarpment Transition Areas 1 and 2 as shown on the Pukehāngi Heights Structure Plan, prepared by a suitably qualified landscape architect and shall address:
  - i. Finished land contours and retaining structures;
  - ii. Layout of roads, access, buildings, and other structures;
  - iii. Landscape mitigation planting; and
  - iv. Design controls.

5 Protection of Landscape Values by Re-vegetation of Upper Escarpment

- i. A subdivision consent application for all or part of the Upper Terrace shall include any part of the Upper Escarpment adjoining that part of the Upper Terrace as shown on the Pukehāngi Heights Structure Plan.

6 Medium Density Residential Development

Subdivision for Medium Density Residential Development assessed under Rule A5.2.3.1.5

7 Stormwater Management

(a) Stormwater Management Plan (SMP) Compliance

- i. Stormwater management solutions for subdivisions must be consistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 for the Pukehāngi Heights Development Area to ensure an integrated approach is taken to stormwater management.
- ii. Stormwater management solutions for subdivisions must be prepared by a suitably qualified and experienced practitioner.

(b) Information and Assessment Requirements for Stormwater management solutions for subdivisions

Stormwater management solutions for subdivisions must include the following information:

- i. The intended scale, nature and form (including ground levels) of development in the Development Area;
- ii. An assessment of the potential effects on water quality;
- iii. Details of mitigation measures including:
  - a. The size of ponds, location, configuration of the outlet structures, discharge locations, and hydraulic performance of the ponds for on-site stormwater management; and
  - b. The size of channels and the related erosion protection measures for primary, secondary and overland flow paths (on-site and off-site) including for the receiving waterways immediately downstream.The mitigation measures shall be designed to:
  - manage the potential adverse effects identified in A5.2.3.4.7(b)(ii) and (iv).
- iv. An assessment of potential effects of stormwater management measures on land stability and liquefaction;
- v. The intended staging and timing for the provision and vesting and/or upgrading and replacement of infrastructural assets.
- vi. Detail of ongoing operational procedures and maintenance requirements for any water quantity and/or quality control structures or formed features such as ponds/dams.

7a Compliance with Rotorua Lakes Council Stormwater Discharge Consent

Any subdivision application must demonstrate that stormwater discharges can comply with the conditions of the Stormwater Discharge Consent held by Rotorua Lakes Council for the Pukehāngi Heights Development Area

8 Land Instability and Liquefaction\_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.

9 The location of the following features shall, where relevant to the subdivision, be delineated on the plan of subdivision and identified in a Consent Notice by an appropriate legal instrument on the relevant Certificate of Title:

- a. Escarpment Transition Areas as shown on the Pukehāngi Heights Structure Plan; and
- b. All Lots to be used for Community, Retail and Commercial Activities in accordance with Rule A5.2.3.3 – 9.

10 Protection of Cultural Identity and Sites of Archaeological or Cultural Importance

The application shall:

- a. Report on the outcomes of consultation with Ngāti Kea Ngāti Tuarā and, where relevant, with other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- b. Report on the outcomes of consultation with Heritage NZ if the subdivision includes an archaeological or cultural site;
- c. Identify measures that express the cultural identity of Ngāti Kea Ngāti Tuarā with the land, including:
  - i. Incorporate landmark features such as traditional or contemporary art works, into the street network that reflect the history of the area;
  - ii. Identify names of streets that reflect cultural associations of Tangata Whenua with the area;
- d. Identify measures that recognise and protect the interests of other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- e. Identify measures to recognise the wider cultural landscape;
- f. Identify the location, extent and scale of the proposal in relation to any identified cultural and archaeological sites and areas;
- g. Identify the process and protocols that will be applied if other cultural and archaeological sites and areas are discovered prior to or during site works or development;
- h. Identify how cultural and archaeological sites and areas as shown on the Pukehāngi Heights Structure Plan will be protected, including:
  - i. How sites and areas will be integrated into the development;
  - ii. How sites and areas will be separated or buffered from urban activities; and
  - iii. Monitoring of the effects of development on sites and areas;

- i. Include proposals for the provision of access by Tangata Whenua to any cultural and archaeological sites and the on-going management of these sites; and
- j. Include mechanisms, for example, cultural awareness training or pre-start meetings, to ensure contractors are aware of the potential for archaeological discoveries, and the protocols to be followed should evidence be discovered.

Advice Notes:

- 1. Ngāti Kearoa Ngāti Tuarā Environmental Management Plan provides policies and protocols relating to wāhi tapu, wāhi whakahirahira and the discovery of koiwi tangata (remains) or taonga tuturu (traditional artefacts).
- 2. An Archaeological Authority is required from Heritage NZ for the modification or damage of an archaeological site, either recorded or unrecorded.

## 11 Development Traffic

- a. If no road connection is available between Area A and Area B, any road intersection connecting with Matipo Avenue from Area A may provide access for no more than 60 residential dwellings.
- b. If a road connection is available between Area A and Area B, the subdivision and development of Area A shall be designed such that any road intersection connecting with Matipo Avenue from Area A provides access for no more than 35 residential dwellings, or the equivalent number of vehicle trips during the evening peak hour established through traffic modelling methodology by a Suitably Qualified and Experienced Traffic or Transportation Engineer.
- c. Standard b above shall be deemed to be met where:
  - I. A road intersection at Pukehāngi Road/Malfroy Avenue is located generally as shown on the Pukehāngi Heights Development Area Structure Plan; and
  - II. The Indicative Primary Road in Area B up the Mid-site Escarpment is located generally as shown on the Pukehāngi Heights Development Area Structure Plan.
- d. 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 Pukehāngi 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.

## 12 Construction Traffic

For the subdivision and development of Area A, a Construction Traffic Management Plan (CTMP) shall be submitted that includes measures such that:

- a. All construction traffic is restricted from gaining access from Matipo Avenue, other than for the purpose of constructing an intersection with Matipo Avenue unless, at the time of intended construction and to Council's satisfaction it is not practicable to construct road access from Pukehāngi Road to Area A – in which case access from lower Matipo Avenue may be permitted at or about the point where the interconnecting Primary Road is shown on the Structure Plan;
- b. Unless the exception in a. above applies,
  - i. All construction traffic gains access from Area B other than for the purpose of constructing an intersection with Matipo Avenue;
  - ii. Prior to commencing construction signage shall be erected and displayed and maintained on and near the entrance of Matipo Avenue during construction of the development advising of the restrictions on construction traffic using Matipo Avenue for access and directing such traffic to the approved site access;
- c. The CTMP 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.
- d. The Matipo Avenue Residents Incorporated Society (MARIS) must be consulted in the development of the CTMP on any aspect that involves the use of Matipo Avenue by construction traffic.

To avoid doubt, "construction traffic" means heavy and light vehicles associated with subdivision and development, including but not limited to earthworks and the construction of infrastructure, but does not include traffic associated with construction of residential buildings and structures in the Development Area.

### 13 Construction Noise and Vibration

A Noise and Vibration Management Plan shall be submitted that includes:

- a. Construction methodology: timeframe, hours of operation, location plan;
- b. Appropriate noise and vibration limits based on recognised standards;
- c. An assessment of the receiving environment including sensitive activities;
- d. Noise and vibration sources and proposed mitigation; and
- e. Monitoring and complaints procedures.

## 14 Nutrient Management

A Nutrient Management Plan for the parent site, including any balance area, shall be submitted that includes:

- a. Confirmation of the Nitrogen Discharge Allocation for the parent site;
- b. Calculation of the nitrogen losses from the proposed development of the land in accordance with any Council approved policy or guidelines;
- c. Proposals to address any nitrogen shortfall, where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site. This may include transfer from other land, nitrogen trading or the application of a Council-operated offset regime;
- d. Nutrient management requirements to be met at full development and, where staged, at each stage of development.

### A5.2.4 Rules - Pukehāngi Heights Development Area Mid Site Escarpment - Rural 2 Zone

The Rural 2 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

#### A5.2.4.1 Activities

Table 5.2.4.1 a Pukehāngi Heights Development Area - Rural 2

Rules	Activity Status
Land Use	
1. Any of the activities listed in the Rural 2 Zone but located in this Development Area other than those activities listed below.	As for Rural 2 Zone
2. Any activity stated as a permitted or controlled activity that does not meet all of the relevant performance standards listed in A5.2.4.3.	RD
3. Household unit.	P
4. Additional or subsidiary household unit.	RD
5. Infrastructure as shown on the Pukehāngi Heights Development Area Structure Plan	RD
Subdivision	
6. Subdivision within the Pukehāngi Heights Development Area that is consistent with the principles of the Pukehāngi Heights Development Area Structure Plan and that complies with the Pukehāngi Heights Development Area – Rural 2 Subdivision Performance Standards A5.2.4.4.	RD
7. Subdivision where the site includes an archaeological or cultural site.	RD

8. Subdivision within the Pukehāngi Heights Development Area that is not consistent with the principles of the Pukehāngi Heights Development Area Structure Plan.	D
9. Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with one or more of the Pukehāngi Heights Development Area – Rural 2 Subdivision Performance Standards.	D
10. Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with A5.2.4.4.5 Stormwater Management and A5.2.4.4.6 Natural Hazard Risk Management	NC

#### **A5.2.4.2 Non-Notification**

Any application for resource consent for the activities listed in Table 5.2.4.1 a 5-7 shall be considered without public or limited notification if the Land Use and/or Subdivision are consistent with Pukehāngi Development Area Structure Plan and Performance Standards, with the exception that:

- a. applications that are inconsistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 will require the written approval of Te Rūnanga o Ngāti Kēaroa 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.
- b. Subdivision applications that do not meet the subdivision performance standards in A5.2.4.4.4, and A5.2.4.4.5 will require the written approval of the Bay of Plenty Regional Council in order to proceed without limited notification.

#### **A5.2.4.3 Performance Standards – Land Use**

- 1 The Rural 2 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

##### **2 Height**

The maximum height of any building or structure shall be 6m.

##### **2A Yards**

The minimum yard for buildings shall be as provided for in the Rural 2 Zone provisions except as follows:

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

##### **3 Building Location**

All buildings shall be located within the buildable area/s identified on each allotment.

##### **4 Site Coverage**

Site coverage of all buildings shall not exceed 400m<sup>2</sup>.

##### **5 Density**

One household unit per site.

- 6 Reflectivity
  - i. The reflectivity value of external walls, ~~roofs~~ and joinery shall not exceed 37%.
  - ii. The reflectivity value of roofs shall not exceed 25%

- 7 Fencing or Retaining Walls

Fencing or retaining walls adjacent to the escarpment shall be screened with planting or constructed of low visibility materials such as, natural materials including stone and timber that weather naturally, or if painted, colours with a reflectivity value that shall not exceed 25%.

Note: Fencing shall be low key in design and avoid urbanised post and panel boundary lot fencing that will dominate the pattern of development along the mid-site escarpment. Post and 3 – 5 rail and wire fencing is appropriate.

- 8 Forestry

No forestry activity except:

- a. re-vegetation that is consistent with the principles of the Pukehāngi Heights Structure Plan; or
- b. forestry activity within the Pukehāngi Southern Slopes.

- 9 Farming

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

- 10 The performance standards in A5.2.4.4 Performance Standards – Subdivision shall apply, where relevant, to any proposed land use that occurs prior to subdivision.

#### **A5.2.4.4 Performance Standards – Subdivision**

- 1 The provisions of Part 13: Subdivision for the Rural 2 Zone, along with any other relevant provisions of the District Plan, apply in the Pukehāngi Heights Development Area unless otherwise specified below.

- 1a Minimum Lot Area

The minimum average area of lots in the Mid-site Escarpment shall be 4,000 m<sup>2</sup>. For the avoidance of doubt the calculation of the minimum average area shall include all land in the Mid-site Escarpment that is open space, reserves and roads, regardless of any such land being vested in Council.

- 2 Building Platform and Access

Each new lot shall show the location of a suitable building platform of at least 200m<sup>2</sup> and the alignment of future access.

- 3 Landscape Concept Plan and Visual Assessment

A landscape concept plan and visual assessment shall be provided with the subdivision consent application. The landscape concept plan and visual assessment shall be prepared by a suitably qualified landscape architect and shall demonstrate how the objectives and policies for the maintenance and enhancement of landscape values will be met, including but not limited to the consideration of building locations, built form, ancillary structures, earthworks, vegetation, access and lighting.

The following detail shall be required as a condition of consent:

- a. A planting schedule;

- b. A planting programme;
- c. A post-planting maintenance regime including a pest plant and pest animal management programme; and
- d. Ownership and management systems to enable the planting programme and maintenance regime to be undertaken in an on-going manner.

#### 4 Stormwater Management

The performance standards contained in A5.2.3.4 Performance Standards – Subdivision, sub-section 7: Stormwater Management and 7a: Compliance with Rotorua Lakes Council Stormwater Discharge Consent.

#### 5 Land Instability and Liquefaction\_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 confirm that a low level of level of risk will be achieved within the Development Area without increasing risk elsewhere.

#### 6 Protection of Cultural Identity and Sites of Archaeological or Cultural Importance

Where the subdivision includes an archaeological or cultural site identified on the Structure Plan the application shall:

- a. Report on the outcomes of consultation with Ngāti Kea Ngāti Tuarā and, where relevant, with other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- b. Report on the outcomes of consultation with Heritage NZ if the subdivision includes an archaeological or cultural site;
- c. Identify measures that express the cultural identity of Ngāti Kea Ngāti Tuarā with the land, including:
  - i. Incorporate landmark features such as traditional or contemporary art works, into the street network that reflect the history of the area;
  - ii. Identify names of streets that reflect cultural associations of Tangata Whenua with the area;
- d. Identify measures that recognise and protect the interests of other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- e. Identify measures to recognise the wider cultural landscape;
- f. Identify the location, extent and scale of the proposal in relation to any identified cultural and archaeological sites and areas;
- g. Identify the process and protocols that will be applied if other cultural and archaeological sites and areas are discovered prior to or during site works or development;
- h. Identify how cultural and archaeological sites and areas will be protected, including:
  - i. How sites and areas will be integrated into the development;

- ii. How sites and areas will be separated or buffered from urban activities; and
- iii. Monitoring of the effects of development on sites and areas;
- i. Include proposals for the provision of access by Tangata Whenua to any cultural and archaeological sites and the on-going management of these sites; and
- j. Include mechanisms, for example, cultural awareness training or pre-start meetings, to ensure contractors are aware of the potential for archaeological discoveries, and the protocols to be followed should evidence be discovered.

Advice Notes:

- 1. Ngāti Kearoa Ngāti Tuarā Environmental Management Plan provides policies and protocols relating to wāhi tapu, wāhi whakahirahira and the discovery of koiwi tangata (remains) or taonga tuturu (traditional artefacts).
- 2. An Archaeological Authority is required from Heritage NZ for the modification or damage of an archaeological site, either recorded or unrecorded.

## 7 Development Traffic

- a. If no road connection is available between Area A and Area B, any road intersection connecting with Matipo Avenue from Area A may provide access for no more than 60 residential dwellings.
- b. If a road connection is available between Area A and Area B, the subdivision and development of Area A shall be designed such that any road intersection connecting with Matipo Avenue from Area A provides access for no more than 35 residential dwellings, or the equivalent number of vehicle trips during the evening peak hour established through a traffic modelling methodology approved by the Council.
- c. Standard b above shall be deemed to be met where:
  - I. A road intersection at Pukehāngi Road/Malfroy Avenue is located generally as shown on the Pukehāngi Heights Development Area Structure Plan; and
  - II. The Indicative Primary Road in Area B up the Mid-site Escarpment is located generally as shown on the Pukehāngi Heights Development Area Structure Plan.
- d. 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 Pukehāngi 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.

## 8 Construction Traffic

For the subdivision and development of Area A, a Construction Traffic Management Plan (CTMP) shall be submitted that includes measures such that:

- a. All construction traffic is restricted from gaining access from Matipo Avenue, other than for the purpose of constructing an intersection with Matipo Avenue unless, at the time of intended construction and to Council's satisfaction it is not practicable to construct road access from Pukehāngi Road to Area A – in which case access from lower Matipo Avenue may be permitted at or about the point where the interconnecting Primary Road is shown on the Structure Plan;
- b. Unless the exception in a. above applies:
  - All construction traffic gains access from Area other than for the purpose of constructing an intersection with Matipo Avenue;
  - Prior to commencing construction signage shall be erected and displayed and maintained on and near the entrance of Matipo Avenue during construction of the development advising of the restrictions on construction traffic using Matipo Avenue for access and directing such traffic to the approved site access;
- c. The CTMP 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.
- d. The Matipo Avenue Residents Incorporated Society (MARIS) must be consulted in the development of the CTMP on any aspect that involves the use of Matipo Avenue by construction traffic.

To avoid doubt, "construction traffic" means heavy and light vehicles associated with subdivision and development, including but not limited to earthworks and the construction of infrastructure, but does not include traffic associated with construction of residential buildings and structures in the Development Area.

## 9 Construction Noise and Vibration

A Noise and Vibration Management Plan shall be submitted that includes:

- a. Construction methodology: timeframe, hours of operation, location plan;
- b. Appropriate noise and vibration limits based on recognised standards;
- c. An assessment of the receiving environment including sensitive activities;
- d. Noise and vibration sources and proposed mitigation; and
- e. Monitoring and complaints procedures.

## 10 Nutrient Management

A Nutrient Management Plan for the parent site, including any balance area, shall be submitted that includes:

- a. Confirmation of the Nitrogen Discharge Allocation for the parent site;

- b. Calculation of the nitrogen losses from the proposed development of the land in accordance with any Council approved policy or guidelines.
- c. Proposals to address any nitrogen shortfall, where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site. This may include transfer from other land, nitrogen trading or the application of a Council-operated offset regime.
- d. Nutrient management requirements to be met at full development and, where staged, at each stage of development

#### **A5.2.5 Rules - Pukehāngi Heights Development Area Upper Escarpment - Rural 1 Zone**

The Rural 1 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

##### **A5.2.5.1 Activities**

Table 5.2.5.1 a Pukehanghi Heights Development Area – Rural 1

Rules	Activity Status
Land Use	
1. Any of the activities listed in the Rural 1 Zone other than those activities listed below.	As for Rural 1 Zone
2. Buildings	NC
Subdivision	
3. Subdivision that is consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area and complies with the Pukehāngi Heights Development Area - Rural 1 Subdivision Performance Standards A5.2.5.4.1	RD
4. Subdivision that is not consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area or does not comply with the Pukehāngi Heights Development Area - Rural 1 Subdivision Performance Standards A5.2.5.4.1	D

##### **A5.2.5.2 Non-Notification**

Any application for resource consent for the activities listed in Table A5.2.5.1 Rule 3 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:

- a. applications that are inconsistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 will require the written approval of Te Rūnanga o Ngāti Kēaroa 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.
- b. Subdivision applications that do not meet the subdivision performance standards in A5.2.3.4.7, A5.2.3.4.7a and A5.2.3.4.8 will

require the written approval of the Bay of Plenty Regional Council in order to proceed without limited notification.

**A5.2.5.3 Performance Standards – Land Use**

- 1 The Rural 1 Zone provisions apply.
- 2 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

**A5.2.5.4 Performance Standards – Subdivision**

- 1 Protection of Landscape Values by Re-vegetation of Upper Escarpment
  - a. The Upper Escarpment shall be partially re-vegetated to provide a backdrop to development on the Upper Terrace.
  - b. A subdivision consent application for all or part of the Upper Terrace shall include any part of the Upper Escarpment adjoining that part of the Upper Terrace.
  - c. Upper Escarpment Planting Plan: A planting plan shall be provided with the subdivision consent application. This shall be prepared by a suitably qualified landscape architect and shall specify:
    - i. A planting schedule; and
    - ii. A planting programme.
  - d. A post-planting maintenance regime including a pest plant and pest animal management programme.

**A5.2.6 RESTRICTED DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT**

Council shall restrict its discretion to the following matters.

**A5.2.6.1 Land Use within the Pukehāngi Heights Development Area – Residential 1 Zone and Rural 2 Zone that does not meet the performance standards**

- 1 The effects of non-compliance with the performance standards; and
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the Residential 1 Zone and Rural 2 Zone will continue to be met.

**A5.2.6.2 Land Use within the Pukehāngi Heights Development Area – Medium Density Residential Development on the Identified Sites**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved;
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met;
- 3 The compatibility between surrounding residences and the proposed development, having regard to the protection of visual and aural privacy and visual dominance of buildings; and

- 4 The quality of the environmental outcomes achieved for residents within the development having regard to:
  - a. Visual and aural privacy;
  - b. Access to open space;
  - c. On-site amenity planting;
  - d. Accessibility for all abilities;
  - e. Pedestrian and cycle connectivity;
  - f. Safe and convenient access and parking for vehicles (if provided); and
  - g. Solar access and passive heating and ventilation.

**A5.2.6.3 Land Use within the Pukehāngi Heights Development Area - retail, cafe and early childhood centres**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved;
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met;
- 3 The compatibility between the proposed development and surrounding residential activities having regard to the protection of visual and aural privacy, and visual dominance of buildings;
- 4 The extent to which the development will promote walkable access to local services; and
- 5 The extent to which the development provides for safe and convenient access and parking for vehicles, and minimises traffic congestion within the surrounding streets.

**A5.2.6.4 Land Use within the Pukehāngi Heights Development Area Additional or Subsidiary household unit - Rural 2 Zone**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved; and
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met.

**A5.2.6.5 Subdivision within the Pukehāngi Heights Development Area – Residential 1 Zone, Rural 1 and 2 Zones and Passive Open Space Overlay**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved;
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met; and
- 3 The appropriateness of ownership and management measures to ensure the required re-vegetation is maintained in perpetuity.

**A5.2.7 Methods**

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

# PLAN CHANGE TEXT – PROPOSED CONSEQUENTIAL CHANGES

A5.8 [DELETED]

## PART 4

# RESIDENTIAL

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**Table 4.5 : Activities in the Residential 1 - 5 Zones**

Rules	Zones				
	RD1	RD2	RD3	RD4	RD5
General					
5. [Deleted]					

#### 4. Household Unit Density

##### a. Residential 1

##### iv [Deleted]

#### 4.8.2 Assessment Criteria for Specific Activities

Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities:

##### 6. [Deleted]

...

Table 9.5: Activities in the Rural Zones

Rules	Zones		
	RR1	RR2	RR3
Community Facilities			
30. [Deleted]			

9.8.2      **Assessment Criteria for Specific Activities**

The council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities.

7.      **[Deleted]**

7.

# PART 12

## FUTURE GROWTH

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### 12.1 INTRODUCTION

The Rotorua District Council has undertaken significant research to ensure that the district is well planned and serviced. Such research has included annual reviews of growth assumptions and the Rotorua Basin Structure Plan which integrates the eastern and western structure plans.

The zones in this plan are based on the mid-growth forecasts provided in the Growth Assumptions 2011 report and are able to support this level of population growth to 2021. The district plan sets the zoning pattern for the next 10 to 15 years. The structure plans and growth assumptions have longer planning horizons out to 2051.

#### 12.1.1 Future Urban Growth Zones

In 2013 the population for Rotorua was 65,280. When the District Plan was reviewed the population growth projections for Rotorua out to 2021 and 2051 are predicted to be within medium forecasts with Rotorua expected to grow by 0.37% per annum from 2011 to 2021, and 0.15% per annum from 2021 to 2051.

The district plan has identified areas of rural land that are suitable for future land conversion and are considered to be the city's future urban land bank. These are located in the southwest area of the district adjoining Pukehāngi Road. Much of this land has now been rezoned to enable development. However, the future Community Assets Zone remains, and as such provisions remain within this Chapter to guide any future consenting of this area.

A future Community Asset reserve is also located within this area reflecting the future potential development of an educational facility.

The Policy framework has also been retained should subsequent Future Growth Areas be included in the District Plan in the future.

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### 12.2 KEY ENVIRONMENTAL ISSUES

There are five key issues influencing the policy framework in the Future Growth area.

#### 12.2.1 Economic and Social Well-being of the District

Restricting land for urban expansion reduces development options to infill housing which can increase localised areas of traffic congestion and reduce privacy and useable lot sizes in turn impacting residential amenity and housing affordability. Whilst Rotorua is forecast to have limited population growth within the life of this district plan, the

provision of land for urban development will increase the level of lifestyle choices provided to Rotorua residents and the ability to complete innovative and flexible developments. This will enable well designed development and provide the ability for the community to contribute to the social and economic well-being of Rotorua.

## **12.2.2 Development of the Future Growth Areas and Infrastructure**

Fragmented development can effectively make further land conversion uneconomic. This is particularly so if development affects or pre-empted the effective and efficient location of infrastructure services and other supporting land use activities. In addition fragmented development can reduce the efficient use of rural land for agricultural practices. Large-scale development should occur in a planned and structured approach, taking into account the environmental qualities and features of the land, as well as the need to provide strong and efficient connections with the existing urban area. No development should occur within the identified development zones until a comprehensive design process has been undertaken for each development zone, providing the community with an opportunity to have an input.

## **12.2.3 The Provision of Infrastructure**

Additional infrastructure such as water supply, roads, sewage, electricity and stormwater disposal is often necessary to service new development. Certain areas of development may have the potential to connect into existing infrastructure that has the capacity to meet the demand. In other instances an upgrade and/or extension will be required. There is a need to ensure any proposed infrastructure is capable of supporting the full development potential of the land, thus providing for the sustainable management and a reduction in economic cost of development in the future.

There is a need to co-ordinate subdivision and development with cost-effective infrastructure provision. Development that is inconsistent with the anticipated and planned settlement pattern carries a high risk of unforeseen effects on infrastructure, and in particular the transport network.

## **12.2.4 Subdivision and Development**

The identified urban development areas are adjacent to the sensitive rural area in the Rotorua caldera which provides the valued rural backdrop to the Rotorua city and has been identified by the community as sensitive to urban growth. Within the future growth area there are components of the site which are less visible than others where development will maintain the amenity and character of the Rotorua district. In elevated areas that have higher visibility development will need to be designed in a manner to maintain these existing amenity and character values.

## **12.2.5 The Development of Rural Land**

As urban activities, such as rural residential or low density residential development, occur within established rural areas, many of the effects associated with the operation of farms or other existing rural activities e.g. noise, dust, hours of operation, odour become less accepted by the community and as a consequence pressures are placed on existing operations to reduce their activities. These pressures are increased as the scale of urban activity increases particularly where it occurs in a fragmented manner. In contrast development of an industrial nature also has the ability to impact the existing amenity

associated with residential activities located within the immediate vicinity. Reverse sensitivity effects associated with development within these growth areas will need to be avoided.

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## 12.3 OBJECTIVES AND POLICIES

The specific Objectives and Policies for the future growth area are stated below.

The Objectives and Policies below shall be read in conjunction with the provisions in Parts 1-3 and the technical requirements in Parts 13-17.

### Economic and Social Well-being of the District

<b>Objective 12.3.1</b> Sufficient land area suited for future urban and economic development that provides the residents of Rotorua with a range of lifestyle and development choices.	
<b>Policy 12.3.1.1</b>	Identify areas within the district to meet future demand for residential development.
<b>Policy 12.3.1.2</b>	Ensure that development in the areas identified for new growth is carried out in a manner that meets the community's needs and avoids, remedies or mitigates adverse environmental effects.

### Development of the Future Growth Areas and Infrastructure

<b>Objective 12.3.2</b> Subdivision and development within growth areas completed in a structured and integrated pattern, with the environmental qualities of the land fully identified and sustainably managed.	
<b>Policy 12.3.2.1</b>	Identify the key infrastructural, community, cultural and environmental opportunities and constraints for each new growth area and ensure that these are reflected in the development of each area.
<b>Policy 12.3.2.2</b>	Ensure that the activities carried out in the future urban area do not generate adverse environmental effects and or compromise future land use.
<b>Policy 12.3.2.3</b>	Avoid fragmented development that results in inefficiencies in the provision of infrastructure.

### The Provision of Infrastructure

<b>Objective 12.3.3</b> Serviced development that safely connects to the existing road network, utility reticulation, provides a potable drinking water supply and sufficiently caters for the future development potential of the site.	
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<b>Policy 12.3.3.1</b>	Manage urban subdivision and land development to connect with the existing infrastructure and transportation network, according to the capacity limitations of that network where available and the potential requirements for upgrading its capacity.
<b>Policy 12.3.3.2</b>	Require all subdivision and development to be coordinated with the planned provision of infrastructure, integrated with the transport network and the district's road hierarchy.
<b>Policy 12.3.3.3</b>	Provide for urban expansion where such growth does not adversely affect the safe and efficient use and development of land, roads and infrastructure.
<b>Policy 12.3.3.4</b>	Ensure a reasonable share of additional cost of infrastructure arising from subdivision and development is met by the applicant.

### Subdivision and Development

<b>Objective 12.3.4</b> The amenity values associated with the Rotorua caldera landscape and adjacent zones is maintained when subdivision and development occurs.	
<b>Policy 12.3.4.1</b>	Ensure that any development in the future development areas does not have an adverse impact on the caldera landscape.
<b>Policy 12.3.4.2</b>	Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to adverse effects on the amenity of the caldera.
<b>Policy 12.3.4.3</b>	Ensure subdivision and development is designed in a manner that is cognisant of the amenity values associated with the Rotorua caldera and differences in amenity values within adjacent zones.

### The Development of Rural Land

<b>Objective 12.3.5</b> Efficient and safe operation of the transport network and adjoining rural activities when development in future growth areas occurs.	
<b>Policy 12.3.5.1</b>	Restrict subdivision and development that compromise the safe, efficient and effective functioning of regionally significant infrastructure, including the transportation network.
<b>Policy 12.3.5.2</b>	Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to adverse environmental effects.

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## 12.4 ENVIRONMENTAL OUTCOMES

The efficiency and effectiveness of the policy framework of this part will be the focus of on-going monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve.

1. Increased economic and social well-being of the Rotorua residents by providing well planned subdivision and development.
2. Increased availability of well-designed lots that are connected to existing infrastructure that has the capacity to service the full development potential of the site or that can be upgraded to cater for the growth demands.
3. Structured and coherent subdivision and development that does not restrict future development potential and does not decrease the amenity and landscape characteristics of the surrounding area.
4. A range of different lifestyle and living options.

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## 12.5 RULES

Table 12.5 identifies the status of activities which are provided in this part of the plan.

The following abbreviations for the zones are used in activity Table 12.5:

FRD1 =	[Deleted]
FRR2 =	[Deleted]
FRV3 =	Future Reserve 3

The following abbreviations are used for classes of activities in activity Table 12.5:

P = Permitted	C = Controlled	RD = Restricted discretionary
D = Discretionary	NC = Non-complying	Pro = Prohibited

The 'NA' abbreviation in the activity table refers to where an activity is not applicable to the zone.

The activity classes in Table 12.5 are explained in the User Guide at the front of the plan.

Meanings for the terms in Table 12.5 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 12.6.

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan.

**Table 12.5 : Subdivision and Development within Future Growth Areas**

Rules	Zones
1. [Deleted]	
2. [Deleted]	
3. [Deleted]	
4. Subdivision in accordance with the provisions of the Rural 1 zone	Refer to Part 13
<b>Development and Land Use Activities within the Future Urban Growth Zones</b>	
5. [Deleted]	
6. Educational facilities within the community asset zone	C
7. [Deleted]	
8. Buildings and Rural activities in accordance with the Rural 1 zone outside of areas covered by an approved development plan unless otherwise specified	Refer to Part 9

### 12.5.1 [Deleted]

## 12.6 PERFORMANCE STANDARDS

All activities/events within the future growth zones shall comply with the performance standards of the Rural 1.

## 12.7 CONTROLLED ACTIVITIES: METHOD OF ASSESSMENT

Controlled activities are identified in Table 12.5 above and shall comply with the performance standards in the zone. The Council must grant consent but may impose conditions in relation to matters over which it has reserved its control. The matters over which council reserves its control are stated in this section.

For activities relating to Section 6 Matters listed in Appendices 1 and 2, the matters of control below shall be read in conjunction with the provisions in Appendix 9 – Section 6 Matters.

### 12.7.1 Matters of Control for Specific Activities

#### I Educational Facilities within Future Community Asset Zone

- a. Building Design and Site Layout
  - i. The design and orientation of buildings and structures and location of outdoor activities to mitigate potential adverse cumulative effects on adjoining sites and the streetscape.
  - ii. How design conforms with the principles of CPTED such as providing for passive surveillance.
  - iii. How privacy and amenity of the adjoining properties is preserved by retaining separation distances and providing acoustic and privacy screening.
  - iv. Compliance with the performance standards of the Residential 1 zone.
- b. Parking, Turning and On-Site Circulation
  - i. The provision of adequate sight distances to prevent on-street congestion caused by the ingress and egress of vehicles to and from sites.
  - ii. The extent to which access, on-site parking and turning areas are designed and located to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites or the public road, the safety of pedestrians and the safe and efficient functioning of the road network.
  - iii. If access is gained onto or within vicinity of a State Highway that the proposal is consistent with the standards of the State Highway Road Controlling Authority.
- c. Noise
  - i. The potential adverse effects generated from noise associated with the congregation of people and vehicles.
  - ii. The location of buildings within the site.
  - iii. The proposed methods to mitigate the adverse effects of noise.
  - iv. The hours of operation of the activity.

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**12.8** [Deleted]

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**12.9** [Deleted]

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## PART 13

# SUBDIVISION

### 13.5.2 Site Design Performance Standards: Residential Zones

Table 13.5.1 Subdivision in Residential Zones

Rules	Zones				
	RD1	RD2	RD3	RD4	RD5
General					
1. [Deleted]					

9. [Deleted]

## PART 17

# Definitions

Term	Definition
Semi-detached unit	A household unit joined by a common wall to one other household unit. This includes household units with an attached garage where the garage also shares a common wall with a separate household unit or its attached garage. It does not include dwelling units with detached accessory buildings that share a common wall with separate dwelling units or their accessory buildings. It does not include dwelling units on separate floor levels of the same building (that is, attached vertically). It also does not include units that are in a group of three or more attached units.
Nitrogen Discharge Allocation	The maximum annual amount of nitrogen loss that is allowed to occur from a property/farming enterprise after 1 July 2032 in accordance with the Bay of Plenty Regional Natural Resources Plan.

## APPENDIX I

# CULTURAL HISTORIC HERITAGE INVENTORY

NZAA and Map Site Reference	Planning map	Site	Location
U16/ 184	323	Midden	Pukehāngi
U16/ 185	342	Obsidian	Pukehāngi
U16/ 186	342	Midden	Pukehāngi

## PLANNING MAPS

Deletion of Twin Oaks Development Plan Area from Planning Maps

Deletion of Future Growth Area from Planning Maps, with the exception of the Community Assets Zone.

## **Appendix 2 – Plan Change 2: Pukehāngi Heights Provisions (Track Changes).**

## Appendix 2

### Plan Change 2: Pukehāngi Heights

#### Track Changed Provisions to the Notified Version as Recommended by Hearing Panel

**Amendments to plan change as notified are denoted as follows:**

- Underlined text identifies proposed additional text to the District Plan;
- ~~Strike through text~~ identifies proposed deletions to the District Plan.

**Amendments to the notified plan change**

- Double underlined text identifies Hearing Panel recommended additional text to the Notified PC2;
- ~~Double strike through text~~ identifies Hearing Panel recommended deletions to the Notified PC2.

#### APPENDIX 5

#### DEVELOPMENT PLANS, DEVELOPMENT AREAS, AND STRUCTURE PLANS

##### A5.1 INTRODUCTION

~~There are eleven development plan areas, these being~~

This Appendix includes Development Plans, Development Areas, and Structure Plans, along with the supporting provisions (where relevant), for the following areas:

A5.2 Parklands Estate Pukehāngi Road Development Plan

A5.2A Pukehāngi Heights Development Area

A5.3 Wharenui Road Area Development Plan

A5.4 Scion Innovation Park Development Plan

A5.5 Waipa Business Park Development Plan

A5.6 Whangamoa Trust – Ōtaramarae Development Plan

A5.7 Lakefront East Development Plan

~~A5.8 Twin Oaks Development Plan~~

A5.9 Taheke 8C Development Plan

A5.10 Ōturoa Vista Development Plan

A5.11 Ōwhatiura Development Plan

A5.12 Kāingaroa Papakāinga Development Plan

##### A5.2A PUKEHĀNGI HEIGHTS DEVELOPMENT AREA

##### A5.2A.1 Introduction

The Pukehāngi Heights Development Area adjoins the existing urban area to the south west of Pukehāngi Road. The area has been identified for future growth given it is close to central

Rotorua, has good aspect and views that create an opportunity for high amenity residential development, and is contiguous with existing urban development giving ease of access to infrastructure.

Area wide assessments of landscape, natural hazards, transport, stormwater and archaeological and cultural values have been undertaken to ensure the suitability of the area for a mix of development types including low and medium density residential development and ~~large lot residential~~ rural residential development.

Pukehāngi Heights Development Area provides potential for comprehensive, integrated development with associated landscape, cultural, ecological, water quality and public access benefits.

The Pukehāngi Heights Development Area is located on the lower slopes of the Caldera Rim. The Caldera Rim landscape has been recognised as being highly valued by the Rotorua community. The landscape values of the Caldera Rim have been assessed in the 'Rotorua Caldera Rim – Caldera Rim Rural Character Design Guideline' (October 2012), which also provides guidance on how to integrate growth and land use change into the landscape.

The Design Guideline identifies the Pukehāngi Heights Development Area as being within the 'less sensitive rural landscape' situated below the RL385 contour. Above this contour, the areas rural or natural character should be maintained. The less sensitive rural landscape still contains important rural character and amenity values but is less sensitive to land use change.

The main land form broadly comprises two terraces with an escarpment between. The Lower Terrace adjoins Pukehāngi Road and slowly rises to meet the Mid-site Escarpment that rises to a broad Upper Terrace extending northwest/southeast with intervening valleys. The Upper Terrace has an escarpment backdrop.

The urban design approach seeks to enable development while maintaining and enhancing identified environmental values. This is guided by the Pukehāngi Heights Development Area Structure Plan that applies both general and place-specific principles.

While few archaeological features remain, ~~the Cultural Impact Assessment prepared by Ngāti Kea Ngāti Tuarā~~ cultural assessments prepared identifies the area's cultural and historical significance, with settlement occurring over 500 years ago. The whole area is significant for Ngāti Kea Ngāti Tuarā as a meeting point between their ancestors' traditional homes of Horohoro, Tihi-o-Tonga, Tārewa and Patetere. Key cultural features include the old pā sites - Pukehāngi and Puketapu and the north-facing slopes from the kāinga at Paparata towards the north-west (along what is now Pukehāngi Road) that were used extensively by tangata whenua as mahinga kai.

The area is also significant for other iwi and hapū with associations with the cultural landscape including downstream sites and values.

### **Principles**

The general principles for the Pukehāngi Heights Development Area are:

- Development that responds to the landscape values of the Caldera Rim and the topography of the area;
- Development that recognises, protects and provides for the expression of the cultural and archaeological values of the area;
- Roads, walkways and cycleway connections throughout the area and connecting with adjoining sites;
- Comprehensively designed low impact stormwater management integrated with development;
- Enhancement of ecological values by including indigenous vegetation plantings; and
- Excellent urban design outcomes including for solar access and passive surveillance of public spaces.

- Development that is designed within nutrient management limits and contributes to the reduction in nitrogen entering Lake Rotorua.

The place-specific principles are:

#### Lower Terrace

- Low density residential development;
- Medium density residential development located on land of easy contour adjacent to local services and open space, and sleeved with lower density residential development, commercial development or open space to provide a harmonious transition with existing low density residential development along Pukehāngi Road;
- Small commercial areas for local convenience retail, a cafe and or childcare located near to intersections with Pukehāngi Road; and
- A transitional area along the base of the Mid-site Escarpment where additional landscape and building controls apply (Escarpment Transition Area 1).

#### Mid-site Escarpment

- Partially re-vegetated native bush and specimen tree network to form a backdrop to the development on the Lower Terrace;
- A visual character that is dominated by areas of re-vegetation near the Parklands Estate development transitioning through to an open space character close to Matipo Avenue and Paradise Valley Road;
- Rural residential ~~large lot~~ development;
- Landscape design that integrates development with the surrounding environment including the 'Parklands Estate' Development; and
- Design controls on buildings.

#### Upper Terrace

- Low density residential development; and
- A transitional area along the front of the Upper Terrace where additional landscape and building controls apply (Escarpment Transition Area 2).

#### Upper Escarpment

- No development on the upper escarpment; and
- Partial re-vegetation to form a coherent transition from the Parklands Estate development and to create a backdrop to development on the Upper Terrace.

#### Pukehāngi Southern Slopes

- Rural 2 Zone provisions apply.

The specific objectives, policies and rules for the Pukehāngi Heights Development Area identify outcomes that are additional to those sought by the general provisions of the Residential 1 and Rural 2 Zoning of the land. Where there is any conflict, the specific provisions shall take precedence.

### **A5.2A.2 Objectives and Policies**

The objectives and policies shall be read in conjunction with the provisions for the Residential 1 and Rural 2 zoning.

#### Objective 1: Pukehāngi Heights Development Area – Landscape Values

Maintain the valued landscape character and amenity values associated with the wider caldera rim while enabling development that is consistent with the principles of the Pukehāngi Heights Development Area Structure Plan and visually integrates with surrounding land uses.

#### Policy 1.1 Lower Terrace – Low Density Residential Development

Enable development on the Lower Terrace that is consistent with Residential 1 Objectives and Policies.

Policy 1.2 Lower Terrace – Medium Density Residential Development

Enable medium density residential development within defined locations where the development is designed to provide diversity and choice in housing and to integrate with the character of the surrounding area.

Policy 1.3 Lower Terrace – Maintenance of Landscape Values

Manage the landscape and visual sensitivity at the base of the Mid-site Escarpment by defining an area (Escarpment Transition Area 1) within which:

- e. recessive colours are used on structures and buildings, and controls on building height to mitigate visual effects;
- f. landscape planting is used to mitigate visual effects of development and to provide a coherent transition between the landscape character of the Lower Terrace and the Mid-site Escarpment;
- g. changes to land form that require visually obtrusive retaining structures are avoided; and
- h. other measures mitigate the visual impact of development.

Policy 1.4 Mid-site Escarpment – ~~Rural Residential Large Lot~~ Development

Enable ~~rural residential large lot~~ development on the Mid-site Escarpment that allows for view shafts from all identified building platforms whilst providing a partially re-vegetated native bush and a specimen tree network.

Policy 1.5 Mid-site Escarpment – Maintenance and Enhancement of Landscape Values

Maintain and enhance the landscape values of the Mid-site Escarpment by:

- f. Providing a visual character that is dominated by areas of re-vegetation near the Parklands Estate development transitioning through to an open space character close to Matipo Avenue and Paradise Valley Road;
- g. Reducing the visibility of development on the Mid-site Escarpment;
- h. Providing an open space and integrated vegetated backdrop to development on the Lower Terrace that retains the natural landform integrity;
- i. Ensuring that development achieves the intended landscape outcomes through a design process that takes into account the landscape values and attributes of the site; and
- j. Controlling the landscape and visual effects of buildings, structures and earthworks following the completion of development by:
  - clustering built development to enhance the dominance of open space and re-vegetation and to minimise the visibility of roads and accessways;
  - avoiding urbanised boundary lot fencing dominating the pattern of development along the Mid-site Escarpment.
  - locating buildings away from the escarpment edges; and
  - locating building platforms to minimise the need for extensive earthworks.

Policy 1.6 Upper Terrace – Low Density Residential Development

Enable development on the Upper Terrace that is consistent with Residential 1 Objectives and Policies.

Policy 1.7 Upper Terrace and Upper Escarpment – Maintenance and Enhancement of Landscape Values

Maintain and enhance the landscape and visual values of the Upper Terrace and Upper Escarpment by:

- c. Avoiding development above RL 385m on the Upper Escarpment;
- d. Managing the landscape and visual sensitivity at the top of the Mid-site Escarpment by:
  - defining an area (Escarpment Transition Area 2) within which additional measures will apply;
  - ensuring buildings are well set back from the top of the Mid-site escarpment;
  - ensuring that there is good separation between buildings to create a low-density character when viewed from the central Rotorua urban area;
  - avoiding a uniform pattern of development;
  - using recessive colours on structures and buildings, and controls on building height to mitigate visual effects;
  - using landscape planting to mitigate visual effects of development and to provide a coherent transition between the landscape character of the Mid-site Escarpment and the Upper Terrace while providing for view shafts from all identified building platforms near the edge; and
  - other measures that mitigate the visual impact of development.

Policy 1.8 Pukehāngi Southern Slopes

Enable development and land use activity that is consistent with Rural 2 objectives and policies.

Policy 1.9 Integration with surrounding areas

Provide a visual transition from the indigenous bush character of the Parklands Estate Development to the landscape character of the surrounding area.

Objective 2: Pukehāngi Heights Development Area – Integrated Urban Design

The environmental quality, character, amenity and cultural values of the Pukehāngi Heights Development Area are developed and then maintained and enhanced through appropriate urban planning and design, including through integrated management of land use and stormwater.

Policy 2.1 Lower Terrace – Medium Density Residential Development

Enable medium density development that delivers the following qualities and characteristics:

- g. Buildings with design qualities appropriate to higher density living;
- h. Visual and aural privacy;
- i. Diversity of built form;
- j. Smaller household units and apartment style living;
- k. Outdoor space of a high quality; and
- l. Amenity planting to reduce the dominance of the built environment.

Policy 2.2      Environmental Enhancement

Reduce nutrient losses, restore and enhance indigenous biodiversity and ecological functioning through partial re-vegetation of the Mid-site Escarpment.

Policy 2.3      Integration of Land Use and Stormwater Management

Provide for integrated management of land use and stormwater by:

- f. Management of water quality and quantity through the application of low impact design principles with the development of a “treatment train” using measures that distribute stormwater management across the site including:
  - Source Control - individual lot level stormwater management approaches such as soak holes for capturing roof runoff, rain gardens, rainwater harvesting;
  - Site Control – collecting and conveying runoff from a collection of lots through to smaller stormwater management facilities such as dry attenuation zones, swales, through to;
  - Regional Control - larger dedicated catchment facilities, such as detention basins, ponds and wetlands.
- g. Designing stormwater infiltration measures based on a geotechnical assessment to achieve and maintain a low level of risk of landslip or liquefaction within the Development Area without increasing risk elsewhere;
- h. Minimising the formed width of roads to reduce stormwater run-off while ensuring that road function and safety is maintained;
- i. Integrating the use of open space for stormwater management and recreation including the provision and protection of adequate space to safely accommodate detention ponds and overland flow paths; and
- j. Ensuring that appropriate stormwater infrastructure is provided at the right time and that costs are shared on an equitable basis.

Policy 2.4      Traffic and Access

Ensuring that construction and development traffic is accommodated in a manner that maintains connectivity, safety, and amenity within the capacity of the road network by:

- g. Identifying an indicative primary road network on the Structure Plan with connections to the existing road network to optimise traffic management;
- h. Identifying additional primary road connections on the Structure Plan that may be provided to improve connectivity;
- i. Identifying appropriate construction traffic routes where necessary; and
- j. Ensuring efficient and safe walkways are provided to existing and ~~planned~~ potential future public transport facilities along Pukehāngi Road.

- k. Avoiding lots that access Pukehāngi Road to ensure the safety of any future cycleway along Pukehāngi Road is protected; and to minimise demand for on street parking and the need to upgrade the carriageway width.
- l. Designing and locating road intersections with Pukehāngi Road to reduce the effects of vehicle light spill into houses located opposite the new roads.

Policy 2.5      Street Character and Amenity

Develop a local street character that:

- f. Minimises the formed width of roads to create a low speed road environment, while ensuring that road capacity, function and safety is maintained;
- g. Provides a wide vegetated berm incorporating street planting on the Upper and Lower Terraces to create an attractive street environment and to break up the mass of buildings and development;
- h. Reduces building setbacks to promote the use of streets as safe social spaces;
- i. Promotes passive surveillance of the street through visually permeable street boundary fencing; and
- j. Avoids negative impacts on amenity values from high fences on rear yards along Pukehāngi Road through the use of permeable fencing and optional screening planting behind. ~~Minimises vehicle crossings onto Pukehāngi Road to ensure the safety of any future cycleway along Pukehāngi Road is protected.~~

Policy 2.6      Local Reserves and Open Space

Ensure the design of reserves and open space incorporates best practice, including the application of Crime Prevention through Environmental Design principles.

Policy 2.7      Public Walking and Cycling Access

Provide high levels of connectivity within and around the site for walking and cycling.

Policy 2.8      Local Services

Enable small scale retail, cafe and childcare activities to provide convenient and highly accessible local services to the Development Area and surrounding residential area.

Policy 2.9      Cultural: Identity, landscapes and Values

Ensuring that subdivision, use and development expresses the cultural history and identity of Tangata Whenua, recognises the cultural landscape, and recognises and protects the values of archaeological and cultural sites and areas within the Development Area by:

- h. Consulting with Tangata Whenua through the design and planning stages of development;
- i. Expressing cultural identity through measures such as the inclusion of structures or art in public spaces, interpretation plaques, a cultural trail, place naming;

- j. Recognising that the Development Area forms part of a wider cultural landscape for Ngāti Kea Ngāti Tuarā;
- k. Recognising the interests of other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- l. Identifying archaeological and cultural sites and areas, and providing legal and practical access for Tangata Whenua;
- m. Assessing the values and associations of identified archaeological and cultural sites and areas, and the wider cultural landscape; and
- n. Mitigating adverse effects on the values and associations of identified sites and areas, and other sites and areas that may be discovered during development.

~~Information on the cultural history of the area is provided in the Ngāti Kea Ngāti Tuarā Cultural Impact Assessment: An Assessment of the Cultural Impact of the proposed Pukehāngi Heights Development (Te Rūnanga o Ngāti Kea o Ngāti Tuarā, (May 2019)).~~

Policy 2.10      Reverse sensitivity associated with the Rotorua Speedway

Ensure that noise emissions from the speedway are considered for subdivision in Area C on the Pukehāngi Heights Structure Plan and that measures are taken by those subdividing and developing land in the Pukehāngi Heights Development Area to reduce the potential for reverse sensitivity to the speedway and achieve an appropriate noise environment for residents.

Objective 2a: Pukehāngi Heights Development Area - Stormwater Effects

Cumulative stormwater effects are managed in an integrated manner solely within the Pukehāngi Heights Development Area without the need to rely on upstream or downstream detention options.

Policy 2a.1      Stormwater Effects

Manage the cumulative stormwater effects within the Pukehāngi Heights Development Area and on the downstream environment through a Stormwater Management Plan (SMP) for the entire Pukehāngi Heights Development Area that is prepared by Rotorua Lakes Council in collaboration with land owners prior to Council obtaining a discharge permit for the catchment and prior to any subdivision occurring.

The SMP must include:

- (xvii)      A Natural Hazard Risk Assessment that complies with Regional Policy Statement Appendix L – Methodology for Risk Assessment which shall demonstrate that a low level of risk will be achieved within the Pukehāngi Heights Development Area without increasing the flooding risk downstream;
- (xviii)      The same range of criteria which must be at least as conservative as those used in the stormwater modelling report titled “Rotorua Lakes Council, PC2 - Pukehāngi Heights Stormwater Report, WSP, 14 September 2020”;
- (xix) Verification that if model platforms other than those used in the report titled “Rotorua Lakes Council, PC2 - Pukehāngi Heights Stormwater Report, WSP, 14 September 2020” are used for the SMP to predict downstream flooding

- effects, that the alternative model platforms produce results that are consistent with the empirical data for the catchment at the appropriate downstream gauged location;
- (xx) Information and Assessment Requirements for stormwater management solutions for individual subdivisions;
  - (xxi) The intended scale, nature and form (including ground levels) of development and subdivision in the Development Area;
  - (xxii) An assessment of potential effects of stormwater (velocity, flood depth, flood extent) as well as related erosion effects on the downstream catchment that includes the Lower Utuhina catchment;
  - (xxiii) The assessment shall consider the potential for effects related to flood duration including:
    - a. holding up stormwater discharges to the streams due to elevated and longer duration backwater;
    - b. increased stream bank erosion and channel instabilities from extended periods of elevated flows;
    - c. increased length of time buildings, roads, footpath, and structures might be flooded above the key flood hazard threshold for depth and velocity ( $D \times V > 0.3$ );
  - (xxiv) An assessment of the potential effects on water quality;
  - (xxv) Details of mitigation measures for the entire Development Area. Details shall include:
    - a. The size of ponds, location, configuration of the outlet structures, discharge locations, and hydraulic performance of the ponds for on-site stormwater management; and
    - b. The size of channels and the related erosion protection measures for primary, secondary and overland flow paths (on-site and off-site) including for the receiving waterways immediately downstream;
  - (xxvi) Consideration of the sensitivity of proposed stormwater management measures to the staging of development in the Development Area;
  - (xxvii) An assessment of potential effects of stormwater management measures on land stability and liquefaction;
  - (xxviii) The condition of existing infrastructural assets;
  - (xxix) The intended staging and timing for the provision and vesting and/or upgrading and replacement of infrastructural assets;
  - (xxx) Detail of ongoing operational procedures and maintenance requirements for any water quantity and/or quality control structures or formed features such as ponds/dams;
  - (xxxi) The outcomes of consultation with the Bay of Plenty Regional Council, Te Rūnanga o Ngāti Kēaroa Ngāti Tuarā Trust, Ngāti Whakaue (as represented by Te Komiro o te Utuhina or its successor), and Te Arawa Lakes Trust and other affected stakeholders.;
  - (xxxii) The specification of effects-based criteria or thresholds that would trigger a requirement for the limited notification of land use and subdivision applications to Te Rūnanga o Ngāti Kēaroa Ngāti Tuarā Trust, Ngāti Whakaue (as represented by Te Komiro o te Utuhina or its successor), and Te Arawa Lakes Trust

### Objective 3: Pukehāngi Heights Development Area – Flood Hazard Risk Management

Ensure that development within the Pukehāngi Heights Development Area the SMP prepared by Rotorua Lakes Council under Policy 2a.1 achieves and maintains a low level of flood hazard risk within the Pukehāngi Heights Development Area, and that flooding risks ~~is~~ (including from flood flow velocity, flooding depth and flooding extent) are not increased ~~for~~ within urban areas in the downstream Otamatea, Mangakakahi and Utuhina Stream catchments<sup>25</sup>.

#### Policy 3.1 Flooding and Stormwater

Ensure that risk from flooding is managed by:

- ~~• Prior to subdivision and development, undertaking a flood risk assessment using a detailed catchment wide model (which may include detailed hydrological and hydraulic modelling and hazard mitigation) to show how low flood risk will be achieved and maintained within the Development Area without increasing flood risk to downstream urban areas;~~
- ~~• Providing overland flow paths for events that are greater than that designed for; and~~
- ~~• Providing for other treatment measures that may arise because of site specific assessments.~~

#### Policy 3.1 Flood Hazard Risk Management

- b. The SMP prepared under Policy 2a.1 shall:
- demonstrate that Objective 3 can be achieved; and
  - identify and protect primary and secondary overland flow paths downstream of the Pukehāngi Heights Development Area ~~for~~ any storm event that exceeds the capacity of the stormwater solution provided within the Development Area.

#### Policy 3.2 Refusing Resource Consent where Objective 3 Not Met

Rotorua Lakes Council will refuse applications for resource consent where the proposed subdivision, use or development will not achieve the downstream flooding risk outcomes listed in Objective 3.

### Objective 4: Pukehāngi Heights Development Area – Landslide and Liquefaction Hazard Risk Management

Ensure that development within the Pukehāngi Heights Development Area achieves and maintains a low level of landslide and liquefaction hazard risk<sup>26</sup> within the Development Area, without increasing risk in surrounding areas.

#### Policy 4.1 Landslide and Liquefaction Risk Management

Ensure that a low level of risk from landslide or liquefaction is achieved and maintained within the Development Area without increasing the risk to surrounding areas following subdivision and development by:

- d. Undertaking a landslide assessment in accordance with AGS 2007 Landslide Risk Management Framework as part of any application for subdivision;

<sup>25</sup> As defined by the BOP Regional Policy Statement

<sup>26</sup> As defined by the BOP Regional Policy Statement

- e. Undertaking a liquefaction assessment in accordance with Planning and engineering guidance for potentially liquefaction-prone land Resource Management Act and Building Act aspects Rev 0.1 Issue date September 2017 Ministry of Business, Innovation and Employment (MBIE) as part of any application for subdivision; and
- f. Implementing any necessary risk treatment measures to ensure that low landslide and liquefaction risk is achieved within the Development Area without increasing risk in surrounding areas.

**Objective 5: Pukehāngi Heights Development Area – Nutrient Management**

Development within the Pukehāngi Heights Development Area results in a decrease in nutrient losses thereby contributing to water quality improvements in Lake Rotorua.

**Policy 5.1** Subdivision and land use shall be designed to achieve nutrient losses within the limits of the Nitrogen Discharge Allocation to the land, subject to Policy 5.2 below.

**Policy 5.2** Any nutrient losses from subdivision and land use that exceed the limits of the Nitrogen Discharge Allocation to the land must be accounted for and offset otherwise subdivision consent will not be granted.

**Policy 5.3** The assessment of nutrient losses shall follow best practice and be in accordance with any Council approved policy or guidelines, including any Nitrogen Allocation Transfer Plan (or equivalent) certified under the discharge consent for the Rotorua Wastewater Treatment Plant

**A5.2.3 Rules - Pukehāngi Heights Development Area - Residential 1**

**A5.2.3.1 Activities**

**Table 5.2.3.1 a Pukehāngi Heights Development Area Residential 1**

<u>Rules</u>	<u>Activity Status</u>
<u>Land Use</u>	
5. <u>Any of the activities listed in the Residential 1 Zone but located in this Development Area other than those activities listed below.</u>	<u>As for Residential 1 Zone</u>
6. <u>Any activity stated as a permitted activity that does not meet the performance standards in A5.2.3.3.</u>	<u>RD</u>
7. <u>An activity listed above as a Restricted Discretionary Activity (RD) that does not meet the performance standards in A5.2.3.3.</u>	<u>D</u>
8. <u>Infrastructure as shown on the Pukehāngi Heights Development Area Structure Plan</u>	<u>RD</u>
9. <u>Development within the 'Medium Density Residential Development Area' that meets Performance Standard A5.2.3.3 - 9.</u>	<u>RD</u>

10. <u>Child Care Centre within the Community, Retail and Commercial Area shown on the Structure Plan.</u>	<u>RD</u>
11. <u>Convenience Retail and Offices within the Community, Retail and Commercial Area shown on the Structure Plan.</u>	<u>RD</u>
12. <u>Café within the Community, Retail and Commercial Area shown on the Structure Plan.</u>	<u>RD</u>
<u>Subdivision</u>	
13. <u>Subdivision that is consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area and that complies with the Pukehāngi Heights Development Area - Residential 1 Subdivision Performance Standards A5.2.3.4.</u>	<u>RD</u>
14. <u>Subdivision within the 'Medium Density Residential Development Area' that meets Performance Standard A5.2.3.4</u>	<u>RD</u>
15. <u>Subdivision where the site includes an <del>site of</del> archaeological or cultural site importance.</u>	<u>RD</u>
16. <u>Subdivision within the Stormwater / Recreation Areas.</u>	<u>RD</u>
17. <u>Subdivision that is not consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area.</u>	<u>D</u>
18. <u>Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with one or more of the Pukehāngi Heights Development Area - Residential 1 Subdivision Performance Standards A5.2.3.4.</u>	<u>D</u>
19. <u>Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with A5.2.3.4.7 Stormwater Management and A5.2.3.4.8 Natural Hazard Risk Management</u>	<u>NC</u>
<u>Exceptions:</u> <u>The following rules do not apply to the Pukehāngi Heights Development Area:</u> <u>Infrastructure: 15.5.25</u> <u>Subdivision 13.5.1.10</u>	

### **A5.2.3.2 Non-Notification**

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 or the need to obtain the written approval from affected parties if the Land Use and/or Subdivision are consistent with the principles of the Pukehāngi Development Area Structure Plan  
Pukehāngi Development Area Structure Plan and Performance Standards, with the exception that:

- c. Applications that are inconsistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 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.
- d. Subdivision applications that do not meet the subdivision performance standards in A5.2.3.4.7, A5.2.3.4.7a and A5.2.3.4.8 will require the written approval of the Bay of Plenty Regional Council in order to proceed without limited notification.

### **A5.2.3.3 Performance Standards - Land Use**

- 1 The Residential 1 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

#### 2 Yards

- c. The minimum yard for buildings shall be as follows:

- viii. Front yards: 3.0m
- ix. A garage door or carport shall be located at least 4.5m from the road boundary
- x. Side and rear yards: 1.5m
- xi. Rear sites - south yard: 1.5m
- xii. Rear sites - all other yards: 2.5m
- xiii. Rural 1 Zone boundary 5m
- xiv. Yards from boundary adjacent to forestry where indicated in the Structure Plan 30m

- d. Except on side boundaries where there is an existing common wall between two semi-detached units on adjacent sites, or where a common wall is proposed, no yard setback is required along that part of the boundary covered by such a wall.

#### 3 Outdoor Recreation and Amenity Space

- c. The outdoor recreation and amenity space (including decks) for dwellings shall be:
  - iv. a minimum of 40m<sup>2</sup> of the net site area excluding any areas used for parking and turning vehicles;
  - v. directly accessible from the principal living room, dining room or kitchen; and
  - vi. capable of containing a 4.5m diameter circle.

- d. Where the outdoor recreation and amenity space is located on the southern side of the dwelling it must be located at least 4m from the southern end of building.
- 4 Impervious Area  
The maximum site coverage for impermeable surfaces shall be 55%, except that the maximum site coverage for impermeable surfaces shall be 80% on sites with:
- iii. Semi-detached dwellings; or
  - iv. Medium Density Residential Development located within the Medium Density Residential Development Area.
- 5 Fencing-Passive Surveillance of Streets
- c. The maximum height of any fence, wall or combination of these structures located between the dwelling and the front boundary of a site or adjoining any public open space:
    - iii. shall not exceed 1.6m in height; and
    - iv. any fencing above 1.2m in height shall be visually permeable (that being that where any fencing is above 1.2m in height at least 50% of that area can be seen through).
  - d. Fences on rear boundaries adjoining Pukehāngi Road shall be visually permeable (that being at least 50% of the fencing can be seen through) but may incorporate screen planting behind.
- 6 Household Unit Density
- c. Semi Detached Unit  
In addition to the Residential Zone Performance Standard (4.6.4.a), the minimum net site area for a semi-detached unit shall be 500m<sup>2</sup> (250m<sup>2</sup> per unit).
  - d. Smaller sites  
Where a site is less than 450m<sup>2</sup>, the maximum density shall be one dwelling per site.
- 7 Protection of Landscape Values in Escarpment Transition Area 1
- c. Reflectivity:
    - iii. The reflectivity value of external walls ~~roofs~~ and joinery shall not exceed 37%.
    - iv. The reflectivity value of roofs shall not exceed 25%
  - d. Fences and retaining walls:
    - a. Retaining walls shall not exceed 2m in height; and
    - b. Retaining walls shall be screened with planting or constructed of low visibility materials such as, natural materials including stone and timber that weather naturally, or if painted, colours with a reflectivity value that shall not exceed 25%.
- Note: Other conditions on site development may be identified in a Consent Notice registered on the relevant Certificate of Title.
- 8 Protection of Landscape Values in Escarpment Transition Area 2
- g. Height: The maximum height of a building or structure shall be 6m;
  - h. Yards:

- iii. The minimum side yard for buildings shall be 5m and one side yard may be reduced to 2m; and
- iv. The minimum rear yards for buildings shall be 7m.
- i. Modulation: Maximum continuous building length shall be 15m.
- j. Household Unit Density: One dwelling per lot.
- k. Reflectivity:
  - i. The reflectivity value of external walls ~~roofs~~ and joinery shall not exceed 37%.
  - ii. The reflectivity value of roofs shall not exceed 25%.
- l. Fences and retaining walls: Fencing or retaining walls (excluding front boundary fences) shall be screened with planting or constructed of low visibility materials such as, natural materials including stone and timber that weather naturally, or if painted, colours with a reflectivity value that shall not exceed 25%.

Note: Other conditions on site development may be identified in a Consent Notice registered on the Certificate of Title of the site.

#### 9 Medium Density Residential Development

- h. Location: Within the areas as indicated on the Pukehāngi Heights Development Area Structure Plan.
- i. Urban Design Assessment: An Urban Design Assessment shall be provided with any resource consent application. The assessment shall be prepared by a suitably qualified urban design professional and shall set out the development objectives and design principles and address all matters of discretion in A5.2.6.2.
- j. Minimum parent ~~net~~ site area: 1500m<sup>2</sup>.
- k. Minimum net site area per dwelling: 200m<sup>2</sup>.
- l. Maximum height: 9m.
- m. Private outdoor living space:
  - iv. Ground floor unit: A minimum of 25m<sup>2</sup> being able to accommodate a 4m diameter circle situated adjacent to one of the main living areas of the dwelling on the northern, eastern, or western side of the property;
  - v. Upper floor unit: A minimum of 10m<sup>2</sup> being able to accommodate a 2.5m diameter circle situated adjacent to one of the main living areas; and
  - vi. Any outdoor living space provided shall be exclusive of any access space.
- n. Storage and service space: A minimum of 5m<sup>2</sup> of open space per dwelling that can accommodate a 2m diameter circle.

#### 10 Community, Retail and Commercial Activities

- b. Location: Within each of the areas indicated on the Pukehāngi Heights Development Area Structure Plan the following activities may occur.

- v. Convenience retail activities not exceeding 600m<sup>2</sup> in total gross floor area within each centre provided that any one tenancy shall be limited to a maximum of 300m<sup>2</sup>;
  - vi. Offices;
  - vii. Café: Up to 200m<sup>2</sup> net floor area; and
  - viii. Early Childhood Centre: Up to 50 Children.
- 11 The performance standards in A5.2.3.4 Performance Standards – Subdivision shall apply, where relevant, to any proposed land use that occurs prior to subdivision.

#### **A5.2.3.4 Performance Standards – Subdivision**

- 1 The provisions of Part 13: Subdivision for the Residential 1 Zone, along with any other relevant provisions of the District Plan, apply in the Pukehāngi Heights Development Area unless otherwise specified below.
- 2 Minimum Lot Width for Solar Access  
The minimum width of any property where the front boundary faces north, and access is from the north, or is within 25 degrees of north, shall be 18m.
- 3 Semi-detached Units (i.e. one unit per 250m<sup>2</sup>)  
Minimum lot area: 500m<sup>2</sup>.
- 4 Protection of Landscape Values in Escarpment Transition Areas 1 and 2  
A Landscape and Visual Assessment shall be provided for subdivision in Escarpment Transition Areas 1 and 2 as shown on the Pukehāngi Heights Structure Plan, prepared by a suitably qualified landscape architect and shall address:
  - v. Finished land contours and retaining structures;
  - vi. Layout of roads, access, buildings, and other structures;
  - vii. Landscape mitigation planting; and
  - viii. Design controls.
- 5 Protection of Landscape Values by Re-vegetation of Upper Escarpment
  - ii. A subdivision consent application for all or part of the Upper Terrace shall include any part of the Upper Escarpment adjoining that part of the Upper Terrace as shown on the Pukehāngi Heights Structure Plan.
- 6 Medium Density Residential Development  
Subdivision for Medium Density Residential Development assessed under Rule A5.2.3.1.5
- 7 Stormwater Management  
~~A Stormwater Management Plan shall be provided which shall address;~~
  - ~~• The scale and form of foreseeable urban development in the applicable catchment;~~
  - ~~• An assessment of effects on stormwater water quality and quantity, including erosion and flooding hazards, in the applicable catchment Utuhina Catchment for the full reach downstream to Lake Rotorua;~~

- ~~Proposals for management of stormwater water quality and quantity, including protection of overland flowpaths from inappropriate development;~~
- ~~The sensitivity of proposed stormwater management measures to the staging of development in the Development Area;~~
- ~~The potential effects of stormwater management measures on land stability and liquefaction;~~
- ~~Infrastructural assets to be vested in the council; and~~
- Staging and timing for the vesting of infrastructural assets.

(a) Stormwater Management Plan (SMP) Compliance

- iii. Stormwater management solutions for subdivisions must be consistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 for the Pukehāngi Heights Development Area to ensure an integrated approach is taken to stormwater management.
- iv. Stormwater management solutions for subdivisions must be prepared by a suitably qualified and experienced practitioner.

(b) Information and Assessment Requirements for Stormwater management solutions for subdivisions

Stormwater management solutions for subdivisions must include the following information:

- vii. The intended scale, nature and form (including ground levels) of development in the Development Area;
- viii. An assessment of the potential effects on water quality;
- ix. Details of mitigation measures including:
  - a. The size of ponds, location, configuration of the outlet structures, discharge locations, and hydraulic performance of the ponds for on-site stormwater management; and
  - b. The size of channels and the related erosion protection measures for primary, secondary and overland flow paths (on-site and off-site) including for the receiving waterways immediately downstream.
- The mitigation measures shall be designed to:
  - manage the potential adverse effects identified in A5.2.3.4.7(b)(ii) and (iv).
- x. An assessment of potential effects of stormwater management measures on land stability and liquefaction;
- xi. The intended staging and timing for the provision and vesting and/or upgrading and replacement of infrastructural assets.
- xii. Detail of ongoing operational procedures and maintenance requirements for any water quantity and/or quality control structures or formed features such as ponds/dams.

7a Compliance with Rotorua Lakes Council Stormwater Discharge Consent

Any subdivision application must demonstrate that stormwater discharges can comply with the conditions of the Stormwater Discharge Consent held by Rotorua Lakes Council for the Pukehāngi Heights Development Area

8 Land Instability and Liquefaction 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.~~

9 The location of the following features shall, where relevant to the subdivision, be delineated on the plan of subdivision and identified in a Consent Notice by an appropriate legal instrument on ~~a~~ the relevant Certificate of Title:

c. Escarpment Transition Areas as shown on the Pukehāngi Heights Structure Plan; and

d. All Lots to be used for Community, Retail and Commercial Activities in accordance with Rule A5.2.3.3 – 9.

10 Protection of Cultural Identity and Sites of Archaeological or Cultural Importance

The application shall:

k. Report on the outcomes of consultation with Ngāti Kea Ngāti Tuarā and, where relevant, with other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;

l. Report on the outcomes of consultation with Heritage NZ if the subdivision includes an archaeological or cultural site;

m. Identify measures that express the cultural identity of Ngāti Kea Ngāti Tuarā with the land, including:

i. Incorporate landmark features such as traditional or contemporary art works, into the street network that reflect the history of the area;

ii. Identify names of streets that reflect cultural associations of Tangata Whenua with the area;

n. Identify measures that recognise and protect the interests of other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;

o. Identify measures to recognise the wider cultural landscape;

p. Identify the location, extent and scale of the proposal in relation to any identified cultural and archaeological sites and areas;

q. Identify the process and protocols that will be applied if other cultural and archaeological sites and areas are discovered prior to or during site works or development;

r. Identify how cultural and archaeological sites and areas as shown on the Pukehāngi Heights Structure Plan ~~heritage values~~ will be protected, including:

i. ~~How archaeological sites and areas~~ will be integrated into the development;

ii. How sites and areas will be separated or buffered from urban activities; and

iii. Monitoring of the effects of development on ~~archaeological~~ sites and areas;

- s. Include proposals for the provision of access by Tangata Whenua to any cultural and archaeological sites and the on-going management of these sites; and
- t. Include mechanisms, for example, cultural awareness training or pre-start meetings, to ensure contractors are aware of the potential for archaeological discoveries, and the protocols to be followed should evidence be discovered.

Advice Notes:

- 1. Ngāti Kearoa Ngāti Tuarā Environmental Management Plan provides policies and protocols relating to wāhi tapu, wāhi whakahirahira and the discovery of koiwi tangata (remains) or taonga tuturu (traditional artefacts).
- 2. An Archaeological Authority is required from Heritage NZ for the modification or damage of an archaeological site, either recorded or unrecorded.

#### 11 Development Traffic

- e. If no road connection is available between Area A and Area B, any road intersection connecting with Matipo Avenue from Area A may provide access for no more than 60 residential dwellings.
- f. If a road connection is available between Area A and Area B, the subdivision and development of Area A shall be designed such that any road intersection connecting with Matipo Avenue from Area A provides access for no more than 35 residential dwellings, or the equivalent number of vehicle trips during the evening peak hour established through traffic modelling methodology by a Suitably Qualified and Experienced Traffic or Transportation Engineer.
- g. Standard b above shall be deemed to be met where:
  - III. A road intersection at Pukehāngi Road/Malfroy Avenue is located generally as shown on the Pukehāngi Heights Development Area Structure Plan; and
  - IV. The Indicative Primary Road in Area B up the Mid-site Escarpment is located generally as shown on the Pukehāngi Heights Development Area Structure Plan.
- h. 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 Pukehāngi 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.

#### 12 Construction Traffic

For the subdivision and development of Area A, a Construction Traffic Management Plan (CTMP) shall be submitted that includes measures such that:

- e. All construction traffic is restricted from gaining access from Matipo Avenue, other than for the purpose of constructing an intersection with Matipo Avenue unless, at the time of intended construction and to Council's satisfaction, it is not practicable to construct road access from Pukehāngi Road to Area A – in which case access from lower Matipo Avenue may be permitted at or about the point where the interconnecting Primary Road is shown on the Structure Plan;
- f. Unless the exception in a. above applies;
  - i. All construction traffic gains access from ~~a temporary access road from the Great West Road boundary or Area B from Pukehāngi Road,~~ other than for the purpose of constructing an intersection with Matipo Avenue;
  - ii. Prior to commencing construction signage ~~is~~ shall be erected and displayed and maintained on and near the entrance of Matipo Avenue during construction of the development advising of the restrictions on construction traffic using Matipo Avenue for access and directing such traffic to the approved site access;
- g. The CTMP 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.
- h. The Matipo Avenue Residents Incorporated Society (MARIS) must be consulted in the development of the CTMP on any aspect that involves the use of Matipo Avenue by construction traffic.

To avoid doubt, "construction traffic" means heavy and light vehicles associated with subdivision and development, including but not limited to earthworks and the construction of infrastructure, but does not include traffic associated with construction of residential buildings and structures in the Development Area.

### 13 Construction Noise and Vibration

A Noise and Vibration Management Plan shall be submitted that includes:

- f. Construction methodology: timeframe, hours of operation, location plan;
- g. Appropriate noise and vibration limits based on recognised standards;
- h. An assessment of the receiving environment including sensitive activities;
- i. Noise and vibration sources and proposed mitigation; and
- j. Monitoring and complaints procedures.

#### 14 Nutrient Management

A Nutrient Management Plan for the parent site, including any balance area, shall be submitted that includes:

- e. Confirmation of the Nitrogen Discharge Allocation for the parent site;
- f. Calculation of the nitrogen losses from the proposed development of the land in accordance with any Council approved policy or guidelines;
- g. Proposals to address any nitrogen shortfall, where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site. This may include transfer from other land, nitrogen trading or the application of a Council-operated offset regime;
- h. Nutrient management requirements to be met at full development and, where staged, at each stage of development.

#### **A5.2.4 Rules - Pukehāngi Heights Development Area Mid Site Escarpment - Rural 2 Zone**

The Rural 2 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

##### **A5.2.4.1 Activities**

Table 5.2.4.1 a Pukehāngi Heights Development Area - Rural 2

<u>Rules</u>	<u>Activity Status</u>
<u>Land Use</u>	
11. <u>Any of the activities listed in the Rural 2 Zone but located in this Development Area other than those activities listed below.</u>	<u>As for Rural 2 Zone</u>
12. <u>Any activity stated as a permitted or controlled activity that does not meet all of the relevant performance standards listed in A5.2.4.3.</u>	<u>RD</u>
13. <u>Household unit.</u>	<u>P</u>
14. <u>Additional or subsidiary household unit.</u>	<u>RD</u>
15. <u>Infrastructure as shown on the Pukehāngi Heights Development Area Structure Plan</u>	<u>RD</u>
<u>Subdivision</u>	
16. <u>Subdivision within the Pukehāngi Heights Development Area that is consistent with the principles of the Pukehāngi Heights Development Area Structure Plan and that complies with the Pukehāngi Heights Development Area – Rural 2 Subdivision Performance Standards A5.2.4.4.</u>	<u>RD</u>
17. <u>Subdivision where the site includes an <del>site of</del> archaeological or cultural site importance.</u>	<u>RD</u>

18. <u>Subdivision within the Pukehāngi Heights Development Area that is not consistent with the principles of the Pukehāngi Heights Development Area Structure Plan.</u>	<u>D</u>
19. <u>Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with one or more of the Pukehāngi Heights Development Area – Rural 2 Subdivision Performance Standards.</u>	<u>D</u>
20. <u>Subdivision that would otherwise be a Restricted Discretionary Activity and that does not comply with A5.2.4.4.5 Stormwater Management and A5.2.4.4.6 Natural Hazard Risk Management</u>	<u>NC</u>

#### **A5.2.4.2 Non-Notification**

Any application for resource consent for the activities listed in Table 5.2.4.1 a 5-7 shall be considered without public or limited notification ~~or the need to obtain the written approval from affected parties~~ if the Land Use and/or Subdivision are consistent with the ~~principles of the Pukehāngi Development Area Structure Plan~~ Pukehāngi Development Area Structure Plan and Performance Standards, with the exception that:

- c. applications that are inconsistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 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.
- d. Subdivision applications that do not meet the subdivision performance standards in A5.2.4.4.4, and A5.2.4.4.5 will require the written approval of the Bay of Plenty Regional Council in order to proceed without limited notification.

#### **A5.2.4.3 Performance Standards – Land Use**

- 1 The Rural 2 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

##### 2 Height

The maximum height of any building or structure shall be 6m.

##### 2A Yards

The minimum yard for buildings shall be as provided for in the Rural 2 Zone provisions except as follows:

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

##### 3 Building Location

All buildings shall be located within the buildable area/s identified on each allotment.

##### 4 Site Coverage

Site coverage of all buildings shall not exceed 400m<sup>2</sup>.

##### 5 Density

One household unit per site.

**6 Reflectivity**

- i. The reflectivity value of external walls, ~~roofs~~ and joinery shall not exceed 37%.
- ii. The reflectivity value of roofs shall not exceed 25%

**7 Fencing or Retaining Walls**

Fencing or retaining walls adjacent to the escarpment shall be screened with planting or constructed of low visibility materials such as, natural materials including stone and timber that weather naturally, or if painted, colours with a reflectivity value that shall not exceed 25%.

Note: Fencing shall be low key in design and avoid urbanised post and panel boundary lot fencing that will dominate the pattern of development along the mid-site escarpment. Post and 3 – 5 rail and wire fencing is appropriate.

**8 Forestry**

No forestry activity except:

- c. re-vegetation that is consistent with the principles of the Pukehāngi Heights Structure Plan; or
- d. forestry activity within the Pukehāngi Southern Slopes.

**9 Farming**

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

- 10 The performance standards in A5.2.4.4 Performance Standards – Subdivision shall apply, where relevant, to any proposed land use that occurs prior to subdivision.**

**A5.2.4.4 Performance Standards – Subdivision**

- 1 The provisions of Part 13: Subdivision for the Rural 2 Zone, along with any other relevant provisions of the District Plan, apply in the Pukehāngi Heights Development Area unless otherwise specified below.**

**1a Minimum Lot Area**

The minimum average area of lots in the Mid-site Escarpment shall be 4,000 m<sup>2</sup>. For the avoidance of doubt the calculation of the minimum average area shall include all land in the Mid-site Escarpment that is open space, reserves and roads, regardless of any such land being vested in Council.

**2 Building Platform and Access**

Each new lot shall show the location of a suitable building platform of at least 200m<sup>2</sup> and the alignment of future access.

**3 Landscape Concept Plan and Visual Assessment**

A landscape concept plan and visual assessment shall be provided with the subdivision consent application. The landscape concept plan and visual assessment shall be prepared by a suitably qualified landscape architect and shall demonstrate how the objectives and policies for the maintenance and enhancement of landscape values will be met, including but not limited to the consideration of building locations, built form, ancillary structures, earthworks, vegetation, access and lighting.

The following detail shall be required as a condition of consent:

- e. A planting schedule;
- f. A planting programme;
- g. A post-planting maintenance regime including a pest plant and pest animal management programme; and
- h. Ownership and management systems to enable the planting programme and maintenance regime to be undertaken in an on-going manner.

#### 4 Stormwater Management

The performance standards contained in A5.2.3.4 Performance Standards – Subdivision, sub-section 7: Stormwater Management and 7a: Compliance with Rotorua Lakes Council Stormwater Discharge Consent.

~~A Stormwater Management Plan shall be provided which shall address;~~

- ~~• The scale and form of foreseeable urban development in the applicable catchment;~~
- ~~• An assessment of effects on stormwater water quality and quantity, including erosion and flooding hazards in the applicable catchment for the full reach downstream to Lake Rotorua;~~
- ~~• Proposals for management of stormwater water quality and quantity, including protection of overland flowpaths from inappropriate development;~~
- ~~• The sensitivity of proposed stormwater management measures to the staging of development in the Development Area;~~
- ~~• The potential effects of stormwater management measures on land stability and liquefaction;~~
- ~~• Infrastructural assets to be vested in the council; and~~
- Staging and timing for the vesting of infrastructural assets.

#### 5 Land Instability and Liquefaction 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 confirm that a low level of level of risk will be achieved within the Development Area without increasing risk elsewhere:

- ~~a. Flooding; and~~
- ~~b. Land instability and liquefaction.~~

#### 6 Protection of Cultural Identity and Sites of Archaeological or Cultural Importance

Where the subdivision includes an archaeological or cultural site identified on the Structure Plan the application shall:

- k. Report on the outcomes of consultation with Ngāti Kea Ngāti Tuarā and, where relevant, with other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- l. Report on the outcomes of consultation with Heritage NZ if the subdivision includes an archaeological or cultural site;
- m. Identify measures that express the cultural identity of Ngāti Kea Ngāti Tuarā with the land, including:
  - i. Incorporate landmark features such as traditional or contemporary art works, into the street network that reflect the history of the area;

- ii. Identify names of streets that reflect cultural associations of Tangata Whenua with the area;
- n. Identify measures that recognise and protect the interests of other Te Arawa iwi and hapū with associations with the cultural landscape including downstream sites and values;
- o. Identify measures to recognise the wider cultural landscape;
- p. Identify the location, extent and scale of the proposal in relation to any identified cultural and archaeological sites and areas;
- q. Identify the process and protocols that will be applied if other cultural and archaeological sites and areas are discovered prior to or during site works or development;
- r. Identify how cultural and archaeological sites and areas heritage values will be protected, including:
  - i. How ~~archaeological~~ sites and areas will be integrated into the development;
  - ii. How sites and areas will be separated or buffered from urban activities; and
  - iii. Monitoring of the effects of development on ~~archaeological~~ sites and areas;
- s. Include proposals for the provision of access by Tangata Whenua to any cultural and archaeological sites and the on-going management of these sites; and
- t. Include mechanisms, for example, cultural awareness training or pre-start meetings, to ensure contractors are aware of the potential for archaeological discoveries, and the protocols to be followed should evidence be discovered.

Advice Notes:

- 1. Ngāti Kearoa Ngāti Tuarā Environmental Management Plan provides policies and protocols relating to wāhi tapu, wāhi whakahirahira and the discovery of koiwi tangata (remains) or taonga tuturu (traditional artefacts).
- 2. An Archaeological Authority is required from Heritage NZ for the modification or damage of an archaeological site, either recorded or unrecorded.

7 Development Traffic

- e. If no road connection is available between Area A and Area B, any road intersection connecting with Matipo Avenue from Area A may provide access for no more than 60 residential dwellings.
- f. If a road connection is available between Area A and Area B, the subdivision and development of Area A shall be designed such that any road intersection connecting with Matipo Avenue from Area A provides access for no more than 35 residential dwellings, or the equivalent number of vehicle trips during the evening peak hour established through a traffic modelling methodology approved by the Council.
- g. Standard b above shall be deemed to be met where:
  - III. A road intersection at Pukehāngi Road/Malfroy Avenue is located generally as shown on the Pukehāngi Heights Development Area Structure Plan; and

IV. The Indicative Primary Road in Area B up the Mid-site Escarpment is located generally as shown on the Pukehāngi Heights Development Area Structure Plan.

- h. 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 Pukehāngi 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.

#### 8 Construction Traffic

For the subdivision and development of Area A, a Construction Traffic Management Plan (CTMP) shall be submitted that includes measures such that:

- e. All construction traffic is restricted from gaining access from Matipo Avenue, other than for the purpose of constructing an intersection with Matipo Avenue unless, at the time of intended construction and to Council's satisfaction it is not practicable to construct road access from Pukehāngi Road to Area A – in which case access from lower Matipo Avenue may be permitted at or about the point where the interconnecting Primary Road is shown on the Structure Plan;
- f. Unless the exception in a. above applies:
- All construction traffic gains access from ~~a temporary access road from the Great West Road boundary of Area B from Pukehāngi Road,~~ other than for the purpose of constructing an intersection with Matipo Avenue;
  - Prior to commencing construction signage ~~is~~ shall be erected and displayed and maintained on and near the entrance of Matipo Avenue during construction of the development advising of the restrictions on construction traffic using Matipo Avenue for access and directing such traffic to the approved site access;
- g. The CTMP 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.
- h. The Matipo Avenue Residents Incorporated Society (MARIS) must be consulted in the development of the CTMP on any aspect that involves the use of Matipo Avenue by construction traffic.

To avoid doubt, "construction traffic" means heavy and light vehicles associated with subdivision and development, including but not limited to earthworks and the construction of infrastructure, but does not include traffic associated with construction of residential buildings and structures in the Development Area.

#### 9 Construction Noise and Vibration

A Noise and Vibration Management Plan shall be submitted that includes:

- f. Construction methodology: timeframe, hours of operation, location plan;
- g. Appropriate noise and vibration limits based on recognised standards;
- h. An assessment of the receiving environment including sensitive activities;
- i. Noise and vibration sources and proposed mitigation; and
- j. Monitoring and complaints procedures.

#### 10 Nutrient Management

A Nutrient Management Plan for the parent site, including any balance area, shall be submitted that includes:

- e. Confirmation of the Nitrogen Discharge Allocation for the parent site;
- f. Calculation of the nitrogen losses from the proposed development of the land in accordance with any Council approved policy or guidelines.
- g. Proposals to address any nitrogen shortfall, where the nitrogen losses from the proposed development of the land exceed the Nitrogen Discharge Allocation for the site. This may include transfer from other land, nitrogen trading or the application of a Council-operated offset regime.
- h. Nutrient management requirements to be met at full development and, where staged, at each stage of development

#### **A5.2.5 Rules - Pukehāngi Heights Development Area Upper Escarpment - Rural 1 Zone**

The Rural 1 Zone provisions along with any other specific provisions apply in this Development Area unless otherwise specified below.

##### **A5.2.5.1 Activities**

Table 5.2.5.1 a Pukehanghi Heights Development Area – Rural 1

<u>Rules</u>	<u>Activity Status</u>
<u>Land Use</u>	
20. <u>Any of the activities listed in the Rural 1 Zone other than those activities listed below.</u>	<u>As for Rural 1 Zone</u>
21. <u>Buildings</u>	<u>NC</u>
<u>Subdivision</u>	
22. <u>Subdivision that is consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area and complies with the Pukehāngi Heights Development Area - Rural 1 Subdivision Performance Standards A5.2.5.4.1</u>	<u>RD</u>
23. <u>Subdivision that is not consistent with the principles of the Structure Plan for the Pukehāngi Heights Development Area or does not comply with the</u>	<u>D</u>

#### **A5.2.5.2 Non-Notification**

Any application for resource consent for the activities listed as 3 in Table A5.2.5.1 Rule 3 shall be considered without public or limited notification ~~or the need to obtain the written approval from affected parties~~ if the Land Use and/or Subdivision are consistent with the ~~principles of the Pukehāngi Development Area Structure Plan~~ Pukehāngi Development Area Structure Plan and Performance Standards, with the exception that:

- a. applications that are inconsistent with the SMP prepared by Rotorua Lakes Council under Policy 2a.1 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.
- b. Subdivision applications that do not meet the subdivision performance standards in A5.2.3.4.7, A5.2.3.4.7a and A5.2.3.4.8 will require the written approval of the Bay of Plenty Regional Council in order to proceed without limited notification.

#### **A5.2.5.3 Performance Standards – Land Use**

1 The Rural 1 Zone provisions apply.

2 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

#### **A5.2.5.4 Performance Standards – Subdivision**

- 1 Protection of Landscape Values by Re-vegetation of Upper Escarpment
  - e. The Upper Escarpment shall be partially re-vegetated to provide a backdrop to development on the Upper Terrace.
  - f. A subdivision consent application for all or part of the Upper Terrace shall include any part of the Upper Escarpment adjoining that part of the Upper Terrace.
  - g. Upper Escarpment Planting Plan: A planting plan shall be provided with the subdivision consent application. This shall be prepared by a suitably qualified landscape architect and shall specify:
    - iii. A planting schedule; and
    - iv. A planting programme.
  - h. A post-planting maintenance regime including a pest plant and pest animal management programme.

#### **A5.2.6 RESTRICTED DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT**

Council shall restrict its discretion to the following matters.

**A5.2.6.1 Land Use within the Pukehāngi Heights Development Area – Residential 1 Zone and Rural 2 Zone that does not meet the performance standards**

- 1 The effects of non-compliance with the performance standards; and
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the Residential 1 Zone and Rural 2 Zone will continue to be met.

**A5.2.6.2 Land Use within the Pukehāngi Heights Development Area – Medium Density Residential Development on the Identified Sites**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved;
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met;
- 3 The compatibility between surrounding residences and the proposed development, having regard to the protection of visual and aural privacy and visual dominance of buildings; and
- 4 The quality of the environmental outcomes achieved for residents within the development having regard to:
  - h. Visual and aural privacy;
  - i. Access to open space;
  - j. On-site amenity planting;
  - k. Accessibility for all abilities;
  - l. Pedestrian and cycle connectivity;
  - m. Safe and convenient access and parking for vehicles (if provided); and
  - n. Solar access and passive heating and ventilation.

**A5.2.6.3 Land Use within the Pukehāngi Heights Development Area - retail, cafe and early childhood centres**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved;
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met;
- 3 The compatibility between the proposed development and surrounding residential activities having regard to the protection of visual and aural privacy, and visual dominance of buildings;
- 4 The extent to which the development will promote walkable access to local services; and
- 5 The extent to which the development provides for safe and convenient access and parking for vehicles, and minimises traffic congestion within the surrounding streets.

**A5.2.6.4 Land Use within the Pukehāngi Heights Development Area Additional or Subsidiary household unit - Rural 2 Zone**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved; and
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met.

**A5.2.6.5 Subdivision within the Pukehāngi Heights Development Area – Residential 1 Zone, Rural 1 and 2 Zones and Passive Open Space Overlay**

- 1 The extent to which the principles of the Pukehāngi Heights Development Area Structure Plan will be achieved;
- 2 The extent to which the objectives and policies of the Pukehāngi Heights Development Area and the underlying zone will be met; and
- 3 The appropriateness of ownership and management measures to ensure the required re-vegetation is maintained in perpetuity.

**A5.2.7**

**Methods**

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

# PLAN CHANGE TEXT – PROPOSED CONSEQUENTIAL CHANGES

## ~~A5.8 TWIN OAKS DEVELOPMENT PLAN~~

### ~~A5.8.1 Introduction~~

~~The Twin Oaks Development Plan covers the land identified in A5.8.5 located at the top of Matipo Avenue, Pukehāngi, with the underlying zoning being Rural 2 and Residential 1. This adjoins existing residential zoned land that provides high connectivity to the Rotorua urban environment and associated infrastructure.~~

~~The development plan provides for the establishment of a retirement facility consisting of residential units, village facilities and a hospital to service the retirement facility. A portion of the site will also be developed for residential land uses, these being separate to the retirement facility. The site's strategic location will provide the development with significant view shafts of Lake Rotorua, without reducing the character and values associated with the Rotorua caldera.~~

~~All development within the development area identified on the Twin Oaks Development Plan shown in A5.8.5 requires resource consent, except for activities permitted in the underlying zones.~~

### ~~A5.8.2 Activity Status~~

- ~~1. Development complying with the performance standards specified in A5.8.3 shall be considered as a restricted discretionary activity with the council's discretion limited to the matters reserved in A5.8.4.~~
- ~~2. Development not complying with the performance standards in A5.8.3 shall be a discretionary activity.~~

### ~~A5.8.3 Performance Standards~~

~~The following performance standards shall apply to all development under this Development Plan, regardless of the activity status.~~

#### ~~I. Village Site and Building Development Units~~

##### ~~a Village Units~~

- ~~i Maximum 120 units.~~
- ~~ii Licence to Occupy or similar tenure.~~
- ~~iii Anticipated occupancy 1.3 persons /unit.~~
- ~~iv Range of sizes 1, 2 and 3 bedroom.~~
- ~~v Generally single storey stand alone units with some duplex (single storey) and terrace units (2 storeys).~~
- ~~vi Each unit with single garage, outdoor living space, service area.~~

- vii — ~~Maximum height 7.5 metres.~~
  - viii — ~~Consistent architectural style and landscape/amenity planting.~~
  - ix — ~~Set back from north-west boundary according to zone standards.~~
  - x — ~~Set back from south slope according to geotechnical requirements.~~
- b. — ~~Village Facilities~~
- i — ~~2 storey facilities building with a maximum, floor area of 500 m<sup>2</sup>.~~
  - ii — ~~Maximum height 7.5 metres.~~
  - iii — ~~Provision for village administration, communal lounge, dining, recreation, pool, gymnasium, library, crafts.~~
  - iv — ~~Outdoor recreation — bowls, tennis, petanque.~~
  - v — ~~Visitor parking associated with facilities and at strategic locations throughout village.~~
  - vi — ~~Walkways.~~
- e. — ~~Village Hospital~~
- i — ~~Aged care, assisted care, respite care.~~
  - ii — ~~30 beds.~~
  - iii — ~~Single storey.~~
  - iv — ~~A maximum area of 6000 m<sup>2</sup> site.~~
  - v — ~~Independent operation.~~
- d. — ~~Village Infrastructure~~
- i — ~~Subject to rule A5.8.3.1 d. vi., provide a single point entry from the new road to be vested.~~
  - ii — ~~All internal roads shall be constructed to provide a minimum 6 metre sealed carriageway.~~
  - iii — ~~A temporary access road shall be formed from the Great West Road boundary to the development site for construction traffic, and all construction traffic associated with the construction and establishment of the village units, facilities and hospital, and associated with the construction and establishment of the residential subdivision shall use that temporary access road.~~
  - iv — ~~There shall be no access for all construction traffic associated with the development over Matipo Avenue.~~
  - v — ~~Notwithstanding rules A5.8.3.1 d. iii. and iv, construction traffic associated with construction or residential buildings and structures in the Residential Development area may use Matipo Avenue for access.~~
  - vi — ~~The developer shall, as part of the development, provide an additional road access point to the boundary of the land to the north-west of the Development Plan area with the intent that should the adjoining landowner and the owner of the retirement village in the future desire and agree additional access to the Development Area over the adjoining land, then such additional access point shall provide an~~

option to do so.

## 2. ~~Residential Subdivision and Development~~

- a. ~~Access to the development shall be gained from the proposed road to be vested in Council.~~
- b. ~~Lots shall not be less than 700 m<sup>2</sup> in area.~~
- c. ~~A maximum of 20 residential lots containing up to a total of 20 household units may be developed. No further subdivision of these sites or increase in household density beyond this shall be allowed and this shall be recorded by way of a legal covenant.~~

## 3. ~~Traffic~~

- a. ~~Construction and Service Traffic~~
  - i ~~All construction traffic (heavy and light vehicles) associated with the development of the village units, facilities and hospital and the residential subdivision shall use the temporary access road from the Great West Road boundary.~~
  - ii ~~Prior to commencing construction, the developer shall cause to be erected and displayed and maintained on and near the entrance of Matipo Avenue during construction of the development, clearly visible signage advising of the prohibition of construction traffic using Matipo Avenue to access the development and directing such traffic to Great West Road.~~
  - iii ~~Service traffic associated with the village units, facilities and hospital shall not use Matipo Avenue for access outside the hours of 8am to 6pm Monday to Friday and outside of 10am to 2pm Saturday and Sunday and on Public Holidays.~~
- b. ~~Traffic Safety Audit~~
  - i ~~Traffic safety audits shall be undertaken at the following two key stages of the Twin Oaks development and implementation:~~
    - (a) ~~at the completion of the detailed design; and~~
    - (b) ~~post construction.~~
  - ii ~~The audits shall be independent of council, the developer or their agents.~~
  - iii ~~The audits shall be undertaken by a suitably qualified traffic engineer.~~
  - iv ~~The study area shall extend from the Pukehāngi Road / Matipo Avenue intersection along Matipo Avenue approximately 550 metres and shall include the new intersection and link road into the Twin Oaks development. The road and street layout within the Twin Oaks development is outside of the scope of the audit.~~
  - v ~~The audit shall encompass the environs of the Pukehāngi / Matipo intersection and include intervisibility sight lines. To set the appropriate geometric parameters the audit should take cognisance of projected traffic volumes provided by the developer (reference:~~

## ~~A5.8.4 Restricted Discretionary Activities : Method of Assessment~~

### ~~A5.8.4.1 Development in accordance with the Twin Oaks Development Plan contained within Appendix 5.8~~

The council will limit its discretion to the matters below:

- ~~1. How noise, traffic and dust generated from construction will be managed to be contained within the site boundaries.~~
- ~~2. The extent to which the proposed development will be adequately serviced by water, sewage and storm water in accordance with Council engineering standards.~~
- ~~3. The extent to which the development is in accordance with the standards specified in A5.8.3 and located in accordance with the plan shown in A5.8.5.~~
- ~~4. Any development shall comply with the performance standards specified within the Residential 1 zone for the proposed residential development or the Rural 2 zone for the village units, facilities, hospital and infrastructure, to the extent that those performance standards are not inconsistent with the standards in rule A5.8.3.~~
- ~~5. Traffic matters covered by rule A5.8.3.3, including the ability to impose conditions regarding the frequency and timing of traffic safety audits and traffic surveys.~~
- ~~6. Any residential subdivision shall comply with the relevant provisions of Part 13 Subdivision, to the extent that those are not inconsistent with the standards in rule A5.8.3.2.~~

## A5.8.5 Twin Oaks Development Plan



Plan Change 2: Pukehāngi Heights: Provisions recommended by Hearing Panel

# PART 4

## RESIDENTIAL

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**Table 4.5 : Activities in the Residential 1 - 5 Zones**

Rules	Zones				
	RD1	RD2	RD3	RD4	RD5
<b>General</b>					
<del>5. Development in accordance with the Twin Oaks Development Plan contained within Appendix 5, Development Plans</del>	RD	NA	NA	NA	NA

### 4. Household Unit Density

#### a. Residential 1

- ~~iv Within the area covered by the Twin Oaks Development Plan only one household unit may be constructed for each 700m<sup>2</sup> net site area. See Appendix 5.8~~

### 4.8.2 Assessment Criteria for Specific Activities

Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities:

#### ~~6. Development in accordance with the Twin Oaks Development Plan~~

~~See Appendix 5.8.~~

# PART 9

## RURAL

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**Table 9.5: Activities in the Rural Zones**

Rules	Zones		
	RR1	RR2	RR3
Community Facilities			
<del>30. Development in accordance with the Twin Oaks Development Plan contained within Appendix 5.8</del>	NA	RD	NA

### 9.8.2 Assessment Criteria for Specific Activities

The council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities.

- ~~7. Development in accordance with the Twin Oaks Development plan~~  
~~See Appendix 5 Development Plans.~~

# PART 12

## FUTURE GROWTH

### 12.1 INTRODUCTION

The Rotorua District Council has undertaken significant research to ensure that the district is well planned and serviced. Such research has included annual reviews of growth assumptions and the Rotorua Basin Structure Plan which integrates the eastern and western structure plans.

The zones in this plan are based on the mid-growth forecasts provided in the Growth Assumptions 2011 report and are able to support this level of population growth to 2021. The district plan sets the zoning pattern for the next 10 to 15 years. The structure plans and growth assumptions have longer planning horizons out to 2051. ~~To provide a clearer link between these documents the district plan identifies a number of future growth areas for urban and employment opportunities. This part indicates a vision for where longer term growth is going to be directed.~~

~~The future growth areas include:~~

- ~~• Residential and rural residential expansion through the provision of development zones that generally align with the Rotorua Basin Structure Plan and are within immediate proximity to existing infrastructure and the city centre.~~
- ~~• The integration of land use development with infrastructure, including existing and future transport corridors.~~

~~These actions recognise that the community should have some choice in how to enable social and economic well being.~~

~~The council wants to ensure that the development of these areas occurs in an affordable, integrated and sustainable manner. To achieve this, direction on the nature and scale of development for each of the future growth areas is provided within this part.~~

#### 12.1.1 Future Urban Growth Zones

In 2013 the population for Rotorua was 65,280. When the District Plan was reviewed ~~t~~The population growth projections for Rotorua out to 2021 and 2051 are predicted to be within medium forecasts with Rotorua expected to grow by 0.37% per annum from 2011 to 2021, and 0.15% per annum from 2021 to 2051. ~~Whilst there is enough capacity within existing suburbs to supply the medium forecast population growth through infill housing, there is still a steady and on-going demand for urban development and options in residential lifestyle. Appropriate opportunities for such growth to occur should be provided for, with regard to the duration of the district plan.~~

The district plan has identified areas of rural land that are suitable for future land conversion and are considered to be the city's future urban land bank. These are located in the southwest area of the district adjoining Pukehāngi Road. Much of this

~~land has now been rezoned to enable development. However, the future Community Assets Zone remains, and as such provisions remain within this Chapter to guide any future consenting of this area. At present these areas contain a mixture of rural activities and directly adjoin the Rotorua urban environment increasing ease of access to infrastructure, city amenities and services such as emergency services and the city centre increasing the suitability for urban development.~~

~~The Pukehāngi growth zone extends along Pukehāngi Road and will provide for a mixed number of future development zones including Residential 1, Rural 2 and Community Asset zone. The future residential zone covers the lower slopes of the site up to the 340 metre contour, covering an approximate area of 40 hectares. A future Community Asset reserve is also located within this area reflecting the future potential development of an educational facility.~~

~~The Policy framework has also been retained should subsequent Future Growth Areas be included in the District Plan in the future.~~

~~The future Rural 2 zone is then located between the 340 and 380m contours. The remaining area of land within the site will operate under the Rural 1 zone.~~

~~There is no trigger for the release of land within the future growth zones, however there are constraints on when each future zone is able to be developed. Given the large areas of land the future growth zone encompasses it is intended to stage the development. This will ensure the extension of residential and rural residential activities occurs in a structured manner and provides for the efficient development of infrastructure.~~

~~The future growth zone is divided by the existing Rural B1 zone. It is intended that the future growth zones on either side of Parklands is developed in stages. Only one of these stages can be developed at a time. The ability to submit a development plan covering the other development stages is still provided for. However construction cannot occur until at least 70% of each previously developed stage has been sold.~~

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## **12.2 KEY ENVIRONMENTAL ISSUES**

There are five key issues influencing the policy framework in the Future Growth area.

### **12.2.1 Economic and Social Well-being of the District**

Restricting land for urban expansion reduces development options to infill housing which can increase localised areas of traffic congestion and reduce privacy and useable lot sizes in turn impacting residential amenity and housing affordability. Whilst Rotorua is forecast to have limited population growth within the life of this district plan, the provision of land for urban development will increase the level of lifestyle choices provided to Rotorua residents and the ability to complete innovative and flexible developments. This will enable well designed development and provide the ability for the community to contribute to the social and economic well-being of Rotorua.

### **12.2.2 Development of the Future Growth Areas and Infrastructure**

Fragmented development can effectively make further land conversion uneconomic. This is particularly so if development affects or pre-empt the effective and efficient location of infrastructure services and other supporting land use activities. In addition fragmented

development can reduce the efficient use of rural land for agricultural practices. Large-scale development should occur in a planned and structured approach, taking into account the environmental qualities and features of the land, as well as the need to provide strong and efficient connections with the existing urban area. No development should occur within the identified development zones until a comprehensive design process has been undertaken for each development zone, providing the community with an opportunity to have an input.

### **12.2.3 The Provision of Infrastructure**

Additional infrastructure such as water supply, roads, sewage, electricity and stormwater disposal is often necessary to service new development. Certain areas of development may have the potential to connect into existing infrastructure that has the capacity to meet the demand. In other instances an upgrade and/or extension will be required. There is a need to ensure any proposed infrastructure is capable of supporting the full development potential of the land, thus providing for the sustainable management and a reduction in economic cost of development in the future.

There is a need to co-ordinate subdivision and development with cost-effective infrastructure provision. Development that is inconsistent with the anticipated and planned settlement pattern carries a high risk of unforeseen effects on infrastructure, and in particular the transport network.

### **12.2.4 Subdivision and Development**

The identified urban development areas are adjacent to the sensitive rural area in the Rotorua caldera which provides the valued rural backdrop to the Rotorua city and has been identified by the community as sensitive to urban growth. Within the future growth area there are components of the site which are less visible than others where development will maintain the amenity and character of the Rotorua district. In elevated areas that have higher visibility development will need to be designed in a manner to maintain these existing amenity and character values.

### **12.2.5 The Development of Rural Land**

As urban activities, such as rural residential or low density residential development, occur within established rural areas, many of the effects associated with the operation of farms or other existing rural activities e.g. noise, dust, hours of operation, odour become less accepted by the community and as a consequence pressures are placed on existing operations to reduce their activities. These pressures are increased as the scale of urban activity increases particularly where it occurs in a fragmented manner. In contrast development of an industrial nature also has the ability to impact the existing amenity associated with residential activities located within the immediate vicinity. Reverse sensitivity effects associated with development within these growth areas will need to be avoided.

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## **12.3 OBJECTIVES AND POLICIES**

The specific Objectives and Policies for the future growth area are stated below.

The Objectives and Policies below shall be read in conjunction with the provisions in Parts 1-3 and the technical requirements in Parts 13-17.

### Economic and Social Well-being of the District

<b>Objective 12.3.1</b> Sufficient land area suited for future urban and economic development that provides the residents of Rotorua with a range of lifestyle and development choices.	
<b>Policy 12.3.1.1</b>	Identify areas within the district to meet future demand for residential development.
<b>Policy 12.3.1.2</b>	Ensure that development in the areas identified for new growth is carried out in a manner that meets the community's needs and avoids, remedies or mitigates adverse environmental effects.

### Development of the Future Growth Areas and Infrastructure

<b>Objective 12.3.2</b> Subdivision and development within growth areas completed in a structured and integrated pattern, with the environmental qualities of the land fully identified and sustainably managed.	
<b>Policy 12.3.2.1</b>	Identify the key infrastructural, community, cultural and environmental opportunities and constraints for each new growth area and ensure that these are reflected in the development of each area.
<b>Policy 12.3.2.2</b>	Ensure that the activities carried out in the future urban area do not generate adverse environmental effects and or compromise future land use.
<b>Policy 12.3.2.3</b>	Avoid fragmented development that results in inefficiencies in the provision of infrastructure.

### The Provision of Infrastructure

<b>Objective 12.3.3</b> Serviced development that safely connects to the existing road network, utility reticulation, provides a potable drinking water supply and sufficiently caters for the future development potential of the site.	
<b>Policy 12.3.3.1</b>	Manage urban subdivision and land development to connect with the existing infrastructure and transportation network, according to the capacity limitations of that network where available and the potential requirements for upgrading its capacity.
<b>Policy 12.3.3.2</b>	Require all subdivision and development to be coordinated with the planned provision of infrastructure, integrated with the transport network and the district's road hierarchy.

<b>Policy 12.3.3.3</b>	Provide for urban expansion where such growth does not adversely affect the safe and efficient use and development of land, roads and infrastructure.
<b>Policy 12.3.3.4</b>	Ensure a reasonable share of additional cost of infrastructure arising from subdivision and development is met by the applicant.

### Subdivision and Development

<b>Objective 12.3.4</b> The amenity values associated with the Rotorua caldera landscape and adjacent zones is maintained when subdivision and development occurs.	
<b>Policy 12.3.4.1</b>	Ensure that any development in the future development areas does not have an adverse impact on the caldera landscape.
<b>Policy 12.3.4.2</b>	Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to adverse effects on the amenity of the caldera.
<b>Policy 12.3.4.3</b>	Ensure subdivision and development is designed in a manner that is cognisant of the amenity values associated with the Rotorua caldera and differences in amenity values within adjacent zones.

### The Development of Rural Land

<b>Objective 12.3.5</b> Efficient and safe operation of the transport network and adjoining rural activities when development in future growth areas occurs.	
<b>Policy 12.3.5.1</b>	Restrict subdivision and development that compromise the safe, efficient and effective functioning of regionally significant infrastructure, including the transportation network.
<b>Policy 12.3.5.2</b>	Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to adverse environmental effects.

## 12.4 ENVIRONMENTAL OUTCOMES

The efficiency and effectiveness of the policy framework of this part will be the focus of on-going monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve.

1. Increased economic and social well-being of the Rotorua residents by providing well planned subdivision and development.
2. Increased availability of well-designed lots that are connected to existing infrastructure that has the capacity to service the full development potential of the site or that can be upgraded to cater for the growth demands.
3. Structured and coherent subdivision and development that does not restrict future development potential and does not decrease the amenity and landscape characteristics of the surrounding area.
4. A range of different lifestyle and living options.

## 12.5 RULES

Table 12.5 identifies the status of activities which are provided for in this part of the plan.

The following abbreviations for the zones are used in activity Table 12.5:

<del>FRD1</del> =	<del>Future Residential 1</del>
<del>FRR2</del> =	<del>Future Rural 2</del>
FRV3 =	Future Reserve 3

The following abbreviations are used for classes of activities in activity Table 12.5:

P = Permitted	C = Controlled	RD = Restricted discretionary
D = Discretionary	NC = Non-complying	Pro = Prohibited

The 'NA' abbreviation in the activity table refers to where an activity is not applicable to the zone.

The activity classes in Table 12.5 are explained in the User Guide at the front of the plan.

Meanings for the terms in Table 12.5 can be found in Part 17 Definitions.

Permitted and controlled activities shall comply with the relevant performance standards in section 12.6.

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 or 2 of the plan.

### Table 12.5 : Subdivision and Development within Future Growth Areas

Rules	Zones
<del>9. Development Plans for each stage or combined stages</del>	<del>D</del>
<del>10. Subdivision in accordance with an approved development plan under Rule 12.5.1</del>	<del>G</del>
<del>11. Subdivision inconsistent with an approved development plan</del>	<del>NG</del>
12. Subdivision in accordance with the provisions of the Rural 1 zone	Refer to Part 13
<b>Development and Land Use Activities within the Future Urban Growth Zones</b>	
<del>13. Plantation forestry</del>	<del>NG</del>
14. Educational facilities within the community asset zone	C
<del>15. Buildings and activities located within lots subdivided in accordance with an approved development plan</del>	<del>P</del>
16. Buildings and Rural activities in accordance with the Rural 1 zone outside of areas covered by an approved development plan unless otherwise specified	Refer to Part 9

### 12.5.1 ~~Future Growth Staging and Minimum Yields~~

- ~~1. Stages 1 to 4 as shown on planning maps 332 and 333~~
  - ~~a. Stage 1 shown on Planning Map 333 can initially be developed upon approval of a development plan.~~
  - ~~b. The subsequent stage may only commence development upon 70 percent of the subdivided allotments of the initial stage being sold.~~
2. Stages 5, 6, 7
  - a. The portions labelled as FRD1 of Stage 5 shown on Planning Map 332 can initially be developed upon approval of a development plan.
  - b. Any subsequent stage may only commence development upon 70 percent of the subdivided lots being sold of the most recently developed stage.

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## 12.6 PERFORMANCE STANDARDS

All activities/events within the future growth zones shall comply with the performance standards of the Rural 1 zone ~~unless a development plan has been approved, in which case all activities shall comply with the standards of the approved development plan.~~

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## 12.7 CONTROLLED ACTIVITIES: METHOD OF ASSESSMENT

Plan Change 2: Pukehāngi Heights: Provisions recommended by Hearing Panel

Controlled activities are identified in Table 12.5 above and shall comply with the performance standards in the zone. The Council must grant consent but may impose conditions in relation to matters over which it has reserved its control. The matters over which council reserves its control are stated in this section.

For activities relating to Section 6 Matters listed in Appendices 1 and 2, the matters of control below shall be read in conjunction with the provisions in Appendix 9 – Section 6 Matters.

## **12.7.1 Matters of Control for Specific Activities**

### ~~1 Subdivision and Development in Accordance With an Approved Comprehensive Development Plan~~

- ~~a. The subdivision and/or development is consistent with the approved development plan for the area.~~
- ~~b. Any proposed restrictions to be registered on any Computer Register (Certificate of Title) that relate to controls on development, subdivision and land use to ensure the development remains consistent with the development plan.~~
- ~~c. The extent to which the proposal complies with the subdivision criteria listed under Part 13 for either the Rural 2 or Residential 1 zone depending on the location of the proposed lots.~~

### **2.1 Educational Facilities within Future Community Asset Zone**

- a. Building Design and Site Layout
  - v. The design and orientation of buildings and structures and location of outdoor activities to mitigate potential adverse cumulative effects on adjoining sites and the streetscape.
  - vi. How design conforms with the principles of CPTED such as providing for passive surveillance.
  - vii. How privacy and amenity of the adjoining properties is preserved by retaining separation distances and providing acoustic and privacy screening.
  - viii. Compliance with the performance standards of the Residential 1 zone.
- b. Parking, Turning and On-Site Circulation
  - iv. The provision of adequate sight distances to prevent on-street congestion caused by the ingress and egress of vehicles to and from sites.
  - v. The extent to which access, on-site parking and turning areas are designed and located to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites or the public road, the safety of pedestrians and the safe and efficient functioning of the road network.

- vi. If access is gained onto or within vicinity of a State Highway that the proposal is consistent with the standards of the State Highway Road Controlling Authority.
- c. Noise
  - v. The potential adverse effects generated from noise associated with the congregation of people and vehicles.
  - vi. The location of buildings within the site.
  - vii. The proposed methods to mitigate the adverse effects of noise.
  - viii. The hours of operation of the activity.

## **12.8 — DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT**

~~Council may grant or decline an application for a discretionary activity and may impose conditions.~~

~~In assessing the proposal, Council can consider all relevant objectives and policies within the district plan, all potential environmental effects, and any matters outlined in the Act without limitation as part of the decision making. Conditions may be imposed in relation to any of these matters.~~

~~Whilst not limiting the exercise of its discretion, Council may also consider the particular matters below for the activities listed as Discretionary in the activity table.~~

~~For activities relating to Section 6 matters listed in Appendices 1 and 2, the assessment criteria below shall be read in conjunction with the provisions in Appendix 9 — Section 6 Matters.~~

### **12.8.1 — Comprehensive Subdivision and Development Plans**

#### **1. — Development Plan**

~~A development plan providing a detailed assessment of effects shall be provided to council for approval, including the following information:~~

- a. ~~A site plan showing the location and proposed lot sizes for residential, reserve, rural residential or community asset lots depending on the purpose of the zone.~~
- b. ~~A site plan showing the location of existing and proposed infrastructure to service the development including:~~
  - i. ~~Water~~
  - ii. ~~Stormwater~~
  - iii. ~~Sewage~~
  - iv. ~~Roading~~
  - v. ~~Electricity~~
- e. ~~Design specifications for the proposed infrastructure required.~~

- ~~d. A site plan showing the location of landscaping proposed to reduce reverse sensitivity at rural zone interfaces and contribute to stormwater management.~~
- ~~e. Details of any proposed staging of development in accordance with the rules.~~
- ~~f. Integrated transport assessment.~~
- ~~g. Geotechnical assessment.~~

## ~~2. Amenity~~

- ~~a. Compatibility and connectivity of the proposed development with the surrounding environment.~~
- ~~b. The location and extent of landscaping proposed to mitigate potential adverse effects of development on the view shafts gained of the caldera walls throughout the Rotorua urban environment.~~
- ~~c. Any methods proposed to mitigate or reduce any potential reverse sensitivity effects that may occur at any rural zone interface.~~
- ~~d. Proposed performance standards relating to building and site design.~~
- ~~e. How the proposed lot sizes comply with the relevant zones lot size and assessment criteria as specified in Part 13.~~

## ~~3. Parking, Access and Turning~~

- ~~a. Ensuring the proposal has been designed to be in accordance with the provisions of Appendix 4—Parking Turning and Access.~~
- ~~b. How the proposal will avoid street congestion and levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding environment.~~

## ~~4. Infrastructure~~

- ~~a. The effects on infrastructure and its efficient use and development, including capacity, safety and the ability of the areas utility's services to function efficiently.~~
- ~~b. Where reserve land is provided, including connections to existing and future reserves, to provide for the increased demand on the reserve network as a result of the subdivision.~~
- ~~c. The ability for the infrastructure to be extended in the future to support development within the adjoining development stages.~~
- ~~d. The ability for the proposed road network to connect and be extended to service areas of adjoining development stages.~~

## ~~5. Financial Contribution~~

~~All activities shall be assessed under Part 14 to determine if a financial contribution is required up to the maximum of the actual cost of the necessary works.~~

## **12.9 — NON-COMPLYING ACTIVITIES: METHOD OF ASSESSMENT**

~~Applications for resource consent must be assessed on their merits against requirements of the Act. Consent for a non-complying activity may be granted only if Council is satisfied that either:~~

- ~~a. the adverse effects of the activity on the environment (other than any effect on a person who has given written approval to the application) will be minor; or~~
- ~~b. the application is for an activity that will not be contrary to the objectives and policies of the District Plan.~~

~~If the proposal meets either of the two tests, Council can then consider all relevant matters and may grant or decline consent. If neither test is met, Council must decline the resource consent application.~~

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# PART 13

## SUBDIVISION

### 13.5.2 Site Design Performance Standards: Residential Zones

Table 13.5.1 Subdivision in Residential Zones

Rules	Zones				
	RD1	RD2	RD3	RD4	RD5
General					
<del>2. Subdivision in accordance with the Twin Oaks Development Plan contained in Appendix 5 Development Plans.</del>	RD	NA	NA	NA	NA

#### ~~9. Subdivision in accordance with the Twin Oaks Development Plan in the Residential 1 Zone~~

~~In addition to the provisions of this part, all subdivision of the Residential 1 zone within the Twin Oaks Development Plan area, as shown on planning map 342 shall be undertaken in accordance with any relevant requirements within Appendix 5.8.~~

## PART 17

### Definitions

Term	Definition
<u>Semi-detached unit</u>	<u>A household unit joined by a common wall to one other household unit. This includes household units with an attached garage where the garage also shares a common wall with a separate household unit or its attached garage. It does not include dwelling units with detached accessory buildings that share a common wall with separate dwelling units or their accessory buildings. It does not include dwelling units on separate floor levels of the same building (that is, attached vertically). It also does not include units that are in a group of three or more attached units.</u>
<u>Nitrogen Discharge Allocation</u>	<u>The maximum annual amount of nitrogen loss that is allowed to occur from a property/farming enterprise after 1 July 2032 in accordance with the Bay of Plenty Regional Natural Resources Plan.</u>

## APPENDIX I

### CULTURAL HISTORIC HERITAGE INVENTORY

NZAA and Map Site Reference	Planning map	Site	Location
<u>U16/ 184</u>	<u>323</u>	<u>Midden</u>	<u>Pukehāngi</u>
<u>U16/ 185</u>	<u>342</u>	<u>Obsidian</u>	<u>Pukehāngi</u>
<u>U16/ 186</u>	<u>342</u>	<u>Midden</u>	<u>Pukehāngi</u>

## PLANNING MAPS

Deletion of Twin Oaks Development Plan Area from Planning Maps

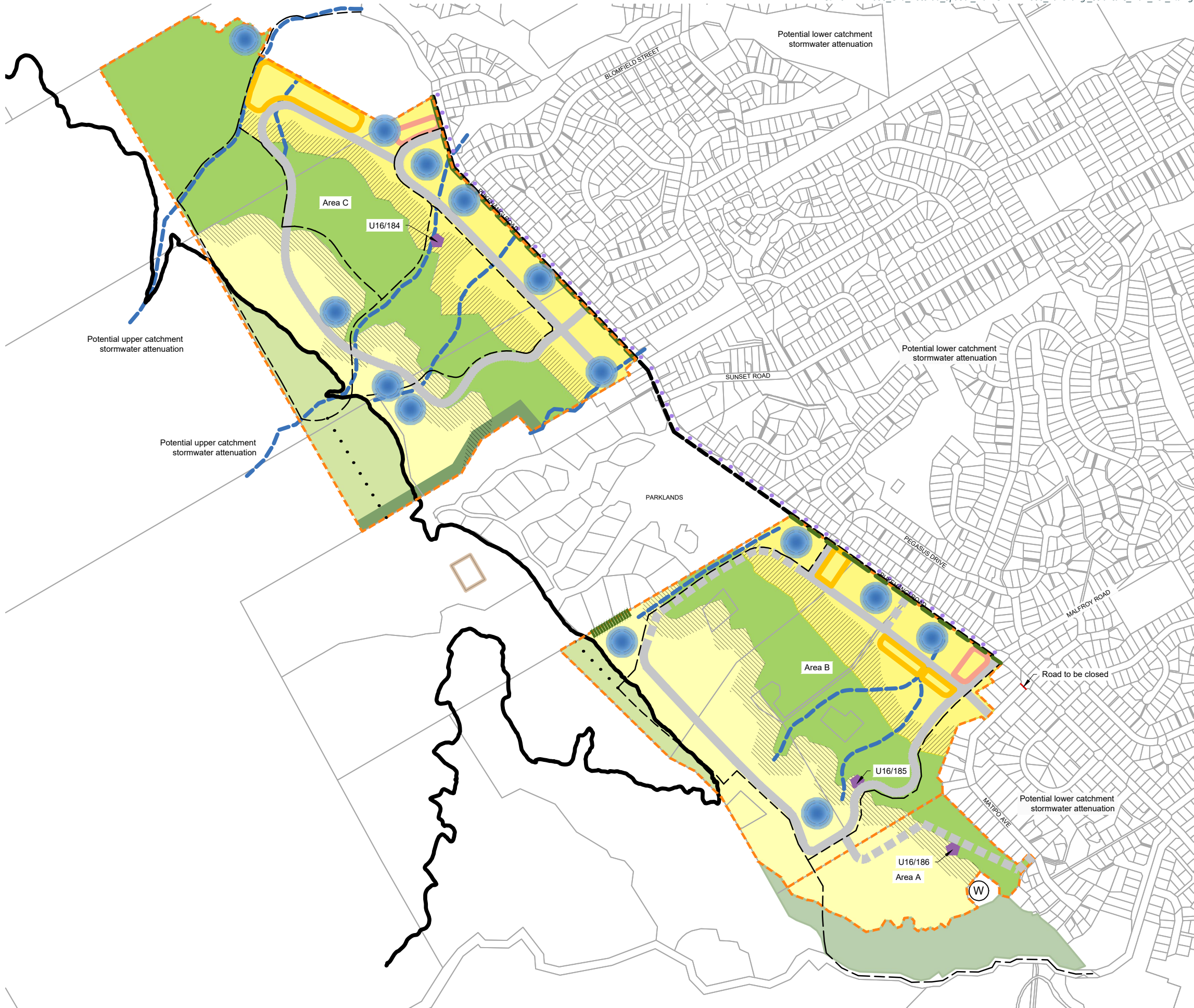
Deletion of Future Growth Area from Planning Maps, with the exception of the Community Assets Zone.

### **Appendix 3 – Plan Change 2: Pukehāngi Heights Structure Plan**

- KEY**
- Lower Terrace
  - Mid-site Escarpment
  - Upper Terrace
  - Upper Escarpment
  - Pukehāngi Southern Slopes
  - Escarpment Transition Area 1
  - Escarpment Transition Area 2
  - 30m Yard
  - 5m Screen Planting
  - Access & Amenity Controls
  - Extent of Areas A, B & C
  - RL 385 Contour Line
  - Cultural & Archaeological Site
  - Water Reservoir
  - Pukehāngi Pā
  - Public Transport Corridor

**Indicative Structure Plan Features**

- Stormwater / Recreation Areas  
(Final Location and Layout subject to Final Design in accordance with subdivision performance standards and compliance with Stormwater Discharge Consent Conditions).
- 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 37 DP 367989 is created)
- Cycleway



0 150 300 m  
1:10,000 @ A3

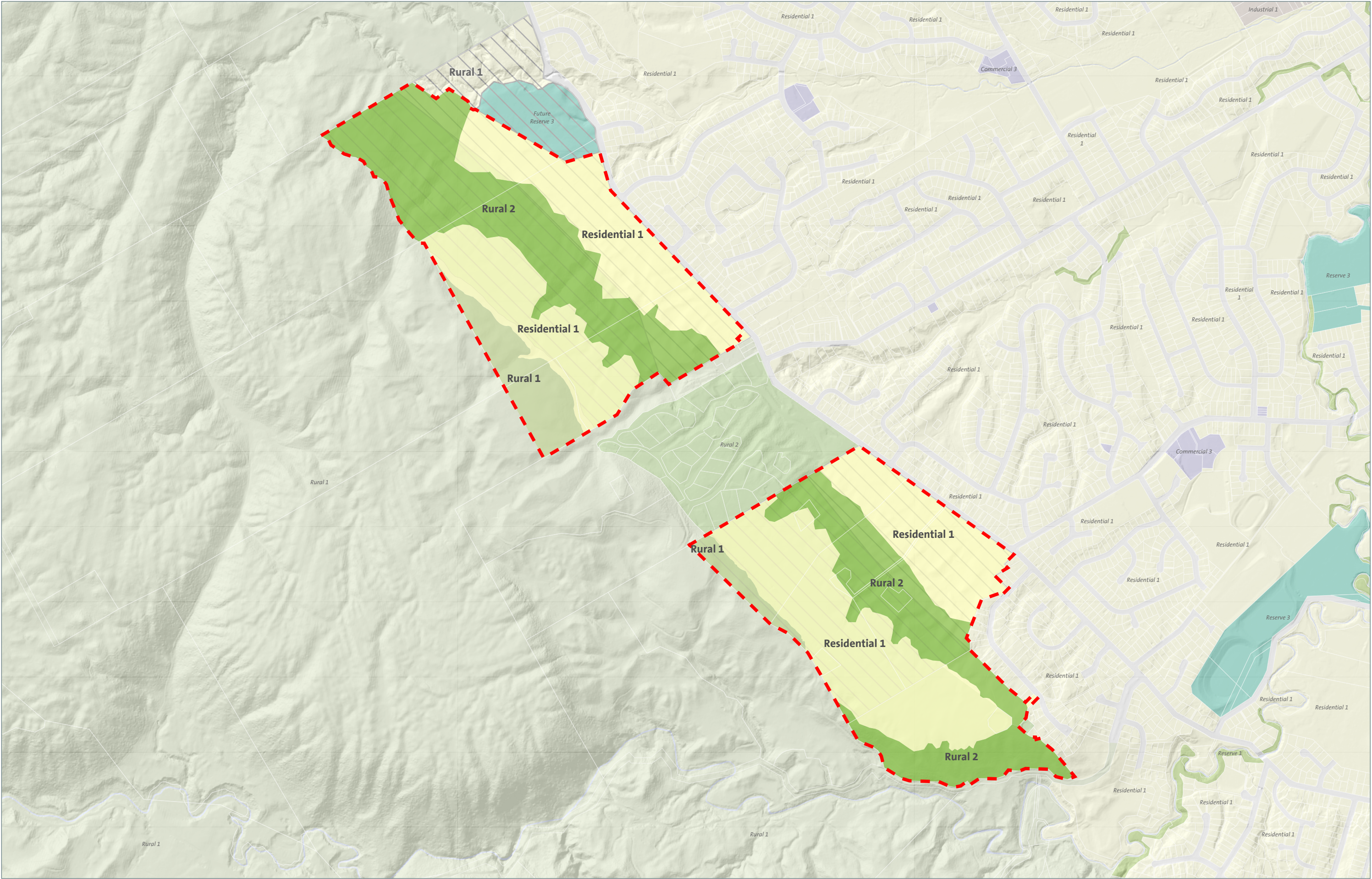
Data Sources: Land Information New Zealand (LINZ)  
Projection: NZGD2000 N.Z. Transverse Mercator

**Pukehāngi Heights Development Area**  
**Proposed Structure Plan**

**Date:** 01.10.2020 **Revision:** R  
Plan prepared for RLC by Boffa Miskell Limited

Project Manager: craig.batchelar@boffamiskell.co.nz | Drawn: BCI | Checked: MHu




### **Appendix 3 – Plan Change 2: Pukehāngi Heights Development Area Zoning Map**



Data Sources: Rotorua Lakes Council, Land Information New Zealand, Crown Copyright Reserved, BOPLASS Limited, Bay of Plenty Regional Council

Projection: NZGD 2000 New Zealand Transverse Mercator

Proposed Zoning - Structure Plan Area  Pukehangi Heights Development Area

-  Residential 1
-  Rural 1
-  Rural 2

**ROTORUA SPATIAL PLAN**

**Proposed Zoning - Pukehangi Heights Development Area**

**Date: 6 June 2019 | Revision: E**

Plan prepared for Rotorua Lakes Council by Boffa Miskell Limited  
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