

SECTION 32 REPORT

ROTORUA OPERATIVE DISTRICT PLAN

PROPOSED PLAN CHANGE 1

OCTOBER 2016

1 INTRODUCTION

1.1 Section 32 of the Resource Management Act 1991 (RMA) requires that the Rotorua District Council undertakes an evaluation of a proposed plan change before the plan change is publicly notified. Section 32 sets out the requirements for such evaluation and requires the benefits and costs of implementing provisions to be assessed in terms of the environmental, economic, social and cultural effects anticipated. This report addresses the requirements of section 32 for the Proposed District Plan Change 1 (the “Plan Change”).

1.2 The purpose of this Plan Change is to make a number of minor additions and alterations to the provisions of the Operative Rotorua District Plan, which became operative on 10 July 2016. This plan change comprises a number of separate changes to the District Plan. It makes a number of minor additions and alterations to the provisions of the Plan to:

- Remove redundant provisions or duplications
- Provide greater clarity for the provisions and improve implementation
- Align conflicting rules relating to status
- Include matters over which the Plan reserves control or restricts discretion
- Align provisions with objectives and policies, including the vitality and vibrancy of the city centre.

1.3 Section 32 of the Resource Management Act 1991 (RMA) requires that a proposed plan change must be accompanied by an evaluation report at the time of public notification. Section 32(1)(a) requires an examination of the extent to which an objective is the most appropriate way to achieve the purpose of the RMA. “Most appropriate” has been interpreted as meaning “suitable”.

1.4 Section 32(1)(b) of the RMA requires examination of whether the provisions (being policies, rules and other methods) in the Plan Change are the most appropriate way to achieve the objectives. The appropriateness must be considered in relation to:

- “(i) identifying other reasonably practicable options for achieving the objectives; and*
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) summarising the reasons for deciding on the provisions”.*

1.5 The assessment must be at a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects of the change.

(1) An evaluation report required under this Act must—

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain 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.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

In this context, proposal and provisions have the following meanings in section 32(6):

proposal means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*

1.6 Plan Change 1 amends rules, definitions and zoning. Limited amended or new objectives and associated policies are proposed, such as in relation to development within the airport operational area. Otherwise, there are no changes to the wording of objectives and policies. Therefore, a full evaluation is only required in relation to where there are changes to an objective and policies. For most of the changes proposed, a full evaluation is not required and this report must therefore:

- Assess the efficiency and effectiveness of the rules and other methods contained in the proposed plan at achieving the objectives (and policies);
- Consider alternative options for achieving the objectives;
- Assess the risk of taking or not taking action if there is uncertain or insufficient information about the identified issues; and
- Contain a level of detail that corresponds to the scale of significance of the effects anticipated from implementing the proposed plan.

1.7 Section 32(4) requires that:

- (4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

The Plan Change will not impose more restrictive provisions so this evaluation has not been undertaken.

1.8 The section 32 evaluation report must be integral to a decision to notify the Plan Change and must then be available for inspection when the plan change is notified.

- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection—*
- (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
- (b) *at the same time as the proposal is publicly notified.*

1.9 Section 32(2) requires the benefits and costs of implementing provisions be assessed in terms of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practical, these benefits and costs should be quantified.

2 STATUTORY CONTEXT

2.1 Section 73 requires the Council to prepare a district plan for its district to assist with carrying out its functions (section 31) to achieve the purpose of the RMA (section 72). The purpose of the RMA is set out in section 5 as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

2.2 The changes in the Plan Change are intended to achieve the purpose of the Act and in particular control the effects of activities on the environment.

2.3 One change proposes to correct provisions relating to significant natural areas to better achieve the protection of significant indigenous vegetation and habitats of indigenous fauna, in accordance with section 6(c), which is a matter of national importance. Section 7 requires that regard is given to a number of matters relevant to the control of the effects of activities: the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment.

2.4 The Council's functions under section 31 are to achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District. In particular Council must control any actual or potential effects of the use, development, or protection of land including for the purpose of:

- *The avoidance or mitigation of natural hazards; and*
- *The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
- *The prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
- *The maintenance of indigenous biological diversity.*
- *The control of emission of noise and the mitigation of the effects of noise;*
- *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.*

2.5 Section 75 requires that district plans give effect to national policy statements and regional policy statements: there are none relevant to this Plan Change. Section 75 also requires that a district plan must not be inconsistent with a regional plan (Section 75(4)).

2.6 Section 44A of the Act requires that a rule must not duplicate or be in conflict with a national environmental standard. There are no NES affected by this Plan Change.

2.7 The Bay of Plenty Regional Policy statement identifies regionally significant issues as including:

- Inadequate recognition and provision for matters of national importance
- Effects of growth and development pressures on access to the coast, lakes and rivers, ancestral sites and historic heritage
- Inadequate recognition of kaitiakitanga, the Maori environmental resource management system and Te Tiriti o Waitangi principles
- Insufficient protection of tangata whenua environmental values
- Degradation of mauri of land and water

- Uncoordinated growth and development
- Land supply and inefficient patterns of land use
- Fragmentation of rural land
- Effects of urban and rural subdivision on natural features and landscapes
- Conflict between incompatible or sensitive activities and rural production activities in rural areas
- Integration of land use and infrastructure.

2.8 The change to the ODP will not affect its consistency with the RPS objectives and policies and will potentially be better aligned to achieve.

2.9 The Regional Council has a range of regional plans that Council has considered in the development of the recently Operative District Plan. The Plan Change will remain consistent with the relevant provisions of these plans.

2.10 Section 66(2a)(a) requires that, when Council is changing or developing a plan under the RMA, it must take into account relevant planning documentation recognised by an iwi authority. The Council has consulted with iwi in relation to changes to development adjacent to marae and especially in Ngapuna.

3 PROPOSED CHANGES, EXPLANATION AND EVALUATION

3.1 Introduction:

This section sets out changes to a number of provisions that need to be clarified or made more consistent with other similar rules. They are generally minor changes and have not required detailed investigation. The changes are described in the sections below with the reasons for the changes. Changes are shown with new text underlined and deleted text is shown as ~~strikethrough~~.

3.2 Changes to multiple chapters

3.2.1 NATURAL HAZARD HEIGHT PERFORMANCE STANDARD (Change 1 in Track Changes document)

EXPLANATION:

There is a flood zone overlay identified in Map 208 and the 300 series maps. This overlay affects some sites in Parts 4 Residential, 5 City Centre, 9 Rural and 10 Reserves, Community Assets and Water Zones. It requires that the floor level must be above the stated maximum lake level. Performance standards in some zones allow up to an extra metre of height to compensate for the potential loss of height due to the required raised floor level.

The wording of the performance standards is not consistent across the zones. In some zones the performance standard specifies 1m above 7.5m, specifying a maximum of 7.5m height, even where the maximum height in the zone is not 7.5m. In other zones the rule has generic wording that allows up to 1m above the maximum height.

A change is proposed to the Rural Zone to align the rule with the intent of the zone and to use the same wording for all affected zones. In Parts 5 City Centre and 10 Reserves, Community

Assets and Water, the paragraph is confusing and needs to be deleted/amended. It states a different maximum height to that permitted in the zones and an additional one metre of height is not necessary where the maximum height is 20m.

PROPOSED CHANGES

Amend the wording in 9.6.20.c.ii as follows:

For sites where the building platform has to be raised to be above the stated maximum lake level, the roof structure may exceed the maximum height limit by up to 1.0 metre, providing the building does not extend outside the daylight envelope.

Delete sections 5.6.1.16.a.ii and amend 10.6.16.c.ii to align with the approach throughout the rest of the plan.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	9.3.2, 9.3.3
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions as the requirement is existing.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.2.2 HELICOPTER TAKE-OFF AND LANDING AREAS

(Change 2 in Track Changes document)

EXPLANATION:

In Parts 5 City Centre, 6 Commercial, 7 Industrial (ID1 & ID2), 8 Business and Innovation, 9 Rural (RR1) and 10 Reserves, helicopter take off and landing areas are identified as a Discretionary Activity. In the Rural RR2 and RR3 Zones and Industrial 1D1E and T Zones, they are listed as non-complying activities. In the Discretionary Activity criteria for helicopter take off and landing areas there are assessment criteria for helicopter take off and landing areas worded as a performance standard, as follows:

Assessment Criteria for Specific Activities

- a. *Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes. These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.*

The requirement could be relocated to performance standards, but in general performance standards do not apply to discretionary activities, as they are used as guidelines only. The wording should be amended to read as part of the criteria.

PROPOSED CHANGES:

Amend the wording as follows in each of the following rules:

Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes, to ensure. ~~These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~

- 5. City Centre 5.9.2.a
- 6. Commercial 6.9.2.1.a
- 7. Industrial 7.9.2.2.a
- 8. Business & Innovation 8.9.2.1.a
- 9. Rural 9.9.2.3.a
- 10. Reserves, Community Assets and Water 10.9.2.2.a

EVALUATION

Options considered are:

- 1. Status Quo
- 2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	5.3.1, 5.3.2, 6.3.2, 6.3.3, 7.3.2, 7.3.4, 8.3.2, 9.3.3, 10.3.1
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.2.3 FINANCIAL CONTRIBUTIONS

(Change 3 in Track Changes document)

EXPLANATION:

There should be a clear cross reference from each zone to Part 14 Financial Contributions. This is currently lacking from the text. For example, for additional houses in the Rural zone there is no link from the zone to financial contributions in the controlled activity assessment criteria. In 9.6 there needs to be a statement that 9.5.12 must comply with Part 14 Financial Contributions.

In addition, the performance standard in Part 5 City Centre states that there are no financial contributions in the city centre zones. However, Part 14 states that financial contributions apply when service lanes are required to be vested in Council as part of any land use or subdivision.

PROPOSED CHANGES:

In the performance standard of each zone there needs to be a statement added that additional household units must comply with Part 14.

In sections 4.6.16, 7.6.17, 8.6.1.13, 8.6.2.13, 8.6.3.14, 9.6.22 and 10.6.17 add a new standard as follows:

Financial Contribution

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

In sections 5.6.1.15, 5.6.2.13

Financial Contribution

~~No financial contributions apply to the city centre zones.~~

All activities shall be assessed under Part 14.7, Financial Contributions to determine if a financial contribution is required.

The District Wide Performance Standards 14.5 do not apply.

In sections 5.7.1.5, 5.8.1.2 add new criteria as follows:

Financial Contribution

All activities will be assessed under Part 14.7, Financial Contributions to determine if a financial contribution is required.

The District Wide Performance Standards 14.5 do not apply.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	14.3.1, 14.3.2, 14.3.3, 14.3.4
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.2.4 DEVELOPMENT PLANS

(Change 4 in Track Changes document)

EXPLANATION

In Parts 4 Residential, 5 City Centre, 6 Commercial, 7 Industrial, 8 Business and Innovation, 9 Rural and 10 Reserves, the process to include a new development plan in the ODP and the management of activities in approved development plans included in Appendix 5 are incorrectly referenced. In some affected zones there is no rule; in others the correct reference needs to be included. Appendix 5 sets out discretionary activity assessment criteria for considering new development plans. This is incorrect and ultra vires, as a plan change is required.

a. **Activity status:**

Permitted activity status is incorrect for development plan activities. Some are Controlled, Restricted Discretionary, Discretionary or Non-Complying activities by reference to Appendix 5. The most effective way to manage these activities is to change the activity status table where the rule states: '*Activities in accordance with an approved development plan*' to remove the 'P's and include a new statement 'Refer to Appendix 5'.

b. **New Development Plans:**

In addition to the activity status table, Appendix 5 states that development plans can be introduced or changed as a Discretionary Activity and sets out the matters to be considered for approval of a new development plan. The development plan process in Appendix A5.1.1 is ultra vires, as Schedule 1 of the RMA must be followed to alter the District Plan. A plan change is required.

PROPOSED CHANGES:

Delete rules 5.5.1.53, 6.5.91, 7.5.100, 8.5.1.38, 8.5.2.33, 9.5.134 – 138, and 10.5.101 as follows:

~~Application for approval of a new development plan as outlined under Appendix 5, Development Plans.~~

Include a new rule 4.5.107 as follows:

. <u>Activities in accordance with an approved development plan in Appendix 5</u>	<u>Refer to Appendix 5</u>
---	----------------------------

Amend rules 5.5.1.54, 6.5.92, 7.5.101, 8.5.1.38, 8.5.2.33, 9.5.133 and 10.5.102 to read as follows:

. <u>Activities in accordance with an approved development plan in Appendix 5</u>	<u>Refer to Appendix 5</u>
---	----------------------------

EVALUATION

Options considered are:

1. Status Quo
2. Proposed changes set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	1.3.2, 1.3.3, 1.3.4, 1.3.5
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and remove a provision that is ultra vires the Act.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the requirements of the Act are not correctly referenced in the ODP and the inconsistencies in the wording of plan provisions will continue. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.2.5 ROTORUA AIRPORT – PROHIBITED ACTIVITIES

(Change 5 in Track Changes document)

EXPLANATION

Rotorua Airport is managed in the Plan through a designation (RDC500 shown on Maps 364, 365, 368, 369, 537). All activities associated with the airport operation outside the airport site, such as approach and take off obstacle limitation surfaces and some land use, are managed under designation RDC501, shown on Maps 364, 365, 368, 369, 537, 207. Noise control

boundaries apply to properties as shown on the Maps and rules are contained in the zone chapters and Appendix A7 Airport Noise and Development Controls.

Around the Airport there are three noise control boundaries referred to as:

- Air Noise Area (this is the closest boundary to the Airport and affects a small number of Residential and Rural Zones properties);
- Inner Control Area;
- Outer Control Area (furthest boundary from the airport).

Within these boundaries there are controls on activities sensitive to aircraft noise and subdivision. Activities Sensitive to Aircraft Noise are defined as:

Activities sensitive to aircraft noise	Conference facilities and communal lounges operated as part of a holiday park, community facilities, community housing, comprehensive residential developments, household units, educational facilities, daycare centres, hospitals, kōhanga reo, wharehūi, hospitals, medical centres, papakāinga, paramedical care facilities, retirement homes and villages.
--	---

There are rules relating to activities within the noise control area boundaries in Parts 4 Residential, 6 Commercial, 7 Industrial, 8 Business and Innovation, 9 Rural and 10 Reserves, Community Assets and Water. New activities Sensitive to Aircraft Noise and extensions to existing activities, as well as subdivision, have the status of Prohibited Activity on properties only within the Air Noise Area (the smallest of the three Control Areas).

The use of Prohibited Activities in District Plans is not common. The Quality Planning website states the following in relation to Prohibited Activities:

‘A resource consent application cannot be made for a prohibited activity and a consent cannot be granted. The prohibited activity status is the most restrictive of any activity status and therefore must be used with care. The decision to use it should be backed with strong evidence of its necessity, including justification through objectives and policies.’

At present it is considered that there is insufficient justification in the District Plan for the use of the Prohibited Activity status for minor changes to existing developed residential activities and sites. In addition, it limits unreasonably the continuation of residential activities on land in private ownership.

It is proposed to alter the activity status for both land use activities and subdivisions from Prohibited to Non-Complying. This will enable applicants to apply for consent and Council can then assess the acceptability of the proposed change. As a consequence of this change, new clear objective and policies are required to give both applicants and Council guidance on the types of application that are likely to be granted.

The overall intent of these changes is to continue to restrict noise sensitive activities within the Air Noise Area but to allow for minor land use activities and subdivisions that do not result in any intensification of these activities.

Subdivision

The District Plan classifies the subdivision of land or buildings within the 'air noise area' as a Prohibited Activity. This affects a small number of properties within close proximity to the Airport that are within the Residential 1, Rural 1 and the Reserves, Community Assets and Water Zones (Rules 13.5.1.9, 13.10.1.11 and 13.11.1.9).

There are instances where it may be appropriate for Council to grant consent for subdivisions in these areas. For example, boundary adjustments or the conversion of cross lease titles to freehold titles will enable existing activities to continue in accordance with the Plan without authorising additional development opportunities.

The Prohibited Activity status currently prevents an applicant from applying for consent.

Land Use

In addition, the District Plan classifies new activities and extensions to activities that are sensitive to noise within the Air Noise Area as a Prohibited Activity. These provisions are specified in the Residential, Rural and Commercial Zones.

In practice, this means that a minor extension to a dwelling is a Prohibited Activity (so an applicant cannot apply for consent). Council has recently received a building consent application where the applicant wished to undertake a small extension to the house to enlarge the kitchen. As the works were classed as a Prohibited Activity the applicant could not make the application. Preventing a minor extension of this nature is onerous and unreasonably restrictive where the continuation of residential activities are provided for.

All of these rules have been rolled over from the previous District Plan.

PROPOSED CHANGES

Land Use:

Amend rules 4.5.49, 6.5.54, 9.5.60 as follows:

Airport Noise Contour Controls						
XX.	Any new or extension to an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Prø <u>NC</u>	NA	NA	NA	NA

Subdivision: Amend rules 13.5.1.9, 13.10.1.11, 13.11.1.9 as follows:

XX.	The subdivision of sites or buildings within or dissected by the airport air noise area, as defined in Part 17 and shown on the planning maps	Prø <u>NC</u>	NA	NA
-----	---	-----------------------------	----	----

Insert the following policy stream in Chapter 15 – Infrastructure

Objective 15.3.4

To promote the safe, effective and efficient operation of the Airport.

Policy 15.3.4.1

Avoid the establishment of new and intensification of existing noise sensitive activities within the Air Noise Area.

Policy 15.3.4.2

Minor additions to existing noise sensitive activities and subdivisions (for example, boundary adjustments and conversions of cross lease titles to freehold titles) are provided for where these do not result in the intensification of existing noise sensitive activities on the site.

Policy 15.3.4.3

Any additions to noise sensitive activities are fitted with appropriate acoustic insulation and associated ventilation. The certification of an approved acoustical engineer will be accepted as evidence that the design meets the insulation standard.

EVALUATION

Where a new objective is proposed consideration must be given to *‘the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act’*.

The purpose of the Act is set out in Section 5 of the RMA and is *‘to promote the sustainable management of natural and physical resources’*. This includes *‘managing the use, development and protection of ... physical resources in a way ... which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while ... sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and ... avoiding remedying, or mitigating any adverse effects of activities on the environment.’*

Objectives are required to be assessed as to whether they are the most appropriate to achieve the purpose of the RMA, where ‘most appropriate’ is interpreted to mean ‘suitable’.

This objective will achieve the purpose of the RMA by seeking outcomes that provide for the economic and social wellbeing of the District, through providing for the sustainable management of physical resources, represented by the airport infrastructure and its operation as well as residential zoned land. While there are no matters of national importance addressed through this objective, section 7 seeks the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment in accordance with section 7(b), (c), and (f). These are promoted by the objective. The objective gives effect to Objectives 23 and 24 of the RPS and policies UG1A and UG11B.

It is considered that the proposed Objective and supporting Policies will enable an appropriate balance to be achieved between protecting the airport from reverse sensitivity issues in the future, while enabling land owners to maintain their properties over the longer term.

Policy 15.3.4.3 addresses acoustic insulation and ventilation to ensure these issues are adequately addressed.

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	1.3.10, 13.3.15
Benefits (Environmental, Economic, Social and Cultural)	The amendments will enable Council to consider minor subdivision and land use applications, enabling minor works to be undertaken where they do not result in the intensification of noise sensitive activities, while still protecting the function of the airport/avoiding reverse sensitivity issues.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	<p>The risk of not acting is that land owners will be limited in their ability to undertake minor works to their homes and would be counter to ongoing enjoyment of authorised residential activities.</p> <p>It is important that there is no intensification of existing activities. However, it is also important that existing landowners can keep modernising their homes over time. As such, the risk of not acting is that there is limited maintenance of homes overtime and the standard of housing reduces.</p> <p>There is sufficient information known about the consequences.</p>
Overall Assessment	The proposed changes are intended to be provide a balance between protecting the function of the airport while enabling minor works to existing buildings.

3.3 Part 3 – Iwi Cultural and Historic Heritage and Economic Resources

(Change 6 in Track Changes document)

3.3.1 NGAPUNA MAORI VILLAGE

EXPLANATION:

Ngapuna village has requested to be acknowledged as a Maori Village alongside Whakarewarewa and Ohinemutu. This acknowledgement is appropriate and the correct wording needs to be included in the Plan.

The proposed change carries forward text that was in the last District Plan. As Introductory text, the change simply provides background information/context.

PROPOSED CHANGES

That the following text is included in the Introduction to Chapter 3:

Council acknowledges that the traditional Maori Villages of Ohinemutu, Whakarewarewa and Ngapuna in the Urban Area have historical and cultural significance to the tangata whenua. Although all three retain a primarily residential function, the villages of Ohinemutu and Whakarewarewa have become significant destinations for tourists as well.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	
Benefits (Environmental, Economic, Social and Cultural)	Ngapuna have requested the proposed change, and although the provisions have no statutory weight they will highlight the traditional use and significance of the area, which will be useful, for example, in assessing whether an area is of significance to iwi.
Costs (Environmental, Economic, Social and Cultural)	None anticipated.
Risk of Acting or Not Acting	No significant risks.
Overall Assessment	The proposed change will highlight the significance of these three traditional Maori Villages.

3.4 Part 5 – City Centre

(Change 7 in Track Changes document)

3.4.1 CITY CENTRE NOISE COMPLIANCE

EXPLANATION

A minor correction is proposed to the Performance Standards for Noise in the City Centre. At present, the noise standard sets a daytime and night time noise limit (5.6.1.6a) and also requires activities to comply with the noise limit for the adjoining zone, when measured from that zone (5.6.1.6.b).

However, the rules provide an exception for large scale community events located on Council land within the City Centre 3 Zone (for example, around the lake front). These exceptions allow for a limited number of events per year that have a higher noise limit. Rule 5.6.1.6.iv then specifies that all other events on Council land in the City Centre zone need to comply with the general noise standards. However, the reference to the general standards only refers to the City Centre daytime and night time noise limit (5.6.1.6a) but not the noise limits for the adjoining zones (5.6.1.6.b). It is recommended that both of the noise limits should apply so that surrounding properties, irrespective of the zoning, to ensure they have a level of protection.

PROPOSED CHANGES

Amend Performance Standard 5.6.1.6.iv to refer to both noise standards as follows:

All other events shall comply with the noise standards specified under 5.6.1.6.a and 5.6.1.6.b.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	5.3.1
Benefits (Environmental, Economic, Social and Cultural)	The change will ensure that neighbours in adjoining zones will have appropriate noise protection from events (over and above those provided for).
Costs (Environmental, Economic, Social and Cultural)	There may be compliance costs for any additional events that exceed the yearly quota. However, there would need to be consideration of noise levels to neighbouring properties within the zone in any case. As such, any costs would be minor.
Risk of Acting or Not Acting	The risk of not acting is that Council would be unable to control noise levels from certain events where they impact on surrounding zones under this Performance Standard. It is noted however that section 16 of the RMA, which imposes a duty to avoid unreasonable noise could be used.
Overall Assessment	The proposed change will ensure that noise effects can be appropriately managed.

3.4.2 HOUSEHOLD UNIT DENSITY – PERFORMANCE STANDARDS

(Change 8 in Track Changes document)

EXPLANATION

The Plan encourages residential living in the city centre to introduce activity and vibrancy through additional pedestrian movement. Objective 5.3.1 and Policy 5.3.1.4 specifically

promote residential living, above ground floor level. Household units are consequently allowed as a Permitted Activity in the City Centre 1 Zone. Performance Standard 6.6.4.a sets density for household units but the wording is not clear and a change is proposed to clarify the intent of the rule and provide more appropriately for amenity around a household unit.

In the Commercial zones, household units are Permitted in Commercial 1 to 4 Zones above ground floor level, and at ground floor level in the Commercial 5 Zone. Otherwise household units are non-complying activities. In the Performance Standards, rule 6.6.1.4 states that there is no minimum site area in the Commercial 1, 2, 3, 5 and 6 zones, and that a minimum net site area of 450m² is required in the Commercial 4 Zone. The rule incorrectly refers to “buildings” rather than household units and, rather than a minimum site area, a minimum floor area should be required to provide an adequate level of amenity for residential living in these commercial zones. A change to this rule is therefore proposed to be consistent with the requirements in the city centre for amenity associated with household units.

The plan provisions enable apartments within the City Centre. To complement this approach the performance standards have been amended in relation to outdoor living space, specifying a minimum width for balconies. An additional requirement has been included to ensure that outdoor living spaces and the main habitable rooms have good access to sunlight. A requirement for storage has also been included. Within the City Centre Zone there is no requirement for car parking. Should developers choose not to provide car parking the storage provisions will provide a space where occupants can store bikes, mobility scooters or other similar type items.

In addition, a requirement has been included to require provision of a heating and ventilation system. Council has had issues in the past where no heating system has been provided in an apartment development. The units have subsequently been unit titled and then sold. Once occupied, the new owners have had to apply to Council individually to install heating systems. This however has raised issues in terms of multiple heating/ cooling units being placed on the outside of the building detracting from its appearance. The standard has been proposed to ensure that these issues are addressed at the beginning of any development.

Where the Performance Standards are not complied with any development would be assessed as a Restricted Discretionary Activity. Methods of Assessment have been included to specify the issues Council has limited its discretion to, along with a supporting policy.

Finally, Matters of Control have been included to ensure that where tourist accommodation is converted into Residential units (which is classed as a Controlled Activity) that consideration is given to outdoor living areas, storage, reverse sensitivity and streetscape amenity.

PROPOSED CHANGES

Amend Part 5.1 Introduction as follows:

To intensify activities the plan creates an enabling environment that encourages the establishment of a broad range of activities within the city centre. Resource consent will not be required unless the activity is identified as incompatible with the zone, the proposal involves a new building or a proposed external alteration affects the ‘building façade’ of a building. Most types of signage will also not require resource consent. In addition the city centre is the only area in the district where on-site parking provisions do not apply. This is part of a broader parking policy aimed at encouraging and stimulating the way people use public parking around key retail areas, and reducing constraints on the type of activities

able to be located within the city centre.

The manner in which a building façade is designed and the type of activities established, impact on the amenity of an area. Pedestrian focused streets have been identified within the city centre with the intent being to enhance amenity, safety and walkability through the use of urban design elements through Tutanekai Street to the lakefront. This also enforces Tutanekai Street as the spine of the city centre.

Inner city living is enabled in the city centre 1 zone to promote vibrancy. Allowing more people to live in the city centre increases pedestrian movement and expands the range of activities permitted to make more efficient use of the extensive commercial, retail and office footprint zoned as city centre 1. This will help to achieve a compact vibrant business and retail hub.

The redevelopment of the lakefront will increase connectivity with Tutanekai Street and the Rotorua Central Mall and enhance pedestrian movement between the two locations. This will be achieved through providing for a mix of commercial, recreation and community uses whilst protecting open space and public access. The private land located within the eastern area of the lakefront will be developed through a master plan process that primarily focuses on the edges that face the Village Green and lake edge. This will create an active vibrant environment that complements Tutanekai Street and the remainder of the lakefront with a focus on dining, tourism, accommodation and speciality retail activity.

Insert the following policy

Objective 5.3.1 A vibrant city centre that is the primary commercial and retail centre for the establishment and operation of a diverse range of commercial and residential activities which promote and enhance the economic viability, employment opportunities, walkability and safety of the city centre.	
<u>Policy 5.3.1.5</u>	<u>Encourage the provision of high amenity residential activities within the City Centre 1 Zone above ground level.</u> <u>This will be achieved by ensuring that residential units provide good access to sunlight from living rooms, good quality outdoor living spaces, and appropriate noise insulation, and are of a size and shape that will enable for the functional use of the units.</u>

The proposed change amends rules 5.6.1.4 and 6.6.1.4 to read:

5.6.1.4 Household Unit Density

- a. The minimum net floor net-site area for ~~any-one~~ a household unit shall be is 5070m².
- b. New Buildings
 - i. Outdoor Living Space:

1. Any household unit within a new building shall be provided with a minimum of 10m² of private outdoor living space in the form of a patio, terrace or balcony (deck), with a minimum area of 10m² and a minimum depth of 2m;
2. The outdoor living space shall be directly accessed off the main living room; and
3. The outdoor living space shall be located to the north, east or west.

ii. Storage

1. Each household unit shall be provided with a secure, weatherproof storage area at ground floor level readily accessible to the household unit with a minimum capacity of 6m³, and width or depth of at least 1.5m and a height of 2.4m.
2. The access to the storage shall not be via steps.

c. General Amenity - Heating and Ventilation

- i. Where 3 or more households units are being created, provision shall be made for heating and ventilation for each unit.
- ii. Any associated plant/units shall be located on the roof or to the rear of the building. The plant/units shall be screened from public view, and separated from outdoor living space for other household units unless acoustically treated.

5.8 RESTRICTED DISCRETIONARY ACTIVITY: METHODS OF ASSESSMENT

5.8.2 ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

2. Household Units/Apartments

Council shall restrict its discretion to the following matters:

a. Size

- i. The extent to which the layout and design of the units will ensure that the units are both functional and will provide a high level of amenity for future occupants.
- ii. Whether units of a variety of sizes are provided to accommodate different household sizes.

b. Outdoor living space

Ensure that a high quality outdoor living space is provided for all residents that:

- i. is accessible;
- ii. has good access to sunlight;

- iii. is of a functional size and dimension; and
- iv. will provide a high quality amenity space. In assessing the quality of the amenity space consideration will be given to the proximity of the amenity space to roof plant, for example, air conditioning units and extract systems and any acoustic treatment.
- c. Storage
Storage is provided that is practical and accessible for residents to use on a daily basis for the storage of larger items such as bikes and mobility scooters.
- d. General Amenity - Heating and Ventilation
 - i. Whether the location of heating and ventilation equipment will detract from the external appearance of the building when viewed from a public place.
 - ii. Amenity impacts on neighbours associated with the placement and associated noise of heating and ventilation units.

6.6.4 Household Unit Density

- a. Commercial 1, 2, 3, and 5 zones: There is no minimum site area per household unit, subject to compliance with i - iii below ~~building~~:
 - i. The minimum net floor area for a household unit shall be 70m².
 - ii. New Buildings
 - i. Outdoor Living Space:
 1. Any household unit within a new building shall be provided with a ~~minimum of 10m²~~ of private outdoor living space in the form of a patio, terrace or balcony (deck), with a minimum area of 10m² and a minimum depth of 2m;
 2. The outdoor living space shall be directly accessed off the main living room; and
 3. The outdoor living space shall be located to the north, east or west.
 - ii. Storage
 1. Each household unit shall be provided with a secure, weatherproof storage area at ground floor level or below readily accessible to the household unit with a minimum capacity of 6m³, and width or depth of at least 1.5m and a height of 2.4m.
 2. The access to the storage shall not be via steps.
 - iii. General Amenity - Heating and Ventilation

1. Where 3 or more households units are being created, provision shall be made for heating and ventilation each unit. Any associated plant/units shall be located on the roof or to the rear of the building. The plant/units shall be screened from public view, and separated from outdoor living space for other household units unless acoustically treated.
- b. Commercial 4: One dwelling household unit per 450m² net site area.

6.8 RESTRICTED DISCRETIONARY ACTIVITY: METHODS OF ASSESSMENT

6.8.2 ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

10. Household Units/Apartments

Council shall restrict its discretion to the following matters:

- a. Size
 - i. The extent to which the layout and design of the units will ensure that the units are both functional and will provide a high level of amenity for future occupants.
 - ii. Whether units of a variety of sizes are provided to accommodate different household sizes.
- b. Outdoor living space
Ensure that a high quality outdoor living space is provided for all residents that:
 - i. is accessible;
 - ii. has good access to sunlight;
 - iii. is of a functional size and dimension; and
 - iv. will provide a high quality amenity space. In assessing the quality of the amenity space consideration will be given to the proximity of the amenity space to roof plant, for example, air conditioning units and extract systems and any acoustic treatment.
- c. Storage
Storage is provided that is practical and accessible for residents to use on a daily basis for the storage of larger items such as bikes and mobility scooters.
- d. General Amenity - Heating and Ventilation
 - i. Whether the location of heating and ventilation equipment will detract from the external appearance of the building when viewed from a public place.
 - ii. Amenity impacts on neighbours associated with the placement and associated noise of heating and ventilation units.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	5.3.1, 5.3.5, 6.3.1, 6.3.2
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will clarify the intent of the performance standards. It will maintain and enhance amenity for household units in the city centre and commercial zones as attractive healthy places to live. It will therefore encourage residential living in the city centre to promote its vibrancy and vitality. It will increase certainty of the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be significant costs resulting from the amended provisions. Developers of household units will need to ensure that household units have appropriate outdoor living areas and storage areas, as well as heating and ventilation. Without such requirements there is the risk of lower quality units being developed detracting from social and economic wellbeing.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. They would not align with the requirement to promote community wellbeing. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.5 Part 6 – Commercial Zone

3.5.1 SERVICE STATIONS/UNDERGROUND TANKS - RULES

(Change 9 in Track Changes document)

EXPLANATION:

The replacement or removal of underground fuel tanks is covered by the NES Contaminants in Soil for the Protection of Human Health and the NES sets the status of this activity. In Part 6 Commercial, Rule 6.5.18 lists *'Service stations including extensions and the addition, replacement or removal of underground tanks'*. The wording "and the addition, replacement

or removal of underground tanks” should be removed as this part of the activity is covered by Rule 6.5.89 which refers to Part 16 Hazardous Substances and Contaminated Soil.

PROPOSED CHANGE:

Delete from 6.5.18:

~~‘and the addition, replacement or removal of underground tanks’.~~

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	16.3.4
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will remove duplication of the controls in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) and refer to the provisions in Chapter 16.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and NESCS will not be achieved. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more appropriate than the status quo.

3.5.2 DEMOLITION OF HERITAGE STRUCTURES - RULES

(Change 10 in Track Changes document)

EXPLANATION

At present, the re-siting or demolition of a Heritage Structure is classed as a Non-Complying Activity in the Commercial 3 – 6 Zones, but is classed as Not Applicable in the Commercial 1 and 2 Zones. It has been requested that the Not Applicable category be changed to Non-Complying to ensure that the rules are suitable should any Heritage Structures be included in future.

PROPOSED CHANGES

Amend Table 6.5 as follows:

Rules	ones					
	CM1	CM2	CM3	CM4	CM5	CM6
65. Re-siting, or demolition of a historic heritage structure listed in Appendix 1, Cultural Historic Heritage Inventory	NA <u>NC</u>	NA <u>NC</u>	NC	NC	NC	NC

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	2.3.8, 2.3.9
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty should additional heritage structures be included in the District Plan in future.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The proposed change will have very minor effect, but will ensure a more robust planning document in future.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.5.3 RETAIL AND DAY SPAS (ACTIVITY STATUS) - RULES (Change 11 in Track Changes document)

EXPLANATION

The Commercial 6 Zone applies to the site known generally as “Trade Central”. The zone is a new zone and provides for a range of activities including trade retail, garden centres, indoor commercial recreation, medical centres and funeral homes. The objectives and policies for the Commercial zones include the following:

Objective 6.3.1

A hierarchy of vibrant compact commercial and tourism centres that efficiently service and support the needs of the surrounding community and nationally significant tourism sector.

Policy 6.3.1.5 Southern Edge Commercial Centre

Provide for the establishment of a mix of light industrial and commercial activities that are appropriate to the location and amenity of the southern edge commercial centre, and the character and amenity values of other commercial centres.

Objective 6.3.4

Efficient use and development of commercial centres by the establishment of activities consistent with the intended purpose of each zone.

Policy 6.3.4.2

Provide diverse commercial centres that offer services and convenient retail activities that complement rather than compete with the city centre

Table 6.5 Activities in the Commercial 1 – 6 Zones provides for retail shops and day spas less than 400m² ground floor area as a Permitted Activity in the Commercial 1 Zone and non-complying activity in Commercial 2 to 5 Zones. Activities that are not listed are classed as non-complying activities in every zone except for the Commercial 6 Zone, where the default status is Restricted Discretionary.

The activity description could be interpreted in two ways as the maximum ground floor area of 400m² could be interpreted to relate to just day spas or to both activities. However, it is commonly read as applying to both activities. In this case, retail activities over 400m² are restricted discretionary activities where the only discretion relates to natural hazards.

New retail activities may adversely impact on the vitality and vibrancy of the City Centre. The Commercial 6 Zone is specifically intended to provide for activities “not suitable for either the industrial or city centre zones”. Therefore, allowing new retail over 400m² as a Restricted Discretionary Activity without assessing the potential effect on the zone, commercial hierarchy or City Centre is inconsistent with the purpose of the zone. Retail floor area needs to be restricted in the zone, as it is in other commercial zones, as it has the potential to undermine the objectives and policies supporting the vitality and vibrancy of the City Centre

PROPOSED CHANGES

Table 6.5: Activities in the Commercial 1 – 6 Zones

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6
General						
2. Where an activity is not expressly stated in 6.5	NC	NC	NC	NC	NC	<u>NC</u> RD

Consequential change for clarity:

Retail and Commercial							
13.	Retail shops and day spas under 400m ² ground floor area	P	NC	NC	NC	NC	NC
13a.	Retail shops and Day spas under 400m ² ground floor area	P	NC	NC	NC	NC	NC

EVALUATION

Reasonably Practical Options

There are three potential ways to address the status of retail shops in the Commercial 6 zone with the objectives and policies for the City Centre and the purpose of the zone:

- Amend the status of “Where an activity is not expressly stated in 6.5” in the Commercial 6 Zone from RD to NC to be consistent across the commercial zones;
- Retain the Restricted Discretionary Status and amend 6.8 to include in 6.8.2 specific assessment criteria for retail shops. Such assessment criteria would include the potential adverse effect on the vitality and vibrancy of the city centre.

The other option is to retain the status quo and make no change to the Plan. This would not achieve the objectives and policies of the ODP nor the purpose of the Act. The two activities in 6.5.13 should be listed separately to remove the existing confusion.

The “Do Nothing” option has not been selected as it will not promote the objectives and policies for the Commercial 6 Zone, the commercial hierarchy or the City Centre. The proposals are concluded to be the only reasonably practicable options to evaluate. These include the separation of retail and day spas for clarity.

Efficiency and effectiveness

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Option 1: Amend the default status of activities to NC

Objectives	5.3.1, 5.3.4, 6.3.1, 6.3.4
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will support the intent of the performance standards to achieve the objectives for the city centre and commercial zones. It clarifies the meaning of the activity listed and provides the intended level of control. It enables consideration of the activity as a whole against the potential adverse effects and the Plan provisions. It will increase certainty of the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be significant costs resulting from the amended provisions. The purpose of the zone is specific to the site and no change to the intent of the zone will result. Without a change the commercial hierarchy in the Rotorua urban area may be undermined.

Risk of Acting or Not Acting	<p>The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. The risk of not acting may lead to:</p> <ul style="list-style-type: none"> ▪ Not achieving the purpose of the Act in relation to the sustainable management of physical resources ▪ Loss of activities from the City Centre that will reduce the vitality and vibrancy of the City Centre <p>There is sufficient information known about the consequences.</p>
Overall Assessment	<p>The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.</p>

Option 2: Include new assessment criteria for retail shops and/or activities not otherwise listed as a Restricted Discretionary Activity

Objectives	5.3.1, 5.3.4, 6.3.1, 6.3.4
Benefits (Environmental, Economic, Social and Cultural)	<p>It will enable consideration of matters over which discretion has been restricted.</p> <p>It can include matters that are relevant to achieving the objectives and policies and the purpose of the Zone.</p> <p>The change would help to achieve the objectives for sustaining the vibrancy and vitality of the city centre.</p>
Costs (Environmental, Economic, Social and Cultural)	<p>It may be inadequate to support refusal of consent but will enable consideration of relevant effects</p> <p>The change would be less effective in achieving the objectives for sustaining the vibrancy and vitality of the city centre.</p>
Risk of Acting or Not Acting	<p>The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. The risk of not acting may lead to:</p> <ul style="list-style-type: none"> ▪ Not achieving the purpose of the Act in relation to the sustainable management of physical resources ▪ Loss of activities from the city centre that will reduce the vitality and vibrancy of the city centre <p>There is sufficient information known about the consequences.</p>
Overall Assessment	<p>The proposed change is therefore not supported as it will be less effective in meeting the purpose of the Act when compared with Option 1. However it would be more effective than the status quo.</p> <p>Changing the status to NC achieves the objectives more effectively and efficiently for the zones and the city centre.</p>

The change proposed in Option 1 is the most appropriate method to achieve the objectives and policies of the Plan. Option 2 on its own it is not considered enough for achieving the objectives and policies in relation to the revitalising the city centre 1 zone and strengthening the hierarchy of the city centre as the main commercial and retail centre of the district.

3.5.4 MATTERS OF CONTROL FOR CONTROLLED ACTIVITIES ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES (Changes 12 - 15 in Track Changes document)

EXPLANATION

It has been highlighted that a number of the Controlled and Restricted Discretionary Activities in the Commercial Zones do not have, or have only limited, *Matters of Control* (for Controlled Activities) and *Assessment Criteria* (for Restricted Discretionary Activities).

Under the RMA, Council must grant consent for a controlled activity, and can only impose conditions for those matters that it has reserved control (either under the District Plan or where relevant an National Environmental Standard (s104A).

Similarly, where an activity is classed as a Restricted Discretionary Activity, Council may only consider those matters over which it has reserved discretion, again under either the District Plan or a National Environmental Standard.

At present, the Controlled Activity General Matters of Control address:

1. *Building Design, Site Layout and Amenity*
 - a. *Potential reverse sensitivity of the activity on adjoining zones.*
 - b. *The principles of CPTED are implemented, including provision for the passive surveillance of any adjoining road or reserve.*
 - c. *The amenity of the streetscape, and where relevant, the City Entranceway, is maintained and enhanced.*
2. *Natural Hazards*
 - a. *Adverse effects from natural hazards or the worsening of any hazard identified on the Special Interest Series maps 208 to 213 are managed.*
 - b. *A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.*
3. *Parking, Access and Turning*
 - a. *Onsite design, location and surfacing of access, parking and turning areas provides for practical use of the site, maintains the amenity of adjacent sites, the safety of pedestrians and the safe and efficient functioning of the road network.*

- b. *Access to the site is designed to be consistent with the standards of the Road Controlling Authority.*
- c. *Recommendations from any required integrated transport assessment as outlined in Appendix 4, parking and Turning Standards.*
- d. *How the activities will avoid, remedy or mitigate any adverse effects on the function and safe and efficient operation of the transport network.*

4. *Financial Contributions*

All activities shall be assessed under Part 14, Financial Contributions to determine if a financial contribution is required.

The Restricted Discretionary General Assessment Criteria are limited to:

1. *Natural Hazards*

- a. *Adverse effects from natural hazards or the worsening of any hazard identified on the Special Interest Series maps 208 to 213 are managed.*
- b. *A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.*

To ensure that there are adequate Matters of Control and Assessment Criteria additional and provisions are proposed to address the following activities:

- Restaurants;
- Community Housing;
- Day-care Centres;
- Drive-through restaurants.

The amendments have been developed to ensure that the purpose of the zones and in particular the vitality of the city centre is supported.

The focus of the proposed provisions is on ensuring that the effects on adjoining areas can be appropriately managed.

One minor change is the deletion of the reference to Education Facilities Accessory to Onsite Tourism Activities in the title of 6.8.2.5, as these are not identified as a Restricted Discretionary Activity in any of the Commercial Zones.

PROPOSED CHANGES

6.7.2 Matters of Control for Specific Activities

5. Restaurants

- a. Mitigation of adverse effects of noise and lighting in relation to adjacent sites zoned Residential or Rural, including hours of operation.

6. Community Housing
 - a. Mitigation of effects in relation to adjacent sites zoned Residential; and
 - b. Provision of private outdoor space and outlook, especially to the north, east or west.

7. Daycare Centres
 - a. Number of children and staff on site at any one time;
 - b. Mitigation and management of noise in relation to adjacent sites zoned Residential;
 - c. Hours of operation;
 - d. Provision for adequate parking and safe access to and from the centre, where required;
 - e. Site layout and location of outdoor play areas in relation to zone boundaries;
 - f. Landscaping and/or fencing of boundaries adjoining sites zoned Residential.

6.8 RESTRICTED DISCRETIONARY ACTIVITY: METHODS OF ASSESSMENT

6.8.2 ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

4. Restaurants and Supermarkets
 - a.
 - e. Building design and landscaping provided within the front yard to enhance the amenity values of the city entranceway and streetscape.

5. ~~Educational Facilities Accessory to Onsite Tourism Activities~~ Service Stations, and Drive Through Restaurants
 - a. The design and location of aAccess, on-site parking, queuing and turning areas ~~are designed and located~~ to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites, the safety of pedestrians, cyclists and the safe and efficient functioning of the road network.
 - b. Ensuring adequate sight distances are provided to prevent on-street congestion caused by the ingress or egress of vehicles to and from sites.
 - c. Implementation of tThe recommendations in an integrated transport assessment if one is required under Appendix 4, Parking and Turning Standards.
 - d. Landscaping to maintain the amenity of surrounding areas (particularly residential areas) and streetscapes.
 - e. In relation to Drive Through Restaurants:

- The intensity and scale of the activity in relation to both any residential activities within close proximity of the site and any effects on vitality and viability of the City Centre.
- The noise, lighting and hours of operation.

11. Daycare Centres

- Number of children and staff on site at any one time;
- Hours of operation;
- Provision for adequate parking, where required and safe access to and from the centre;
- Site layout and location of outdoor play areas in relation to adjacent activities; and
- Landscaping and fencing.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	6.3.3
Benefits (Environmental, Economic, Social and Cultural)	The proposed changes will ensure that the Plan identifies clearly the matters of control reserved and discretion restricted with appropriate assessment criteria for Council to assess applications against, and will ensure that amenity of adjoining properties is maintained.
Costs (Environmental, Economic, Social and Cultural)	The amendments will provide applicants clear guidance as to the matters that need to be assessed in resource consent applications.
Risk of Acting or Not Acting	The risk of not acting is that Council will not be able to impose conditions to address certain effects. There is sufficient information known about the consequences.
Overall Assessment	The proposed change will better enable Council to manage the adverse effects of activities on surrounding properties.

3.6 Part 7 – Industrial Zone

3.6.1 POLICY 7.3.2.1 LOCATION OF BUILDINGS RELATIVE TO MARAE
(Change 16 in Track Changes document)

EXPLANATION

The policy refers to Ngapuna generally and other marae, but the reference to Ngapuna is not linked to marae within Ngapuna. This policy requires clarification.

The policy currently reads:

Objective 7.3.2	
Efficient industrial environments that do not detract from the amenity of adjacent residential and rural zones and respect the visual and cultural prominence of Marae.	
Policy 7.3.2.1	Control the location and design of buildings, structures and operations within Ngāpuna and adjacent to any other marae to respect the Tikanga of the Whareniui.

PROPOSED CHANGES

Amend Policy 7.3.2.1 as follows:

Policy 7.3.2.1	Control the location and design of buildings, structures and operations <u>within adjacent to Ngapuna marae and adjacent to any other marae to respect the Tikanga of the Whareniui. to ensure development respects the visual and cultural prominence of the Marae.</u>
----------------	--

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	7.3.2
Benefits (Environmental, Economic, Social and Cultural)	The proposed changes will ensure that the policy is clear.
Costs (Environmental, Economic, Social and Cultural)	The amendments are minor and will provide greater clarity for applicants. As such, no costs are anticipated.
Risk of Acting or Not Acting	No significant risk of not acting. However, lack of clarity risks mis-interpretation. Sufficient information is known to enable the change to be made.
Overall Assessment	The proposed change will better enable Council to manage the adverse effects of activities on properties adjacent to marae.

3.6.2 ACTIVITY STATUS AND PERFORMANCE STANDARDS IN INDUSTRIAL ZONES (Change 17 - 19 in Track Changes document)

EXPLANATION

There are some inconsistencies in the activity status and performance standards in the Industrial Zones which require minor amendments to achieve greater clarity and consistency. There are three rules identified as needing to be corrected:

- a. **Indoor Commercial Recreation, Medical Centres and Outdoor Recreation Outlet Stores:**
In 7.5.43, indoor commercial recreation is a Controlled Activity in the Industrial 1 Zone (Light Industrial) and medical centres and outdoor recreation outlet stores are identified as Controlled Activities in the Industrial 1E Zone (City Entranceways Mixed Use). This status does not allow an activity to be considered on its merits as consent must be granted subject to conditions. As the intent of the industrial zones is to retain industrial land for industrial activities, the status would be more appropriately Discretionary to allow the appropriateness of the location and alignment of the activity with the objectives for the zone to be achieved.
- b. **Landscape:**
The wording of 7.6.11(a) is unclear and inconsistent with the requirement in 7.6.2.1.i, ii and iii for yards. Clarification of the rule in relation to the adjacent zones is therefore required.
- c. **Kaumātua flats and papakainga:**
At present the Industrial Zone Rules specify that Kaumātua flats and Papakāinga are classed as Non-Complying Activities, while Part 3 specifies that Kaumātua flats and Papakāinga are Permitted Activities in all zones, subject to Performance Standards. It is recommended that all of the rules relating to Kaumātua flats and Papakāinga are included in Part 3 to avoid confusion, and that the status within the industrial zone remains as Non-Complying.

There is also a consequential change to the Performance Standards in Part 3 which clarifies that the Performance Standards relating to Papakāinga also relate to Kaumātua flats as this is unclear with the current wording. The Performance Standards relate to land ownership/location and the density of Kaumātua flats.

PROPOSED CHANGES

Change 7.5 as follows:

31. Outdoor recreation outlet stores	NC	<u>€D</u>	NC	NC
34. Medical centres	D	<u>€D</u>	NC	NC
43. Indoor commercial recreation activities	<u>€D</u>	RD	NC	NC
48. Kaumātua flats	<u>NCRefer Part 3</u>			
49. Papakāinga	<u>NCRefer Part 3</u>			

Amend Table 3.5 as follows:

Kaumātua Flats, Papakāinga and Households	
13. Kaumātua flats, <u>except as stated in Rule 3.5.14a</u>	P
14. Papakāinga, <u>except as stated in Rule 3.5.14a</u>	P
<u>14a. Kaumātua flats and Papakāinga in an Industrial Zone</u>	<u>NC</u>

Change 3.6 Performance Standards as follows:

1. Papakāinga and Kaumātua flats

- a. The activity must be located on land that adjoins or is adjacent to a marae, and is on Māori multiple-owned land, or otherwise under the jurisdiction of the Māori Land Court; and
- b. The land concerned must be vested in trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
 - i. the land remains vested in the trustees without power of sale; and
 - ii. the occupation or beneficial interest in the land shall be restricted to members of the hapu;
- c. The density for kaumātua flats shall not exceed one per 150m² of land area.

Change 7.6.11.a as follows:

11. Landscaping

- a. In the Industrial 1 and Industrial 1E zones, where a yard is required under 7.6.2(a)(i), (ii) and iv, the yard adjoining a boundary with a Residential, or Transitional or Rural zone or a site containing a marae shall be landscaped with trees and shrubs or fenced in a manner that will provide a continuous screen of at least 1.8 metres in height in all seasons, except for Lot 1 DPS 70760 (Owhatiura South).

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	3.3.4, 7.3.2, 7.3.4
Benefits (Environmental,	The proposed change will provide clarity and certainty

Economic, Social and Cultural)	to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and the provisions do not align with the objectives. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.6.3 RESTRICTED DISCRETIONARY ACTIVITIES: GENERAL ASSESSMENT CRITERIA AND ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES (SERVICE STATIONS)
(Change 20 in Track Changes document)

EXPLANATION

There are currently no assessment criteria to address the potential impact of commercial type activities located in the Industrial Zones on the City Centre and the Commercial Zones. It has also been highlighted that greater design considerations are appropriate at the entranceways to the city and this reflects Policy 7.3.4.1. It has also been noted that there are no Assessment Criteria for Service Stations that are classed as a Restricted Discretionary Activity in the Industrial 1E Zone (Entranceways). Finally, Assessment Criteria 7.8.2.2 refers to 'Motor Vehicle Repair Garages within the Industrial 1 and 1E zone'. It is recommended that this is deleted as there are no rules classify Repair Garages as Restricted Discretionary Activities.

PROPOSED CHANGES

7.8.1 General Assessment Criteria

1. Activities that may affect the vitality and viability of the City Centre and Commercial Zones

- the extent to which the retail activity impacts on the overall vitality and viability of the CBD.
- the extent to which the activity promotes the efficient use of resources and a compact urban form.
- the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces.
- how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities.

2. Natural Hazards

.....

3. City Entranceways

- The extent to which the proposal will enhance the character and amenity of the city entranceways.

7.8.2 Assessment Criteria for Specific Activities

2. ~~Sawmilling, Truck Stops, and Wood or Timber Storage and Motor Vehicle Repair Garages within the Industrial 1 and 1E zone~~
- a. How the hours of operation may conflict with existing residential land uses located within residential zones and the transitional zone.
 - b.

X. Service Stations:

- a. The design and location of access, on-site parking, queuing and turning areas to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites, the safety of pedestrians, cyclists and the safe and efficient functioning of the road network.
- b. Ensuring adequate sight distances are provided to prevent on-street congestion caused by the ingress or egress of vehicles to and from sites.
- c. Implementation of the recommendations in an integrated transport assessment if one is required under Appendix 4, Parking and Turning Standards.
- d. Landscaping to maintain the amenity of surrounding areas (particularly residential areas and City Entranceways), streetscapes and pedestrian amenity.

EVALUATION

Options considered are:

1. Status Quo
2. **Proposed change set out above.**

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	5.3.1, 6.3.4, 7.3.2, 7.3.4, 7.3.5
Benefits (Environmental, Economic, Social and Cultural)	The proposed changes will ensure that the assessment criteria better alignment with the objectives for the zones.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be significant costs resulting from the amended provisions, although there will be additional costs in providing landscaping and amenity components to site development.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as there are inconsistencies in the wording of plan provisions and

	the provisions do not align with the objectives. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.7 Part 9 – Rural Zone

3.7.1 RULE TABLE: ACTIVITIES ACCESSORY TO OUTDOOR RECREATION ACTIVITIES (Change 21 in Track Changes document)

EXPLANATION

At present:

- Outdoor Recreation Activities are classed as a Permitted Activity;
- Commercial Outdoor Recreation is classed as a Discretionary Activity; and
- Finally, activities accessory to an Outdoor Recreation Activity are classed as a Discretionary Activity in all of the Rural Zones.

Outdoor Recreation is defined as: *‘Recreation activities carried out in the open air, and where any buildings associated with these activities are accessory to such activities.’*

It is recommended that the rule is amended to refer specifically to ‘buildings’ as opposed to ‘activities’ which would appear to be the intent of the original rule. This would require resource consent for the building of clubrooms etc in the rural zone but more general ‘activities’ associated with outdoor recreation would not be captured.

PROPOSED CHANGES

Amend Table 9.5 as follows:

Tourism and Recreation				
40.	Outdoor recreation activities	P	P	P
41.	Commercial outdoor recreation	D	D	D
42.	Activities <u>Buildings</u> accessory to outdoor recreation activities	D	D	D

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	9.3.3
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that activities accessory to outdoor recreation activities would unnecessarily require resource consent. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.7.2 RULE TABLE: WATER TANKS

(Change 22 in Track Changes document)

EXPLANATION

At present within the Rural Zone, water tanks in Significant Natural Areas are classed as a Permitted Activity where they have a 'naturally recessive colour'. It has been highlighted that there is a lack of clarity with this term.

PROPOSED CHANGES

It is therefore recommended that a performance standard is included to clarify as follows:

Amend Rule 9.5.78 re: Water Tanks as follows:

78. Water tanks not exceeding 25000 litres and 3 metres in height with naturally recessive exterior colour, with associated pump and pipe installation work, located within a Significant Natural Area in accordance with the standards in Appendix 9 – Section 6 Matters.	P	NA	NA
--	---	----	----

Include the following Performance Standard under A9.2.12: *Water Pump and Pipe Network associated with a Water Tank located within a Significant Natural Area provided for in Rule 9.5.78:*

- The exterior surfaces of any water tank shall have a reflectance value of between 0 and 37%.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

The proposed change, which is based on a similar provision in the Lakes A Chapter of the District Plan, will provide a greater level of certainty as to what a naturally recessive colour means.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	2.3.5
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome as the change clarifies the existing rule.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions as the change clarifies the existing rule.
Risk of Acting or Not Acting	The risk of not acting is that there will be ambiguity in the plan provisions, which is not helpful for either applicants or Council staff. There is sufficient information known about the consequences.
Overall Assessment	The proposed change will help improve the usability of the District Plan.

3.7.3 RULE TABLE: FAULT AVOIDANCE AREAS

(Change 23 in Track Changes document)

EXPLANATION

At present, there are no rules in the Rural 2 and 3 Zones relating to buildings within fault avoidance areas. In the Rural 1 Zone additions to existing buildings and the construction of low importance buildings are classed as Permitted Activities; and new buildings within fault avoidance areas are classed as Restricted Discretionary Activities. Given that there are fault avoidance areas affecting both the Rural 2 and 3 Zones (for example, along Whirinaki Valley Road) the same rules should apply as in the Rural 1 Zone.

PROPOSED CHANGES

Rules 9.5.117 – 119 are amended as follows:

Activities Affected by Fault Lines				
17.	Additions to existing buildings or replacement buildings located within the fault avoidance area on Planning Map 210.	P	NA P	NAP
18.	Buildings of low importance and structures or replacement buildings located within the fault avoidance area on Planning Map 210 e.g. farm buildings, fences, structures with floor areas of less than 30 square metres, masts/towers in rural	P	NA P	NAP

	situations and temporary structures			
19.	New buildings located within the fault avoidance area on Planning Map 210, <u>unless specified under Rule 9.5.117 or 118.</u>	RD	<u>NA RD</u>	<u>NA RD</u>

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Council is required under s31(1)(b) to ‘control of any actual and potential effects of the ... development ... of land, including for the purpose of – (i) the avoidance or mitigation of natural hazards’. The proposed amendment will ensure that the Rural 2 and 3 Zones have a consistent approach to the other relevant zones in the District Plan.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	Objective 1.3.9
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will ensure better management of buildings within fault avoidance areas across the Rural 2 and 3.
Costs (Environmental, Economic, Social and Cultural)	Where buildings are proposed to be located within a fault avoidance area there will be additional costs to the land owner as any application will need to be accompanied by a natural hazard assessment. This is the same requirement as for other zones, and is considered to be appropriate method to mitigate the risk.
Risk of Acting or Not Acting	The risk of not acting is an increased likelihood that habitable buildings will be located within close proximity of a fault trace. Should the fault rupture, which is a low risk, there will be a greater risk of damage to both the structure and any inhabitants.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.7.4 RULE TABLE: CONTAMINATED SITES IN RURAL ZONES

(Change 24 in Track Changes document)

EXPLANATION

Rule 9.5.126 classifies activities undertaken on potentially contaminated sites without remediation as a Discretionary Activity.

Rule 9.5.130 also address the same issue, stating:

130. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants; or any activity on contaminated or potentially contaminated land.	See Part 16
---	-------------

The use and development of potentially contaminated land is primarily controlled through the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (NES Soil). The NES Soil only controls activities where there is the potential for effects on human health, and does not consider wider environmental effects. The provisions of the NES Soil are reflected in Chapter 16 of the District Plan.

In addition to the requirements of the NES Soil both the Regional Plans contain rules on the disturbance of contaminated land.

- The Bay of Plenty Regional Water and Land Plan (Rule 35) requires that any disturbance of contaminated land requires resource consent, except for the remediation of contaminated land which is permitted (Rule 34). The Regional Council’s considerations include the wider ecosystem health.
- Rules in section 5.3.4 of the Waikato Regional Plan manage activities relating to remediation of contaminated land. In addition there is a general rule, rule 3.5.4.5, that requires resource consent as a discretionary activity for the discharge of a contaminant into water or onto or into land where it may enter water, not otherwise allowed for in the plan.

Given that the development of Contaminated Land is addressed from both a human health and wider environmental perspective by rule 9.5.130 in the District Plan, as well as the Regional Plan rules and the NES Soil, Rule 9.5.126 is unnecessary. It is therefore recommended that Rule 9.5.126 be deleted.

It is noted that central government is currently proposing changes to the way Hazardous Substances are regulated and is also consulting on changes to the NES Soil. As such, other changes to the contaminated land provisions in the District Plan may be required in future.

PROPOSED CHANGES

126. Activities undertaken on a site of potential contamination without remediation	D	D	D
--	---	---	---

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	16.3.4
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide greater clarity and remove duplication of rules in Table 9.5. This will assist plan users. As rule 9.5.130 addresses the same requirement the intent of the rule will be maintained.
Costs (Environmental, Economic, Social and Cultural)	No costs are identified as there is an existing rule in place, under 9.5.130.
Risk of Acting or Not Acting	The risk of not acting is that there may be confusion about which rule applies and should be relied on. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.7.5 Section 9.6 Performance Standards – Household Unit Density Rural 1 Zone (Change 25 in Track Changes document)

EXPLANATION

The Household Unit Density Performance Standard (9.6.4) states that within the Rural 1 Zone the number of houses per site is limited to one, except:

- i. For sites that exceed an area of 30 hectares, one household unit per 15 useable hectares.*
- ii. For sites outside the Lake Rotorua catchment with versatile soils, one household unit per 40 useable hectares'*

It has been requested that the 'Lake Rotorua catchment' is mapped or defined to provide clarity.

PROPOSED CHANGES

Insert a map showing the extent of the Lake Rotorua Catchment.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	Objective 1.3.1
Benefits (Environmental, Economic, Social and Cultural)	The proposed change would ensure that there is clarity as to which of the density standards apply.
Costs (Environmental, Economic, Social and Cultural)	It is not anticipated that there would be any costs associated with the proposed change.
Risk of Acting or Not Acting	The risk of not acting is that the plan provisions will not be clear to plan users.
Overall Assessment	Overall the proposed change will help improve the usability of the plan and prevent the existing rules being undermined through misinterpretation.

3.7.6 Section 9.6 Performance Standards – Household Unit Density Rural 2 Zone (Change 26 in Track Changes document)

Concerns have been raised at the level of development enabled through the definition of household unit and associated rural zone rules and performance standards.

The definition of household unit is as follows:

Household unit	Any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence. A part of a household unit that it is accessible from within the main household unit, is not physically separated and is occupied by a member or members of the main household, is considered an accessory activity, not a separate household unit (commonly referred to as a granny flat).
----------------	---

The allowance for an ‘accessory activity’ connected to the house provides the opportunity for a unit to be built onto an existing house subject to it being occupied by a member of the main household.

The rural zone rules and performance standards provide for:

- One household unit per lot (including an accessory activity);
- An additional household unit as a Controlled Activity and subject to the size of the site; and
- An additional household unit that is subsidiary to a household unit and is less than 72m². In Brunswick Park this unit needs to be attached to the main household unit.

With the definition of Household Unit providing for an attached unit to the main house, and the rules/performance standards also providing for a 72m² unit there has inadvertently been a double up in the allowance for ‘Granny Flats’.

It is therefore proposed that the definition of Household Unit is simplified by removing the last sentence of the definition.

It is also proposed that references throughout the plan to 'additional household unit that is subsidiary' is replaced with 'subsidiary household unit'. This is proposed to avoid confusion with other rules and performance standards that also refer to 'additional household units'.

The use of the word 'additional' in both the rules and performance standards is creating confusion as to whether additional household units are permitted or controlled.

Under the previous District Plan a subsidiary household unit in the Rural Zone was classed as a Controlled Activity with Council retaining control over the design and external appearance of the building.

It is understood that the intention of the District Plan review was that houses of less than 72m² that were genuinely subsidiary would be classed as a permitted activity in the rural zones.

However, as written additional houses less than 72m² are classed as a Controlled Activity. Council has retained control over building design and amenity in relation to neighbouring properties.

The proposed changes would result in subsidiary household units less than 72m² in area being classed as a Permitted Activity. This is enabling in terms of the provision of workers accommodation or wider family accommodation in the Rural Zone.

However, in making these changes to the definitions there will be consequential changes required to the residential zone provisions relating to household units. It is also recommended that the references to 'additional household units' in the residential zones is also replaced with 'subsidiary' in relation to 72m² properties.

Again, the intention of these changes is not to make fundamental changes to the rules relating to density. Currently in the Residential 1 Zone the provisions enable:

- One household unit per site as a Permitted Activity;
- Additional household units on sites greater than 600m² where less the floor area of the unit is less than 72m² are classed as a Controlled Activity;
- Additional household units over and above this are classed as a Restricted Discretionary Activity.

In the other Residential Zones:

- One household unit is Permitted per site;
- Additional household units are classed as a Controlled Activity where minimum site requirements are met;
- Additional household units over and above this are classed as a Restricted Discretionary Activity.

The proposed changes will simply create a specific category for subsidiary household units. The status in the Residential Zone will remain the same. The change will clarify that a second dwelling on a site in the Residential 1 Zone will be classed as a Controlled Activity.

Consideration was also given to providing a definition of subsidiary household unit. However, given the difficulties in ensuring that properties remain 'subsidiary' over time no definition has been proposed.

PROPOSED CHANGES

Definitions:

Household Unit

Any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence. ~~A part of a household unit that it is accessible from within the main household unit, is not physically separated and is occupied by a member or members of the main household, is considered an accessory activity, not a separate household unit (commonly referred to as a granny flat).~~

Rural Zone Rules (Table 9.5):

Home and Households			
	RR1	RR2	RR3
11. Household Unit, one per lot <u>site</u>	P	P	P
12. Additional household unit	C	C	C
13. Buildings accessory to a household unit	P	P	P
14. One additional <u>subsidiary</u> household unit that is subsidiary to an established household unit, one per site.	P	P	P
15. An additional household unit, or an additional subsidiary household unit within the sensitive landscape area of the caldera rim as shown on Planning Map 215	D	D	D

Amend Performance Standard 9.6.4 as follows:

a. Rural 1 zone

One household unit per ~~site~~lot, except:

- i. For sites that exceed an area of 30 hectares, one additional household unit per 15 useable hectares.
- ii. For sites outside the Lake Rotorua catchment with versatile soils, one additional household unit per 40 useable hectares

- iii One ~~additional~~ subsidiary household unit not exceeding 72m² gross floor area (excluding garaging) ~~and that is subsidiary to an existing household unit.~~
- b. Rural 2 zone
- i. No more than one household unit per 8,000m² of the site area shall be constructed onsite within areas not serviced by public reticulation for wastewater provided that the requirements of the relevant regional council for the treatment and management of wastewater, including any associated disposal field is met.
 - ii. No more than one household unit per 4,000m² of the site area shall be constructed onsite within areas serviced and connected to public reticulation for sanitary sewer.
 - iii. One ~~additional~~ subsidiary household unit not exceeding 72m² gross floor area (excluding garaging) ~~and that is subsidiary to an existing household unit.~~
 - iv. i, ii and iii above ~~do~~ shall not apply to the Brunswick Park area, where no more than one household unit per 8000m² of the site area shall be constructed onsite. In addition to an existing household unit in the Brunswick Park area, one ~~additional~~ subsidiary household unit not exceeding 72m² gross floor area (excluding garaging) may be constructed as a ~~subsidiary~~ part of the principal unit, but not as a separate building.
- c. Rural 3 zone
- i. No more than one household unit per 1,500m² of the site area shall be constructed onsite within areas not serviced by public reticulation for wastewater provided that the requirements of the relevant regional council for the treatment and management of sewer wastewater, including any associated disposal field is met.
 - ii. No more than one household unit per 1000m² of the site area shall be constructed onsite within areas serviced and connected to public reticulation for sanitary sewer.
 - iii. One ~~additional~~ subsidiary household unit not exceeding 72m² gross floor area (excluding garaging) ~~and that is subsidiary to an existing household unit.~~

Amend Residential Zone Rules 4.5.9 as follows:

Household Units					
	RD1	RD2	RD3	RD4	RD5

4.	Household unit, one per site	P	P	P	P	P
9.	<u>Subsidiary household unit, one per site.</u>	<u>C</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
9a.	Additional household units	C	C	C	C	NC

Amend Residential Zone Performance Standards 4.6.4 as follows:

4. Household Unit Density

a. Residential 1

- i. The minimum permitted net site area for any one household unit shall be 350m², provided that the average net site area for all household units on a site is at least 450m².
- ii. For sites that exceed a net site area of 600m², there may be one ~~additional~~ subsidiary household unit with a net floor area not exceeding 72m² (excluding garaging). This is to enable provision of a small household unit on a site, for the accommodation of family members for example. ~~Subdivision of lots of this size is not allowed for by the plan, so the additional house will remain accessory to the principal household unit.~~
- iii. Within the area covered by the Wharenui Road Development plan only one household unit may be constructed for each 450m² net site area.
- iv. Within the area covered by the Twin Oaks Development Plan only one household unit may be constructed for each 700m² net site area. See Appendix 5.8

b. Residential 2

- i. The minimum permitted net site area for any one household unit shall be 350m² without an approved comprehensive residential development plan.

c. Residential 3

- i. The minimum net site area for any one household unit shall be 250m².

d. Residential 4

- i. One household unit may be constructed on site per 2,000m² of net site area provided that the site is able to meet the relevant regional council requirements for on-site effluent or sewage disposal, including any associated disposal field.
- ii. One household unit may be constructed per 1,000m² of net site area in an area where a public sanitary sewer reticulation system is operational.

e. Residential 5

- i. One household unit per 1,500m² net site area provided that the average net site area for all households onsite is shall be 2,000m².

EVALUATION

Options considered are:

- 1. Status Quo
- 2. Proposed change set out above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	9.3.3, 4.3.2
Benefits (Environmental, Economic, Social and Cultural)	The proposed changes will clarify the rule framework making it easier for plan users. The only substantive change is the household units <72m ² will become a Permitted Activity in the rural zone, whereas currently they are classed as Controlled Activities. The change in status will make it slightly easier for people to build a subsidiary dwelling. However, this is not a significant change from the existing situation where consent must be granted.
Costs (Environmental, Economic, Social and Cultural)	Overall the changes are aimed at improving plan usability and therefore not anticipated to incur any costs.
Risk of Acting or Not Acting	The risk of not acting is that there will be difficulty in interpreting the plan. There is sufficient information known about the consequences.
Overall Assessment	Overall the proposed change will help improve the usability of the plan and prevent the existing rules being undermined through misinterpretation.

3.8 Chapter 10 – Reserves, Community Assets and Reserves

3.8.1 RULE TABLE: FLOOD LIGHTS ON SPORTS FIELDS

(Change 27 in Track Changes document)

EXPLANATION:

Sportsfields and clubrooms are permitted in the Reserves 2 and 3 Zones, although only key reserves are zoned Reserve 2. Community assets, such as private schools and hospitals, are zoned Reserve 3. Flood lights are generally provided on a small number of sports fields which are used for training purposes in the early mornings or evenings. In the Reserve 3 Zone (Community Facility Reserves), flood lights on sports fields are Permitted. However, in the Reserves 2 Zone, floodlights are specified as “Not Applicable”. It would be consistent with the type of reserves zoned Reserve 2 to allow floodlights in relation to sportsfields in the Reserve 2 Zone as a Permitted Activity. There are performance standards to manage height and glare and light effects for adjacent sites.

It is noted that controls apply in addition through the Council designations which apply to all Council reserves.

Flood lights should therefore be provided for as a Permitted Activity in both the Reserves 2 and 3 Zones. This would also be consistent with the designation of the reserve subject to compliance with the specific conditions contained within the designation.

PROPOSED CHANGES:

Amend 10.5.13 as follows:

13. Flood lights on sports fields	NA	NAP	P	NA
-----------------------------------	----	----------------	---	----

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	10.3.3
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will achieve a more appropriate outcome for the use and function of reserves.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the objective will not be achieved. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.8.2 RULE TABLE: COMMERCIAL OUTDOOR RECREATION ACTIVITIES / COMMERCIAL ACTIVITIES

(Change 28 in Track Changes document)

EXPLANATION:

Outdoor recreation is defined as: *'Recreation activities carried out in the open air, and where any buildings associated with these activities are accessory to such activities.'*

Within all of the Reserve Zones and the Water Zone, Outdoor Recreation Activities are classed as a Permitted Activity.

The Reserve 1 Zone consists of publicly owned land administered by the Crown and RLC. It includes esplanade reserve areas and strips, along with conservation reserves. The District plan states: Conservation reserves have a range of highly valued cultural and historical characteristics that are worth protecting for future generations and provide for recreation activities and public access to water bodies.

The Reserve 2 Zone consists of destination reserves. These are widely used areas of public open space and include the Government Gardens and Kuirau Park. The description of these reserves notes that ‘some of these reserves have high cultural and historical values’.

The Reserve 3 Zone includes the Rotorua Hospital site, a number of state integrated schools that are not covered by Ministry of Education designations, the Rotorua international Stadium and the Arawa Racecourse.

Finally, the Water Zones include the Lakes (16), 3 major rivers and a number of streams.

Commercial activities can cause adverse environmental effects which should be managed. In some instances an activity can conflict with other activities expected or already operating in the reserve zone. In other circumstances the scale of the activity could undermine the amenity of the reserve or prevent the public enjoyment of a reserve or water zone. The district plan manages activities in the reserves by enabling activities suitable to the purpose of each reserve zone.

The District Plan differentiates between outdoor recreation activities and activities which are commercial in nature (commercial outdoor recreation activities in Part 9). The difference arises mainly due to the scale and nature of the activity. By nature, commercial activities can be expected to be bigger in scale and can cause adverse effects that are hard to predict. It is therefore recommended to assess and manage these activities by a discretionary resource consent process.

The Reserves Management Act also manages activities that can occur on reserves. The activities are allowed according to the classification and purpose of the reserve. A Reserve Management Plan sets up the objectives for the reserve and anticipated activities authorised. The Reserve Management Plan goes through a public consultation process before being finalised. Activities in accordance to the Reserve Management Plan are permitted in the reserve but leases, licenses and other approvals may be necessary and are sometimes subject to public notification. Therefore, avoiding duplication of processes is also important.

Outdoor Recreation Activities are Permitted in the Reserves and Water Zones. Commercial outdoor recreation activities are not mentioned in the activity table and therefore the activity defaults to a Discretionary activity under rule 10.5.2. To be consistent with the intention of the plan and Part 9 and to add clarity it is proposed to add a discretionary rule for commercial activities as proposed in rule 32a above.

PROPOSED CHANGES:

Add the following to Rule 10.5 as follows:

Retail and Commercial				
<u>32a. Commercial Outdoor Recreation activities</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
33. Restaurants	D	D	D	NA
34. Retail activities	NC	NC	NC	NA
35. Ancillary retail activities	P	P	P	NA

<u>35a. Any other Commercial Activities</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
---	-----------	-----------	-----------	-----------

EVALUATION:

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	10.3.1 and objective 10.3.5
Benefits (Environmental, Economic, Social and Cultural)	The new rule is intended to allow Council to achieve the purpose of the objectives for the zones. Without the rule the Council is unable to manage the effects of Commercial activities such as traffic and amenity.
Costs (Environmental, Economic, Social and Cultural)	At the moment there is a lack of clarity in this chapter regarding the status of commercial outdoor recreation activities. Outdoor recreation activities are classed as Permitted Activities, whereas Commercial Activities (excluding retail and restaurants) are not expressly stated and therefore are classed as Discretionary. Where activities were otherwise classed as a Permitted Activity there will be an additional cost for applicants associated with gaining consent. However, where activities are classed as a Commercial Activity the amendments will not alter the activity status/costs for applicants.
Risk of Acting or Not Acting	The risk of not acting is restricting the use of the reserves as intended by the objectives and enabled by the policies in the Reserve Zone. There is also the risk of undermining the natural and cultural values of the reserve and water zone if a commercial activity has environmental effects that are more than minor without an opportunity to assess the environmental effects.
Overall Assessment	The proposed changes are supported to achieve the purpose and principles of the RMA and manage activities on the reserves according to the objectives for the zone.

3.9 Chapter 13 – Subdivision

3.9.1 Policy 13.3.10.1 – NATURAL FEATURES AND CULTURAL HISTORIC HERITAGE

(Change 29 in Track Changes document)

EXPLANATION:

It has been suggested that the wording of this policy is clarified. The policy and associated Objective currently read:

Objective 13.3.10	
Protect and enhance the district’s natural environment by maintaining its natural character and functioning, cultural and historic heritage, Outstanding Natural Features and Landscapes, Significant Geothermal Features, Significant Natural Areas and indigenous biodiversity.	
Policy 13.3.10.1	<p>Manage subdivision so that features and values such as:</p> <ul style="list-style-type: none"> • Streams, rivers, wetlands, lakes and their margins • Outstanding natural features and landscapes and landforms • Geothermal surface features • Cultural and historic heritage landscapes, sites and features • Significant indigenous vegetation and habitat of indigenous fauna <p>are excluded from subdivision or sensitively incorporated into subdivision design and protected from future land use activities.</p>

PROPOSED CHANGES:

A minor correction is proposed to the wording of this policy as follows:

Manage Avoid subdivision so that features and values such as of sites containing the following features:

- *Streams, rivers, wetlands, lakes and their margins*
- *Outstanding natural features and landscapes and landforms*
- *Geothermal surface features*
- *Cultural and historic heritage landscapes, sites and features*
- *Significant indigenous vegetation and habitat of indigenous fauna*

are excluded from subdivision or unless these features are sensitively incorporated into subdivision design and the values associated with these features are maintained and protected from future land use activities.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	13.3.10
Benefits (Environmental, Economic, Social and Cultural)	The amended wording of the policy is intended to achieve the same intent as the original policy, but with more clarity. As such, the policy is intended to ensure there is appropriate protection of a number of Section 6 matters when subdivisions applications are assessed and subsequently undertaken.

Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions when compared with the original policy.
Risk of Acting or Not Acting	The risk of not acting is that the policy will not be as clear, with the potential for interpretation issues. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.9.2 RESIDENTIAL SUBDIVISION – PERFORMANCE STANDARDS: SITE DESIGN FACTOR (Change 30 in Track Changes document)

EXPLANATION:

It has been highlighted that in the Residential 1 Zone the Site Design Factor is a 'net' figure, while the average site area figure is gross. To try and simplify the performance standards, and without making any significant changes to the rules, it is recommended that the Site Design Factor column is amended to delete the references to 'net' site area.

PROPOSED CHANGES:

Zone	Minimum Site Area	Site Design Factor
Residential 1 Low Density Living (Exclusive of the Wharenui Road area)	350m ² net site area provided that the average site area of all new sites shall be at least 450m ² .	Sites of 450m ² net site area and above: The site shall contain an area of 180m ² that is suitable for building and does not intrude into the yard buffers. Sites of less than 450m ² net site area: The site shall contain an area of 150m ² that is suitable for building and does not intrude into the yard buffers.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	4.3.6
Benefits (Environmental, Economic, Social and Cultural)	The change will help to simplify the provisions in the District Plan.
Costs (Environmental, Economic, Social and Cultural)	<p>The amended provisions will ensure that newly created sites are of a size and shape suitable for a future dwelling.</p> <p>In moving from a net figure to a gross figure will mean that a 180m² building platform (instead of a 150m² building platform) will be required on a greater number of sites, for example, a proposed lot with a net site area of 385m² would currently need to show an area of 150m² that is suitable for building and clear of the yard setbacks. By using a gross figure, the area of the vehicle access would need to be included. If the gross area of the site was then greater than 450m² then an area of 180m² suitable for building would be required.</p> <p>The majority of sites will continue to comply with this performance standard. However, on sites that have constraints which limit the area available for building, e.g. a stream or a steep bank, this performance standard may not in some instances be met.</p> <p>In the small number of cases where a relatively small site is being proposed that is also subject to constraints it is not considered inappropriate to require a slightly larger buildable area.</p>
Risk of Acting or Not Acting	At present, the use of net and gross figures in this performance standard is confusing.
Overall Assessment	The proposed change is considered appropriate in terms of residential amenity and will also improve the clarity of the plan.

3.9.3 RURAL SUBDIVISION – PERFORMANCE STANDARDS – NET OR GROSS SITE AREA (Change 31 in Track Changes document)

EXPLANATION:

Section 13.10 sets out the rules and performance standards for subdivisions within the Rural Zone.

Rule 13.10.1.1 states:

1. <i>Unless otherwise stated below the subdivision of sites or buildings that comply with the relevant site design performance standards stated in 13.10.2</i>	<i>D</i>	<i>D</i>	<i>D</i>
---	----------	----------	----------

In relation to the Rural 2 Zone, Rule 13.10.2 states:

1. Site Dimension Requirements

The table and performance standards below state the minimum site design requirements for sites with the rural zones.

Table 13.10.2 - Rural Site Design

Zone	Minimum Site Area	Site Design Factor
Rural 2 Rural lifestyle	The minimum net site area is 8,000 m ² provided that where Rule 13.10.4 applies the site area of all new lots shall be at least 4,000m ² .	Sites shall be capable of accommodating activities that comply with Rule 13.10.2.2

While Rule 13.10.4 states:

13.10.4 Rural 2 - Rural Lifestyle Zone

1. Minimum lot design requirements

Lots within the Rural 2 zone may be created as a discretionary activity subject to the following conditions:

a. The minimum site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issued shall be 8,000m², provided that:

-

2. Except for Rural 2 zoned land that comprises Brunswick Park, where a lot zoned as Rural 2 is within a service area programmed to be publicly reticulated for sanitary sewer, and the reticulation system is operational the following shall apply:

a.

3. (relates to significant natural areas)

It has been highlighted that the minimum lot size performance standards in the Rural 2 Zone refers to net site area in some of the standards but not in others. Changes are proposed so that the site area references are consistent.

Rural 2 Zone – Serviced Areas

The issue has been highlighted as it affects the subdivision of sites that are very close to 4,000m² in area within serviced areas of the Rural 2 Zone (e.g. Hamurana). The requirement for a property to have a net site area of 4,000m² will typically mean that the parent sites would need to be in excess of 8,000m² to provide additional site area for access (the difference between net and gross site area is the area of land devoted to access).

In terms of the District Plan Review, no submissions were received highlighting the inconsistency between the two minimum lot size performance standards.

However, as part of the consultation on the District Plan a community meeting was held in Hamurana. The overall feedback from those who expressed their views at the meeting was

concern at the potential for smaller lot subdivision in Hamurana. On this basis, it is recommended that the District Plan is amended to refer to net site area for Discretionary Activity subdivisions on serviced sites (excluding Brunswick Park).

Rural 2 Zone – Unserviced Areas and Brunswick Park

A similar issue exists for unserviced sites in the Rural 2 Zone and sites within Brunswick Park. In these areas the minimum lot size for a Discretionary Activity is 8,000m² (subject to compliance with three other Performance Standards). However, the figure in Table 13.10.2 refers to a net site area of 8,000m², while Performance Standard 13.10.4 refers to a minimum site area of 8,000m² (with no reference to net).

To ensure consistency, it is also recommended that a net figure is used for un-serviced sites also.

It is noted that this would have no effect on properties where both of the proposed allotments have a frontage to a public road.

Finally, it is also noted that the reference in Table 13.10.2 should be amended to refer specifically to Rule 13.10.4.2.

Part of the issue with the provisions is that there are two Performance Standards establishing minimum lot size. An alternative solution would be to reduce the number of Performance Standards to one.

PROPOSED CHANGES:

Table 13.10.2 – Rural Site Design:

<i>Zone</i>	<i>Minimum Site Area</i>	<i>Site Design Factor</i>
<i>Rural 2 Rural lifestyle</i>	<i>The minimum net site area is 8,000 m² provided that where Rule 13.10.4.2 applies the <u>net</u> site area of all new lots shall be at least 4,000m².</i>	<i>Sites shall be capable of accommodating activities that comply with Rule 13.10.2.2</i>

Performance Standard 13.10.4 Rural 2 – Rural Lifestyle Zones:

1. Minimum lot design requirements

Lots within the Rural 2 zone may be created as a discretionary activity subject to the following conditions:

- a. The minimum net site area for any new lot for which a separate Computer Register (Certificate of Title) is intended to be issued shall be 8,000m², provided that:*

2. Except for Rural 2 zoned land that comprises Brunswick Park, where a lot zoned as Rural 2 is within a service area programmed to be publicly reticulated for sanitary sewer, and the reticulation system is operational the following shall apply:

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	13.3.8.1, 9.3.2, 9.3.3, 1.3.4
Benefits (Environmental, Economic, Social and Cultural)	The proposed change is not intended to alter the rules, but to ensure the rules are consistent. As such, the benefits in the change simply relate to consistent and clear interpretation.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be any costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the rules will remain ambiguous, giving land owners less certainty and making it difficult for Council to apply.
Overall Assessment	The proposed change will simply provide greater clarity and will be more effective than the status quo.

3.10 Chapter 15 –Infrastructure (Notable Trees)

3.10.1 Rule 15.5.5 NOTABLE TREES (Bullet point 4)

(Change 32 in Track Changes document)

EXPLANATION:

Table 15.5 sets out the rules for infrastructure in all zones. In relation to Notable Trees, the rule classifies the removal of a notable tree that meets the standards in Appendix 9 as a Discretionary Activity. The performance standards in Appendix 9 relates to trees that have been certified as dead or dangerous by a qualified arboriculturalist.

As such, the wording of the rule inadvertently requires resource consent for the removal of trees that have been certified as dead by an arborist, when it should be the other way round.

It is recommended that the wording of the rule is amended so that consent is required for the removal of a tree except where the tree is certified as dead.

The existing provisions read as follows:

Special Land Features								
5. New infrastructure:	D	D	D	D	D	D	D	D

<ul style="list-style-type: none"> • • Requiring the removal of a notable tree in accordance with the standards in Ag.2.2 and infrastructure or earthworks within the dripline of a notable tree listed in Appendix 1 – Cultural Historic Heritage Inventory 								
---	--	--	--	--	--	--	--	--

A9.2.2 Notable Trees

1. Trimming and maintenance: Shall only be undertaken where it is completed by a qualified arboriculturist and approved by council prior to commencement of works.
2. Emergency work to safeguard life or property carried out by the council or a utility operator. The operator concerned shall notify the council in writing as to the reason for the trimming within 10 working days.
3. Removal of a dead, dying or dangerous tree: The tree shall be certified as dead or dangerous by a qualified arboriculturist and certified by council prior to removal.

Other works to Notable trees that complies with the standards in Appendix 9 would by default be classed as a Permitted Activity under Rule 15.5.1.

PROPOSED CHANGES:

Special Land Features								
5. New infrastructure: <ul style="list-style-type: none"> • • Requiring the removal of a notable tree <u>unless provided for under in accordance with the standards in</u> Ag.2.2 and infrastructure or earthworks within the dripline of a notable tree listed in Appendix 1 – Cultural Historic Heritage Inventory 	D	D	D	D	D	D	D	D

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	15.3.1, 15.3.2 and 2.3.9
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will ensure that there is appropriate consideration given to the removal of Notable Trees.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be any costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the removal of a Notable Tree where it was undertaken as an accessory activity to an infrastructure project would be classed as a Permitted Activity.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.11 Chapter 17 – Definitions

3.11.1 DEFINITION - BUILDING FACADE

(Change 32 in Track Changes document)

EXPLANATION

The existing definition of Building Facade is:

'The existing location of the building facade at ground level facing the street'.

Facade in its common meaning refers to an exterior wall or part of a building facing any road or public open space. The wording 'at ground level' is out of place, particularly in terms of the rules in the city centre and commercial zones which refer to different aspects of the facade at upper level of buildings.

PROPOSED CHANGE:

Amend the definition to read:

The exterior wall of the building facing the road reserve

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as the definition is unclear. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.11.2 DEFINITION - COLONNADE

(Change 32 in Track Changes document)

EXPLANATION

In the City Centre 2 Zone (Southern City) performance standard 11 requires the provision of verandahs or colonnades adjacent to pedestrian thoroughfares. There is currently no definition of verandahs or colonnades in Part 17 Definitions. While the term “verandah” is well understood, the term “colonnade” is not as common. Therefore, a new definition is required.

PROPOSED CHANGE:

Introduce a new definition as follows:

Colonnade

A row of columns holding up a roof, either freestanding or attached to a building.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	5.3.1, 5.3.4, 5.3.5
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan requirement for a colonnade and help to achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions. The improved clarity will

	potentially reduce costs in determining compliance.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 would not be as easily achieved, albeit to a minor degree, without a clear definition. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.11.3 DEFINITION – BUILDINGS OF LOW IMPORTANCE

(Change 32 in Track Changes document)

EXPLANATION

In relation to buildings within fault avoidance zones, the rules differentiate between ‘Buildings of Low Importance’ and other buildings. For example, in the Rural Zone buildings of low importance can be constructed within a fault avoidance area as a Permitted Activity (Rule 9.5.118), whereas other buildings require consent (Rule 9.5.119).

The existing rule already provides examples of buildings of low importance stating:

Buildings of low importance and structures or replacement buildings located within the fault avoidance area on Planning Map 210 e.g. farm buildings, fences, structures with floor areas of less than 30 square metres, masts/towers in rural situations and temporary structures.

However, it has been requested that a definition is included for clarity. The following definition is proposed. It duplicates the definition provided in clause A3 of the Building Code for ‘Importance Level 1’.

PROPOSED CHANGE:

Include the following definition:

Term	Definition
<u>Buildings of Low Importance</u>	<u>In relation to buildings within fault avoidance areas, buildings posing low risk to human life or the environment, or a low economic cost, should the building fail. These are typically small non-habitable buildings, such as sheds, barns, and the like.</u>

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	1.3.9
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that there may be uncertainty in the interpretation of the Rule. By using the same definition as the Building Code there should be greater common understanding of the term. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as it improve the usability of the District Plan.

3.11.4 DEFINITION - SERVICE STATION

(Change 32 in Track Changes document)

EXPLANATION

The definition of Service Station refers to a maximum of 250m² retail floor area. By including the maximum floor area in the definition it means that a service station with more than 250m² retail floor area is not a defined service station. The reference to retail floor area is qualified by reference to what is permitted in the zone.

Service stations are listed as:

- Permitted activity – ID1
- Controlled – CM6, BI3 (Eastgate)
- Restricted Discretionary in ID1E, CM1, CM2
- Discretionary in CC1, CC2, RR3
- Non-complying – CM3, CM4, CM5, ID2, RR1, RR2

Therefore, resource consent is required in all zones except for Industrial 1, although retail is not permitted in that zone. A restriction on retail floor area is therefore appropriate. In all other cases the retail floor area can be assessed against the provisions of the zone.

To clarify the definition, therefore, a minor change is required, by removing the reference to a maximum floor area of 250m², unless otherwise permitted in the zone.

A maximum retail floor area should be included as a performance standard in the Industrial 1 Zone.

PROPOSED CHANGE

Service station	An activity which sells fuels (including petrol, LPG, CNG and diesel) and may also include any one or more of the following :
-----------------	--

	<ol style="list-style-type: none"> 1. The sale of kerosene, alcohol based fuels, lubrication oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motoring; 2. Ancillary rRetail premises where the gross floor area devoted to for the display, sale or hire of retail goods (other than motor vehicle parts, accessories or goods associated with motoring) does not exceed 250 square metres unless otherwise permitted in the zone; and 3. Car wash facilities.
--	---

Consequential change: Add a new performance standard as follows:

7.6.12 Maximum Retail Area – Service Stations

The maximum trading floor space devoted to the display, sale or hire of retail goods (other than motor vehicle parts, accessories or goods associated with motoring) shall not exceed 250m².

7.8.2 Assessment Criteria for Specific Activities

1. Permitted and Controlled Activities that do not meet the Performance Standard

- d. the extent to which the retail activity impacts on the overall vitality and viability of the CBD.

8.6.3 Eastgate Business Park Performance Standards

8.6.3.14 Maximum Retail Area – Service Stations

The maximum trading floor space devoted to the display, sale or hire of retail goods (other than motor vehicle parts, accessories or goods associated with motoring) shall not exceed 250m².

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	7.3.3, 5.3.1, 5.3.6, 6.3.4.
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.

Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as the definition is unclear. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.11.5 DEFINITION - SITE

(Change 32 in Track Changes document)

EXPLANATION

The ODP introduced a definition of "Site" which replicates and expands the definition of Allotment as set out in section 2/section 218 of the RMA. The existing definition lacks clarity and is confusing in relation to the application of rules to cross lease sites and unit titles, where standards must now be applied to individual parts of a cross lease site, rather than to the site as a whole. In addition, the unit titles subsection then excludes unit titles from consideration. In addition, the inclusion of cross lease and unit titles requires the application of rules to the individual or exclusive areas, rather than to the site as a whole.

Site is used extensively in the ODP in the context of:

- Sites of significance under section 6, matters of national importance
- Requiring provision of services, access or parking within a site
- Compliance with standards within a site, such as site coverage, private outdoor space,
- The amenity and characteristics of individual sites and adjacent sites
- Collective reference to land such as "Te Puia site"
- Activity status, such as one house per site
- Activity sites, such as skid sites in production forests.

Therefore, the word "site" is used in a range of ways, not always in the sense of "lot", as defined. While this could be addressed through this change, it would require a significant change affecting most of the Plan. Therefore, the more expedient way to achieve an appropriate outcome is to delete sections 7 and 8 from the definition to remove the conflict identified.

PROPOSED CHANGE:

Amend the definition of "Site" to delete sections 7 and 8 as follows:

- ~~7. Notwithstanding paragraphs 1–6 above, where land has been subdivided under the cross lease or company lease systems (other than unit titles), a site means an area of land containing:~~
- ~~a. building(s) for residential, commercial and industrial activities with any accessory building(s) and land exclusively set aside for the occupants/users of the building(s); or~~
 - ~~b. any share in the fee simple which creates a vacant part of the whole for future cross lease or company lease purposes; and~~
- ~~8. Notwithstanding paragraphs 1–6 above, any land subdivided under the Unit Titles Act 1972 (other than unit titles) a site shall mean either:~~

- ~~a. The area of land containing the principal unit (or proposed unit) on the unit plan, and any identified accessories to that principal unit, or~~
- ~~b. The underlying certificate of title of the land containing the unit titles, immediately prior to subdivision.~~
- ~~c. The underlying certificate of title of the land containing the unit titles, immediately prior to subdivision.~~

97. In addition to the above, the following shall apply:
Where a site is divided by the district boundary, the area of the site remaining within the district shall be considered the site.

EVALUATION

Options considered are:

- 1. Status Quo
- 2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will provide clarity and certainty to the plan provisions and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as the definition is unclear. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

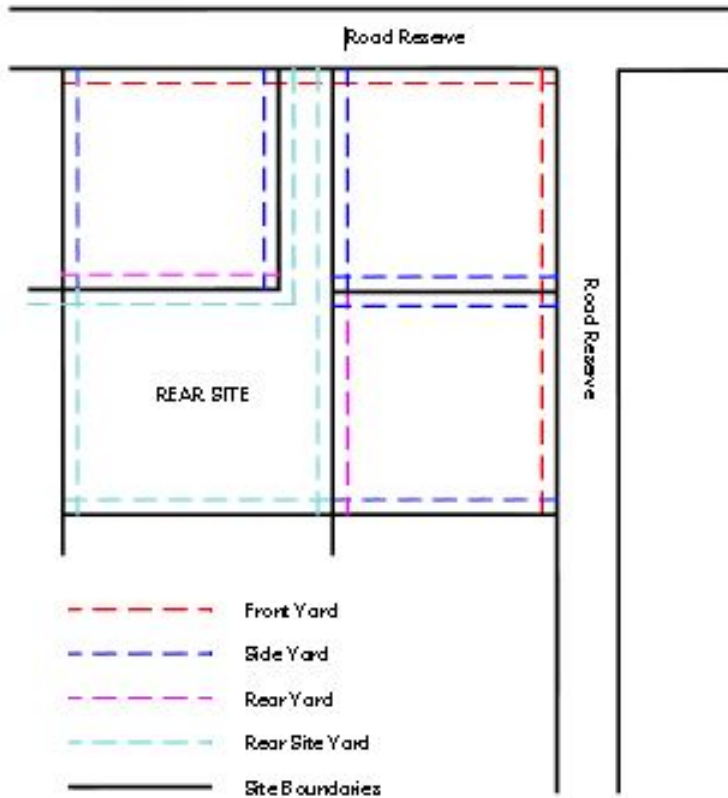
3.11.6 DEFINITION - YARD
(Change 33 in Track Changes document)

EXPLANATION

It has been requested that a diagram is included to help clarify the definition of 'Yard'.

PROPOSED CHANGE

That the following diagram is included below the definition:



EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

The proposed diagram will help to clarify the definition.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	
Benefits (Environmental, Economic, Social and Cultural)	Will improve the usability of the District Plan.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs.
Risk of Acting or Not Acting	The risk of not acting is that users of the plan may misinterpret the definition. There is sufficient information known about the consequences.
Overall Assessment	The inclusion of the diagram will help with interpretation of the plan.

3.12 Appendix 1: Cultural Historic Heritage Inventory

3.12.1 APPENDIX A1.3 H1.8 GLENHOLME DWELLING

(Change 34 in Track Changes document)

EXPLANATION

Appendix A1.3 contains incorrect references for Historic Structure H1.8. Planning Map 335 shows H1.8 on the incorrect site. Historic building H1.8 is the Glenholme Dwelling which is located at 63 Miller Rd on Pt Lot 5 DPS 4366. This needs to be corrected.

PROPOSED CHANGE

Change A1.3 H1.8 to correctly refer to the following:

63 Miller Street ~~Lot 77 DPS 602~~ Pt Lot 5 DPS 4366

Amend Planning Map 335 to reflect this.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	2.3.8
Benefits (Environmental, Economic, Social and Cultural)	The proposed change corrects a plan error.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 7 will not be achieved, as the plan provisions are factually incorrect. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met.

3.13 Appendix 9 – Section 6 Matters

3.13.1 TRACKS IN SIGNIFICANT GEOTHERMAL FEATURES AND SIGNIFICANT NATURAL AREAS

(Change 35 in Track Changes document)

EXPLANATION:

Appendix 9 sets out performance standards for activities in Significant Geothermal Features and Significant Natural Areas. In general, vegetation clearance, earthworks, and structures are very restricted to protect the ecological significance of these areas.

However, the standards currently allows for vegetation disturbance for pedestrian or cycling use (Performance Standard A9.2.3.3.a.i). However, the intent was that these activities should be related to unformed tracks for low key access routes, not all weather surfaced, sealed or

concreted tracks such as luge tracks. Vegetation may be cleared to provide such access, but there should be no 'hard structures' or large scale physical works associated with these tracks. The restricted discretionary activity status is considered appropriate for the construction of pedestrian and cycling tracks other than the unformed tracks discussed above.

An amendment is also proposed to Performance Standard A9.2.3.3.a.vi which allows for walking tracks for the purpose of providing access for pest management purposes. Amendments are proposed to again clarify that these tracks

A new definition is required to support this amendment.

PROPOSED CHANGE:

Amend A9.2.3.3.a.i to include the words '*unformed tracks for*' pedestrian or cycling use. Amend A9.2.3.3.a.vi to refer to unformed tracks as opposed to walking tracks. A new definition of "Unformed tracks" is also required to make the intention clear.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	2.3.1, 2.3.5, 2.3.7
Benefits (Environmental, Economic, Social and Cultural)	The proposed change will better alignment with Part 2 and achieve a more appropriate environmental outcome.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that the purpose of the Act and section 6 will not be achieved. There is sufficient information known about the consequences.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met and will be more effective than the status quo.

3.14 Appendix 10 – Earthworks

3.14.1 PERFORMANCE STANDARDS FOR ALL ZONES

(Change 36 in Track Changes document)

EXPLANATION

Appendix 10 sets out the performance standards for earthworks in all zones. Specific performance standards are included which address earthworks in Outstanding Natural Landscapes, SNA or affect the Mamaku Tors.

Performance Standard 10.2.1.10 then provides exemptions for certain activities, for example, ploughing as part of normal farming practice in an ONF&L, reserve gardening etc, and a range of other minor activities that need to be exempted from the restrictive earthworks provisions affecting ONF&L etc. However, Performance Standard A10.2.1.10.a excludes the creation of access to an activity that is authorised through a resource consent. This, for example, would enable the access to a consented house to be constructed. This is logical. However, it is recommended that an amendment is made to the ONF&L Assessment Criteria to ensure that the impact of access track is also considered when an application for a new building or similar is assessed.

PROPOSED CHANGE:

Amend Appendix 6 – Section 6 Matters as follows:

- A9.5.4 New Buildings and Structures and New Plantation Forestry Located Within an Outstanding Natural Feature or Landscape, Significant Natural Area or Mining and Quarrying on a site that adjoins the boundary of an Outstanding Natural Landscape or Feature
1. The extent to which any additional buildings or structures may cause cumulative adverse effects on the identified values or characteristics of the Outstanding Natural Feature or Landscape.
 2. ...
 8. The effect of any associated access tracks on the values of any Outstanding Natural Feature or Landscape, or and Significant Natural Area.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	2.3.4, 2.3.5
Benefits (Environmental, Economic, Social and Cultural)	The amendment will simply ensure that consideration is given to the impact of any vehicle access when a resource consent for works within an ONF&L or SNA are considered. Generally, such consents are already Discretionary Activities which means Council can already consider this aspect of an application. However, inclusion of a specific Method of Assessment will help to ensure that this is considered.
Costs (Environmental, Economic, Social and Cultural)	For the reasons provided above, it is not anticipated that there will be any additional costs.
Risk of Acting or Not Acting	The risk of not acting is that visual or ecological impact of creating a vehicle access in an ONF&L or SNA may not be considered.

Overall Assessment	The proposed change is minor but will help to ensure ONF&L and SNAs are protected in-line with Section 6 of the RMA.
--------------------	--

3.15 Planning Map 343

3.15.1 FLOREY HEIGHTS

(Change 37 in Track Changes document)

EXPLANATION

Planning Map 343 shows the zoning of the following properties as Rural 1:

- 6, 8, 10, 15, 17 and 19 Florey Heights;
- 93A, 93B, 93C, 93D, 95A, 95B, 95C, 95D Tihi Road; and
- 15, 17 and 30 Gallagher Street.

Under the previous District Plan, these sites were zoned Residential B (Low Density), with the exception of the Council Reserve at 15 Gallagher Street which was zoned Reserve B (Private and Community).

It would appear that the change in zoning was unintentional.

It is noted that the character throughout much of this area is rural residential. This is due to a number of limitations on the sites due to topography and a secondary overflow path that follows the bottom of the gully. As a result of this, many of the sites within this area have consent notices on their titles that will prevent further intensification.

However, the change in zoning from Residential B to Rural 1 affected a number of rules, most notably the yard setbacks. Under the previous District Plan provisions buildings could be constructed 2.5m from side and rear boundaries, and 5m from the front boundary. Under the new zoning rules buildings need to be at least 10m from boundaries to avoid the need for resource consent.

It is therefore recommended that the zoning of these sites is amended to Residential 1 (which is the closest equivalent to the Residential B Zoning under the previous District Plan).

PROPOSED CHANGE

Change zoning of the above lots from Rural 1 to Residential 1 on Planning Map 343.

EVALUATION

Options considered are:

1. Status Quo
2. Proposed change set out above.

Retaining the status quo is not considered supportable for the reasons set out in the explanation above.

Under section 32(1)(b)(ii), the efficiency and effectiveness of the amended provisions in achieving the objectives are evaluated as follows:

Objectives	4.3.2, 9.3.2, 9.3.3
Benefits (Environmental, Economic, Social and Cultural)	Returning the zoning of the land to Residential will ensure that existing land owners can develop their sites without undue regulation.
Costs (Environmental, Economic, Social and Cultural)	There are unlikely to be costs resulting from the amended provisions.
Risk of Acting or Not Acting	The risk of not acting is that land owners will need to apply for resource consent for relatively minor works with no consequential benefits in terms of amenity protection.
Overall Assessment	The proposed change is supported as enabling the purpose of the Act to be met.