

## Appendix 3 – Evaluation of New Qualifying Matters

The analysis that follows provides an evaluation of the new qualifying matters in accordance with the requirements of s77J RMA. Under this section, Council is required to:

- Demonstrate why it considers that the area is subject to a qualifying matter and that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A of the RMA) (s77J(3)(a)).
- Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity (s77J(3)(b)).
- Assess the costs and broader impacts of imposing those limits (s77J(3)(c)).

**Table 2: Evaluation of New Qualifying Matters in the District Plan in Accordance with Section 77L**

| Explanation of qualifying matter and where it applies                                                                                                                                                                                                  | Why the qualifying matter is incompatible with the level of development permitted by the MDRS                                                                                                                                                                                                      | Alternative provisions                                                                                                                                                                                                                                                                                                                                                           | Impact on development capacity                                                                                                                                                                                                                                                                                          | Costs and broader impacts of alternative provisions                                                                                                                                                                                                           |
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| <b>Flooding</b>                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                               |
| <p>A new qualifying matter is proposed where maximum flood depths on a building site are greater than 300mm in the design flood of a 1% AEP event with an allowance for climate change.</p> <p>Proposed for the management of significant risks of</p> | <p>There may potentially be significant risks from flooding to people and/or property associated with new buildings or additions to buildings permitted by the MDRS in these areas due to:</p> <ul style="list-style-type: none"> <li>• Increased cumulative value of assets that could</li> </ul> | <p>Restricted discretionary activity for new buildings or building additions in these areas with discretion reserved over:</p> <ul style="list-style-type: none"> <li>• The appropriateness of the proposed building location and the extent to which the proposal minimises the risks to people and property on site from flooding through measures such as building</li> </ul> | <p>Conditions imposed may limit development capacity for example, restricting buildings in parts of the site to protect the function of overland flowpaths.</p> <p>In the worst affected areas, it may be difficult to obtain resource consent for residential units, but in such locations it would likely to also</p> | <p>While the introduction of this rule will have increased consenting costs, it will mean development is more responsive to flooding and the site-specific risks to ultimately create greater resilience. This should reduce losses during a flood event.</p> |

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| <p>natural hazards, which is a matter of national importance under section 6(h) of the RMA.</p> | <p>potentially be damaged in a flood event</p> <ul style="list-style-type: none"> <li>Increased number of occupants in areas that may be hazardous to life due to deep and/or fast flows</li> <li>Compromise of overland flowpaths that could divert water onto other properties</li> </ul> <p>This is addressed to some extent through minimum floor levels and administration of the Building Act, but the proposal provides broader scope to consider the effects and potential options to minimise the risk through consent conditions.</p> | <p>design and provision of safe evacuation routes or refuge;</p> <ul style="list-style-type: none"> <li>The extent to which the development will increase risks from flooding to people and property on other sites or infrastructure; and the extent to which the proposal minimises this effect; and</li> <li>Whether the proposal will affect the carrying capacity and storage capacity of any river corridor or major overland flowpath.</li> </ul> | <p>be difficult to obtain Building Consent.</p>                                                                     |                                                                                                                                   |
| <b>Heritage Structures</b>                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                     |                                                                                                                                   |
| <p>An additional “New building” rule is proposed to apply to sites that contain</p>             | <p>Applying the MDRS creates the potential for adverse effects arising from ‘out of scale’ and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>A proposed rule requiring “New buildings that are on the same site as a heritage structure listed in the Historic Structures</p>                                                                                                                                                                                                                                                                                                                      | <p>The number of Heritage Structures that could be potentially impacted by PC9 is detailed in the report above.</p> | <p>The section 32 report above provides a detailed analysis of the overall costs and benefits of the proposed rule, including</p> |

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| <p>historic structures as listed in the schedule in the Residential 1 and Residential 2 zones.</p> <p>The purpose is to the protection of historic heritage from inappropriate subdivision, use and development, which is as a matter of national importance under section 6(f) of the RMA.</p>                          | <p>sympathetic buildings in close proximity to historic structures, which potentially undermines heritage values.</p>                                                                                                                                                                                  | <p>Schedule” as a Restricted Discretionary Activity. The new rule requires a consent application which allows an assessment of the building’s design and consideration of effects on the values and characteristics of the heritage structure.</p>                                   | <p>The additional rule and supporting assessment criteria proposed, will only be applicable to a small number of sites throughout the urban environment. The rule itself also does not prohibit development on the site, but instead requires resource consent so that the effects on the values and characteristics of the heritage structure can be considered through a consenting process. It is therefore considered that the impacts on development capacity are negligible.</p> | <p>commentary on the impacts on development capacity.</p>                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Residential 3 Zone</b>                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>The current Residential 3 Zone provisions are proposed to be retained as a new qualifying matter for the purposes of managing the use, development and protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, which is a</p> | <p>Rotorua Lakes Council considers that the Residential 3 Zone, Ōhinemutu, Whakarewarewa and Ngāpuna, should not be subject to the level of development permitted by the MDRS. The Residential 3 Zone is incompatible with the MDRS as the purpose of the zone is to recognise and provide for the</p> | <p>The current provisions in the Residential 3 Zone adequacy protect the special character, cultural and historic heritage of the villages. The standards outlined in the current Residential 3 Zone approach are generally less enabling than the MDRS to protect those values.</p> | <p>The M.E. report found that the exclusion of the MDRS provisions from the Residential 3 Zone areas decreases the total plan enabled capacity only marginally by between 0.6% and 0.8%, which amounts a difference of only a 1,000 fewer net additional dwellings across the modelled scenarios.</p> <p>It was further determined that when considering different intensification scenarios that the difference in capacity is</p>                                                    | <p>It is considered that the special character, culture, historic heritage and significance of Ōhinemutu, Whakarewarewa, and Ngāpuna should the MDRS be applied has the potential to result in an adverse effect. Retaining the current zoning provisions and framework would result in the character and values of the villages being retained and protected from inappropriate use and development. Although the retention of the current zoning has</p> |

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| <p>matter of national importance under section 6(e) of the RMA. The new qualifying matter would apply over the full extent of the Residential 3 Zone.</p> | <p>exceptional and unique places the villages hold in the Rotorua District.</p> <p>New development or activities within the villages that are out of keeping with the existing environment, has the potential to have an adverse effect on their special character, cultural and historic heritage of the villages.</p> |  | <p>greater with respect to horizontally attached redevelopment as opposed to horizontally attached infill. In this regard, it was found that there were 1,500 fewer additional dwellings, which is a slightly larger decrease in additional capacity of 1.4%. This is because the maximum yields on many of these parcels are likely to still be exceeded by higher density development options (i.e. vertically attached apartments).</p> <p>The exclusion of the MDRS provisions from the Residential 3 Zone area is therefore unlikely to have any significant effect on plan enabled capacity the longer-term growth patterns of Rotorua's urban area at a city level. The reduction in capacity. The full Economic Assessment can be found in Appendix 8 and a greater detailed analysis can be found above in the Section 14.</p> | <p>the potential to limit development capacity in the district, it is considered that the benefits outweigh the costs. In conclusion, Rotorua Lakes Council considers that the Residential 3 Zone should not be subject to the MDRS, and instead should retain the current standards and provisions as a new qualifying matter as the protection of historic heritage from inappropriate subdivision use and development is a matter of national importance (RMA Amendment Act s77I(a)) (RMA s6(f)). A greater detailed cost/benefit analysis can be found above in Section 14 of this report.</p> |
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