

Appendix 3 – Evaluation of ‘Other’ Existing Qualifying Matters

The analysis that follows provides an evaluation of ‘other’ existing qualifying matters under section 77L(j), (that is, those not covered by the specific matters (a) to (j)) in accordance with section 77L. This requires Council to:

- identify the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A) inappropriate in the area; and
- justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- includes a site-specific analysis that—
 - identifies the site to which the matter relates; and
 - evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) while managing the specific characteristics.

Table 1: Evaluation of ‘Other’ Qualifying Matters in the District Plan (under s77L(j)) in Accordance with Section 77L

Chapter	Rule and alternative density for which it provides	Characteristics that makes level of development provided by MDRS inappropriate. (s77L(a)) evaluated on a site-specific basis (s77L(c)(ii)) to identify site to which matter relates	Justification – why that characteristic makes the level of development inappropriate in light of national significance of urban development and the NPS-UD objectives (s77L(b))	Evaluation of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics (s77L(c)(iii))
Notable Trees	Rules that restrict development for the protection of notable trees: • TREE-R2 - Removal of a tree listed in the	Notable trees have been identified in a schedule individually or in groups and mapped in the District Plan (there are 31 listings in the schedule).	These rules are to protect the values, as identified in the schedule, associated with the notable trees.	The principal alternative is to remove the rules from the plan for those trees in residential zones. This is not considered appropriate as it would not protect the values associated with these trees.

	Notable Trees Schedule (Discretionary activity where required for new infrastructure or otherwise considered a non-complying activity) • TREE-R3 – Discretionary activity for buildings, structures (including infrastructure) or earthworks within the dripline of a notable tree identified in the Notable Trees Schedule. As a result of these rules density, building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to street, or landscape area may be limited on sites with notable trees depending on the size of the tree	These trees have historic, rarity and/or amenity values, as identified in Schedule TREE-SCHED1.		
--	--	--	--	--

	canopy cover and tree location.			
Pukehāngi Heights Development Area	Landscape protection provisions in the for the parts of the Residential 1 Zone inside the Development Area identified as escarpment transition area or upper terrace: PHDA-R5 - Subdivision and associated standards for protection of landscape values in PHDA-SS4 require a landscape assessment for subdivision over the escarpment transition areas to address planting, building locations, etc. This has the potential to result in reduced density than	Most of the development area is located on the mid to lower slopes of the caldera rim, which is identified as an important landscape feature providing a backdrop for the city. The landscape values of the Caldera Rim were assessed by Boffa Miskell in a 2012 report.¹ This identified that the mid to lower slopes of the Development Area are less sensitive to land use change but still contain important character and amenity values. Above the RL385m contour the landscape is more sensitiv to change. PC9 to facilitate development of this area sought to integrate urban development into the landscape by confining residential zoning to the less visible terraces below the RL385m contour.	The components of the qualifying matter identified (the delineation of the escarpment transition areas, associated requirement for a landscape assessment, the reduced height and increased yards on the upper escarpment transition area, and the reduced height and principles that are matters of discretion for subdivision in the Upper Terrace) are part of a broader approach (encompassing also the location of residential and rural zones across the landscape) that allows for development at the edge of the urban area to integrate with the natural landform patterns, caldera rim and the adjacent vegetation on the Parklands site. The approach in PC9 was developed in consultation with landscape experts and is supported with a landscape and visual assessment.²The amendments to the height, policies and principles for the	The principal alternatives are to: 1. Remove the components of the provisions for the development area that constitute a qualifying matter and not amend the height rules, policies and principles for the Upper Terrace. 2. Retain the components of the provision for the development area that protect the landscape values of the caldera rim 3. As for option 2, but also amend the height rule for the Upper Terrace (currently 7.5m and an increase to 9m is proposed, which is less than the MDRS) and strengthen the policies and principles for the Upper Terrace to manage the transition from the Upper Terrace to the Upper Escarpment. Option 3 is considered the most appropriate. Best promotes the objective to maintain the valued

¹ Boffa Miskell. Rotorua Caldera Rim –Caldera Rim Rural Character Design Guideline. October 2012

² Boffa Miskell. Pukehangī Heights Development Area Structure Plan Landscape & Visual Assessment. Report for Rotorua Lakes Council. 6 March 2019.

	what is provided in the MDRS. - PHDA-SL7(2), requires a reduced height from what is provided for in the MDRS (6m) and increased yards in those parts of the Residential 1 Zone in the development area that are identified as 'Escarpment Transition Area 2' Upper Terrace: - Matters of discretion for subdivision in PHDA-R5 refer to the principles and policies for the Upper Terrace – which are proposed to be amended as a response to the MDRS to seek a coherent transition from the Residential 1 Zone to the more sensitive adjoining	Revegetation of the more visible escarpments was sought to respond to the increased sensitivity of these areas, as well as integrate development with the adjoining Parklands development. Two escarpment transition areas are identified in the planning maps that mark the transition between the more and less sensitive parts of the development area. With the introduction of the MDRS, further consideration has been given to the transition between the residential development on the upper terrace and the rural character of the more sensitive upper parts of the Caldera Rim. As a result, the principles for the upper terrace are proposed to be clarified to and strengthened to acknowledge that while development is to be enabled, a coherent transition between the residential zone and the upper parts of the caldera is sought	Upper Terrace are supported by further landscape advice.³	landscape character and amenity values associated with the wider caldera rim while enabling development (PHDA-O1). This area is not as accessible to services as many other parts of the city. Therefore, reductions in density standards are not considered as important as other locations. In any case, there is not expected to be a significant impact on development capacity - building typologies provided by the market in this location are likely to favour larger single units or larger sites, so the reduced height and separation between buildings is unlikely to have a significant effect on yield.
--	---	---	---	--

³ Rebecca Ryder (Boffa Miskell), 'Pukehangi Development Area Structure Plan - Housing Amendment Bill', Memorandum to Kim Smith 23 June 2022

	upper part of the Rotorua Caldera. This may result in conditions for separation of buildings, planting etc. Height rules in PHDA-SL1 (Proposed to be amended) to provide a reduced height of 9m for activities in the Upper Terrace of the Residential.	through the use of building separation and taller planting.		
	PHDA-SL2, which specifies a larger yard (30m) along a boundary with a neighbouring site containing forestry.	The development area is at the border of the urban area and adjoins rural residential and rural activities. During the development of the plan change that introduced the development area it was recognised that an existing planting of large trees at 37/275 Pukehangi Road presented issues for the proposed Residential Zone 1 in terms of risks to buildings from falling trees/branches, nuisance from leaf drop etc; and reverse sensitivity for the forestry. The trees were planted for various reasons, including soil conservation and to meet	Requiring a separation distance between the plantings and new buildings on the neighbouring land assists to protect the plantings from reverse sensitivity, consistent with policies 1.3.10.1 and 13.3.1.1 of the District Plan. A separation distance would also assist to protect future buildings and residents from the nuisance and risks. As the trees have been considered in nitrogen allocations for the larger property, the protection of the forestry against reverse sensitivity from neighbouring residential development has relevance to the protection of the productive activities (grazing) on this	Retaining the current standard is considered the most appropriate option. An alternative is to remove the yard and allow buildings to be built closer to the adjacent forest block. This would allow a greater level of development but presents a risk of damage to buildings and reverse sensitivity for the forestry use on that site, which is important for soil conservation and nutrient management. A smaller yard could also be considered but is not considered appropriate. Indeed the 30m yard may not be sufficient to mitigate all

		landscaping conditions for subdivision. They were also considered in nitrogen calculations for the property in the context of regional consents.	property, in terms of policy UG 20B of the Regional Policy Statement	reverse sensitivity effects and risks to development but is consistent with the buffer provided for plantation forestry.
	PHDA-R5 - Subdivision and associated performance standards for traffic - PHDA-SS11. These standards limit: - the yield from any road connecting to Matipo Avenue to 35 residential units until further road connections are available through the development area to disperse traffic; and - the yield inside the development area to 500 residential lots - after which a traffic assessment is needed to confirm the capacity on the intersection at	The plan change for this development area sought to achieve a road layout that connects across the blocks under different ownership, and connects to Pukehangī Road at several identified locations. This connectivity is important for walkability and resilience; and for dispersing traffic to reduce amenity impacts on existing Matipo Avenue. The potential increase in traffic at intersections with SH5 because of development in the development area was modelled. This indicated that capacity issues would likely be experienced at the Malfroy Road intersection with SH5.⁴	Allowing the development envisaged by the MDRS in the Residential 1 Zone without further provisions to address the road layout may not achieve a connected road layout and may result in significant increases in traffic on the existing Matipo Avenue. Allowing development of the Pukehangī Heights area without consideration of the impacts on the SH	The most appropriate option is to retain the existing provisions. The other option is to remove the standards, that is - require no limits on the yield from roads connection to Matipo Avenue before a road connection is available. - Require no specific assessment (and subsequent potential yield limitation) with respect to the capacity at the SH5 intersection. However, this would not provide incentive to construct the interconnected layout of roads which has been identified to best option to manage traffic in this greenfield development area nor assist to address the capacity issue at the SH5 intersection.

⁴ Stantec, 08 March 2019. Pukehāngi Heights Development Area Traffic Assessment. Report prepared for Rotorua Lakes Council. RDC-899757.

	Malfroy Road and SH5.			
Wharenui Development Area	Standards and rules relating to the upgrade or provision of infrastructure and staging of development: • Performance standard WHDA – S1 Staging and Minimum Yield and associated rule WHDA-R1. Require that development shall proceed in a staged manner with sub-areas developed in a certain order and that that 60% of the identified lot yield for each sub-areas is sold before the next consent process. Subdivision and land use that does not comply with this standard is a discretionary activity. • WHDA-S3 Traffic Mitigation – traffic	This is a greenfield development area and new network infrastructure (water, wastewater, stormwater and land transport infrastructure) must be provided, there is concern that this is undertaken in an efficient way. There is also concern that traffic as a result of development of the area may have an adverse effect on the roading network.	The standards ensure infrastructure is provided efficiently and effectively in a by requiring that development proceeds in a staged manner and that yield is achieved before the next stage is commenced. The impact is on the timing of development, rather than the density achieved. The standard and associated rules provide a method to consider the traffic impacts and an incentive for the upgrade works to be funded so that development can occur.	The principal alternative is to provide no standards or associated rules to control the staging of development and the provision of traffic calming. There would only be matters of control at subdivision relating to staging and provision of infrastructure. This is not considered sufficient to ensure the efficient provision of infrastructure; nor will it provide certainty around the need for traffic calming.

	calming projects (Refer above for state highway intersection upgrade component) and associated rules WHDA-R3 and WHDA-R4. Require that development in Wharenui Development Area not exceed lot yields until specific traffic calming upgrades are completed. (Proposed to be amended to remove traffic calming projects that have been completed).			
--	---	--	--	--