

Appendix 5 – Regional Policy Statement – Objectives and Policies Assessment

Bay of Plenty Regional Policy Statement – Objectives and Policies Assessment

Section 77G(8) of the RMA states that the requirement to introduce the MDRS into a relevant residential zone applies irrespective of any inconsistent objective or policy in a Regional Policy Statement. While that is the case, and for completeness, the following table provides an assessment of PC9 against the relevant objectives and policies of the Bay of Plenty Regional Policy Statement (BOPRPS). Overall, it is considered that PC9 will give effect to the objectives and policies of the RPS, consistent with s75(3)(c) of the RMA.

RPS Objectives and Policies	Assessment of PC9
Air Quality	
Objective 1 The adverse effects of odours, chemical emissions and particulates are avoided, remedied or mitigated so as to protect people and the environment. Policy AQ 1A: Discouraging reverse sensitivity associated with odours, chemicals and particulates. Activity discourages: (a) Locating new sensitive activities near activities that discharge offensive and objectionable odours, chemical emissions or particulates; and (b) Locating new activities that discharge offensive and objectionable odours, chemical emissions or particulates near sensitive activities. Policy AQ 2A: Managing adverse effects from the discharge of odours, chemicals, and particulates. Protect people’s health and the amenity values of neighbouring areas from discharges of offensive and objectionable odours, chemical emissions and particulates. Policy AQ 3A: Managing adverse effects of fine particulate contamination Manage activities that generate fine particulate contamination with airsheds.	Rotorua Lakes Council has recognised the potential for reverse sensitivity effects to increase with the introduction of PC9, specifically in areas where the existing industrial zones adjoin existing residential zone. The potential reverse sensitivity effects associated with air quality have been comprehensively assessed by T&T. Within the urban area of Rotorua, the relevant areas identified in this analysis are Ngongotaha, Ngāpuna and Fairy Springs. Ngāpuna is the only area identified as potentially giving rise to reverse sensitivity effects. In this location, the Residential 3 zone adjoins the zone, which PC9 proposes to retain as a new qualifying matter. The current interface issues between the residential zone and the industrial zone are acknowledged, noting that the adverse effects will not increase from the existing environment given that the surrounding Residential 3 zone is not proposing to change. The Council has commissioned a report from Styles Group Acoustics & Vibration Consultants to assess the potential reverse sensitivity effects related to noise arising from greater development potential enabled by PC9 within proximity to industrial land. The same locations that were identified for the reverse sensitivity assessment have been assessed for sufficiency of noise provision. The current provisions of the operative district plan stipulate that noise levels from any activity shall not exceed the noise limits specified for the

	adjoining zone when measured at any point within the receiving site (NOISE-S2 Noise received within a different zone). The noise assessment has concluded that the current residential noise limits and provisions that manage the residential/industrial interface will still achieve the objective of managing the noise generating potential of the industrial activities that operate near to the residential interface. The change in noise effects arising from moving the existing legal environment in the currently operative district plan the MDRS-three storey development will “only increase the new non-compliances by a modest amount”. Conclusion It is considered that PC9 gives effect to the Bay of Plenty Regional Policy Statement Objectives and Policies relating to Air Quality.
Energy and Infrastructure	
Objective 6 Provide for the social, economic, cultural and environmental benefits of, and the use and development of nationally and regionally significant infrastructure and renewable energy. Policy EI 3B: Protecting nationally and regionally significant infrastructure Protect the ability to develop, maintain, operate and upgrade existing, consented and designated nationally and regionally significant infrastructure from incompatible subdivision, use or development. Ensure that where potentially incompatible subdivision, use or development is proposed near regionally significant infrastructure, it should be designed and located to avoid potential reverse sensitivity effects. Objective 7 Provide for the appropriate management of: (a) any adverse environmental effects (including effects on existing lawfully established land uses) created by the development and use of infrastructure and associated resources; (b) any reverse sensitivity effects on established, consented or designated infrastructure.	Existing Qualifying Matters PC9 proposes to retain the operative district plan provisions relating to energy and infrastructure as existing qualifying matters (under s77I(a) to (i)) in accordance with Section 77K. The existing qualifying matters in PC9 relating to energy and infrastructure include the following: <u>Rotorua Regional Airport Limitation Surface</u> • EIT-R17 - Buildings and Structures; • SUB-R39 - The subdivision of sites or buildings within or dissected by the Airport Inner Control Area Overlay; and • SUB-R40 - Subdivision of sites or buildings within or dissected by the Air Noise Area Overlay. <i>Qualifying matter for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (RMA Amendment Act s77I(e)).</i> <u>National Grid Yard and Corridor</u>

Policy EI 7B: Managing the effects of infrastructure development and use Manage the development and use of infrastructure and associated resources so as to address actual or potential effects on existing lawfully established activities in the vicinity	• EIT-R18 - Buildings and structures within the National Grid Yard; and • SUB-R38 – The subdivision of sites or buildings within a national grid yard or corridors. <i>Qualifying matter for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (RMA Amendment Act s771(e)).</i> Conclusion It is considered that PC9 gives effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to Energy and Infrastructure.
Geothermal Resources	
Objective 8 Holistic and sustainable management of the regional geothermal resource by providing for: (a) protection of some systems with Significant Geothermal Features; (b) enabling use and development of other geothermal systems. Policy GR 2A: Requiring integrated management of geothermal systems Integrated management of geothermal systems by requiring that: (a) Development and use of land within geothermal systems is compatible with the management purpose for each system as specified in Table 12; (b) System management plans are used for any geothermal system classified for development; and (c) Geothermal water injection and reinjection is actively encouraged and provided for. Objective 9 Development and use of land and non-geothermal water is compatible with protection, development and use of geothermal systems in accordance with each system’s classification management purpose. Policy GR 4A: Protecting and managing significant geothermal features For significant geothermal features:	Gap Analysis Part of PC9 included a Gap Assessment undertaken by Tonkin & Taylor to provide an understanding of whether the District Plan and Building Code adequately managed geothermal risk in the context of intensification. The report identified shortfalls in the risk management approach. Amendments are proposed to the provisions which manage the risks from geothermal hazards as part of PC9. These are intended to respond to potential risks from heated ground and elevated gas emissions in geothermal areas, which are expected to increase in the context of the increased development potential enabled by PC9. The new provisions are considered as a new qualifying matter in accordance with Section 771 of the RMA. The new provisions include the following: • Inserting a new ‘Geothermal Hazard Assessment Overlay’ to the planning maps to identify areas with potentially elevated ground temperatures or emission of geothermal gases. The identified area covers a smaller extent than the Rotorua Geothermal System, but still incorporates significant parts of the central area of the city near to the city centre and lake in the north, and near Whakarewarewa in the south.

(a) Ensure any new land uses and land use practices are compatible with the management purpose of the geothermal system classification; (b) Protect the natural and biodiversity values of SGFs in geothermal management groups 1 and 2 (see Table 12) from incompatible land uses; and (c) Recognise and provide for cultural, historical, and economic values associated with geothermal activity in Whakarewarewa and Ohinemutu areas where hazardous areas are subject to some land use. Policy GR 11B: Requiring information for activities over or adjacent to geothermal resources Require information on geothermal hazard risk and conditions that assess and address that risk for activities over or adjacent to geothermal resources.	- Inserting a corresponding rule to require resource consent, as a restricted discretionary activity, for building work inside this overlay. This will provide opportunity to assess the geothermal hazards present on site and consider potential methods to reduce the associated risks, focusing particularly on the layout of the site and building coverage/impervious area, which are not considered sufficiently addressed by the bylaw or Building Act. This new rule would replace an existing rule requiring assessment when impervious surfaces exceed 90%, which is considered to be ineffective in managing the identified risk. The reasons for this are detailed in the s32 report. Existing Qualifying Matters PC9 also proposes to retain some of the operative district plan provisions relating to geothermal natural hazards as existing qualifying matters (under s77I(a) to (i)) in accordance with Section 77K. The existing qualifying matters in PC9 relating to energy and infrastructure include the following: - NH-R6 - Buildings erected within 5m of the edge of the Geothermal Surface Feature or Bore; - SUB-R42 - The subdivision of sites or buildings on land affected by a geothermal feature, geothermal activity or bore; and - SUB-S8(3) - Subdivision of land or buildings in areas within geothermal activity. <i>Qualifying matter as the management of significant risks from natural hazards is a matter of national importance (RMA Amendment Act s77I(a)) (RMA s6(h)).</i> Conclusion It is considered that PC9 gives effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to Geothermal Resources.
Integrated Resource Management	
Objective 10 Cumulative effects of existing and new activities are appropriately managed.	PC9 implements the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act and seeks to enable greater housing choice to address known shortages in the Rotorua District. While the key purpose of PC9 is to enable a great variety of housing, there are a number

Policy IR 3B: Adopting an integrated approach

Adopt an integrated approach to resource management that:

- (a) Recognises the interconnected nature of natural and physical resources, including as they adjust to changes;
- (b) Recognises the multiple values of natural and physical resources;
- (c) Responds to the nature and values of the resource and the diversity of effects (including cumulative and reverse sensitivity effects) that can occur;
- (d) Seeks to maximise benefits by considering opportunities to align interventions (including regulatory and non-regulatory) and/or to achieve multiple objectives;
- (e) Encourages developments, activities or land-use changes to: 1 Provide for the relationship between land use and water quality and quantity 2 Recognise the advantages and constraints of land use capability; 3 Provide for infrastructure and; 4 Benefit the economic wellbeing of communities.
- (f) Takes a long term strategic approach which recognises the changing environment and changing resource use pressures and trends;
- (g) Applies consistent and best practice standards and processes to decision making; and
- (h) Recognises different community values and social needs; and regards these as positive effects.

Objective 11

An integrated approach to resource management issues is adopted by resource uses and decision makers.

Policy IR:2B: Having regard to the likely effects of climate change

Recognise and provide for the predicted effects of climate change having particular regard to:

- (a) Predicted increase in rainfall intensity, taking account of the most recent national guidance and assuming a minimum increase in the annual mean temperature of 2°C by 2090 (relative to 1990 levels); and
- (b) Predicted increase in sea level, taking into account the most recent national guidance and the minimum sea-level rise projections in Policy NH 11B.

Policy IR 3B: Adopting an integrated approach

of supporting changes to achieve an integrated resource management approach and well-functioning urban environment. PC9 introduces amendments to the district plan in respect of the following:

- Amendments to the residential zone section to enable high density residential development within the Residential 2 zone and related amendments;
- Amendments to the zoning maps to alter the spatial application of the Residential 2 High Density zone to give effect to Policy 5 of the NPSUD;
- Amendments to Part 2 Subdivision to incorporate the MDRS;
- Amendments to Part 3 Commercial Zones and City Centre Zones to amend building height limits and the design-based rules and assessment matters that guide development;
- Amendments to the City Centre 2 and Commercial 6 zones to enable residential activities;
- Amendments to the Pukehangi and Wharenuī development areas to align with the MDRS;
- Amendments to the District-wide provisions for papakāinga to be more enabling of this form of development;
- Amendments to the District-wide provisions for flooding to manage development in areas of flood risk (new qualifying matter);
- Amendments to the District-wide provisions for geothermal hazards to introduce new Geothermal Hazard Assessment Overlay, within which resource consent will be required (new qualifying matter);
- Retain the Residential 3 zone as a new qualifying matter on the grounds that it provides for the relationship of Māori and their culture and traditions with their ancestral lands;

Adopt an integrated approach to resource management that: (a) Recognises the interconnected nature of natural and physical resources, including as they adjust to changes; (b) Recognises the multiple values of natural and physical resources; (c) Responds to the nature and values of the resource and the diversity of effects (including cumulative and reverse sensitivity effects) that can occur; (d) Seeks to maximise benefits by considering opportunities to align interventions (including regulatory and non-regulatory) and/or to achieve multiple objectives; (e) Encourages developments, activities or land-use changes to: 1 Provide for the relationship between land use and water quality and quantity 2 Recognise the advantages and constraints of land use capability; 3 Provide for infrastructure and; 4 Benefit the economic wellbeing of communities. (f) Takes a long term strategic approach which recognises the changing environment and changing resource use pressures and trends; (g) Applies consistent and best practice standards and processes to decision making; and (h) Recognises different community values and social needs; and regards these as positive effects.	• Retain existing qualifying matters in the Rotorua District Plan, which contain rules that potentially limit the heights and densities of development. The rules applying to the qualifying matter are intended to limit development rather than the zoning that applies; • Consequential amendments to the Definitions to support the changes outlined above and the MDRS; and • Consequential amendments to the district plan zoning maps and further amendments to zone extents to give effect to Policy 5 of the NPS-UD. • Financial contributions amendments. These amendments support an integrated resource management approach, and it is therefore considered that PC9 gives effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to integrated resource management. Flooding provisions With regards to Policy IR:2B, PC9 includes amendments to the flooding provisions of the district plan. Amendments are proposed to the provisions which manage flood risk to respond to potential risks associated with the increased development potential enabled by PC9, while also seeking to improve the efficiency of the provisions. The amendments include: Amendments to the building level standards: • Alignment of design flood used for minimum building level standards to that used in subdivisions and administration of the Building Act; • Extension of building level standards to new buildings. • Introduction of a requirement for a broad assessment (as a restricted discretionary activity) for buildings and larger building additions in areas where the anticipated flood levels in a design event are more than 300mm. This constitutes an additional qualifying matter.
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	• Clarification and streamlining of subdivision rules. • Reduction in the maximum impervious site coverage standards for Residential 1 and 2 Zones. The proposed restricted discretionary rule for building and additions in the areas where flood depths are anticipated to be deeper constitutes a new qualifying matter, as it would potentially restrict development density within residential zones. The other proposed amendments seek to improve the efficiency of the provisions. While the proposed amendments are a response to the proposed increased density, it is also considered that they will assist to manage the likely effects of climate change into the future. Conclusion It is therefore considered that PC9 give effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to having regard to the likely effects of climate change.
Iwi Resource Management	
Objective 13 Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management. Policy 3B: Recognising the Treaty in the exercise of functions and powers under the Act Exercise the functions and powers of local authorities in a manner that: (a) Takes into account the principles of the Treaty of Waitangi; (b) Recognises that the principles of the Treaty will continue to evolve and be defined; (c) Promotes awareness and understanding of councils' obligations under the Act regarding the principles of the Treaty, tikanga Māori and kaupapa Māori, among council decision makers, staff and the community; (d) Recognises that tangata whenua, as indigenous peoples, have rights protected by the Treaty and that consequently the Act accords iwi a status distinct from that of interest groups and members of the public; and	Mana Whenua in the Rotorua District Tangata whenua have a rich tapestry of cultural traditions, histories and relationships to places, lands, water bodies and coastal areas throughout the Rotorua Lakes District. Rotorua Lakes Council recognise the unique relationship tangata whenua hold with their ancestral whenua, and the administrative barriers that can impede papakāinga development. These barriers where a key message through engagement with mana whenua. Papakāinga Amendments During the engagement hui undertaken as part of the Plan Change and the Future Development Strategy ("FDS"), there was clear feedback from iwi and hapū that the current district plan framework for papakāinga development has not delivered the level of housing that is required for the Rotorua district. The current provisions are also seen to present barriers and deterrents when iwi and hapū seek to establish papakāinga and kōeke housing on their whenua.

(e) Recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Act.

Policy IW 1B: Enabling development of multiple-owned Māori land

Provide for the development of multiple-owned Māori land in a manner which:

- (a) Enables sustainable development consistent with Part 2 of the Act;
- (b) Enables Māori to develop papakāinga, marae and associated community facilities or housing and, where necessary, shall actively protect these and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a marae;
- (c) Enables Māori to develop multiply owned Māori land and resources to provide social and economic benefits;
- (d) Enables Māori to develop geothermal resources for economic and social benefits in a manner consistent with the classification and management purpose of the geothermal resource; and
- (e) ... [relates to Western Bay of Plenty]

Objective 15

Water, land, coastal and geothermal resource management decisions have regard to iwi and hapu resource management planning documents.

Policy IW 4B: Taking into account iwi and hapu resource management plans

Ensure iwi and hapū resource management plans are taken into account in resource management decision making processes.

Objective 16

Multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural wellbeing and their health and safety, while maintaining and safeguarding its mauri.

Policy IW 1B: Enabling development of multiple-owned Māori land

Provide for the development of multiple-owned Māori land³ in a manner which:

PC9 includes proposed amendments to the rules for papakāinga in the General District Wide matters chapter of the district plan. The proposed amendments are in accordance with section 80E of the RMA, which enables an intensification planning instrument to amend provisions to enable papakāinga housing in the district in both urban and rural areas.

The proposed amendments include:

- Deleting the performance standard that requires papakāinga to locate on land that adjoins or is adjacent to a Marae;
- Amending the provisions to ensure that the framework for papakāinga in residential zones is in keeping with the MDRS and policy intent of the NPS-UD;
- Introducing additional provisions to enable a greater density of papakāinga development in rural zones; and
- Introducing additional performance standards to clarify the activity status, and appropriate scale and intensity of non-residential activities that form part of a papakāinga development in rural zones.

Residential 3 Zone

PC9 proposes that the Ōhinemutu, Whakarewarewa and Ngāpuna should not be subject to the MDRS as a new qualifying matter (s77J). The characteristics, cultural and historical significance of Ōhinemutu, Whakarewarewa and Ngāpuna are such that applying the MDRS would not be consistent with the purpose and principles of the RMA. The separation and retention of the current zoning framework is considered to manage the use, development and protection of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a Section 6 Matter for the reasons set out below. Engagement with the community of the villages supported the retention of the current framework.

Existing Qualifying Matters

PC9 also proposes to retain some of the current provisions relating to historic and cultural values as existing qualifying matters (under s77I(a) to

(a) Enables sustainable development⁴ consistent with Part 2 of the Act; (b) Enables Māori to develop papakāinga, marae and associated community facilities or housing and, where necessary, shall actively protect these and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a marae;

(c) Enables Maori to develop multiply owned Maori land and resources to provide social and economic benefits;

(d) Enables Māori to develop geothermal resources for economic and social benefits in a manner consistent with the classification and management purpose of the geothermal resource.

Policy IW 2B: Recognising matters of significance to Māori

Proposals which may affect the relationship of Māori and their culture and traditions must:

(a) Recognise and provide for:

(i) Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaihai, waahi tapu, papakāinga and taonga raranga;

(ii) The role of tangata whenua as kaitiaki of the mauri of their resources;

(iii) The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources;

(iv) Sites of cultural significance identified in iwi and hapū resource management plans; and

(b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Policy IW 5B: Adverse effects on matters of significance to Māori

When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on:

(a) The exercise of kaitiakitanga;

(b) Mauri, particularly in relation to fresh, geothermal and coastal waters, land and air;

(c) Mahinga kai and areas of natural resources used for customary purposes;

(i)) in accordance with Section 77K. The existing qualifying matters in PC9 relating to iwi resource management include the following:

- HH-R5 - Disturbance, modification and alteration of cultural historic heritage listed in the Archaeological Sites Schedule or Historic Sites Schedule;
- HH-R6 - Destruction of cultural historic heritage listed in the archaeological sites schedule or historic sites schedule;
- SASM-R3 - Disturbance, modification and alteration of cultural historic heritage listed in the structures and sites of cultural historic significance schedule;
- SASM-R4 - Destruction of cultural historic heritage listed in the structures and sites of cultural significance schedule;
- SASM-R5 - Alterations to existing buildings located within the Marae Protection Area Overlay; and
- SASM-R6 - New buildings within the Marae Protection Area Overlay.

Qualifying matter as the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga and 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)).

Conclusion

For the reasons given above it is considered that PC9 will give effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to Iwi Resource Management.

(d) Places sites and areas with significant spiritual or cultural historic heritage value to tangata whenua; and (e) Existing and zoned marae or papakāinga land. Policy UG 22B: Providing for papakāinga Outside existing urban areas and the urban limits shown on Maps 5 to 15 (Appendix E), papakāinga including marae-based housing shall be provided for.	
Matters of National Importance	
Objective 18 The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development. Policy IW 2B: Recognising matters of significance to Māori Proposals which may affect the relationship of Māori and their culture and traditions must: (a) Recognise and provide for: (i) Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaihai, waahi tapu, papakāinga and taonga raranga; (ii) The role of tangata whenua as kaitiaki of the mauri of their resources; (iii) The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources; (iv) Sites of cultural significance identified in iwi and hapū resource management plans; and (b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Objective IW 5B: Adverse effects on matters of significance to Māori When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on: (a) The exercise of kaitiakitanga;	PC9 proposes to retain the current provisions relating to Matters of National Importance as existing or new qualifying matters (under s77L(a) to (i)) in accordance with Section 77K in the relevant residential zones, and as related provisions elsewhere. The qualifying matters in PC9 relating to Matters of National Importance are detailed in Appendix 1 of the Section 32 report, and relate to the management of significant risks from natural hazards, the protection of historic heritage from inappropriate use and development, the relationship of Māori and their culture and traditions with their ancestral lands, water sites, waahi tapu and other taonga, the protection of significant indigenous vegetation and habitat, and the protection of outstanding natural features and landscapes. The retention of these provisions in the District Plan, and introduction of new provisions will ensure that PC9 gives effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to Matters of National Importance.

- (b) Mauri, particularly in relation to fresh, geothermal and coastal waters, land and air;
- (c) Mahinga kai and areas of natural resources used for customary purposes;
- (d) Places sites and areas with significant spiritual or cultural historic heritage value to tangata whenua; and
- (e) Existing and zoned marae or papakāinga land.

Policy MN 1B: Recognise and provide for matters of national importance

- (a) Identify which natural and physical resources warrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement;
- (b) Recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage;
- (c) Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a);
- (d) Recognise and provide for enhancing and maintaining public access to and along those areas identified in accordance with (a);
- (e) Recognise and provide for the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B; and
- (f) Recognise and provide for protection to recognised customary activities.

Objective 19

The preservation of the natural character of the region's coastal environment (including coastal marine areas) wetlands, lakes and rivers and their margins.

Policy MN 8B: Managing effects of subdivision, use and development

Avoid and, where avoidance is not practicable, remedy or mitigate any adverse effects of subdivision, use and development on matters of

national importance assessed in accordance with Policy MN 1B as warranting protection under section 6 of the Act.

Objective 20

The protection of significant indigenous habitats and ecosystems, having particular regard to their maintenance, restoration and intrinsic values.

Policy MN 1B: Recognise and provide for matters of national importance

(a) Identify which natural and physical resources warrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement;

(b) Recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage;

(c) Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a);

(d) Recognise and provide for enhancing and maintaining public access to and along those areas identified in accordance with (a);

(e) Recognise and provide for the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B; and

(f) Recognise and provide for protection to recognised customary activities.

Policy MN 2B: Giving particular consideration to protecting significant indigenous habitats and ecosystems

Based on the identification of significant indigenous habitats and ecosystems in accordance with Policy MN 1B:

(a) Recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting significant indigenous biodiversity;

(b) Ensure that intrinsic values of ecosystems are given particular regards to in resource management decisions and operations;

- (c) Protect the diversity of the region's significant indigenous ecosystems, habitats and species including both representative and unique elements;
- (d) Manage resources in a manner that will ensure recognition of, and provision for, significant indigenous habitats and ecosystems; and
- (e) Recognise indigenous marine, lowland forest, freshwater, wetland and geothermal habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty.

Objective 21

Recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Policy IW 1B: Enabling development of multiple-owned Māori land

Provide for the development of multiple-owned Māori land in a manner which:

- (a) Enables sustainable development consistent with Part 2 of the Act;
- (b) Enables Māori to develop papakāinga, marae and associated community facilities or housing and, where necessary, shall actively protect these and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a marae;
- (c) Enables Maori to develop multiply owned Maori land and resources to provide social and economic benefits;
- (d) Enables Māori to develop geothermal resources for economic and social benefits in a manner consistent with the classification and management purpose of the geothermal resource; and
- (e) In the western Bay of Plenty sub-region only, protects, to the extent practicable, views from:
 - (i) Marae to landscape features of significance to the hapū and iwi associated with that marae; and
 - (ii) Culturally significant features where part of the significance is the view.

Policy IW 2B: Recognising matters of significance to Māori

Proposals which may affect the relationship of Māori and their culture and traditions must:

- (a) Recognise and provide for:
- (i) Traditional Māori uses and practices relating to natural and physical resources such as mahinga mātaihai, waahi tapu, papakāinga and taonga raranga;
 - (ii) The role of tangata whenua as kaitiaki of the mauri of their resources;
 - (iii) The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources;
 - (iv) Sites of cultural significance identified in iwi and hapū resource management plans; and
- (b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Policy MN 1B: Recognise and provide for matters of national importance

- (a) Identify which natural and physical resources warrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement;
- (b) Recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage;
- (c) Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a);
- (d) Recognise and provide for enhancing and maintaining public access to and along those areas identified in accordance with (a);
- (e) Recognise and provide for the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B; and
- (f) Recognise and provide for protection to recognised customary activities.

Policy MN 8B: Managing effects of subdivision, use and development

Avoid and, where avoidance is not practicable, remedy or mitigate any adverse effects of subdivision, use and development on matters of

national importance assessed in accordance with Policy MN 1B as warranting protection under section 6 of the Act. Policy UG 22B: Providing for papakāinga Outside existing urban areas and the urban limits shown on Maps 5 to 15 (Appendix E), papakāinga including marae-based housing shall be provided for.	
Urban and Rural Growth Management	
Objective 23 A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth. Policy UG 3A: Promoting travel demand management across the region Actively promote travel demand management across the region to: (a) Create effective integrated land and travel networks; (b) Increase public transport use; (c) Address congested transport corridors; (d) Reduce use of the private motor vehicle where practicable; (e) Encourage the use of alternative renewable transport fuels; (f) Reduce emissions from transport; and	The NPS-UD came into effect on 20 August 2020. The NPS-UD promotes the concept of "well-functioning urban environments", which are those urban environments that have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport and support a reduction in greenhouse gas emissions, amongst other matters. The NPS-UD classifies urban areas into different tiers relating to population size and projected growth rates, with Rotorua being classified as a Tier 2 urban environment.

(g) Ensure adequate provision for and increased use of future public transport, walking, cycling networks and corridors, while providing for connectivity.

Policy UG 8B: Implementing high quality urban design and live-work-play principles

Demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) key urban design qualities.

In achieving this, territorial authorities shall implement the region's "high quality urban design" and "live-work-play" principles as outlined in Appendix B, and additionally appropriate social infrastructure necessary to cater for an aging population, and include appropriate policies, methods and other techniques in their district plans and strategies. This policy shall not apply to land use change (such as rural-residential or lifestyle development) within the rural catchments of the Rotorua lakes where such change will result in a significant reduction in nutrient losses from existing rural land uses.

Policy UG9B: Co-ordinating new urban development with infrastructure

Ensure there is co-ordination between:

- (a) The urban form and layout, location, timing and sequencing of new urban development; and
 - (b) The development, funding, implementation and operation of transport and other infrastructure serving the area in question;
- so that all infrastructure required to serve new development is available, or is consented, designated or programmed to be available prior to development occurring.

Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations

Require the rezoning or other provisions for the urban development of land to take into account:

- (a) Sustainable rates of land uptake;
- (b) Existing or committed public and private sector investments in urban land development and infrastructure;

As a Tier 2 Urban Environment under the NPS- UD the objectives and policies of the NPS-UD which have particular relevance to PC9 include:

- Objective 1 and Policy 1 seeks to create well-functioning urban environments;
- Objective 4 acknowledges that New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations;
- Policy 2 requires that there is at least sufficient development capacity to meet expected demand;
- Policy 5 requires district plans applying to tier 2 Councils to enable heights and density of urban form commensurate with the greater of:
 - (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (b) relative demand for housing and business use in that location.
- Policy 6 requires particular regard to be had to planned urban built form and acknowledges that the planned urban form may involve significant changes to an area and those changes:
 - (a) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (b) are not, of themselves, an adverse effect
- Objective 5 and Policy 9 require the principles of the treaty to be taken into account in relation to urban environments; and
- Objective 8 seeks to ensure that New Zealand's urban environments support reductions in greenhouse gas emissions.

- (c) Sustainable provision and funding of existing and future infrastructure; and
- (d) Efficient use of local authority and central government financial resources, including prudent local authority debt management.

Policy UG11B: Managing the effects of subdivision, use and development on infrastructure

Manage the design and location of subdivision, use, and development to address potential adverse effects on the operation and upgrading of existing, consented, designated or programmed infrastructure.

Policy UG 13B: Promoting the integration of land use and transportation

In promoting the integration of land-use and transport activities, regard should be given to:

- (a) Land use and transport planning being closely linked;
- (b) The land transport system providing opportunities and integrated links for both public and private transportation modes;
- (c) Demand management is considered in planning, design and transport investment decisions;
- (d) Existing and future transport corridors defined and protected; and (e) Integrated transport packages for funding are developed.

Policy UG 22B: Providing for papakāinga

Outside existing urban areas and the urban limits shown on Maps 5 to 15 (Appendix E), papakāinga including marae-based housing shall be provided for.

Policy UG 25B: Housing Bottom Lines – Rotorua and western Bay of Plenty sub-region

Provide housing bottom lines for the short-medium term and long term in Rotorua and the western Bay of Plenty sub-region as set out in the table below:

	Housing bottom line
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The key driver of PC9 is to amend the District Plan to give effect to the intensification directive of the NPS-UD.

It is considered that PC9 is consistent with the NPS-UD 2020. More detail about the consistencies of PC9 with the NPS-UD can be found in the Section 32 Report (refer to *Section 5.3* of the Section 32 Report).

The policy directives of the NPS-UD are well aligned with the Urban Growth and Form objectives and policies of the BOPRPS, including providing for a compact urban form, managing travel demand through land use and transport integration, integrating land use and infrastructure decisions, and providing for papakāinga as a way of enabling Māori to express their cultural traditions and norms.

It is considered that PC9 gives effect to the Bay of Plenty Regional Policy Statement Objectives and Policy relating to Urban and Rural Growth Management.

Geographical Area	Short-medium term 2020-2030	Long-term 2030-2050	30 Year Total 2020-2050 additional	
Rotorua	6,240	3,500	9,740	
Natural Hazards				
Objective 31 Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities. Policy NH 4B: Managing natural hazard risk on land subject to urban development Require a Low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) by controlling the form, density and design of: (a) Greenfield development; (b) Any urban activity within the existing urban area that involves the construction of new and/or additional buildings or reconstruction of or addition to existing buildings (including any subdivision associated with such activities); and (c) Rural lifestyle activities; except that a Low level of risk is not required to be achieved on the development site after completion of the development where the development site is located within a natural hazard zone of Low natural hazard risk and that natural hazard zone will maintain a Low level of natural hazard risk after completion of the development. Policy NH 8A: Assessment of natural hazard risk at the time of plan development Assess natural hazard risk by: (a) Defining natural hazard zones within hazard susceptibility areas; and (b) Determining the level of natural hazard risk within each natural hazard zone by undertaking a risk analysis using the methodology set out in Appendix L; and (c) Classifying natural hazard risk within each natural hazard zone as either High, Medium or Low natural hazard risk using the methodology set out in Appendix L.				The Section 32 report details the proposed amendments to the flooding and geothermal rules in the district plan, some of which are assessed as new qualifying matters. As set out in the Section 32 report, the amendments are considered necessary as part of an integrated suite of provisions, to appropriately manage natural hazard risks, in locations that flood or where there is heated ground and elevated gas emissions in geothermal areas. In these areas the standards apply the MDRS applies, and resource consent is required as a restricted discretionary activity (at most) to ensure that natural hazard risks can be properly assessed. This signals that increased heights and densities are appropriate in these locations, subject to identifying and managing risk, using a variety of standard design techniques. This approach is considered to give effect to the objectives and policies of the RPS relating to natural hazards. See the Section 32 report for further analysis.

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

Before a district or, where applicable, regional plan gives effect to Policies NH 7A and NH 8A, assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix L where:

(a) The subdivision of land or the change or intensification of land use is proposed to occur on an urban site of 5 ha or more; or
(b) The relevant consent authority considers risk assessment appropriate having regard to:

- (i) the nature, scale and/or intensity of the activity,
- (ii) the location of the development site relative to known hazards, (iii) the cumulative effect on risk of developments on sites less than 5 ha,
- (iv) the nature and extent of any risk assessment that may be required under, or incorporated within, the operative district or regional plan,

except that the obligation to assess the risk of the natural hazard under this policy shall not arise where the risk derives from a geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods.

Policy NH 10B: Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use after Policies NH 7A and NH 8A have been given effect to

After the relevant district or, where applicable, regional plan gives effect to Policies NH 7A and NH 8A assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix L where the relevant district or regional plan specifically requires that natural hazard risk assessment be undertaken except that the obligation to assess the risk of the natural hazard under this policy shall not arise where:

(a) An assessment of the susceptibility of the land subject to the development proposal has demonstrated that the land is not susceptible to the hazard; or

(b) The risk derives from a geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods. Policy NH 12A: Managing natural hazard risk through regional, city and district plans Promote the natural hazard risk outcomes set out in Policy NH 3B by: (a) Providing for plans to take into account natural hazard risk reduction measures including, where practicable, to existing land use activities, and, where necessary, (b) Controlling the location, scale and density of the subdivision, use, development and protection of land and land use change in city, district and regional plans. (c) Ensuring that regional, city and district plan provisions provide a high degree of certainty for the establishing and maintaining of essential risk reduction works and other measures. Policy NH 14C: Allocation of responsibility for land use control for natural hazards City and district councils shall be responsible for specifying objectives, policies and methods, including any rules, for the purpose of the control of the use of land (except land in the coastal marine area) for the avoidance or mitigation of natural hazards.	
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Waikato Regional Policy Statement – Objectives and Policies Assessment

Section 77G(8) of the RMA states that the requirement to introduce the MDRS into a relevant residential zone applies irrespective of any inconsistent objective or policy in a Regional Policy Statement. While that is the case, and for completeness, the following table provides an assessment of PC9 against the Waikato Regional Policy Statement. This RPS does not apply to the Rotorua urban environment and therefore the below objectives and policies assessed are only those which are relevant to the rural changes which are limited to papakāinga amendments.

RPS Objectives and Policies	Comments
Relationship of tāngata whenua with the environment	
Objective 3.9 The relationship of tāngata whenua with the environment is recognised and provided for, including:	During the engagement hui undertaken as part of the Housing Supply Plan Change and the Future Development Strategy (FDS), there was clear feedback from iwi and hapū that the current district plan framework for

- a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and
- b) the role of tāngata whenua as kaitiaki.

Policy 4.2 Collaborative approach

Waikato Regional Council will: a) recognise and provide for the unique role that territorial authorities have in the implementation of the provisions of the Waikato Regional Policy Statement; and b) encourage collaboration, participation and information sharing between resource management agencies, tāngata whenua and relevant stakeholders, particularly where there are shared or overlapping responsibilities or functions for issues or resources, and including when resources or issues cross boundaries.

Policy 4.3 Tāngata whenau

Tāngata whenua are provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes.

Policy 6.1 Planned and co-ordinated subdivision, use and development

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) has regard to the principles in section 6A;
- b) recognises and addresses potential cumulative effects of subdivision, use and development;
- c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and d) has regard to the existing built environment.

Policy 6.4 Marae and Papākāinga

To recognise the historical, cultural and social importance of marae and papakāinga and to provide for their ongoing use and development.

Policy 10.1 Managing historic and cultural heritage

Provide for the collaborative, consistent and integrated management of historic and cultural heritage resources. Improve understanding,

papakāinga development has not delivered the level of housing that is required for the Rotorua district. The current provisions are also seen to present barriers and deterrents when iwi and hapū seek to establish papakāinga and kōeke housing on their whenua.

PC9 includes proposed amendments to the rules for papakāinga in the General District Wide Matters (“GDWM”) Chapter of The District Plan. The proposed amendments are in accordance with section 80E of the RMA, which enables an intensification planning instrument to amend provisions to enable papakāinga housing in the district in both urban and rural areas.

The proposed amendments include:

- Deleting the performance standard that requires papakāinga to locate on land that adjoins or is adjacent to a Marae;
- Amending the provisions to ensure that the framework for papakāinga in residential zones is in keeping with the MDRS and policy intent of the NPS-UD;
- Introducing additional provisions to enable a greater density of papakāinga development in rural zones; and
- Introducing additional performance standards to clarify the activity status, and appropriate scale and intensity of non-residential activities that form part of a papakāinga development in rural zones.

It is considered that PC9 gives effect to the Waikato Regional Policy Statement Objectives and Policy relating to the Relationship of Tāngata Whenua with the Environment.

information sharing and cooperative planning to manage or protect heritage resources across the region.

Policy 10.2 Relationship of Māori to taonga

Recognise and provide for the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.