

**Bay of Plenty Regional Council Submission to Proposed Rotorua District Plan**

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Clarify the issues you are concerned about	Support/Oppose or Seek Amendments and Provide Reason	
<b>Part 1 – Our District Plan</b>				
1.2	Diagram 1	The expression “Growth in the face of natural hazards” implies a devil-may care attitude to natural hazards. An expression more in keeping with the civil Defence Emergency Management Act purpose “sustainable management of hazards...” is required. The Proposed RPS risk management framework provides a more appropriate policy context.	Seek amendment, to better reflect the purpose of the CDEM Act and the natural hazards framework of the Proposed RPS.	Amend Diagram 1 to read “Growth <u>with acceptable natural hazard risk</u> or words to like effect.”
1.3	1.1.2 Enable Sustainable Economic Growth	The Regional Economic Strategy, Energy Strategy and Forestry and Wood Strategy all look at the wider perspective across the region and the role the Rotorua District can play in this.	Support with amendment Section 1.1.2 to recognise and acknowledge that a regional approach to economic development is required in order for Rotorua to fully achieve its economic goals.  Without working across the region the Rotorua economic goals will not be fully achieved. The 4 key priorities outlined in section 3.2 (forestry, tourism, geothermal and agriculture) are areas where the region needs to work together to achieve economic success.	Add additional sentence to Section 1.1.2 paragraph 2 to read: “ <u>Rotorua economic growth is also heavily dependent on the wider Bay of Plenty regional and key infrastructural links</u> ”.
<b>Part 2 – National and District Matters of Strategic Importance</b>				

2.1	2.1 paragraph 4	The international tourism value of geothermal systems in and near Rotorua is not mentioned in this introduction, but the potential use of geothermal systems for electricity generation is. This seems unbalanced, given the relative value to the economy of these potentially competing uses.	Seek amendments	Amend section 2.1 paragraph 4 to read: <i>"the matters covered by section 6 of the Act are significant for a district like Rotorua, where there are 18 lakes and several geothermal systems with internationally renowned surface features....<del>Not only is their</del> The physical character and visual appeal of the lakes is important"</i>
2.1	2.1 paragraph 6	This section only refers to one national policy statement - that on Renewable Electricity Generation. The other relevant NPS for Rotorua is that on Freshwater Management.	Seek amendments to refer to National Policy Statement on Freshwater.	Amend section 2.1 paragraph 6 to read <i>"Matters considered of strategic importance because they have been legislated through National Policy Statements include <u>freshwater management and renewable electricity generation</u> <del>– geothermal and hydroelectric power plants.</del>"</i>
2.2	2.1.1.4 Sustainable Development of Resources for Renewable Energy Whilst Maintaining Environmental and Cultural Values.	This section should not only cover the potential value of the geothermal resource for electricity but also reflect the enormous strategic important for Rotorua of the tourism value of the geothermal resource and its associated cultural values.	Seek amendments to also acknowledge the importance of the geothermal resources to tourism and cultural values to ensure that these features are maintained.	Amend title of section 2.1.1.4 to read: <i>"Rotorua's Geothermal Resource"</i> and amend text to include a positive reference to the enormous economic value that the Rotorua tourism derives from the geothermal systems of Rotorua, Waimangu, Waikite and Waitapu.

<p>2.3</p>	<p>National and district matters of strategic importance</p> <p>Introductory statement</p> <p>Objectives and policies Policy 2.3.11.1</p>	<p>The introductory statement is that “the objectives and policies below must be read in conjunction with the provisions in the relevant zone chapters.”</p> <p>The natural hazards objective (2.3.11) does not list out the types of natural hazards found in Rotorua.</p> <p>Maps 209 – 213 map the location and extent of 5 natural hazard risk types:</p> <ol style="list-style-type: none"> <li>1 flood levels (map 209),</li> <li>2 areas of soft ground potential thus subsidence and liquefaction risk (map 210),</li> <li>3 areas of potential fault line impact (map 211)</li> <li>4 areas of landslip potential (map 212)</li> <li>5 geothermal fields of the Rotorua district (map 213)</li> </ol> <p>But there is no cross-check in any of the text to highlight that the hazards identified on these maps need to be considered by those people applying to carry out activities.</p> <p>These 5 risk types are not all (or consistently) identified in the zone rules activity tables, performance standards or general assessment criteria.</p>	<p>Seek amendments</p>	<p>Make consequential changes to the rules associated with the natural hazard objective and policies, to ensure that the subject of maps 209 – 213 namely:</p> <p>flood levels (209);  soft ground - subsidence and liquefaction risk (210),  potential fault line impact (211),  landslip potential (212) and  geothermal activity (213) have:</p> <ol style="list-style-type: none"> <li>1 corresponding performance standards and</li> <li>2 assessment criteria,</li> </ol> <p>This is in order to assess and address the natural hazard risks associated with any land use development for all zones.</p> <p>To ensure that it is clear how all hazards will be dealt with in a regulatory response sense, identify clearly in the District Plan which of the these hazards it is proposed will be addressed primarily by the Building Act 2004, and what scope it has to address the hazards it proposed it covers.</p> <p>Add performance standards and assessment criteria to rule(s) in the residential, commercial, industrial, business and innovation, and rural zones to require that the natural hazard risk from geothermal surface features is assessed and addressed.</p>
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2.3	Section 2.1.1, clause 5.	The statement “In addition some hazards such as volcanic activity and earthquakes are more difficult to identify and mitigate in advance and the potential effects of the hazards themselves are so widespread and devastating that avoidance or control through the district plan is not realistically possible. For these reasons the district plan only manages natural hazards related to flooding and fault lines where appropriate mitigation measures are available, and are not sufficiently managed under other national legislation such as the Building Act 2004.” Is too sweeping in denying any opportunity to address the volcanic hazard.	Seek amendment because some volcanic hazards can be addressed in land use planning. For example, the Ōkātina Volcanic Hazard Contingency Plan identifies areas where further assessment is required.	Amend Section 2.1.1 clause 5 to read “In addition some hazards such as volcanic activity and earthquakes are more difficult to identify and mitigate in advance and the potential effects of the hazards themselves are so widespread and devastating that <u>direct</u> avoidance or control through the district plan is not always <del>realistically</del> possible.” Expand the statement “For these reasons the district plan only <u>specifically</u> manages natural hazards related to flooding and fault lines where appropriate mitigation measures are available, and are not sufficiently managed under other national legislation such as the Building Act 2004.” Other hazards can be addressed in considering resource consent applications, guided by the general plan provisions relating to natural hazards. Consequently on the decision made on other submission points.
2.3	Section 2.2, Outcome 7	Use the risk framework to determine whether sufficient safety has been achieved.	Seek amendment to provide a measure aligned with the Proposed RPS risk framework.	Amend section 2.2 outcome 7 to read “ <u>Design and management of land use activities and subdivision achieves public safety from natural hazards to an acceptable level of risk</u> ”.
2.3	National and district matters of strategic importance Objectives and policies objective 2.3.4	Objective 2.3.4 are supported as the give effect to the Proposed Bay of Plenty Regional Policy Statement.	Support	Retain objective 2.3.4.

2.3	National and district matters of strategic importance Objectives and policies Policy 2.3.4.1	This policy identifies the factors used to assess significant geothermal surface features. But the triggers for carrying out such an assessment will not achieve this, as not all significant geothermal features will be in the categories that create the triggers. The existing triggers are:  1 An SNA (this captures all features associated with significant vegetation in the Bay of Plenty)  2 An Historical area (this captures features with historic significance)  3 An ONFL (this captures the features contained in the Tikitere, Whakarewarewa, Lake Rotorua margins, and Mokoia Island).  4 But there are a significant number of surface features that are not captured by any of these layers	Seek amendments.  The Regional Council has provided RDC with a spreadsheet and map that clearly identifies geothermal sites that have not otherwise been captured within the identified significant natural area, historical area or outstanding natural feature or landscape.	Amend policy 2.3.4.1 to read <i>“Avoid land use and subdivision activities in identified outstanding natural features or landscapes or <u>to geothermal features or areas of vegetation or habitat significance where the following...</u>”.</i>
2.4	Objective 2.3.3 and Policy 2.3.3.1	Support Objective 2.3.3 and Policy 2.3.3.1	Support public access to lakes and rivers is a matter of national importance and should be maintained or enhanced for the benefit of present and future generations. Objective 2.3.3 and Policy 2.3.3.1 gives effect to Objective 22 and Policy MN 5B of the Proposed RPS.	Retain Objective 2.3.3 and Policy 2.3.3.1.

2.5	Objective 2.3.4 and Policies 2.3.4.1 – 2.3.4.4	General support for Objective 2.3.4 and Policies 2.3.4.1, 2.3.4.2, 2.3.4.3, and 2.3.4.4. Seek minor amendments to clarify policy intent.	Support Objective 2.3.4 and Policies 2.3.4.1, 2.3.4.3, and 2.3.4.4 give effect to Objectives 13 and 18 and Policies IW 5B, IW 2B, and MN 1B(d) of the Proposed Bay of Plenty Regional Policy Statement.  Support with amendment to Policy 2.3.4.2 by inserting 'appropriate' before development. While it is acknowledged that freehold lots should be able to be developed, any development that occurs within an outstanding natural feature or landscape should be assessed as appropriate before it is able to proceed.	Amend Policy 2.3.4.2 to read "Provide for the continued use and <u>appropriate</u> development of existing freehold land..." Retain Objective 2.3.4 and Policies 2.3.4.1, 2.3.4.3, and 2.3.4.4.
2.5	2.3.4.3	Geothermal surface features	Support and include Ngāpuna village which also has geothermal features.	Support Policy 2.3.4.3 with amendment "...the Ōhinemutu, Whakarewarewa <u>and Ngāpuna</u> villages..."
2.6	Objective 2.3.5 and Policy 2.3.5.1	Support Objective 2.3.5 and Policy 2.3.5.1	Support with amendments Objective 2.3.5 and Policy 2.3.5.1 to give effect to Objective 18 and Policy MN 1B of the Proposed Bay of Plenty Regional Policy Statement.  Amendments sought to ensure consistency with Appendix 1 - Cultural Heritage Inventory which identifies five cultural heritage items.  - Archaeological sites - Historic buildings and structures - Historic Sites - Marae - Notable Trees	Amend Objective 2.3.5 "The continued existence of <del>heritage sites, buildings, or structures</del> <u>cultural heritage items</u> from different eras and of themes that contribute to, and that are representative of Rotorua's evolving history".  Retain Policy 2.3.5.1.
2.6	Objective 2.3.6 and Policies 2.3.6.1 – 2.3.6.3	Support Objective 2.3.6 and Policies 2.3.6.1 – 2.3.6.3	Objective 2.3.6 and Policy 2.3.6.1 gives effect to Objective 18 and Policy MN 1B of the Proposed Bay of Plenty Regional Policy Statement.	Retain Objective 2.3.6 and Policies 2.3.6.1 – 2.3.6.3.
2.8	Sustainable development of resources for renewable energy whilst maintaining environmental and cultural values	Objective 2.3.10	Support with amendment – title of the 2.3.10 objectives and policies specifically refers to maintaining environmental and cultural values however has not been acknowledged in the overarching objective and policies.	Amend Objective 2.3.10 "Renewable electricity development that contributes to the economic and social wellbeing of Rotorua <u>whilst maintaining environmental and cultural values</u> ".

2.8	Objective 2.3.11	Use the risk framework to guide development.	Seek amendment to provide a measure of sufficiency of risk reduction aligned with the Proposed RPS risk framework.	Amend Objective 2.3.11 to read “Development of land in areas subject to a natural hazard <del>without increasing the risk</del> <u>within an acceptable level of risk</u> to life, property and the environment.”
2.8	Policy 2.3.11.1	Avoiding “any risk” is too extreme. Use the risk framework to direct sufficient avoidance and mitigation of hazards such that any residual risk is acceptable.	Seek amendment to align the policy with the wider risk management policy framework of the Proposed RPS.	Amend Policy 2.3.11.1 to read “Provide for development <del>within sites subject to natural hazards as long as the</del> <u>and require the design and location of any</u> the proposal <u>to mitigate or avoids or mitigate any potential risk to life, property, and the environment.</u> <u>natural hazards to an acceptable level of risk to life, property, and the environment.</u> ”
2.9	Part 3 – Iwi cultural heritage and economic resources		Support with amendment Part 3 ‘Iwi cultural heritage and economic resources’ introduction paragraphs, issues and environmental outcomes. District plans are not required to state issues of significance to Māori, so it is great to see Rotorua District Council providing for such issues within the draft district plan. The issues identified give effect to the following Proposed RPS section 2.6.1 issues of significance to iwi authorities; issues 2, 4, 5 and 7 but reframe them to fit within a local context.	Retain Part 3 context, issues and environmental outcomes with amendment to 3.1 Introduction - Paragraph 8 to refer to freshwater fisheries in the list of opportunities on multiple-owned māori land.
3.2	3.2.1	Define cultural heritage.	Support maintenance and enhancement of cultural heritage, and significance of the lakes as taonga and that lake water quality is a significant cultural issue. Seek a definition of cultural heritage be provided.	Add definition of “cultural heritage” in Part 17 Definitions.

3.2	3.2.3	Enabling the sustainable development of Māori land.	Support the identification of the issues subject to amendments.	<p>Amend 3.2.3 paragraph 2 “Resource consents or Iwi/<u>Hapū</u> Management Plans can be completed by Iwi <u>and Hapū</u> in the future intended development of maorir land. Such development may include marae, Papakāinga kaumatara housing, habitat/wetland restoration and commercial activities such as <del>tourist accommodation</del> <u>tourism ventures, business hubs, fishing, aquaculture, forestry and geothermal energy production,</u>”</p> <p>Amend any subsequent reference throughout the plan to Iwi management plans to read: <u>Iwi/Hapū Management Plans.</u></p>
3.3	3.3	Environmental outcomes.	Support the environmental outcomes as identified, in particular the improved water quality.	Retain 3.3 Environmental Outcomes.
3.4	Objective 3.4.1 and Policies 3.4.1.1 – 3.4.1.5	Support provisions.	Support with amendmnets Objective 3.4.1 and Policies 3.4.1.1 – 3.4.1.5 give effect to Objectives 15, 16 and 17 and Policies IW 1B, IW 5B, IW 2B, and MN 1B of the Proposed Bay of Plenty Regional Policy Statement. Policy 3.1.4.2 refers to complementary activities, consider this term to be broad and vague.	Retain Objective 3.4.1 and Policies 3.4.1.1, 3.4.1.3 – 3.4.1.5. Seek definition of “Complementary activities” as referred to in Policy 3.4.1.2.
3.4	Objective 3.4.2 and Policies 3.4.2.1 – 3.4.2.3	Support provisions.	<p>Support with amendment. Objective 3.4.2 and Policies 3.4.2.1 – 3.4.2.3 give effect to Objectives 12, 13, 15 and 17 and Policies IW 1B, IW 5B, IW 2B, and MN 1B of the Proposed Bay of Plenty Regional Policy Statement.</p> <p>Also need to recognise iwi that have mana whenua over the Kaituna River to acknowledge the Māori world view and the importance of kaitiakitanga.</p>	<p>Retain Objective 3.4.2 and Policies 3.4.2.1, 3.4.2.3.</p> <p>Seek amendment to Policy 3.4.2.1 to provide adequate reference to kaitiaki groups that have stewardship over parts of the Kaituna river.</p>
3.5	Objective 3.4.3 and Policies 3.4.3.1 – 3.4.3.3	Support provisions.	Objective 3.4.3 and Policies 3.4.3.1 – 3.4.3.3 give effect to Objectives 15, 16 and 17 and Policies IW 3B, IW 7D, IW 5B, IW 2B and IR 4B of the Proposed Bay of Plenty Regional Policy Statement.	Retain Objective 3.4.3 and Policies 3.4.3.1 – 3.4.3.3.



3.4	Objective 3.4.4 and Policies 3.4.4.1 – 3.4.4.5	Support provisions.	Objective 3.4.4 and Policies 3.4.4.1 – 3.4.4.5 give effect to Objectives 15, 16 and 17 and Policies IW 1B, IW 5B, IW 2B, and MN 1B of the Proposed Bay of Plenty Regional Policy Statement.	Retain Objective 3.4.4 and Policies 3.4.4.1 – 3.4.4.5.
3.5 & 3.9.2.2	Height restriction boundary for marae	Section 3.9.2.2 specifies discretionary activity assessment criteria for buildings located within the protection areas shown on the planning maps that do not comply with the performance standards for height requirements of the zone. However, there is no equivalent rule in Table 3.5 that identifies the discretionary status of such an activity.	<p>Include a rule in Table 3.5 for buildings located within the marae protection areas shown on the planning maps that do not comply with the performance standards for height requirements of the zone and where exterior glazing or balconies face towards marae.</p> <p>Support for these provisions as they give effect to Proposed RPS Objectives 13 and 21 and Policies IW 5B, IW 2B, and MN 1B(d) of the Proposed Bay of Plenty Regional Policy Statement. Often marae are sighted with view shafts to landmarks, natural features or landscapes of significant traditional association which assists in maintaining the relationship of tangata whenua with them. A loss of those views can degrade the mana of the marae. Height restrictions around marae will have an added benefit of potentially maintaining those cultural connections.</p>	Insert new rule in Table 3.5 to clarify the discretionary activity status of buildings located within the Marae protection areas shown on the planning maps that do not comply with the performance standards for height requirements of the zone and where exterior glazing or balconies face toward the marae.
3.11	3.9.1.4	General assessment criteria.	Support with amendment General assessment criteria 3.9.1.4 to include iwi experts who are not necessarily recognised professionally but are considered experts within Maoridom.	Amend General Assessment Criteria 3.9.1.4 Ensure recognition of iwi experts – “any other professionally recognised party ( <i>including an expert of tikanga Māori and local knowledge who is recognised by tangata whenua</i> ) in heritage conservation issues.

**Part 4 – Residential, Part 7 – Industrial, Part 8 – Business and Innovation, Part 9 – Rural**

<p>4.14 7.9 8.8 9.14 10.11</p>	<p>Activities - Zone rules for geothermal features and vegetation in residential, industrial, business and innovation, rural,</p>	<p>The same text is used for all of these zones, so the same issue applies to all these permitted activity rules.</p> <p>In each it advises that the activity of restoring, re-vegetating or enhancing geothermal features, vegetation or significant natural areas is permitted; provided it is done in accordance with Appendix 9.</p> <p>The appendix 9 requirement regards how geothermal features should be managed in the same manner as how [geothermal] vegetation should be managed. This is inappropriate, as the management regimes required are different.</p> <p>It is possible to revegetate or enhance [geothermal] vegetation. It is usually not possible or appropriate to do that to geothermal features.</p> <p>The GNS reports prepared for RDC identify appropriate techniques for geothermal surface features, which are to create a buffer to avoid interference, and leave the feature alone.</p>	<p>Seek amendments</p> <p>Relevant RPS policies GR 4A protecting and managing significant geothermal features and ecologies, GR 9B assessing and managing effects on significant geothermal features and GR 11B requiring information for activities over or adjacent to geothermal resources.</p>	<p>Amend the text for 4.5.60 (residential), 7.5.64 (industrial), 8.5.12 (business and innovation), 9.5.55 (rural), and 10.5.56 (reserves) which presently reads: “<i>Restoration or revegetation or enhancement of geothermal features, geothermal vegetation or significant natural areas in accordance with the standards in Appendix 9</i>” Replace with “<i>Restoration or revegetation of geothermal vegetation or significant natural areas, in accordance with the standards in Appendix 9.2.3.1-3</i>” and “<i>Protection of geothermal features, in accordance with the standards in Appendix 9.2.3.4</i>”</p> <p>Relocate this text, along with all the special land feature activity descriptions, to be in the performance standards and, where necessary, also to the matters over which control is reserved and assessment criteria.</p>
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4.14	Rule 63 – classifying buildings and structures located within private free hold lots within Mount Ngongotahā and Whakarewarewa Outstanding Natural Landscapes.	Allowing for buildings and structures as a permitted activity within an outstanding natural landscape removes any ability to ensure measures a put in place to ensure appropriate development occurs which is contrary to section 6(b) of the RMA.	Rule 63 is contrary to Policy MN 1B of the Proposed RPS which requires priority of protection from inappropriate subdivision, use or development be afforded to areas, places, features or values identified as outstanding natural landscapes. City and district councils must protect outstanding natural features and landscapes from inappropriate use and development. Outstanding is a very high threshold, and vary few landsapes and features in the region qualify as such. To allow for buildings and structures as a permitted activity within an outstanding natural landscape risks inappropriate development occuring.	Amend Rule 63 ‘permitted’ status to ‘discretionary’ for buildings and structures under Rule 63 for the Residential Living zone.
4.24	4.8.2.1.f	Trigger is only ONFL, not significant geothermal features.	Seek amendments to ensure the identification of a significant geothermal surface feature is defined using relevant Proposed RPS method 22B.	Amend section 4.8.2.1f to provide adequate reference to Significant Geothermal Surface Features as defined using method 22B of Regional Policy Statement.
4.24	4.8.2.1.g	support	Support.	Retain additional assessment criteira 4.8.2.1g.
4.14 7.9 8.27 9.14 10.11 12.8	Zone rules for geothermal features and vegetation in residential, commercial, industrial, business and innovation, rural and future growth  4.5.61 7.5.65 8.5.13 9.5.56 10.5.57 12.5.14		Support with amendments.	Amend: “ <i>Development other than that provided for under rule [4.5.61, 7.5.65, 8.5.13, 9.5.56, 10.5.57] that may <del>impact</del> affect a significant geothermal feature.</i> ”

<p>4.10 6.7 7.9 8.7 9.11 10.5 13.12 13.18 13.20 13.25 13.28 13.31 13.41</p>	<p>Permitted activities - Zone rules for geothermal hazards in residential, commercial, industrial, business and innovation, rural and subdivision.</p> <p>4.5 6.5 7.5 8.5 9.5 13.5.12 13.6.9 13.7.10-13 13.8.9-10 13.9.7-8 13.10.13-14 13.11.13-14</p>	<p>The activity tables are a mixture of activities and activity constraints for [some] overlays.</p> <p>The activity constraints list is not comprehensive for any zone.</p> <p>Having both activities and constraints in the same table is confusing. Plan users may go to the activity, see that it is permitted and then go to the performance standards, and miss the reference to further constraints on their activity.</p> <p>It would be more robust to have all overlay requirements triggered within the performance standards, rather than some being in the activity table.</p> <p>In each case there should be a rule that requires the person proposing to carry out the activity that they need to assess and address the risk of geothermal hazard from any surface features.</p>	<p>Seek amendments.</p> <p>Relevant RPS policy is NH 7C identifies that district councils have responsibility for land use controls on natural hazards.</p> <ul style="list-style-type: none"> <li>Any destruction of a geothermal feature, including excavation</li> </ul> <p>Any placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature</p>	<p>Amend provisions to address the inconsistent treatment of natural hazards and other overlays within the rule structure.</p> <p>Move all references to the requirements of the special overlays (special land features) to the performance standards section.</p> <p>Include performance standards particular to each special overlay. The requirements in the performance standards tables to include those covered by the special overlay map series, ie:</p> <ul style="list-style-type: none"> <li>Natural heritage areas</li> <li>Areas for esplanade reserve acquisition</li> <li>Rotorua airport clearance and noise control contours</li> <li>Rotorua and Rotoiti flood level</li> <li>Areas of soft ground potential (subsidence and liquefaction)</li> <li>Areas of potential fault line impact</li> <li>Areas of landslide potential</li> </ul> <p>Or</p> <p>Create an overall natural hazards heading within the rules activities table: thus in tables 4.5, 5.5.1, 5.5.2, 6.5, 7.5, 8.5, 9.5, and 13.5 – 13.11, and list all the natural hazards rules under a single heading (instead of the present two subheadings that only cover flooding and fault lines, only in some areas).</p> <p>Add new rule(s) in the residential, commercial, industrial, business and innovation, and rural zones to require that the natural hazard risk from geothermal features is assessed and addressed.</p>
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4.14 7.9 8.8 9.14 10.11	4.5.61 7.5.65 8.5.13 9.5.56 10.5.57	Zone rules for geothermal features and vegetation in residential, commercial, industrial, business and innovation, rural,	Seek amendments “Affect” as a verb has more case law usage than “impact”.	Amend: <i>“Development other than that provided for under rule [4.5.61, 7.5.65, 8.5.13, 9.5.56, 10.5.57] that may <del>impact</del> affect a significant geothermal feature.</i>

4.16 6.13 7.11 8.14 9.18 10.14	Performance standards in residential, commercial, industrial, business and innovation, rural, 4.6 6.6 7.6 8.6 9.6 10.6	Amendment is needed to improve plan interpretation clarity, and to avoid the possibility of the special land features information being overlooked, by those proposing to carry out activities.	Seek Amendments.	Amend to address the inconsistent treatment of natural hazards and other overlays within the rule structure by:  Moving all references to the requirements of the special overlays (special land features) to the performance standards section. Cover these under a heading of Special Land Features.  Add Special Land Features heading and text as 4.6.13, 6.6.18, 7.6.15, 8.6.12, 9.6.17 and 10.6.16
4.22 6.18 7.16 8.24 9.25	Controlled activities method of assessment in residential, commercial, industrial, business and innovation, rural, 4.7 6.7.2 7.7.2 8.7.2 9.7.2 10.7	Amendment is needed to improve plan interpretation clarity, and to avoid the possibility of the special land features information being overlooked, by those proposing to carry out activities.	Seek amendments.	Amend to address the inconsistent treatment of natural hazards and other overlays within the rule structure by:  <b>a)</b> Adding the requirements of the special overlays (special land features) to the Controlled Activities: methods of assessment - Matters over which control is reserved. Cover these under the section on "additional matters over which control is reserved".  <b>b)</b> Add Special Land Features heading and text as an expansion of 4.7.2.1, 6.7.2, 7.7.2, 8.7.2, 9.7.2, and 10.7.

4.24 6.20 7.18 8.26 9.27	Restricted discretionary activities method of assessment in residential, commercial, industrial, business and innovation, rural, 4.8.2 g 6.8.2.3.g 7.8.1.16 8.8.2.f 9.9.1.22	Amendment is needed to improve plan interpretation clarity, and to avoid the possibility of the special land features information being overlooked, by those proposing to carry out activities.	Seek amendments.	Seek amendments to the following 4.2.8 g 6.8.2.3.g, 7.8.1.16, 8.8.2.f  <i>“Adverse effects from natural hazards or the worsening of any hazard identified on the Special Interest Series maps to the plan.”</i>
4.26 7.22	Discretionary activities method of assessment 4.9.1.17 7.9.2.5	Assessment criteria that relates to Natural Hazards and Geothermal features.	Support.	Retain assessment criteria 4.9.1.17 and 7.9.2.5.
4.26	Discretionary activities method of assessment 4.9.1.10	Assessment criteria that relates to Natural Hazards and Geothermal features.	Support with amendments.	Amend 4.9.1.10 to read <i>“The level of risk associated with natural hazards does not exceed acceptable levels.”</i>
4.28	Discretionary activities method of assessment 4.9.2.4	Seek amendments to make clear the distinction between geothermal vegetation/ habitat, and geothermal surface features, and the appropriate responses to these two different elements.	Support with amendments to make clear the distinction between geothermal vegetation/ habitat, and geothermal surface features, and the appropriate responses to these two different elements.	Amend the text to read: 4.9.2.4.a.ii the extent of adverse impacts on any geothermal vegetation <u>viability and its ecosystem</u> present on site. 4.9.2.4.a.iii the extent of adverse impacts on any significant geothermal feature/s <u>viability and its ecosystem.</u>

4.28	Discretionary activities method of assessment 4.9.2.5, 4.9.2.6 & 4.9.2.8	<p>This is an incomplete list of the strategic overlay map series (200 series), which covers section 6 and 7 matters. It would be better to address the 200 map series in its entirety, from a protection of natural features and landscapes, and from a natural hazards perspective. The present additional assessment criteria for Specific Activities does not cover:</p> <ul style="list-style-type: none"> <li>• Areas for esplanade reserve acquisition</li> <li>• Rotorua and Rotoiti flood level</li> <li>• Areas of soft ground potential (subsidence and liquefaction)</li> <li>• Areas of landslide potential.</li> </ul>	Seek amendments.	<p>Amend to include additional assessment criteria for specific activities (if they appear in the relevant zone), to include these parameters:</p> <ul style="list-style-type: none"> <li>• Areas for esplanade reserve acquisition</li> <li>• Rotorua and Rotoiti flood level</li> <li>• Areas of soft ground potential (subsidence and liquefaction)</li> <li>• Areas of landslide potential.</li> </ul>
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Part 6 – Commercial				
6.7 Not covered in plan at present	6.5 Commercial	For consistency and sound resource management purposes there should be the equivalent rules as are found in 4.5.61, 7.5.65, 8.5.13, 9.5.56, 10.5.57, covering the appropriate requirements for dealing with geothermal features and vegetation. This zone does have such features in Zones 4 and 5 – the presence of geothermal resources is an integral part of the attraction of these zones.	Seek amendments.	Create a new rule: <i>Development other than that provided for under rule 6.5.## that may affect a significant geothermal feature.</i>
6.7	6.5	For consistency and sound resource management purposes there should be the equivalent rules as are found in 4.5.60, 7.5.64, 8.5.12, 9.5.55, 10.5.56, covering the appropriate requirements for dealing with geothermal features and vegetation. This zone does have such features.	Seek amendment to include.	Include as a new rule in section 6.5, in the “special land features” category: <i>Restoration or revegetation of geothermal vegetation or significant natural areas, in accordance with the standards in Appendix 9.2.3.1-3 and</i> <i>Protection of geothermal features, in accordance with the standards in Appendix 9.2.3.4</i> Relocate this text, along with all the special land feature activity descriptions, to be in the performance standards and, where necessary, the matters over which control is reserved, and assessment criteria.
6.7	6.5.6 and 6.5.6 and 6.5.33	There are several permitted activities in the commercial zones where there are geothermal surface features (zones 4 and 5), for which there are no restrictions in the performance standards	Seek amendment	Add to the performance standards a requirement to assess whether any geothermal features or vegetation will be affected by developments that increase the land footprint in zones 4 and 5

6.22	Discretionary activities method of assessment 6.9.1.11	Support.	Support with amendments to align the policy with the wider risk management policy framework of the Proposed RPS.	Amend 6.9.1.11 to read " <u><i>The level of risk associated with natural hazards does not exceed acceptable levels.</i></u> "
6.24	Discretionary activities method of assessment 6.9.2.5	Seek amendments to make clear the distinction between geothermal vegetation/ habitat, and geothermal surface features, and the appropriate responses to these two different elements.	Seek amendments to make clear the distinction between geothermal vegetation/ habitat, and geothermal surface features, and the appropriate responses to these two different elements.	<p><b>Amend the text to read:</b></p> <p>6.9.2.5.a.ii the extent of adverse impacts on any geothermal vegetation <u><i>viability and its ecosystem</i></u> present on site.</p> <p>6.9.2.5.a.iii the extent of adverse impacts on any significant geothermal feature/s <del>viability and its ecosystem.</del></p>

<b>Part 9 – Rural</b>				
9.1-9.2	9.1 Introduction, paragraphs 7-10	Premature implementation of TDR framework relating to reductions in nutrient losses from rural land uses.	The provision of incentives to encourage land use changes which achieve reductions in nutrient losses discharging into the Rotorua lakes and other water bodies within Rotorua District is supported and is consistent with a number of Proposed RPS provisions, including Objective 28 and Policies WL 3B, WL 5B and UF 18B. To be successful, a regulatory framework aimed at achieving the foregoing provisions is reliant on a collaborative and consistent approach between the Regional and District Councils as well as relevant stakeholder groups. Successful implementation of an effective District Plan TDR strategy also requires rules and performance standards which are clear, certain and quantifiable. Such rules are dependent on a level of information which is currently unavailable. The Regional Council is currently in the early stages of reviewing provisions of the Operative Regional Land and Water Plan relating to achieving reductions in nutrient losses from rural land uses within the catchments of the Rotorua lakes. However, a considerable amount of work remains to be done before any Regional Plan changes will be able to be drafted and which will provide a platform for parallel provisions to be included in the District Plan. Additional work by the District Council is also required to quantify the capacity of any identified TDR recipient areas. Until such additional work is completed by both the Regional and District Councils, the implementation of a TDR rules framework through the District Plan is considered premature.	The paragraphs in question should be amended to reflect the situation described in the adjoining column, in particular to state that at this stage, the content of the District Plan is limited to objectives and policies, which are to be achieved through District Plan rules yet to be drafted and which will be the subject of a variation or change to the District Plan to be prepared and notified at a later date.
9.3	Issue 9.2.1	Issue 9.2.1 requires amendment to limit its content to a statement of the issue in question and to delete text describing how the issue is to be addressed through the District Plan.	Identification of the issue is supported. However, the current text goes beyond a statement of the issue and includes reference to how the issue is to be addressed through the District Plan. It is not considered appropriate to include such matters in the description of an issue. In addition the text refers to methods such as TDR's which for reasons set out above are not yet ready for implementation through the District Plan.	Delete the fifth, seventh and eighth sentences of Issue 9.2.1.

9.3	Issue 9.2.2	Issue 9.2.2 requires amendment to limit its content to a statement of the issue in question and to delete text describing how the issue is to be addressed through the District Plan	Identification of the issue is supported. However, the current text goes beyond a statement of the issue and includes reference to how the issue is to be addressed through the District Plan. It is not considered appropriate to include such matters in the description of an issue. In addition the text refers to District Plan methods to achieve land use changes which may include TDR's. For reasons set out above TDR rules are not yet ready for implementation through the District Plan.	Delete last sentence of Issue 9.2.2.
9.4	Issue 9.2.6	Support rural issues 9.2.2, 9.2.4 and 9.2.6	The Proposed Bay of Plenty Regional Policy Statement recognises these issues in rural areas. Rural areas are working environments and subdivision or land use activities sensitive to rural production activities have the potential to constrain them and/or result in the loss of productive rural land over time. Where outstanding natural features and landscapes exist in rural environment, care needs to be made to ensure that existing rural production activities don't degrade the quality and values that make them outstanding.	Retain rural issues 9.2.2, 9.2.4 and 9.2.6
9.5	Issue 9.2.10	The third sentence is incomplete. While a limited set of natural hazards are addressed in this plan, it can be anticipated that more hazards will be addressed in future.	Seek amendment to improve the sense of the issue statement and to recognise the potential for future wider plan coverage.	Amend Issue 9.2.10 to read "...Research into the methods available to mitigate and avoid each hazard has <i>resulted in</i> only fault lines and flooding being specifically managed by this district plan." or words to like effect. Incorporate generic provisions relating to other natural hazards.
9.6	Objective 9.4.1	Wording of the objective.	The intent of the objective (to achieve improvements in water quality through a reduction in nutrient losses from rural land uses) is supported. However, it is considered that the objective could be better worded so as to make such intent clearer.	Amend Objective 9.4.1 to read: <u>A reduction in nutrient losses from rural land uses, thereby contributing to improvements in the water quality of lakes, rivers, streams and wetlands within the District.</u>
9.6	Policy 9.4.1.1	Land uses which increase nutrient losses into water bodies within the District.	The intent of the policy (to avoid land uses which increase nutrient losses) is supported. However, the scope of the policy should not be limited to activities which "significantly" increase nutrient losses, particularly as there is no guidance as to what the term "significantly" means.	Delete the word "significantly" from the policy.

9.6	Policies 9.4.1.3 – 9.4.1.7	Subject matter of policies.	The policies are supported.	Retain policies 9.4.1.3 – 9.4.1.7.
9.7	Objective 9.4.2	The efficient use of rural land for productive purposes.	The objective is supported.	Retain the objective 9.4.2.
9.7	Policies 9.4.2.1 & 9.4.2.2	Land instability and soil health.	The policies are supported.	Retain the policies 9.4.2.1 & 9.4.2.2.
9.7	Policies 9.4.2.3 & 9.4.2.4	Rural lot sizes and rural land fragmentation.	The policies are generally supported, except for reference to area SP1 which is identified as a “recipient” area for TDR’s. For reasons stated in respect of Section 9.1 (Introduction), the implementation of a TDR rules framework in the District Plan is premature.	Amend policies 9.4.2.3 “Control development <del>outside SP1 area</del> to maintain lot sizes that are large enough to ensure that lots are flexible and capable of variety of uses by future generations.  And 9.4.2.4 Manage the fragmentation of the working rural environments by restricting rural lifestyle activity <del>outside SP1 area</del> .
9.8	Objective 9.4.4 and Policies 9.4.4.1 & 9.4.4.2	Services infrastructure for rural lifestyle living.	The provisions are supported.	Retain Objective 9.4.4 and Policies 9.4.4.1 & 9.4.4.2
9.8	Objective 9.4.5 and Policies 9.4.5.1 & 9.4.5.2	Reverse sensitivity.	The provisions are supported.	Retain Objective 9.4.5 and Policies 9.4.5.1 & 9.4.5.2.
9.11 & 9.28	Table 9.5, item 4; and Rule 9.8.5	Incentives to achieve reduction in nutrient losses from rural land uses.	The intention of the provisions is supported. However, as with the proposed TDR District Plan rules framework, such provisions are considered premature because:  (a) There is insufficient existing information available in respect of the level of nutrient losses which can be deemed “significant” and 500kg (as specified in rule 9.8.5) may or may not be appropriate;  (b) There is the potential for the District Plan provisions in question to conflict with or be inconsistent with current Regional rules and implementation strategies in respect of such matters.	Delete item 4 from Table 9.5.  <del>4. Any land use activity within areas SP1 or SP2 that would otherwise be discretionary or non-complying that contributes to a reduction of nutrient losses as specified in section 9.8.5</del>  Delete rule “9.8.5 Activity within SP1 or SP2 that would otherwise be Discretionary of Non-Complying that contributes to a reduction of nutrient losses” in its entirety.

9.11	Table 9.5, item 5	Wording of a provision specifying activity status.	As drafted, use of the term “including” in conjunction with the words “animal housing with a built-in and sustainable effluent treatment system that results in a reduction of nutrient losses” renders this part of the rule ineffectual. If the intention is for animal housing buildings to qualify as a permitted activity only where they have “built-in and sustainable” effluent treatment systems, then the rule needs to be reworded. Also, the wording is too imprecise and uncertain in respect of what the terms “sustainable” and “reduction in nutrient losses” mean.	Delete wording in question or amend so that the rule is drafted in a manner suitable for an activity status provision.
9.15	Rule 61– permitted status for buildings and structures located within free hold lots within Mount Ngongotahā Outstanding Natural Landscape	Allowing for buildings and structures as a permitted activity within an outstanding natural landscape removes any ability to ensure measures are put in place to ensure appropriate development occurs which is contrary to section 6(b) of the RMA.	Seek amendent to Rule 61 which is contrary to Policy MN 1B of the Proposed RPS. Policy MN 1B requires priority of protection from inappropriate subdivision, use or development be afforded to areas, places, features or values identified as outstanding natural features or landscapes. City and district councils must protect outstanding natural features and landscapes from inappropriate use and development. Outstanding is a very high threshold, and very few landsapes and features in the region qualify as such. To allow for buildings and structures as a permitted activity within an outstanding natural landscape risks inappropriate development occuring.	Amend ‘permitted’ status to ‘discretionary’ for buildings and structures under Rule 61 witin the Working Rural and Rural lifestyle zones, or rationalise Outstanding Natural Landscape to ensure that exisitng buildings or structures are not located within this feature.
9.15	Rules 63, 64, 65, 66, 67 and 69	Support for Rules 63, 64, 65, 66, 67 and 69.	Support Rules 63, 64, 65, 66, 67 and 69 which give effect to Policy MN 1B of the Proposed RPS. Policy MN 1B requires priority of protection from inappropriate subdivision, use or development be afforded to areas, places, features or values identified as outstanding natural features or landscapes. City and district councils must protect outstanding natural features and landscapes from inappropriate use and development. Outstanding is a very high threshold, and very few landsapes and features in the region qualify as such.	Retain Part 9 Rural Rules 63, 64, 65, 66, 67 and 69

9.15	Rule 68	Oppose Rule 68. Rule refers to standards in Appendix 9 which does not include standards relating to earthworks. Reference should instead be made to Appendix 10.	Seek amendment to Rule 68 which is contrary to Policy MN 1B of the Proposed RPS. Policy MN 1B requires priority of protection from inappropriate subdivision, use or development be afforded to areas, places, features or values identified as outstanding natural features or landscapes. City and district councils must protect outstanding natural features and landscapes from inappropriate use and development. Outstanding is a very high threshold, and very few landscapes and features in the region qualify as such. To allow for earthworks as a permitted activity within an outstanding natural feature or landscape risks inappropriate development occurring.	Amend Part 9 Rural Rule 68 'permitted' status to 'discretionary' for earthworks within the Working Rural and Rural lifestyle zones. Amend Appendix 9 reference to Appendix 10.
9.16	Rule 74 - Buildings, structures (excluding maimai stands) and earthworks located within 25 metres from the margin of a lake, or from a river or stream identified on the planning maps as being an area identified for esplanade reserve acquisition		Support for Rule 74 which gives effect to Policy MN 1B of the Proposed RPS. Policy MN 1B requires priority be afforded to enhancing and maintaining public access to and along lakes and rivers in accordance with Section 6(d) of the RMA. Linking the rule to areas identified for esplanade reserve acquisition will better provide for the maintenance of public access for future generations.	Retain Part 9 Rural Rule 74.
9.17	Table 9.5, Other Activities	Generic provisions should apply to those hazards not specifically addressed.	Seek amendment to include provisions applying to those hazards not specifically addressed.	Insert new activity rule within table 9.5 in "Other Activities" to read " <u>Any activity that results in the risk of a natural hazard exceeding an acceptable level</u> " as a Discretionary activity.
9.26	9.7.2, 1. Flooding	The matters as notified focus on events of one likelihood, 2% AEP, which relates to the Building Act. A risk approach requires a range of likelihoods and their corresponding consequences to be assessed.	Seek amendment to align the policy with the wider risk management policy framework of the Proposed RPS.	Insert new assessment criteria in 9.7.2.1 "b" to read: " <u>Proposals for large scale development shall be subject to a flood risk assessment that includes an evaluation of the likelihood and consequences of maximum credible events and an appropriate range of lesser events.</u> "
9.29	9.9.1, criterion 22	Generic risk-based provisions should apply to those hazards not specifically addressed.	Support with amendments to align the policy with the wider risk management policy framework of the Proposed RPS.	Amend 9.9.1.22 to read: " <u>The level of risk associated with natural hazards does not exceed acceptable levels.</u> "

9.29	Discretionary activities method of assessment General assessment criteria 9.9.1.10 9.9.1.20	Assessment criteria relating to geothermal features and associated vegetation	Support the assessment criteria that ensures assessment of Geothermal features and associated vegetation and is considered consistent with Policy GR1A of the Proposed RPS.	Retain criteria 9.9.1.10 and 9.9.1.20.
9.32	9.9.2.5	Criteria relating to activities that may affect significant geothermal features and associated geothermal vegetation	Support the additional assessment criteria for specific activities and development relating to geothermal features and vegetation. Considered consistent with Policy GR1A of the Proposed RPS.	Retain assessment criteria 9.9.2.5.
<b>Part 10 – Reserves, Community assets and Water</b>				
10.2	Issues 10.2.1, 10.2.3, 10.2.4, 10.2.5 and 10.2.7.	Support	Support for Issues 10.2.1, 10.2.3, 10.2.4, 10.2.5 and 10.2.7. which appropriately recognise actual and potential effects of activities and development can have on section 6 matters of national importance.	Retain Issues 10.2.1, 10.2.3, 10.2.4, 10.2.5 and 10.2.7.
10.4	Environmental outcomes 2, 4 and 5	Support	Support for environmental outcomes 2, 4, and 5 which appropriately seek to ensure the policy framework addresses the effects activities and development can have on section 6 matters of national importance.	Retain environmental outcomes 2, 4 and 5.
10.6	Objective 10.4.5 and Policy 10.4.5.1	Support	Support for Objective 10.4.5 and Policy 10.4.5.1 which give effect to Objectives 13 and 21 and Policies IW 2B and MN 1B of the Proposed RPS.	Retain Objective 10.4.5 and Policy 10.4.5.1.
10.6	Objective 10.4.6 and Policies 10.4.6.1 - 3	Support	Support for Objective 10.4.6 and Policies 10.4.6.1 - 3 which give effect to Objectives 18, 19 and 22 and Policies MN 1B, MN 2B and MN 5B of the Proposed RPS.	Retain Objective 10.4.6 and Policy 10.4.6.1-3.
10.6	Objective 10.4.7 and Policy 10.4.7.1	Support	Support Objective 10.4.7 and Policy 10.4.7.1 which gives effect to Objective 22 and Policies MN 5B and MN 1B of the Proposed RPS. Policy MN 1B requires priority be afforded to enhancing and maintaining public access to and along lakes and rivers in accordance with Section 6(d) of the RMA.	Retain Objective 10.4.7 and Policy 10.4.7.1.
10.6	Objective 10.4.6 and Policies 10.4.6.1 - 3	Support	Support for Objective 10.4.6 and Policies 10.4.6.1 - 3 which give effect to Objectives 18, 19 and 22 and Policies MN 1B, MN 2B and MN 5B of the Proposed RPS.	Retain Objective 10.4.6 and Policy 10.4.6.1-3.



10.6	Objective 10.4.7 and Policy 10.4.7.1.	Support.	Support Objective 10.4.7 and Policy 10.4.7.1 which gives effect to Objective 22 and Policies MN 5B and MN 1B of the Proposed RPS. Policy MN 1B requires priority be afforded to enhancing and maintaining public access to and along lakes and rivers in accordance with Section 6(d) of the RMA.	Retain Objective 10.4.7 and Policy 10.4.7.1.
10.8	10.5 Rules 23. Structures for the purposes of lake water quality improvement and nutrient reduction. 24. Use of craft for aquatic weed management within Water 1 zone.	Support.	Support permitted activity class for these activities within the Water 1 zone.	Retain Rule 10.5.23 Structures for the purposes of lake water quality improvement and nutrient reduction.  Retain Rule 10.5.24 Use of craft for aquatic weed management within Water 1 Zone.
10.11	10.5 Rules 60. Buildings and structures located within the boundary of a land based outstanding natural feature or landscape unless otherwise specified 61. Buildings and structures that protrude above the skyline within an outstanding natural feature or landscape 62. Earthworks within outstanding natural features or landscapes not provided for under permitted criteria.	Support.	Rules 60, 61 and 62 give effect to Policy MN 1B of the Proposed RPS. Policy MN 1B requires priority of protection from inappropriate subdivision, use or development be afforded to areas, places, features or values identified as outstanding natural features or landscapes. City and district councils must protect outstanding natural features and landscapes from inappropriate use and development. Outstanding is a very high threshold, and very few landscapes and features in the region qualify as such.	Retain Part 10 Reserves, Community assets and water Rules 60, 61 and 62.
10.22 and 10.23	Additional assessment criteria for specific activities – 10.9.2.5 and 10.9.2.6.	Support.	The additional assessment criteria for specific activities – 10.9.2.5 and 10.9.2.6 are appropriate in terms of encompassing the various matters that should be assessed as part of applications for earthworks or buildings within outstanding natural features and landscapes. The assessment criteria are generally consistent with the matters of national importance policies of the Proposed RPS.	Retain the additional assessment criteria for specific activities – 10.9.2.5 and 10.9.2.6.

Part 13 – Subdivision				
13.2	13.2.1 – Issue relating to water quality.	The use of incentives within a District Plan (such as a TDR rules framework) to encourage land use changes that result in reductions in nutrient losses from rural land uses.	The issues statement needs to be amended so as to reflect the fact that at this stage it is premature to introduce a TDR rules framework into the District Plan. Refer to the reasons set out in respect of section 9.1 (Rural Introduction) of the proposed District Plan.	That issue 13.2.1 be amended by the addition of the following new paragraph between the current first and second paragraphs:  <i><u>Because of the overlapping responsibilities of regional and territorial local authorities, any District Plan provisions must be consistent with and complementary to any parallel regional plan provisions addressing the same issue. In addition, for a District Plan strategy (such as one involving transferable development rights or TDR's) to be effective, the relevant rules must provide an appropriate degree of certainty in respect of both the extra development rights available to landowners and the achievement of the desired environmental outcomes. The level of information required to provide such certainty is currently not available and therefore there is no TDR rules framework contained in this District Plan. When the required information becomes available, a change to the District Plan will be proposed.</u></i>
13.2	13.2.2 subdivision issues.	Support.	Support issue 13.2.2 where it identifies number of natural hazard issues that could potentially limit the ability to utilise land for subdivision. This is considered consistent with the Proposed RPS risk framework.	Retain issue 13.2.2.

13.6	Objective 13.4.1; Policies 13.4.1.1 – 13.4.1.4	Subdivision strategy which achieves significant reductions in nutrient losses from rural land uses.	The purpose of these provisions is supported. However, there is insufficient available information to successfully implement the desired strategy through District Plan rules, including those which provide for a TDR regime. Refer also to the reasons set out in respect of section 9.1 (Rural Introduction) of the proposed District Plan. Amendments to some of the provisions are therefore required to reflect this fact. Other wording changes are also suggested to better express the intent of the provisions.	Objective 13.4.1 – amend to read: <u>Changes in land use which result in significant reductions in nutrient losses, thereby contributing to improvements in the quality of lakes, rivers, streams, wetlands and other water bodies within the District.</u> Policy 13.4.1.1 – amend to read: <u>Provide additional subdivision opportunities in identified specific planning areas so as to achieve land use changes which result in significant reductions in nutrient losses from existing land uses.</u>
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13.6	13.4.2	Natural and Man Made constraints can make land unsuitable for subdivision.	Support with amendment. Section S 31(1)(b) of the Act “control of ... effects of the use, development, or protection of land ... for the purpose of the avoidance or mitigation of natural hazards”. It is not the effects of natural hazards that are to be addressed but the natural hazards themselves are to be avoided or mitigated such that the natural hazard risk is managed. Amendment is sought to ensure consistency with the Proposed RPS policies NH 2B, 3B and 4B.	<p>Amend Objective 13.4.2 to read:  “Subdivision where <del>there is not an unacceptable level of risk from the adverse effects of natural hazards</del> <u>risk does not exceed acceptable levels.</u>”</p> <p>Reword Policy 13.4.2.1 to read:  “Require that applications for subdivision demonstrate that <u>natural hazard risk does not exceed acceptable levels.</u>”</p> <p>Reword Policy 13.4.2.2  “Restrict subdivision where land is subject to <del>the adverse effects of</del> natural hazards, including:  - Inundation  - High water tables  - Geothermal activity  - Subsidence  - Slippage  - Falling debris  - Erosion  - Soil instability  - Fault lines  - Liquefaction</p> <p>Such that the site would be unusable or unsafe or that the <u>natural hazard would be increased</u> <u>risk exceeds acceptable levels.</u>”</p>
13.31	Table 13.10, item 16	TDR rules framework.	While the intent of this provision is supported, for reasons already stated (refer those set out under 9.1 Rural Introduction) the introduction of a rules framework to achieve the relevant District Plan objectives and policies is considered premature.	Delete item 16 from Table 13.10.
13.34 – 13.37	Rule 13.10.1.1(d) & (e)	TDR rules framework.	As above.	Delete Rule 13.10.1.1(d) and (e) in their entirety.

13.45-46	13.12 Site Suitability Performance Standards applicable to all zones	Performance standards relating to land susceptible to natural hazards.	Support with amendment.	<p>Amend performance standards to include particular reference to each special overlay – the 200 special interest series maps.</p> <p>Specify subdivision requirements for all the special overlay map series that relate to natural hazards, ie:</p> <ul style="list-style-type: none"> <li>• Rotorua and Rotoiti flood level</li> <li>• Areas of soft ground potential (subsidence and liquefaction)</li> <li>• Areas of potential fault line impact</li> <li>• Areas of landslide potential</li> <li>• Areas of potential geothermal activity.</li> </ul>
<b>Alternative Relief</b>				
13.34	13.10.1.1 – Rural Working Zone d and e	Transferrable Development Rights	The threshold by which a change of land use reduces nutrients and qualifies for a TDR needs to be considered using a set of principles which ensure a change in land use actually achieves a significant reduction.	<p>In order to undertake a land use change to obtain a Transferrable Development Right the Regional Council seeks the following principles be used to establish where and how these are to occur.</p> <p>A significant nutrient reduction is calculated from a property's existing nutrient benchmark which is to be calculated on the basis that best land use management practice is currently being employed. To qualify as a "significant nutrient reduction", the following factors should be taken into account:</p> <ul style="list-style-type: none"> <li>- Total Land Area to be changed to get reduction</li> <li>- The Kg reduction from the nutrient benchmark</li> </ul>

				<ul style="list-style-type: none"> <li>- Percentage reduction from the nutrient benchmark.</li> <li>- Certainty of the change.</li> </ul> <p>The overall certainty of land use change be based on minimal nutrient discharge and easily monitored.</p> <p>Transferable Development Rights Activity status to be restricted discretionary so as to ensure that there will be sufficient discretion available over the actual reduction being achieved.</p>
Maps	Plan Maps 215 Water Quality	Area for Transferrable Development Right Subdivision to occur.	The site and location of the SP1 and SP2 needs to be expanded in order to facilitate land use change through the TDR mechanism.	<p>Expand the donor area (SP2) shown on map 215 – Water Quality to incorporate the whole of the Lake Rotorua catchment.</p> <p>Expand the recipient area (SP1) shown on map 215 – Water Quality due to restrictive nature of multiple owned Māori land and capacity of remaining area for uptake.</p>
13.34	13.10.1.1 Rural 1 Working Zone d and e	Subdivision of land in conjunction with land use change.	Oppose the process by which joint applications are undertaken for both subdivision and land use. Requiring land use and subdivision consent concurrently is likely to reduce uptake of the TDR as a mechanism to reduce nutrients in the Rotorua Catchment. A process which provides certainty to District Council, donors and recipient land owners is required.	Bay of Plenty Regional Council seeks that land use and subdivision process is able to be undertaken separately. In this regard should a successful land use application be made Rotorua District Council would act as a bank and record availability of TDRs which are then able to be sold by Donor to the recipient.

13.30-13.32	13.10 Subdivision Rules: Rural Zones. 13.10.1	Subdivision requirements for Rural Zones 1, 2 and 3.	<p>Oppose the general subdivision requirements of the Donor and Recipient areas of SP1 and SP2. Ability to subdivide in these areas will diminish values of a TDR and it is unclear on statutory basis on restricting those rights that would otherwise exist. This is a significant issue that needs to be thought through. The Regional Council considers that general subdivision within these areas will discourage the uptake of subdivision by way of nutrient reduction and Transferrable Development.</p> <p>Further to these principles the Regional Council does not support capping of the amount of TDR lots available per year.</p>	<p>The Regional Council seeks that the general Rural zone subdivision opportunities within the SP1 and SP2 areas be restricted unless the TDR process is being used.</p> <p>Council undertake an analysis of the likely uptake of TDR subdivision lots within recipient areas and under different subdivision control regimes within those areas.</p> <p>No cap be placed on the number of TDR lots available per year and let economic market determine availability.</p>
13.34	Table 13.10.1.1 Land Use Change Requirements	The land use change requirements to qualify for a Transferrable Development Right subdivision.	Support in part the requirements for the donor and recipient holdings to ensure certainty of land use change.	Retain requirements of table 13.10.1.1 except where change requested earlier relating to “nutrient loss reduction” is sought.
<b>Part 17 – Definitions</b>				
Part 17.2	New definition	New definition of cultural heritage	Term “cultural heritage” may not be widely understood. Culture maybe defined as the total of the inherited ideas, beliefs, values and knowledge which constitute the shared basis of social action.	Include new definition of Cultural Heritage - <u>“an expression or a tangible representation developed by value and belief systems of communities linked through whakapapa”.</u>

17.10	Definitions Important natural landscapes	Geothermal <b>surface features</b> are defined and dealt with in a planning sense as a s6(b) RMA matter, being <i>the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development</i> . There is no further grading of national, regional or local. If they are important they are mapped, otherwise they are not mapped. The base report for the landscape definition is the Bay of Plenty region “Outstanding Natural Features and Landscapes Review in Inland Bay of Plenty” which does not attend to significant natural features.	Seek amendments.	Add to the “important natural landscapes” a category to cover important natural features. Create this list from those geothermal surface features that meet the criteria of the significant geothermal surface features in both reference regional policy statements.
17.14	Part 17.2	Mana	Academic type definition, amend to more user-friendly.	Amend Part 17.2 definition of Mana to “ <u>Generally refers to customary authority or influence</u> ”.
17.14	Part 17.2	Mana whenua	Amend definition of “mana whenua” to more appropriately apply to its application under the district plan	Replace definition of Mana Whenua with Bay of Plenty RPS definition - “ <u>Customary authority and title exercised by an iwi or hapū over an identified area</u> ”.
17.14	Part 17.2	Marae	Support and note that marae may also be used for contemporary purposes such as tourism ventures, business hubs and administrative facilities and should not be limited to traditional purposes.	Support the definition of Marae.



17.14	Part 17.2	Marae Protection Area	Support with amendment Definition of Marae Protection Area is “The area surrounding Marae that are shown as such on the planning maps” There is actually no identification of a protection area on the planning maps other than the height restriction boundary.	Seek clarification or amendment to definition of Marae Protection Area to ensure it is the area shown as “Height Restricting Boundary for Marae” as indicated on planning maps. Any subsequent amendments to relevant planning maps.
17.16	Part 17.2	Papakāinga and Papakāinga housing	Oppose definition of Papakāinga and Papakāinga Housing and seek definition be amended to give effect to Regional Policy Statement.	Replace definition of Papakāinga with Bay of Plenty Regional Council RPS definition – <i>“Means a settlement developed by and for tangata whenua on land in their traditional rohe including but not limited to residential activities”</i> . Amend Papakāinga housing reference from “te mana o [sic] whenua status” to <i>“mana whenua status”</i> .
17.24	Part 17.2	Definition of Whanau	Seek amendment to ensure alignment with RPS Definition and to better reflect connection to whakapapa.	Replace with our RPS definition – “The extended family (grandparents, parents and children) sharing a mutual existence”.
17.24	Part 17.2	Wharenuui	Support with amendment Term “rohe” may not be widely understood.	Amend definition of Wharenuui Meeting house, large house – main building of a marae where guests are accommodated and key marae functions are held. Traditionally the wharenuui belonged to a hapū or whānau of the rohe ( <i>region</i> ).

#### Appendix 1 – Cultural Heritage Inventory

New information	Part A1.5	Marae	Seek amendment to include Tangatarua Marae at Waiariki Polytech to ensure consistency with Ngā Marae a Rohe” pamphlet and local knowledge.	Add Tangatarua Marae to Appendix A1.5 and relevant planning maps: <ul style="list-style-type: none"> <li>• <i>Marae – Tangatarua</i></li> <li>• <i>Wharenuui – Ihenga</i></li> <li>• <i>Wharekai – Hine te kakara</i></li> <li>• <i>Hapū– pan tribal</i></li> </ul>
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#### Appendix 2 – Natural Heritage Inventory

A2.7	Appendix 2	<p>The list of significant natural areas, right hand column is “geothermal vegetation” with a yes or no status.</p> <p>The list is inaccurate. There are a number of sites with significant geothermal vegetation where the column says no. These appear to be in the Waikato region, apart from the Taheke geothermal system.</p>	<p>Seek amendments to ensure consistency with Proposed RPS in particular Policy GR1A: Protecting geothermal features which specifically provides for protection of outstanding features and significant vegetation.</p>	<p>Amend Appendix A2.3 to ensure that the geothermal vegetation status is correct; particularly for those sites in the Waikato region. Site numbers 552, 560, 566, 574, 595, 669 appear to be in error, but there could be others also.</p>
<b>Appendix 6 - Designations</b>				
A6.68	Specific conditions for Kuirau Park Areas 2 to 3	<p>4 specific conditions for RDC759 Kuirau Park: Area 2 to 3</p> <p>Area 2 iii conditions</p> <p>These should include conditions that protect geothermal surface features from people.</p>	<p>Seek amendments.</p>	<p>Amend conditions to include a requirement to setback buildings, structures and access-ways from geothermal surface features, in accordance with the technical advice provided by GNS.</p>

<b>Appendix 6 - Designations</b>				
A6.68	Specific conditions for Kuirau Park Areas 2 to 3	4 specific conditions for RDC759 Kuirau Park: Area 2 to 3 Area 2 iii conditions These should include conditions that protect geothermal surface features from people.	Seek amendments.	Amend conditions to include a requirement to setback buildings, structures and access-ways from geothermal surface features, in accordance with the technical advice provided by GNS.
A6.64	Specific conditions for lakefront	4 specific conditions for RDC759 Kuirau Park: Area 2 to 3 Area 2 iii conditions These should include conditions that protect geothermal surface features from people.	Seek amendments.	Amend condition to include a requirement to setback buildings, structures and access-ways from geothermal surface features, in accordance with the technical advice provided by GNS.
<b>Appendix 9 – Matters of National Importance</b>				
Appendix 9 – Matters of national importance	A9.2.3.1a. refers to the requirements listed under 9.6.1.18 (2 to 4) but there does not appear to be such a requirement listed in the plan.	Seek amendment to rectify cross referencing error.	Amend cross reference to the correct requirements as 9.6.1.18 does not exist.	

	Appendix 9 Section 9.2.3	<p>The heading groups restoration, and revegetation of riparian margins with geothermal features and significant natural areas.</p> <p>The appendix then does not clearly differentiate in section 9.2.3 between actions required for vegetation and actions required for surface features.</p> <p>They do require different management and it should be clear in the appendix which course of action applies to riparian margins, geothermal features and significant natural areas.</p>	Seek amendments.	<p>Amend the subheadings in section 9.2.3 to read:</p> <p>9.2.3.1 <u>Ecological assessment for riparian margins, geothermal vegetation or significant natural areas.</u></p> <p>9.2.3.2 <u>Species selection for riparian margins, geothermal vegetation or significant natural areas.</u></p> <p>9.2.3.3 <u>Pest animal, pest plant and weed control for riparian margins, geothermal vegetation or significant natural areas.</u></p>
A.9.2	Appendix 9 Section 9.2.3.4	Geothermal Buffers.	Seek amendments. This should include the recommendations made to RDC by GNS i.e. that there should be a buffer around geothermal surface features. This buffer is not just a buffer from built features; it is a buffer from any use of any sort.	Amend Section 9.2.3.4 to include <u>Protective buffers for Geothermal surface feature management.</u>

**Maps**

Maps	Maps 103 – economic drivers	<p>Boundaries on geothermal systems are smaller than the geothermal systems.</p> <p>Taheke/Tikitere should show as one area.</p> <p>Some geothermal systems are missing = Waimangu, Waiotapu, Waikite.</p> <p>Need to have note that states that boundaries are indicative only.</p> <p>Need to state source of geothermal system information.</p> <p>Location of geothermal tourism icon in Rotorua in wrong place – or more than one is required, as at present there is no geothermal symbol at Whakarewarewa.</p> <p>No geothermal tourism for Waitangi springs at Rotomā?</p>	Seek amendments to rectify extent of geothermal systems to ensure accuracy with Regional Council existing maps.	<p>Seek to identify what criteria was used to create the geothermal system boundaries for Map 103. If this is indicative only, the map should clearly state that it is indicative only.</p> <p>Seek to include all geothermal systems in the Rotorua District i.e. add the Waimangu, Waiotapu, Waikite system.</p> <p>Include a geothermal tourism icon at Whakarewarewa.</p>
Maps	213 geothermal fields of Rotorua	<p>Boundaries on geothermal systems are too small – especially Rotorua, which should extend south and east.</p> <p>Taheke/Tikitere should show as one area.</p> <p>Need to have note that states that boundaries are indicative only.</p> <p>Need to state source of geothermal system information</p>	Seek amendments.	<p>Seek to identify what criteria were used to create the geothermal system boundaries for Map 213. If this is indicative only, the map should clearly state that it is indicative only.</p> <p>Maps transferred from the Bay of Plenty Regional Council regional policy statement and plans are indicative only.</p> <p>If the District Council wish to use a similar system to that of Waikato Regional Council in defining the geothermal system boundary, then the appropriate source map would be the GNS map “Electrical resistivity map of the Taupō Volcanic Zone, New Zealand; nominal array spacing 1000m”, and the 50 ohm line should be used.</p>

Maps	300 and 500 series maps	<p>These maps show archaeological sites and major geothermal vegetation sites but not geothermal surface features.</p> <p>There are several places where geothermal surface features are densely clustered, making them difficult to map, but many of these are covered by the following overlays: Outstanding Natural Feature and Landscape, Significant Natural Area, and the RDC designations for Government Gardens, Kuirau Park, and Ohinemutu Lakefront.</p> <p>These overlays will trigger a requirement to assess whether there are geothermal surface features or vegetation, thus trigger an opportunity to manage or protect them</p> <p>For those features outside of the overlays, their location is not marked and the requirement to assess them for their natural hazard or natural value characteristics is not so clear.</p>	Seek amendments.	In areas outside of the Outstanding Natural Feature and Landscape, Significant Natural Area, and the RDC designations for Government Gardens, Kuirau Park, and Ohinemutu Lakefront overlays, mark the locations of the geothermal surface features, just as the locations of the archaeological features are marked.
Maps	Esplanade reserve priority acquisition area	Support	Support and seek retention of all esplanade reserve priority area notations on the planning maps. The maps identifying esplanade reserve priority acquisition areas are a practicable means of providing certainty in terms of which areas will be strategically targeted for esplanade acquisition in association with subdivision or relevant development.	Retain all esplanade reserve priority area notations on the planning maps.

Other	Statutory Acknowledgements	Concerned that Plan does not provide for relevant Statutory Acknowledgements relevant to the Rotorua District.	Legislation requires Statutory Acknowledgements to be included in District Plans where these exist.	Insert reference to Statutory Acknowledgements arising from Settlement legislation into the plan or reference Bay of Plenty Regional Councils Statutory Acknowledgements compendium – Nga Whakaaetanga-a-Ture Ki Te Taio a Toi.
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