

PC 2 Draft Recommendation and Provisions: Correction of minor or technical errors or omissions

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| Recommendations Report | Overview | 1, 2 | Appearances | Minor corrections to ensure that appearances are fully and accurately recorded. | <p>1. Include as appearances for RLC: Kim Smith – Planning Karlee de Brouwer – Hearings Administrator (alongside Anna)</p> <p>2. Amend spelling of Roger Schreuder.</p> <p>3. Amend to refer only to Reynold Macpherson appearing for Rotorua Residents and Ratepayers Association.</p> |
| | Paragraph 8 | 3 | Introduction | Paragraph 8 refers to the reports accompanying the s42A report but omits reference to the Boffa Miskell nutrient management report and the WSP stormwater report. | Amend paragraph 8 to include reference to these reports. |
| | Paragraph 12 | 4 | Introduction | Greg Manzano (RLC) and Mark Townsend (BOPRC) attended the expert caucusing as Council representatives rather than expert witnesses. They were not parties to the JWS. | Include a footnote to paragraph 12 to reflect that Greg Manzano and Mark Townsend attended but were not parties to the JWS. |
| | Paragraph 13 | 4-5 | Introduction | Paragraph 13 records that the JWS anticipated further assessment would take place, but does not record that the further work was carried out and the stormwater report updated. | Insert a new paragraph after paragraph 13 referring to the additional modelling and the updated stormwater report. |
| | Paragraph 28 | 8 | Procedural matters | Paragraph 28 refers to the submission by Freedom Villages but records that “the submitter then formally withdrew the application”. | Amend paragraph 28 to refer to the “submission” rather than the “application”. |

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| | Paragraph 34 | 9 | Legal submissions and evidence heard / read | Paragraph 34 refers to evidence presented by Council but not legal submissions (subsequent paragraphs relating to BOPRC and Te Arawa Lakes Trust refer to both). | Amend paragraph 34 to refer to legal submissions and evidence. |
| | Paragraph 58 | 13 | Stormwater - the proposed solution | <p>Paragraph 58 records that “RLC’s Long Term Plan includes the development of a Stormwater Management Plan (SMP) for the Pukehangi Heights Development Area.”</p> <p>Paragraph 24 of Mr Batchelar’s evidence in reply dated 2 October 2020 outlines the Council’s financial commitment to stormwater assessment and infrastructure within Pukehangi Heights. Currently application has been made for funding of Pukehangi Stormwater Projects. This is expected to be reflected in future Long Term Plans.</p> | Amend paragraph 58 to clarify that application has been made for funding of Pukehangi Stormwater Projects, and this will be reflected in future Long Term Plans. |
| | Paragraph 67 | 15 | Stormwater – the PC2 provisions | <p>Paragraph 67 records that RLC will prepare a stormwater discharge consent and stormwater management plan.</p> <p>As set out in the evidence of Mr Manzano dated 22 September 2020, and Mr Batchelar’s Summary of Evidence dated 14 September 2020 (paragraph 18), Council will lead an application for a comprehensive stormwater discharge permit before development takes place. Part of this process will involve the preparation of a stormwater management plan for the Pukehangi Heights</p> | Amend paragraph 67 to clarify that Council will lead the preparation of a stormwater management plan in collaboration with landowners, and in consultation with BOPRC and iwi groups. |

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| | | | | Development Area in collaboration with landowners, and in consultation with BOPRC and the iwi groups. | |
| | Paragraph 75 | 16 | Nutrient management - PC2 provisions | Paragraph 75 states that “As notified, PC2 already contained provisions dealing with the nutrient management issue.” In fact, these provisions were recommended in the s42A report in response to submissions. | Amend paragraph 75 to record that nutrient management provisions were recommended in the s42A report. “As notified, PC2 did not contain specific provisions relating to nutrient management issues. Subdivision consent practice, developed with BOPRC to give effect to Regional Plan Change 10, requires confirmation of the NDA of the parent site, calculation of the nitrogen losses from the proposed development, and to set out the manner in which any shortfall will be addressed. Amendments to PC2 were sought by submitters, particularly BoPRC and specific provisions were recommended in the s42A report in response to these submissions. RLC has recommended further refinement of the provisions recommended in the s42A report and we agree that those refinements are appropriate.” |
| | Paragraph 89 | 18 | Cultural sites, consultation and notification – PC2 provisions | The introductory wording to paragraph 89 refers to “RLC has agreed to amend the PC2 stormwater provisions to”, however the following changes relate to cultural sites rather than stormwater. | Remove reference to “stormwater” in the introductory words of paragraph 89. |

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| | Paragraph 92 | 19 | Matipo Avenue | <p>Records that “TAGH sought to use the lower part of Matipo Avenue for construction traffic access to its land”</p> <p>However, evidence on behalf of TAGH sought to use that portion of Matipo Avenue between Pukehangi Road and their legal access, which is not limited to “lower” Matipo Avenue.</p> | Amend to clarify that evidence for TAGH sought to use Matipo Avenue (between Pukehangi Road and their legal access), rather than “lower” Matipo Avenue. |
| | Paragraph 123 | 24 | Provisions and maps | Typographical error: “bring” should be “bringing”. | Correct typo in paragraph 123. |
| | Paragraph 125 | 25 | Provisions and maps | Typographical error: “flowing / stormwater” should be “flooding / stormwater”. | Correct typo in paragraph 125. |
| Provisions recommended by Hearing Panel | Explanation of tracking | 1 | Explanation of tracking | <p>Changes to the District Plan are not shown underlined.</p> <p>The heading refers to “Notified Version”</p> | Show all changes to District Plan (ie all changes proposed by PC2). RLC can provide administrative assistance if required. Remove words “Notified Version”. |
| | Objective 2a | 8 | Stormwater effects | <p>Objective 2a states: “Cumulative stormwater effects are managed in an integrated manner solely within the Pukehangi Heights Development Area without the need to rely on upstream or downstream mitigation options.”</p> <p>Reference to “detention” rather than “mitigation” options upstream and downstream would be more consistent with the Recommendations Report which refers to limited detention options upstream (paragraph 49 on page 12) and the potential for mitigation of the effects</p> | Amend Objective 2a by replacing “mitigation” with “detention”. |

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| | | | | of increased duration downstream (paragraph 55 on page 13). | |
| | Policy 2a.1 | 8-10 | Stormwater effects | <p>Policy 2a.1 requires RLC to prepare a SMP in accordance with provisions (i) to (xv).</p> <p>Clarification is required to identify how the stormwater management plan relates to the two statutory processes: the stormwater discharge permit that Council will require from the BOPRC and the subdivision consents that landowners will require from the Council.</p> <p>As noted above, the policy should also reflect the intention that the stormwater management plan will be developed in collaboration with landowners.</p> <p>Paragraph (xv) of the Policy recognises that consultation will be required with BOPRC and the iwi groups.</p> | <p>Amend Policy 2a.1 as follows:</p> <p>“Manage the cumulative stormwater effects within the Pukehangi Heights Development Area and on the downstream environment through a Stormwater Management Plan for the entire Pukehangi Heights Development Area that is prepared by Rotorua Lakes Council in collaboration with landowners prior to Council obtaining a discharge permit for the catchment and prior to any subdivision occurring. The SMP prepared by RLC must include:”</p> |
| | Policy 2a.1 | 9 | Stormwater effects | <p>Policy 2a.1(iii) requires that where alternative models are used “that the alternative model platforms have been either calibrated against the BOPRC’s Greater Utuhina Catchment Model or produce results that are consistent with it.”</p> <p>Advice from Council’s stormwater engineers is that a model must be calibrated with observed data, not modelled data.</p> | <p>Amend Policy 2a.1(iii) to require:</p> <p>“...that the alternative model platforms produce results that are consistent with the empirical data for the catchment at the appropriate gauged location.”</p> |

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| | Objective 3 | 10 | Flood hazard risk management | <p>Objective 3 is proposed to be amended so that rather than applying to all development within the Pukehangi Heights Development Area, it only applies to the SMP prepared under Policy 2a.1.</p> <p>However, the policy should apply to all development as an application for resource consent as a non complying activity may be lodged prior to completion of the stormwater management plan. In addition, policy 3.2 makes it clear that the downstream flood risk outcomes in Objective 3 are intended to apply to all applications for resource consent.</p> <p>The requirement that the SMP achieve the outcomes in Objective 3 can be reflected in Policy 3.1.</p> <p>In addition, Objective 3 requires that “flooding risks (including flood flow velocity, flooding depth and flooding extent) are not increased within urban areas in the downstream Otamatea, Mangakakahi and Utuhina catchments”</p> <p>Clarification is required as an increase in flood flow velocity and/or flood depth is an expected part of stormwater management, but there should be no increase in flood risk.</p> | <p>Amend Objective 3 as follows:</p> <p>“Ensure that development the SMP prepared by Rotorua Lakes Council under Policy 2a.1 achieves and maintains a low level of flood hazard risk within the Pukehangi Heights Development Area, and that flooding risks from (including flood flow velocity, flooding depth and flooding extent) are not increased within urban areas in the downstream Otamatea, Mangakakahi and Utuhina catchments.”</p> <p>Amend Policy 3.1a as follows:</p> <p>“The SMP prepared under Policy 2a.1 shall:In addition to achieving the outcomes required by Objective 3, Rotorua Lakes Council will..</p> <ul style="list-style-type: none"> • Demonstrate that Objective 3 can be achieved; and” |

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| | Policy 3.1a | 10 | Flood hazard risk management | <p>Policy 3.1a requires Council to “identify and protect primary and secondary flow paths downstream of the Pukehangi Heights Development Area for any storm event that exceeds the capacity of the stormwater solution provided within the Development Area.”</p> <p>Clarification is required as to the storm events that must be provided for, as the current wording has no upper limit. In a big enough storm event everywhere will be an overland flow path.</p> | Amend policy 3.1.a to refer to “identify and protect primary and secondary flow paths downstream of the Pukehangi Heights Development Area for <u>extreme rainfall events (0.2% AEP)</u> any storm event that exceeds the capacity of the stormwater solution provided within the Development Area. ” |
| | Rule A5.2.3.2, Rule A5.2.4.3, Rule A5.2.5.2 | 13, 22, 28 | Non-notification | <p>The introductory words of paragraph a. have been amended to relate to stormwater rather than cultural sites and downstream water quality and quantity.</p> <p>The non-notification provision relating to cultural sites and downstream water quality and quantity was agreed between Council and the iwi groups, and approved at paragraphs 89 and 90 of the draft report.</p> <p>In respect of paragraph b. the subdivision performance standards referred to are no longer correct.</p> | <p>Reinstate paragraph a.</p> <p>On page 13, amend paragraph b. to refer to rules A5.2.3.4.7, A5.2.3.7a and A5.2.3.4.8.</p> <p>On page 22, amend paragraph b. to refer to rules A5.2.4.4.4 and A5.2.4.4.5.</p> <p>On page 28, amend paragraph b. to refer to rules A5.2.3.4.7, A5.2.3.7a and A5.2.3.4.8.</p> |
| | Rule A5.2.3.4.7 | 17 | Performance standards – subdivision | Minor typographical error: reference to “storm water”. | Amend to “stormwater”. |

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| | | | | Referencing error: Subparagraph b(iii)b refers to A5.2.3.4.7(b)(ii) and (iii). | Correct reference to A5.2.3.4.7(b)(ii) and (iv). |
| | Rule A5.2.3.4.7a. | 17 | Performance standards – subdivision | Typographical error: Performance standard 7a states “Any subdivision application must demonstrate that can comply with the conditions of the Stormwater Discharge Consent held by Rotorua Lakes Council for the Pukehangi Heights Development Area.” | Amend performance standard to refer to “must demonstrate that <u>stormwater discharges</u> can comply...” |
| | Rule A5.2.3.4.12 and Rule A5.2.4.4.8 | 20, 26 | Construction Traffic | Refers to “lower Matipo Avenue”. However access from lower Matipo Avenue would not provide access to the TAGH site. | Remove the word “lower” before “Matipo Avenue”. |
| | Rule A5.2.3.4.12 and Rule A5.2.4.4.8 | 20, 26 | Construction | The draft provisions provide an exception from paragraph a. in the event that there is no ability to construct road access between Area A and Area B. However, two different standards are used: subparagraph a. refers to “no ability to” and subparagraph b. refers to whether road access “is practicable”. Reference to whether road access is “practicable” would be consistent with the draft report (paragraph 103). In addition, subparagraphs b. and c. could benefit from minor amendments to make it clear that they do not apply in the event that the exception in a. applies. | Amend paragraph a. by replacing the words “there is no ability” with the words “it is not practicable”; Clarify that the requirements of b. and c. only apply in the event that the exception in a. does not apply. |

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| | Rule A5.2.4.4.4 | 24 | Performance standards – subdivision | The cross-reference to A5.2.3.4 subsection 7 should also include subsection 7a: Compliance with Rotorua Lakes Council Stormwater Discharge Consent. | Include reference to subsection 7a. Compliance with Rotorua Lakes Council Stormwater Discharge Consent. |
| | Rule A5.2.5.2 | 28 | Non-notification | The cross-reference to Rule 3 of the Activity Table in Rule A5.2.5.1 is currently unclear. In addition, Table A5.2.5.1 does not have a heading (while comparable tables at A5.2.3.1 and A5.2.4.1 do). | Amend to refer to Table A5.2.5.1 a 3. Insert under Rule A5.2.5.1 Activities the words: Table 5.2.5.1 a Pukehangi Heights Development Area – Rural 1. |
| | Definitions | | Definition of “Nitrogen Discharge Allocation” | Definition refers to the “Regional Natural Resources Regional Plan” | Amend to refer to the “Bay of Plenty Regional Natural Resources Plan”. |