

ATTACHMENT G

MILBROW ESTATE – NPS & NES PROVISIONS

NATIONAL POLICY STATEMENTS

There are six National Policy Statements, of which the NPS Freshwater Management, NPS for highly productive land, and the NPS Electricity Transmission have been considered in relation to this proposal.

NPS on Electricity Transmission

The NPS on Electricity Transmission provides a high level framework to guide the management and future planning of the national grid. There is a high voltage transmission line that crosses the northern part of the site just inside the boundary. Therefore, it is relevant to consider the NPS. In particular the objective requires the adverse effects of other activities on the network must be managed and policies 1.0 and 1.1 address reverse sensitivity and buffer identification. The proposed subdivision has been designed to set the only affected building platform back from the transmission line and provide the required buffer. Therefore, the proposal is in accordance with the NPS Electricity Transmission.

NPS for Freshwater Management

The NPS for Freshwater Management manages freshwater to give effect to Te Mana o te Wai and protects and enhances wetlands and streams. The subject site does not contain wetlands or streams that would require consideration under the NPS freshwater Management. There are gullies but no permanently flowing streams and substantial restoration of indigenous vegetation is proposed across the site as part of the retirement of the land from dairy farming and establishing the amenity and character sought for the subdivision. The proposal is therefore likely to increase the potential opportunity for habitat and reduce offsite effects arising from stormwater flow down through the catchment.

NPS for Highly Productive Land

The NPS for Highly Productive Land commenced on 17 October 2022 and applies to land zoned Rural, Land Use Capability Class 1, 2 and 3, and is not identified for future urban development or subject to a Council notified plan change to change the zoning. The land owned by Caland Holdings Ltd and subject to this application falls in part within the definition of Highly Productive Land, as shown in Attachment G. The affected land is part of Lot 8 DP 39696 and comprises approximately 20ha (estimated) of the site. Subdivision of highly productive land must be avoided except as otherwise provided in the NPS.

Clause 3.1.0 sets out the basis on which highly productive land may be subdivided where it would not otherwise be allowed under clauses 3.7, 3.8 or 3.9. Under the current District Plan rules, rural subdivision is provided for as a Discretionary Activity where compliance with performance standards is achieved (SUB-R25) The site could be subdivided potentially into 1.8 lots as a discretionary activity under the following provisions:

- General rural lot of 15ha - 1 lot (balance)
- Lifestyle lot allocation - 1 lot
- Nutrient reduction - 1.4 lots (based on retirement of 70ha from dairy)
- Gully retirement - 1.2 (based on retirement of 7ha)

Any additional subdivision is likely to require consent as a non-complying subdivision. However, the proposal supports the Rotorua Te Arawa Lakes Programme and the recent change to the BOP Regional Natural Resources Plan (Plan Change 10) which imposes Nitrogen Discharge Allocations to be achieved by 2032 and constrains the ongoing use for dairy farming.

In a report prepared by Boffa Miskell in October 2012, Rotorua Caldera Rim - Caldera Rim Rural Character Design Guideline, the subject site is located in Landscape Character Area 10 Lower Plateau Slopes. The report refers to a number of proposals for further residential and rural development. This includes an extension to the Hamurana Rural residential Extension which is identified as:

This area adjoins an existing rural residential development along the Lake edge. It is located outside the Caldera Rim Sensitive Rural Area. Rural Residential Development is dominant in this area and is bounded by the change in landform. Development should be responsive to the rural amenity values and the natural patterns of this landscape.

And:

As a result five Sensitive Rural Areas were identified with the remaining areas in the Caldera Rim identified as Less Sensitive Rural Areas having no special rural landscape value. Both the future growth area and areas eligible for transferrable development rights (to improve lake water quality) as identified in the proposed District Plan, are located within the less sensitive rural area.

The subject site is located within the area circled as a Proposed Development Area. The potential development is therefore signalled although has not as yet been carried into statutory documents.

Therefore, in summary:

- The current District Plan currently allows for lifestyle lot subdivision of the site to achieve nutrient reduction, enabling up to 18 lifestyle lots
- The BOP Regional Natural Resources Plan imposes significant constraints on the continuation of dairy farming requiring reductions to be achieved by 2032 and supporting changes to lifestyle lot subdivision
- The potential development of this area has been indicated since 2012 in development of guidelines for managing development within the Rotorua Caldera in relation to landscape values.

As set out in the Urban Economics Report prepared by Urban Economics, the proposal is concluded to meet the conditions of Clause 3.10 and is therefore consistent with the NPS for Highly Productive Land.

NATIONAL ENVIRONMENT STANDARDS

There are nine National Environmental Standards (NES) that have been prepared under sections 43 and 44 of the Act and are in force as regulations. These cover plantation forestry, air quality, human drinking water, telecommunications facilities, freshwater, electricity transmission, outdoor storage of types, marine aquaculture and management of contaminants in soil.

The NES for Contaminants in Soil controls activities in relation to the assessment and management of the actual and potential adverse effects of contaminants in soil on human health from particular activities which include subdivision. However, a Preliminary Site Investigation prepared by HAIL Environmental has concluded that this is not a piece of land. No consents are required at this time as the only parts of the site where higher levels of contaminants were identified are not currently subject to change in use.

The NES Freshwater is evaluated in relation to effects on wetlands. There is no trigger for consent under the NES-F.

There are no other National Environmental Standards considered of relevance to this proposal.

Sigma Consultants Ltd
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