

Memo - 31 Ngongotahā Road, Ngongotahā

To: Ministry for the Environment
From: Michael Campbell - Campbell Brown Planning
Cc: Watchman Capital
Date: 30 March 2023
Re: 31 Ngongotahā Road, s104D RMA

As an overall non-complying land use activity, consideration will need to be given to the gateway test contained in s104D RMA. In order for an application to pass the gateway test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of both a district plan and a proposed district plan (if both exist). Only one limb of the test needs to be met to provide jurisdiction to grant an application for a non-complying activity.

It is considered that the effects of the proposal are no more than minor, for the reasons set out in the assessment of effects that accompanies this request for referral. The land has been identified as suitable for urban development and the nature of development proposed will not create any significant adverse effects. The development, being housing is of a nature found throughout urban areas and in the immediate area without any obvious adverse effects.

It is noted that a level of change from 'Rural' to 'Residential lifestyle' character and amenity values is anticipated by the Rotorua District Plan through the application of the Rural 2 Lifestyle zoning across the site. The Rural Lifestyle zoning under the Rotorua District Plan anticipates and provides for residential development that manages the visual impact of new buildings on the landscape, achieves appropriate separation between dwellings, and provides for landscaping to maintain 'rural' character values. A Landscape Effects Evaluation has been undertaken to assess the potential effects of the development on the streetscape character and landscape amenity values of the surrounding area.

The landscape report notes that

"When viewed in the context of the surrounding landscape, the proposed development can be seen as a visual continuation of the irregular rural-urban edge that can be seen as a key constituent local landscape character element and thus, from a landscape effects perspective, the proposed development can be seen as appropriate within the contemporary receiving environment."

Further, the Project will be consistent with the future built form that is anticipated by the Rotorua Lakes District Councils strategic plan for growth, which identifies the site as a growth area in the Rotorua Spatial Plan 2018. In addition, the proposal is in keeping with the intent of the National Policy Statement on Urban Development 2020 ('NPS-UD').

For the purposes of s104D, it is not necessary to resolve the question as to whether the proposal is contrary to the objectives and policies of the operative district plan. Only one of the two limbs of

s104D must be passed for an application to be eligible to be considered on its merits in accordance with the matters set out in s104.

In this instance it is considered that the effects of the proposal on the environment are clearly no more than minor, therefore jurisdiction to grant consent has been established.