

# PART SIX - TOURISM

## 1. INTRODUCTION

### 1.1 BACKGROUND

Tourism is of vital economic importance to the District and is predominantly based on its natural and cultural assets. The lakes, rivers, forests, parks, agricultural attractions, Geothermal resource and Rotorua's vibrant Maori culture draw visitors from around New Zealand, and indeed, the World. Council attaches great importance to the growth of this sector. It is directly involved in marketing the District, both as a destination for tourists and as a location for new tourism activities such as hotels, resorts and attractions.

Council's corporate strategy for tourism promotion is compatible with that of central government which, through the New Zealand Tourism Board, has embarked on an ambitious tourism development programme. The Tourism Board has a growth strategy which aims to achieve three million overseas visitor arrivals annually by the year 2000. This compares with just over one million in 1992. Other industry forecasts project a still substantial - though slightly less spectacular - increase to two million in the same period.

In 1993, Rotorua's market share of overseas visitors was around 38%. Domestic visitor figures have remained relatively static until recently but are likely to increase following the upturn in the national economy.

Council aims to increase Rotorua's market share where both international and domestic tourism is concerned. This will inevitably lead to an increasing demand for tourist accommodation and attractions during the Plan period. A report prepared for Council in 1993 by Ernst and Young's Tourism and Leisure Group indicated that 200 new three star plus to four star hotel rooms would be required by 1996 and that further demand could also be expected beyond this period. Council believes that considerable (re)development in the motel sector and an increasing demand for the development of new attractions, camping grounds, spa resorts, backpacker lodges and informal accommodation provided by homestay/farmstay enterprises is likely to occur. Activities such as these can be expected to locate in either urban or rural areas, and may range in size from very small ventures to stand-alone resorts. Allied to this is a continued expansion in the recreational usage of the District's lakes, forests, scenic reserves, air space, golf courses and walking tracks.

## 1.2 EMERGING ISSUES

It is clear that tourism will play an increasingly important role in the economy of the Rotorua District. This is being facilitated to an extent through Council's corporate strategy to promote tourism. However, Council is very much aware that the very qualities which form the basis of the District's tourist appeal must not be degraded or destroyed by the continued development of tourism.

Tourism growth leads to increasing pressure on existing infrastructure and natural resources, such as water bodies and geothermal features, and increasing demands for land. **Part Four** recognises that there are potentially adverse environmental effects associated with the continued use and development of natural and physical resources to accommodate increases in tourist numbers, whether in rural or urban locations.

In promoting Rotorua, Council is also cognisant of the need to maintain and enhance the District's facilities, so as to provide an infrastructure and atmosphere which meets the expectations of visitors. In respect of tourism infrastructure, the Airport is a key feature of the transportation system for tourists into and out of the region. The protection and future development of this resource is strategically important in order to provide for a greater range of tourism services. One way in which Council is enhancing Rotorua's image is through redevelopment of the Lakefront and Central Business District. The enhancement of amenity in these areas is identified as a significant resource management issue in **Part Four**.

**Part Four** also identifies the adverse effects that activities and changes in land use can have on amenity values. An increasing number of tourist related activities in urban and rural areas can have an adverse impact on surrounding or neighbouring amenity. Conversely, certain aspects of non-tourist activities can have an adverse impact on amenity values and, therefore, on the tourist image which Rotorua seeks to project.

These issues are very much inter-related. However, in order to clearly illustrate the links between them and the means for dealing with them, each issue in turn is described in this Part in the sections that follow, along with a related Objective, Policy or Policies, a summary of Methods of Implementation and the Anticipated Environmental Results. This arrangement also assists in making the rationale for the provisions and Rules of **Part Six** more transparent

## 1.3 TOURISM ISSUES

**Part Six** addresses the following issues relating to tourism activity in the District:

- unsustainable management of the natural and physical resources on which tourism is based;
- low levels of amenity in tourist oriented areas; and
- adverse effects on amenity values where neighbouring activities are concerned

## 2. RESOURCE MANAGEMENT ISSUES

### 2.1 ISSUE ONE

#### ***UNSUSTAINABLE MANAGEMENT OF PHYSICAL AND NATURAL RESOURCES ON WHICH TOURISM IS BASED.***

##### 2.1.1 ISSUE STATEMENT

While the projected growth of tourism is proving very beneficial to the District's economy, the increased demand for accommodation, attractions and facilities has the potential to cause the loss or degradation of features of natural heritage including significant landscapes, indigenous vegetation, wildlife habitats, geothermal features and the natural character of the District's lakes and their margins.

Rotorua's considerable geothermal resources are of international significance and are likely to come under increasing pressure for spa development, thereby competing with current demands including traditional usage by tangata whenua, as well as energy production and attractions based around surface activity. Geothermal surface features can be indirectly affected by drawoff demands, and may be directly affected through the insensitive siting of new activities.

Maori cultural and spiritual values can also be adversely affected, and elements of heritage value, such as archaeological sites, can be destroyed by tourist related activities. The elements described above can be found in both urban and rural areas. As far as the finite use of the land resource is concerned, other productive uses (eg. for food production) can be compromised if the land resource is developed for tourism purposes. In addition, an "urbanisation" of the character of rural areas can occur.

Where larger enterprises are concerned, the ability of existing infrastructural services to absorb new activities can be overloaded by a single activity, thereby contributing to an overall reduction in environmental quality. The safe and efficient operation of State Highways and other parts of the roading network may be compromised by problems associated with accessing a new activity. Water and sewerage systems nearing capacity may not be able to cope with the demands a new activity might place on them. Adverse effects, especially those associated with noise, may arise from increased patronage of air transport services, including scheduled, scenic and charter flights, helicopters and floatplanes.

##### 2.1.2 RESOURCE MANAGEMENT OBJECTIVE

***Maintenance of natural and cultural values which are not adversely affected by tourism activities.***

### 2.1.3 POLICIES

Objective **2.1.2** will be achieved by actively protecting those elements of environmental quality described in **2.1.1** of this Part where tourist related activities is concerned. Policy **2.1.3.1** sets out in detail the criteria by which tourist related activities in the District will be assessed. Policies in **Part Twelve** will apply where traffic generated by a proposal is likely to have adverse effects on the safe and efficient operation of State Highways and other parts of the roading network. Provisions in **Parts Eleven, Twelve and Eighteen** relate to the control of the adverse effects of floatplane and boating activities, use of the airport and helicopter noise, respectively.

#### 2.1.3.1 Policy:

*Developers of tourist related activities will be required to show that any adverse effects on significant landscapes, ecological values, the water quality and the natural character of the District's lakes, rivers and their margins, Maori cultural and spiritual values, rural land with high productive potential, rural character, the geothermal resource and geothermal surface features, archaeological sites and any adverse effects generated by stormwater, sewage and traffic, can be avoided, remedied or mitigated. These measures may include the rehabilitation of natural features where appropriate.*

### 2.1.4 METHODS OF IMPLEMENTATION

#### 2.1.4.1 Activity Status Performance Standards and Assessment Criteria

Policy **2.1.3.1** will be implemented through the establishment of specific Performance Standards and Assessment Criteria which tourist related activities located in both urban and rural areas will be expected to conform with.

In the Rules for **Parts Six, Seven and Ten**, any activity on a site containing an element of natural or cultural value identified in **Appendix A** is automatically classified as a Discretionary Activity. The features identified in **Appendix A** will be added to by way of a variation to the Plan once the research into the variations on landscape, elements of natural heritage and the natural character of the lakes and their margins has been completed. As an interim measure, the clearance or modification of indigenous vegetation in excess of specified maximum areas, the drainage or infilling of wetlands and the felling or destruction of indigenous trees have all been made a Discretionary Activity in **Parts Six, Seven and Ten**. Policies relating to the protection of the geothermal resource in **Part Eleven** will also apply.

Any tourist related activity in a Resort, Residential or Rural Zone will be subject to the Performance Standards for the Zone concerned. In addition, where comprehensive tourist activities are proposed in the Urban Zones, or are of such a scale that they cannot be accommodated in terms of the Discretionary Activity Criteria for the Rural A and B Zones, a Plan Change for a Resort D Zone will be required. Although this zone is also intended to protect the amenity values of neighbouring urban zones, particularly residential areas (see **2.3**, Issue 3 of this Part), the Rules in this Part for the Zone contain Performance Standards related to the protection of the natural character of the site in question. Council will consider the rezoning of urban or rural zoned land to Resort D by

way of a Plan Change where it can be demonstrated that the adverse  
environmental effects

described in Policy **2.3.3.2** can be avoided, remedied or mitigated. A Development Plan will be required as part of the application for Plan Change. Performance Standards may be altered through the resource consent process and will be included in the approved site specific Development Plan. At present only one site on the edge of Lake Rotorua (including Owhatiura Hill) has been rezoned.

Where tourist accommodation and accessory activities are proposed in the Rural Zones, their activity status will depend on the scale of the proposal. It is the scale of the proposal which gives an indication of the potentially adverse effects on the environment. Homestay tourist activities are defined in **Part Nineteen**. These are a Permitted Activity in most of the Rural Zones subject only to the Performance Standards in **R10.2** of **Part Ten**. A Discretionary Resource Consent is required where a greater number of visitors are catered for, or new construction is involved. Activities of this scale are defined in **Part Nineteen** as “tourist accommodation”. Such activities can comprise dining, conference, camping and/or recreation activities where accommodation is a dominant component. **Part Ten** also provides for activities such as restaurants and indoor commercial recreation activities as Discretionary Activities. The Rules in **Part Ten**, specify detailed criteria which will enable Council to address the adverse environmental effects of such proposals, and to refuse consent where the criteria cannot be conformed with. The general Performance Standards contained in the Rules for **Parts Six** and **Ten** will also apply.

The variations described in Section **2.1.4.2** of this Part will tend to strengthen the criteria outlined in Sections **2.1.4.3** and **2.1.4.4** of this Part. For instance, prohibitions may be placed on tourist related activities in sensitive landscape areas, once these have been identified.

#### 2.1.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

The Objective, Policy and Methods for addressing adverse effects of tourism on natural and cultural values are expected to achieve a number of results. These results will provide the basis for monitoring the effectiveness of the Plan. They are comprised of the:

- protection of the visual quality of significant landscapes from degradation;
- protection of the ecological and amenity values of significant areas of indigenous vegetation, wetlands and wildlife habitats and large indigenous trees;
- avoidance of adverse impacts on Maori cultural and spiritual values;
- maintenance of the quality of lake waters and other waterways through the avoidance of nutrient inputs;
- protection of significant areas of agricultural land, valued for its productive capabilities;

- retention of rural character in areas where this is valued;
- protection of geothermal resources, including both individual features and the sustainability of geothermal systems;
- maintenance of the natural character of the lakes and their margins;
- protection of archaeological sites from damage and/or destruction;
- maintenance of the capacity of infrastructural services such as sewerage systems to accommodate additional demand; and the
- continued ability of State Highways and other parts of the roading network to operate safely and efficiently.

## 2.2 ISSUE TWO

***THE EFFECTS OF SOME ACTIVITIES HAVE THE POTENTIAL TO DEGRADE THE TOURIST RESORT ATMOSPHERE OF TOURIST ORIENTED AREAS OF THE DISTRICT.***

### 2.2.1 ISSUE STATEMENT

Since the mid-1980s Council has been aware that in an international sense, "destination tourism" is a rapidly growing sector of the tourism market. An increasing number of visitors are seeking a base or resort from which they make relatively short excursions to attractions. They expect the resort to contain all the services they may require on a day-to-day basis. Generally these areas are close to major attractions and contain supporting activities such as shops, restaurants, cafes and entertainment facilities in addition to accommodation. It follows that an attractive atmosphere or enhanced level of amenity is essential if such areas are to maintain a competitive edge.

As part of its corporate tourism strategy Council is intent on developing this sector of the market. It recognises that due to the dispersal of tourist accommodation and attractions within the Urban Area, Rotorua has been slow in developing a distinct tourist resort atmosphere. Smaller resort towns, such as Taupo and Queenstown, have had more immediate success in creating a resort atmosphere, characterised by concentrated tourist facilities in close proximity to attractions, close links between accommodation and services, and a relatively high level of tourist pedestrian activity.

The increasing number of tourists to Rotorua is generating additional transport demands, particularly within the Urban Area, which heightens the potential for conflict between tourist and industrial traffic, especially logging trucks. This could negate attempts to improve the amenity of tourist oriented areas in the long term.

Many visitors gain their first impression of the District when travelling along one of the arterial routes into the Rotorua Urban Area. Currently, some of the entrance routes including, in particular, Fairy Springs Road, Te Ngae Road, Lake Road and Old Taupo Road, present a cluttered and sometimes untidy image. This is partly a result of the display oriented industrial and commercial activities which seek a prominent location alongside these busy roads.

## 2.2.2 RESOURCE MANAGEMENT OBJECTIVE

***Maintained and enhanced amenity values in tourist oriented areas which reinforce the tourist resort atmosphere of the District***

## 2.2.3 POLICIES

Objective **2.2.2** recognises that Rotorua, having established itself as an international tourist resort destination, can benefit from the development of a more pronounced resort atmosphere in tourist oriented areas through the enhancement of amenity values. In addition, amenity (primarily visual) values could be improved alongside arterial routes used by visitors to the District. Objective **2.2.2** will be achieved through the concentration and (re) development of tourist activities in those parts of the Rotorua Urban Area which lend themselves to the fostering of a resort atmosphere, as set out in Policy **2.2.3.1**. Policy **2.2.3.2** establishes a basis for improving the visual amenity of arterial routes through landscaping and design requirements for public land and activities on adjoining sites. Policies in **Part Twelve** will apply where traffic generated by a proposal is likely to have adverse effects on the safe and efficient operation of State Highways and other parts of the roading network.

### 2.2.3.1 Policy:

*Activities in tourist oriented areas should not adversely affect the tourist resort atmosphere of the District.*

### 2.2.3.2 Policy:

*To improve the visual amenity of arterial routes by developing and applying landscaping and design requirements for public land and proposals for activities on adjoining sites, while ensuring that the safe and efficient operation of State Highways and other parts of the roading network are not compromised.*

### 2.2.3.3 Policy:

*To achieve night time noise levels in the Resort A Zone to enable sleep.*

## 2.2.4 METHODS OF IMPLEMENTATION

2.2.4.1 Policy **2.2.3.1** will be achieved through the identification of tourist oriented areas where it is considered that the creation of a tourist resort atmosphere will enhance overall amenity values. Three such areas have been identified in the Rotorua Urban Area, and for these areas Resort Zones have been established. Activities that enhance the tourist resort atmosphere in these areas include hotels, motels, cafes, restaurants, takeaways, dairies, casinos, convention centres and tourist shops. Activities that would not contribute to the tourist resort atmosphere may include ground floor offices which do not cater for tourists

eg. an accountants office. The provisions for the Resort Zones are set out in the Rules section of this Part.

2.2.4.2 The Resort A Zone applies over the northern and eastern side of the Central Business District. There is already substantial tourist activity in this area and further (re)development capacity exists. The proximity of the Government Gardens and Lakefront provides an ideal opportunity to enhance amenity values in this area. Council has undertaken a major programme for the redevelopment of the Central Business District and Lakefront/Government Gardens area.

2.2.4.3 Enhancement of amenity values has also been achieved through the establishment of the Resort A Zone which enables a wide range of tourist oriented activities as outlined in 2.2.4.1 above, subject to Performance Standards relating to height and daylighting, buffers, noise, parking and on-site turning, site coverage, the provision of service lanes, the sale of liquor, landscape design, site layout, and the location and design of vehicular and pedestrian access. Development will also be controlled by the *Rotorua City Design Principles* which apply to the Resort A Zone as well as Commercial and Reserve Zones. Building owners, architects and builders are strongly advised to consult the *Rotorua City Design Principles* before embarking on renewal and replacement projects.

Retailing facilities in the Resort A Zone are limited to those which would not detract from the area's tourist resort character. It should be noted that a similar range of activities are provided for in the neighbouring Commercial Zones which allows for integrated development on what would otherwise tend to be somewhat restricted sites.

2.2.4.4 The Resort B Zone applies to the eastern and western side of Fenton Street between the Central Business District and Whakarewarewa. Considerable development potential exists here and this, coupled with the fact that tourist activities are already established in close proximity to a major tourist route and a natural attraction such as Whakarewarewa, makes the enhancement of amenity values very significant. This will be achieved through the establishment of the Resort B Zone, which again, provides for a wide range of tourist activities with a focus on tourist accommodation. Development proposals are subject to Performance Standards relating to the scale, character and activities provided for in the Resort B Zone, both to enhance its tourist resort atmosphere, and to protect the amenity values of residential areas within and adjacent to the Zone (see 2.3, Issue 3 of this Part).

2.2.4.5 The Resort C Zone applies over the area immediately north of the Whakarewarewa Thermal Reserve. There is considerable potential for further (re)development in this area despite the fact that it is quite intensively developed for tourist accommodation and associated retailing activities. The Resort C Zone provides for a wide range of tourist activities in this area in order to encourage the development of a tourist resort atmosphere. For this reason, similar Performance Standards to those established for the Resort A and B Zones apply, and a restriction is placed on the ground floor location of home based business enterprises.

2.2.4.6 Policy **2.2.3.2** will be implemented through a phased approach. Council, in conjunction with landscape architects, has developed an overall Concept Plan for the landscape enhancement of arterial routes. This is contained in **Appendix P**. Under this Plan Council will carry out works to improve the visual amenity of public land (including roads, median strips and road reserves) along arterial routes.

2.2.4.7 Obviously, the effectiveness of this landscaping work will be enhanced when sites in private ownership along the routes are managed in a complementary way. By far the greatest effect on visual amenity along these routes is currently generated by display oriented activities on adjacent sites in industrial and commercial areas.

2.2.4.8 As an interim measure, the Rules in **Parts Eight** and **Nine** include Performance Standards relating to landscaping for proposed activities in the Commercial and Industrial Zones.

## 2.2.5 ANTICIPATED ENVIRONMENTAL RESULTS

2.2.5.1 The Objective, Policies and Methods for enhancement of amenity in tourist oriented areas are expected to achieve a number of results. These results will provide the basis for monitoring the effectiveness of the Plan. They comprise the following:

- within the tourist oriented areas to the north and east of the Central Business District, on both sides of Fenton Street between the Central Business District and Whakarewarewa, and immediately to the north of the Whakarewarewa Thermal Reserve, there will be an increasing occurrence and density of tourist related activity (eg. number of hotel rooms, cafes, restaurants, tourist pedestrians) with consequent improvements in amenity; and a
- demonstrative improvement in the visual appearance of arterial routes over time, particularly Old Taupo, Lake, Fairy Springs and Te Ngae Roads.

## 2.3 ISSUE THREE

***TOURIST ACTIVITIES HAVE THE POTENTIAL TO COMPROMISE THE AMENITY OF NEIGHBOURING AREAS, PARTICULARLY RESIDENTIAL AREAS***

### 2.3.1 ISSUE STATEMENT

**Part Seven** recognises the value which the residents of Rotorua place on the quality of their living environment, and therefore identifies the maintenance of residential amenity and environmental quality as an issue. This issue is then addressed in Objectives, Policies and Methods of Implementation in **Part Seven**. Tourist related activities, especially when massed in one location, can have an

adverse effect on the amenity values and environmental quality of nearby residential areas. These adverse environmental effects may include overshadowing, buildings out of scale and character with their surroundings, excessive light and noise especially outside normal work hours, glare from sunlit areas of glass, increased traffic generation and a general loss of residential character.

The Maori villages of Ohinemutu and Whakarewarewa have become a popular attraction for visitors, but their primary purpose is still as a place for people to live. Some conflicts have arisen between residential amenity and tourist retailing in these villages.

As the demand for tourism accommodation continues to increase, pressure grows to redevelop sites in residential areas for hotels, motels and other forms of accommodation grows. An increasing concentration of tourist related activities along the Fenton Street axis between the Central Business District and the Whakarewarewa area may have adverse effects on the amenity of private homes which still predominate in this area. Off this axis, other locations continue to be favoured by motel developers including the block bounded by Malfroy Road, and Victoria, Ranolf and Fenton Streets; on sites fronting Lake Road and Fairy Springs Road; on sites adjacent to Pukuatua, Ranolf and Amohau Streets in close proximity to Kuirau Park; and to the east of Fenton Street between Ti Street and Sala Street. The character and amenity values of such areas reflect the presence of such accommodation.

Proposals for informal accommodation such as "homestay" enterprises arise on a more scattered basis throughout the Urban Area and tend to have fairly minimal effects on the amenity values and environmental quality of the areas in which they are located.

Major resort activities on the edge of urban areas or in rural areas can have an adverse effect on the amenity values and environmental quality of adjacent suburbs and rural communities, respectively.

### 2.3.2 RESOURCE MANAGEMENT OBJECTIVE

***Amenity values in areas neighbouring tourist related activities are maintained and not adversely affected by tourism activities.***

### 2.3.3 POLICY

Objective **2.3.2** will be achieved by requiring tourist related activities to comply with Performance Standards and Assessment Criteria as set out in various Parts of the Plan, or to direct these proposals to areas where, due to an on-going concentration of development, amenity values are less sensitive. Policy **2.3.3.1** establishes the basis for these criteria, and ensures that special attention is paid to the cumulative adverse environmental effects arising from tourist related activities where they seek to concentrate. Policies **5.3.4** and **5.3.5** in **Part Seven** will also apply.

### 2.3.3.1 **Policy:**

*To protect the amenity values and environmental quality associated with the District's living environments by requiring tourist related activities to avoid, remedy or mitigate their adverse environmental effects, or where this is not possible, to direct such activities to locations where amenity values are more resilient and have the capacity to absorb change.*

## 2.3.4 **METHODS OF IMPLEMENTATION**

2.3.4.1 Policy **2.3.3.1** will be implemented using methods which are essentially regulatory in nature. These comprise Performance Standards and Assessment Criteria for tourist related activities and the use of zoning to encourage the location of tourist related activities in certain areas.

2.3.4.2 The Resort A, B and C Zones have been primarily developed to provide for the creation of a tourist resort atmosphere (and hence an enhancement of amenity values) in tourist oriented areas (see **2.2**, Issue 2 in this Part). Nevertheless, the activities which are provided for in the Zones and the Performance Standards which apply to them are also intended to preserve the amenity values and environmental quality of surrounding residential areas. In addition, the Performance Standards for the Resort B Zone are expected to maintain the residential character of the zoned area, which contains a considerable number of household units. For the same reason, controls are also placed on the establishment of bars, pubs and tourist retail shops in the Resort B Zone, and on the opening hours of drinking establishments in all the Resort Zones.

2.3.4.3 In the Residential A Zone, which applies over the Maori villages of Whakarewarewa, Ohinemutu and Ngapuna, controls are placed on the establishment of tourist related enterprises in order to preserve amenity values (see **2.3** in **Part Seven**).

2.3.4.4 Tourist accommodation is a Controlled Activity in the residential areas described in **2.3.1.3** (see also **5** in **Part Seven**).

2.3.4.5 Homestay tourism activities as defined in **Part Nineteen** are likely to have little impact on amenity values in residential areas - any adverse effects generated by such enterprises are unlikely to be any greater than those produced by neighbouring household units. They are therefore Permitted Activities in the Residential Zones, subject only to the Performance Standards in **Part Seven**. They are limited, by definition, to establishments catering for no more than 8 persons in an established household unit in order to ensure that impacts associated with scale are taken into account.

2.3.4.6 The Resort D Zone provides for major resort proposals seeking to locate on urban zoned land. Due to their likely proximity to established residential areas, the Performance Standards for the zone in this Part establish height, yard, noise and parking standards in order to preserve neighbouring amenity values. The Assessment Criteria for Discretionary Activities (both general and for listed activities) for tourist facilities in the Rural Zones in **Part Ten** are also intended, in part, to preserve the amenity values and environmental quality enjoyed by nearby rural communities.

### 2.3.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

The Objective, Policy and Methods for the preservation of amenity in areas adjoining tourist activities are expected to ensure that there are no adverse effects on the amenity values and environmental quality enjoyed by those residents who live in close proximity to tourist activities and tourist oriented areas. This result will provide the basis for monitoring the effectiveness of the Plan.

## 2.4 **OTHER MATTERS**

Provision in the Rules of this Part is also made for utility services; stockpiling, earthworks and disposal of materials; the use, storage, transportation or disposal of hazardous substances and/or contaminants; the decontamination of contaminated sites; activities in areas subject to natural hazards; activities on sites that are or have been contaminated; and subdivision and developments. The rationale and policy basis for these provisions are found in other Parts of the Plan.

**R6 RULES**

## **R6 ACTIVITIES IN THE RESORT ZONES**

The following Rules specify the status of activities in the specified Zones.

In Tables **R6.1.1** and **R6.1.2**:

P	=	Permitted Activity
C	=	Controlled Activity
RD	=	Restricted Discretionary
D	=	Discretionary Activity
NC	=	Non-Complying Activity
Prohibited	=	Prohibited Activity
NA	=	Not Applicable
Resort A	=	Resort (CBD) Zone
Resort B	=	Resort (Fenton Street) Zone
Resort C	=	Resort (Whakarewarewa) Zone
Resort D	=	Resort (Owhatiura) Zone.

Where an activity is not identified this activity shall be a Non-Complying Activity.

The users of this District Plan are advised that, notwithstanding any provision in this Plan, no activity shall contravene any Rule in any relevant regional plan, or proposed regional plan. The administration of these regional plans is the responsibility of Environment BOP and Environment Waikato.

## R6.1 ACTIVITIES IN THE RESORT A,B,C AND D ZONES

### R6.1.1 ACTIVITIES IN THE RESORT A, B AND C ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R6.6.2**.

ACTIVITIES	RESORT ZONES		
	A	B	C
1. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993</i> / <i>Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P	P	P
2. Household units – one per 150m <sup>2</sup> of site area	P	P	P
3. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P	P
4. Home based business enterprises not located on the ground floor	C	C	C
5. Home based business enterprises located on the ground floor	NC	C	C
6. <b>Intentionally Blank</b>			
7. The construction of new buildings or external alteration to existing buildings including the construction or alteration of verandahs and the erection and display of signs in the Resort A Zone	C	NA	NA
8. Remediation of a Contaminated Site (Refer also to Rule R14.5.1.	P	P	P
9. Any permitted or controlled activity for which a waiver of the standards of R6.2.9 is sought	RD	NA	RD

ACTIVITIES	RESORT ZONES		
	A	B	C
10. Works for the avoidance of flooding unless otherwise permitted	D	D	D
11. Any Permitted Activity that meets the criteria in <b>R6.3.3.2</b> for the reduction or waiving of the Performance Standards	C	C	C
12. Tourist accommodation	P	P	P
13. Restaurants	P	D	P
14. Tourist shops	P	NC	P
15. Special tourist shops	NC	P	NC
16. Dairies with a maximum trading floor area of 100m <sup>2</sup>	P	NC	P
17. Convention centres, casinos and community facilities	C	D	C
18. Banks and post offices	P	NC	P
19. Takeaway food premises and shops selling prepared food	P	D	P
20. Hairdressers and beauty clinics	P	NC	P
21. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P	P	P
22. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 6.00am and 11.00pm, providing rule <b>R6.1.24</b> is also complied with	P	D	P
23. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 11.00pm and 6.00am	D	D	D
24. The sale of liquor authorised by an Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> , provided that the maximum trading floor area for the display and sale of merchandise is no larger than 250m <sup>2</sup>	C	NC	C
25. Any activity accessory to any Permitted Activity	P	P	P

ACTIVITIES	RESORT ZONES		
	A	B	C
26. Signs	C	P	P
27. Activities otherwise permitted or controlled:  (a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in <b>Appendix A</b> ; or  (b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b>	D	D	D
28. Any activity accessory to a Controlled Activity	C	C	C
29. Indoor and outdoor commercial recreation activities	D	D	D
30. Clearance or modification of indigenous vegetation of up to 100m <sup>2</sup> in any 2 year period where the 100m <sup>2</sup> is either a total for an individual site or for an individual remnant where that remnant covers more than one site	P	P	P
31. Drainage or infilling in any 2 year period of wetlands of a size up to 100m <sup>2</sup> in area	P	P	P
32. Drainage or infilling in any 2 year period of wetlands of a size in excess of 100m <sup>2</sup> in area carried out under a consent from a regional council provided that Rotorua District Council has been consulted in the consideration of that consent application as an affected party	P	P	P
33. Felling or destruction of any (remnant) indigenous tree with a height of less than 6m, and having a trunk circumference of less than 90cm at a height of 1.4m above ground level. Where a tree has multiple trunks, the trunk circumference shall be the aggregate measurement of all trunks	P	P	P

ACTIVITIES	RESORT ZONES		
	A	B	C
34. Felling or destruction of any exotic tree (except those listed in <b>Appendix A</b> )	P	P	P
35. The regular maintenance of trees, removal of trees suffering from any untreatable disease, work immediately necessary to avoid injury to persons or damage to property, and the actions of any statutory authority in carrying out work authorised by statute	P	P	P
36. Activities involving the clearance or modification of indigenous vegetation, the drainage or infilling of wetlands, the felling or destruction of any (remnant) indigenous tree, other than provided for as a Permitted Activity	D	D	D
37. Amendments (additions and/or deletions) to the service lane network shown or described in <b>Appendix N</b>	D	NA	NA
38. Any activity involving: <ul style="list-style-type: none"> <li>(a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or</li> <li>(b) interference with the physical structure of a geothermal surface feature; or</li> <li>(c) destruction of a geothermal surface feature including excavation; or</li> <li>(d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;</li> </ul> <p>that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party.</p>	P	P	P
39. Any activity listed under <b>38</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party.	D	D	D

ACTIVITIES	RESORT ZONES		
	A	B	C
40. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill	Refer to <b>Appendix I</b> to determine the activity status		
41. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status		
42. Utility Services	Refer to <b>Part Fifteen</b> to determine the activity status		
43. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	Prohibited		
44. Helicopter landing areas	Prohibited		
45. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status		

NB Vehicle crossings serving properties in the Resort A Zone are Restricted Discretionary Activities in the Road Zone.

## R6.1.2 ACTIVITIES IN THE RESORT D ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R6.6.2**.

ACTIVITIES	RESORT ZONES
1. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	D P
2. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P
3. <b>Intentionally Blank</b>	
4. Works for the avoidance of flooding unless otherwise permitted	D
5. Tourist accommodation, buildings and accessory activities including restaurants and outdoor and indoor recreation activities in accordance with the approved Development Plan (see <b>Appendix G</b> ) or any other approved Development Plan in the Resort D Zone.	C
6. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P
7. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i>	D
8. Any activity accessory to any Permitted Activity	P
9. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P

ACTIVITIES	RESORT ZONES
<p>10. Activities otherwise permitted or controlled:</p> <p>(a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in <b>Appendix A</b>; or</p> <p>(b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b></p>	<p><b>D</b></p> <p>D</p>
<p>11. <b>Intentionally Blank</b></p>	
<p>12. Provided the provisions of the Development Plan are met, the clearance or modification of indigenous vegetation of up to 100m<sup>2</sup> in any 2 year period where the 100m<sup>2</sup> is either a total for an individual site or for an individual remnant where that remnant covers more than one site</p>	<p>P</p>
<p>13. Provided the provisions of the Development Plan are met, the drainage or infilling in any 2 year period of wetlands of a size up to 100m<sup>2</sup> in area</p>	<p>P</p>
<p>14. Provided the provisions of the Development Plan are met, the felling or destruction of any (remnant) indigenous tree with a height of less than 6m, and having a trunk circumference of less than 90cm at a height of 1.4m above ground level. Where a tree has multiple trunks, the trunk circumference shall be the aggregate measurement of all trunks</p>	<p>P</p>
<p>15. Provided the provisions of the Development Plan are met, the felling or destruction of any exotic tree (except those listed in <b>Appendix A</b>)</p>	<p>P</p>

ACTIVITIES	RESORT ZONES
16. Provided the provisions of the Development Plan are met, the regular maintenance of trees, removal of trees suffering from any untreatable disease, work immediately necessary to avoid injury to persons or damage to property, and the actions of any statutory authority in carrying out work authorised by statute	D P
17. Activities involving the clearance or modification of indigenous vegetation, the drainage or infilling of wetlands, the felling or destruction of any (remnant) indigenous tree, other than provided for as a Permitted Activity	D
18. Any development or modification of the wetland adjacent to Lake Rotorua on the southwest side of the Resort D Zone land on Owhatiura 2B4A and Pt 2B4B2C3B Tarawera Survey District	D
19. Any activity involving: <ul style="list-style-type: none"> <li>(a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or</li> <li>(b) interference with the physical structure of a geothermal surface feature; or</li> <li>(c) destruction of a geothermal surface feature including excavation; or</li> <li>(d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;</li> </ul> <p>that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party</p>	P

ACTIVITIES	RESORT ZONES
20. Any activity listed under <b>19</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party	<b>D</b> D
21. Activities accessory to those provided for in the approved Development Plan (see <b>Appendix G</b> ), or any other approved Development Plan	D
22. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill	Refer to <b>Appendix I</b> to determine the activity status
23. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status
24. Utility Services	Refer to <b>Part Fifteen</b> to determine the activity status
25. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	Prohibited
26. Helicopter landing areas	Prohibited
27. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status

## R6.2 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

### R6.2.1 INTRODUCTION

The Permitted Activities listed in **R6.1** are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to all Resort Zones unless otherwise stated.

The Performance Standards may be varied by means of a resource consent for a Controlled or Discretionary Activity in accordance with the provisions of **6.4** in **Part Two**.

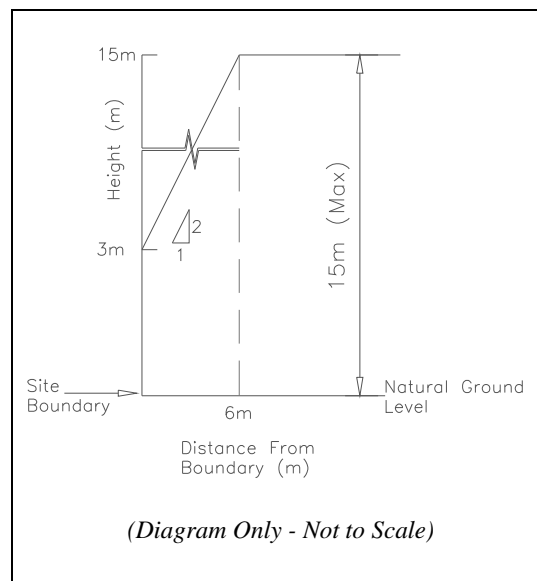
The Performance Standards for the Zones are designed to protect the landscape character, visual qualities, water and soil quality and social and cultural attributes of the Zones and surrounding areas.

Special Performance Standards may be included in the approved Development Plan for the site. Performance Standards for the Development Plan will be based on the Standards set out below, where applicable to the Resort D Zone.

### R6.2.2 MAXIMUM HEIGHT AND DAYLIGHTING

Any building shall not exceed the standards specified below

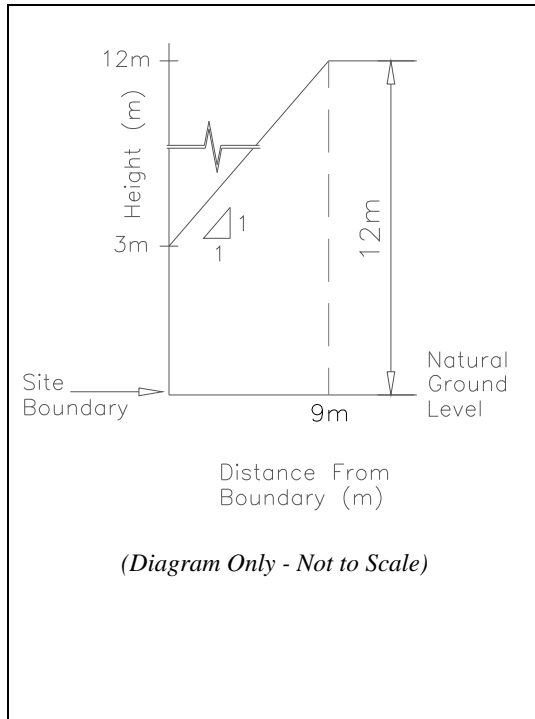
#### R6.2.2.1 RESORT A ZONE



- 15 metres above the natural ground level at that point provided that the height in relation to the boundary standard outlined below is complied with.
- The height in relation to the boundary standard is the maximum height on the boundary of 3.0 metres plus 2.0 metres for every 1.0 metre from that boundary.
- The provisions of **Appendix C** also apply.

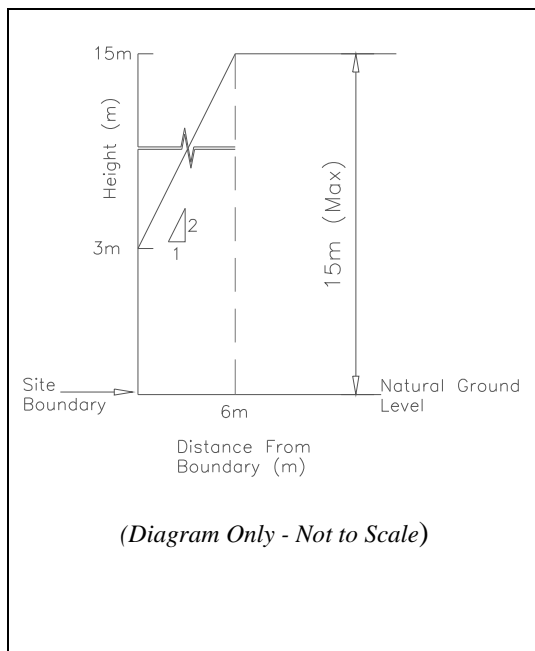
- The maximum height of 15 metres may be exceeded by way of a Discretionary Activity consent provided that the written consent of the adjacent property owner(s) and occupier(s) has been obtained.

**R6.2.2.2 RESORT B ZONE**



- 9.0 metres on sites adjoining a Residential Zone and 12.0 metres on all other sites. These heights are to be measured from the natural ground level at that point. The height in relation to the boundary standard outlined below shall be complied with.
- The height in relation to the boundary standard is the maximum height on the boundary of 3.0 metres plus 1.0 metre for every 1.0 metre from that boundary.
- These maximum heights may be exceeded by 1.5 metres provided that the written consent of the adjacent property owner(s) and occupier(s) has been obtained.

**R6.2.2.3 RESORT C ZONE**



- 15 metres above the natural ground level at that point provided that the height in relation to the boundary standard outlined below is complied with.
- The height in relation to the boundary standard is the maximum height on the boundary of 3.0 metres plus 2.0 metres for every 1.0 metre from that boundary.
- The maximum height of 15 metres may be exceeded by 1.5 metres provided that the written consent of the adjacent property owner(s) and occupier(s) has been obtained.

**R6.2.2.4 RESORT D ZONE**

Except as otherwise provided for in the approved Development Plan, the following standard shall apply.

7.5 metres, provided that the viewing platforms in the approved Development Plan shall not exceed 5 metres.

**R6.2.3 BUFFERS**

No building may be constructed over any part of a site that has been identified for road widening in **Appendix D** without the consent of Council or, in the case where the site adjoins a State Highway, Transit New Zealand.

**R6.2.3.1 RESORT A ZONE**

There are no minimum yard requirements.

**R6.2.3.2 RESORT B ZONE**

Minimum front yard	5 metres
Minimum side yard	2.5 metres
Minimum rear yard	2.5 metres
Minimum rear site yard	2.5 metres

Minimum yard where a site adjoins a Residential Zone 5 metres

With the exception of the standard for the minimum front yard, the above standards may be reduced or waived provided the written consent of adjacent property owner(s) and occupier(s) has been obtained.

**R6.2.3.3 RESORT C ZONE**

Minimum front yard	5 metres
Minimum side yard	nil
Minimum rear yard	nil
Minimum rear site yard	nil

Minimum yard where a site adjoins a Residential Zone 5 metres

The minimum yard where a site adjoins a Residential Zone may be waived or reduced provided the written consent of adjacent property owner(s) and occupier(s) has been obtained.

**R6.2.3.4 RESORT D ZONE**

Except as otherwise provided for in the approved Development Plan, the following standards shall apply:

Minimum front yard	7.5 metres
Minimum side yard	5.0 metres
Minimum rear yard	5.0 metres

**Note:** No building may be erected within 20 metres of any river or stream with an average width of 3 metres or more, or within 20 metres of any lake of 8 hectares or more except as provided for in the approved Development Plan. This 20 metre buffer shall not be used for the storage of pallets, containers, car materials, machinery or goods of any kind.

**R6.2.4 NOISE**

Noise levels shall comply with the provisions of **Appendix K**.

**Note:** The "best practicable option" provisions of Section 16 and the "excessive noise" provisions of Section 326 of the *Resource Management Act 1991* also apply.

**R6.2.5 PARKING AND TURNING****R6.2.5.1 RESORT A ZONE**

Parking and on-site turning of vehicles shall be provided in accordance with the provisions of **Appendix F** for tourist accommodation, home based business enterprises, casinos and convention centres only.

**R6.2.5.2 RESORT B AND C ZONES**

Parking and on-site turning of vehicles shall be provided in accordance with the provisions of **Appendix F**.

**R6.2.5.3 RESORT D ZONE**

Parking shall be provided in accordance with the provisions of the approved Development Plan.

## **R6.2.6 SITE COVERAGE AND SERVICE LANES IN THE RESORT A ZONE**

There are no restrictions on site coverage in the Resort A Zone.

However, no building may be constructed over any part of the site identified or described in **Appendix N** as a service lane, whether that service lane is existing or is a proposed service lane as defined in **Part Nineteen**.

## **R6.2.7 MAXIMUM FLOOR AREA IN THE RESORT B ZONE**

The total floor area of all floors of all buildings on the site shall not exceed the total area of the site.

## **R6.2.8 SITE COVERAGE IN THE RESORT C ZONE**

There are no restrictions on site coverage in the Resort C Zone.

## **R6.2.9 VERANDAHS IN THE RESORT A AND C ZONES**

- (a) In the Resort C Zone, every building located within 5 metres of a public road, other than a service lane, shall be provided with a verandah, the function of which is to provide continuity of shelter between adjoining sites.
- (b) Where a verandah is erected to and abuts an existing verandah, the junction of such a verandah shall be made weatherproof.
- (c) Every verandah or part of a verandah shall be erected at a height of not less than 2.9 metres above the level of the kerb of the pavement.
- (d) At least 60% of the lower outside (kerb) edge of the verandah shall be no greater than 3.2 metres above the level of the kerb of the pavement
- (e) Any new or refurbished verandah shall provide in its design for a visual continuity between any existing adjoining verandah(s) and the proposed verandah.
- (f) The ends of every verandah shall be at an angle of 90 degrees with the street boundary.
- (g) The verandah shall be constructed from the building to a point 450mm on the building side of the kerblines.
- (h) The roof covering of any verandah shall be of weather-resisting material and any downpipes shall not project beyond the boundary or building line of any lot and shall be connected to the piped street stormwater system.

- (i) Ceilings of verandahs shall be lined and any glazing used shall meet the requirements of the *Building Act 1991*.
- (j) Any access ways to the site other than service lanes shall be provided with a verandah in accordance with the above standard.

Note Verandahs occupying the air space above the road are subject to approval and air space licenses by the Road Controlling Authority under the control of the Local Government Act. No posts or structures are allowed on the Road Reserve without the approval in writing of the Road Controlling Authority.

### **R6.2.10 SIGNS**

The provisions of the Transitional District Plan on signs shall remain in force until such time that a Plan Change on signs is made operative. This Plan Change will include a clause to amend this Rule.

### **R6.2.11 ARCHAEOLOGICAL SITES**

Consent of the New Zealand Historic Places Trust in accordance with the provisions of the *Historic Places Act 1993*, shall be obtained before any destruction or modification of archaeological sites (recorded and unrecorded), including those identified on the Planning Maps.

### **R6.2.12 FINANCIAL CONTRIBUTION FOR RESERVES AND HERITAGE PURPOSES**

A financial contribution for reserves and heritage purposes shall be taken for those activities specified in **Appendix U**.

This contribution shall be taken in accordance with the provisions of **Appendix U** as if the activity was subject to an application for a resource consent.

### **R6.2.13 WORKS FOR THE AVOIDANCE OF FLOODING**

Works for the avoidance of flooding are permitted in all zones provided they:

- (a) Safeguard existing ecological and habitat values and wetlands outside the beds of rivers or lakes or provide compensatory works; and
- (b) Do not adversely affect any permanent or ephemeral watercourse which flows into or across land within the Urban Fence or land zoned Rural B, D or E, Industrial B or C, Airport or Airport Protection outside the Urban Fence; except where a consent for the same activity has been issued by a regional council and where the Rotorua District Council has been consulted as an affected party.

## **R6.3 CONTROLLED ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R6.3.1 INTRODUCTION**

Controlled Activities are activities that may in certain circumstances cause adverse effects on the environment in which they are located. Controlled Activities shall comply with the Performance Standards for Permitted Activities in the Zone unless otherwise provided for in the Rules of this Part.

The general criteria for assessing applications for Controlled Activities are set out in **R6.3.2** below.

For a number of activities identified in **R6.1**, specific additional criteria will also be applied. These criteria are set out in **R6.3.3**.

The provisions of **4, 5, 6** and **7** of **Part Two** also apply.

### **R6.3.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR CONTROLLED ACTIVITIES**

#### **R6.3.2.1 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES**

Particular concerns relate to ensuring that buildings and structures in the Resort Zones retain a resort appearance and character.

Conditions may be imposed requiring buildings and structures to be of a similar or complementary design and appearance to existing buildings and structures in the surrounding area, unless those buildings and structures are dilapidated.

#### R6.3.2.2 **LANDSCAPE DESIGN AND SITE LAYOUT**

Conditions may be imposed to ensure that the effects of an activity are internalised on the site and do not unduly affect activities beyond the site boundary. In particular, conditions may be imposed requiring:

- (a) buffers in the form of yards, screening or landscaping or a combination of these; and/or
- (b) specific requirements in terms of site layout, buildings, parking and vehicle circulation areas.

#### R6.3.2.3 **THE LOCATION AND DESIGN OF VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE SITE**

Generally, the provisions of **Appendix F** shall apply, however, other conditions may be imposed to:

- (a) ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from sites; and/or
- (b) require the activity to be located, where practicable, away from abutting or adjoining activities so as to protect the privacy of those activities.

#### R6.3.2.4 **PARKING AND TURNING**

The Council reserves its control and therefore may attach conditions on the following matters:

The layout and internal circulation of the parking areas to ensure safe and efficient vehicle circulation on the site.

### **R6.3.2.5 MANAGEMENT OF MINOR ADVERSE EFFECTS ON THE ENVIRONMENT**

Conditions may be imposed to avoid, remedy or mitigate adverse effects on the environment as is appropriate in the circumstances, and in particular in respect of the following matters:

- (a) noise, arising from the congregation of people, and their vehicles. The hours of operation may be restricted during the hours of darkness; and
- (b) earthworks, the control of earthworks, landfilling and other soil retention or removal methods.

### **R6.3.2.6 OBJECTIVES AND POLICIES OF THIS PART**

Conditions may be imposed to promote the achievement of the relevant Objectives and Policies of this Part.

### **R6.3.2.7 NATURAL HAZARDS**

Conditions may be imposed to control the effects of activities in order to avoid or mitigate natural hazards.

## **R6.3.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED CONTROLLED ACTIVITIES**

### **R6.3.3.1 INTRODUCTION**

All Controlled Activities identified in **R6.1** are to be assessed against the Performance Standards outlined in **R6.2** and the criteria outlined in **R6.3.2**. In addition some specific activities will also be assessed in terms of additional criteria as outlined below, and conditions to ensure compliance with these criteria may be imposed.

### **R6.3.3.2 PERMITTED ACTIVITIES THAT MEET THE CRITERIA FOR REDUCTION OR WAIVING OF PERFORMANCE STANDARDS**

The Performance Standards in **R6.2.5** may be reduced or waived as a Controlled Activity to the maximum amount stated below subject to compliance with the criteria listed below. In addition, the assessment criteria outlined in **R6.3.2** apply.

**R6.3.3.2.1 Parking and Turning**

- (a) The requirement for the provision of parking spaces may be reduced by up to 100% provided that:
- (i) the sharing of parking between activities on a site or parking provision is made on an alternative site within 250 metres of the site; and
  - (ii) the parking area complies with the rules in Appendix F; and
  - (iii) a joint parking agreement is entered into by way of a lease or other legally binding agreement where the parking is on the same site and by a consent notice on both certificates of title with the Council as a party if the parking is on a different site from the activity; and
  - (iv) access to the site is not from a State Highway.
- (b) Council reserves its control and therefore may attach conditions on the following matters:
- (i) the safe and efficient flow of traffic; and
  - (ii) safe and convenient movement of pedestrians; and
  - (iii) the preservation and enhancement of amenity values.

**R6.3.3.2.2 Turning Area**

Performance Standards relating to the provision of on-site turning areas so that light vehicles can enter and exit the site in forward motion, in accordance with the turning areas in figure f1.2.2 in Appendix F may be partly or wholly waived or reduced where it can be demonstrated that vehicles are able to safely turn using a private road or right-of-way so they enter and exit the public road in forward motion.

**R6.3.3.3 CONSTRUCTION OF NEW BUILDINGS, OR EXTERNAL ALTERATION TO EXISTING BUILDINGS INCLUDING THE CONSTRUCTION OR ALTERATION OF VERANDAHS AND THE ERECTION AND DISPLAY OF SIGNS IN THE RESORT A ZONE**

- (a) Council will exercise its discretion over the extent to which the construction of new buildings and signs or alterations to existing buildings in the Resort A Zone are in accordance with the *'Rotorua City Design Principles'*.

When assessing applications for the construction of new buildings and signs or external alterations to existing buildings in the Resort A Zone, Council will consider the extent to which the proposal meets the provision of *'Rotorua City Design Principles'* and, in particular, the following aspects:

- i. Consideration of how the proposal will fit into the Rotorua context;
  - ii. Consideration of and respect for adjacent buildings and the streetscape in terms of building height, detailing and style;
  - iii. Use of the Rotorua colour palette;
  - iv. Incorporation of the human scale in the design of the building including appropriate decoration, detailing, windows and doors and use of materials;
  - v. Identification of areas for signage.
- (b) In addition the following criteria shall also apply to buildings with heritage value as identified in **Appendix A**:
- (i) that any external addition or alteration of any existing building is carried out in a manner and design with materials similar to those originally used and which do not detract from the architectural character of the building;
  - (ii) that as much as possible of the existing building is retained by restoring and/or adapting parts of the existing building rather than replacing them and that alterations and additions shall be in keeping with the architectural and historic form, proportions and style of the existing buildings on the site; and
  - (iii) a requirement that changes to the road facade of the building are as far as possible avoided unless they accurately reproduce original detail.
- (c) The construction of new buildings or external alterations to existing buildings, including signs in the Resort A Zone, can have adverse effects on amenity and pedestrian and vehicular safety. Council may impose conditions on the following matters:
- (i) a requirement that the use of unsympathetic materials is avoided; and
  - (ii) a requirement that the building design be amended to accord with recommendations within the '*Rotorua City Design Principles*'.
  - (iii) a requirement that any additions are so positioned or modifications are so designed as not to detract from the existing streetscape including the facade line of the buildings in the vicinity.
  - (iv) specifying the colours of the building
  - (v) specifying landscaping.
  - (vi) specifying the provision of areas for signage
  - (vii) specifying illumination levels
  - (viii) specifying the direction of any lighting
  - (ix) the imposition of a bond to ensure satisfaction of conditions of consent.

**R6.3.3.4 HOME BASED BUSINESS ENTERPRISES IN THE RESORT C ZONE**

In the Resort C Zone home based business enterprises will generally not be allowed to locate on the ground floor to ensure that the design of the building does not compromise the development of a tourist resort atmosphere. This Rule may be waived for areas within the Zone, which are clearly located away from the main tourist activities.

**R6.3.3.5 THE SALE OF LIQUOR AUTHORISED BY AN OFF-LICENCE ON PREMISES WITH A MAXIMUM TRADING FLOOR AREA OF 250M<sup>2</sup> IN THE RESORT A AND C ZONES**

Applications for the above activity will also be assessed against the following criteria:

- (a) that the activity is so designed and conducted that it does not detract from the amenity of the area; and
- (b) that the activity does not adversely affect the development and maintenance of a tourist resort character in the surrounding area.

Council may impose such conditions as it considers appropriate in the circumstances to ensure that the above matters are taken account of.

**R6.3.3.6 TOURIST ACCOMMODATION, BUILDINGS AND ACCESSORY ACTIVITIES INCLUDING RESTAURANTS AND OUTDOOR AND INDOOR RECREATION ACTIVITIES IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN, (SEE APPENDIX G) OR ANY OTHER APPROVED DEVELOPMENT PLAN, IN THE RESORT D ZONE.**

R6.3.3.6.1 To ensure that the amenity of the Resort D Zone and its immediate surroundings is not unduly compromised and that the scenic and landscape qualities are not unduly affected, conditions may be imposed on:

- (a) the design and siting of buildings;
- (b) landscaping (including the maintenance and enhancement of existing vegetation); and
- (c) the location, design and size of advertising signs.
- (d) That the applicant be required to demonstrate that during any construction, a procedure is in place whereby a nominated person from the iwi is appointed as a liaison person in case unidentified waahi tapu sites are discovered, and that following consultation with the person, appropriate tapu lifting procedures are carried out before recommencement of construction in the immediate vicinity of the discovered site.

- (e) That it be a condition of any Controlled Activity consent that either the use of the land by grazing of stock cease or that a suitable fence be erected and maintained by the landowner around the wetland identified under R6.1.2 insofar as it is located within the Zone, before any earthworks commence in accordance with the Development Plan, and that before any such fence is erected on the land, the landowner will consult with the Department of Conservation as to the location of the fence.
- (f) That in the event any archaeological sites are identified it is Council's policy to protect those sites as appropriate, and Council may impose the following conditions on such consents:
  - (i) That an archaeological survey of the whole site be undertaken to identify cultural resources and make recommendations for procedure and action to be taken prior to the preparation of detailed plans, with detailed assessment if required.
  - (ii) That further consultations with iwi and the Historic Places Trust be undertaken as identified in the survey referred to above.

**Note:** The *Historic Places Act 1993* is legislation governing the protection of archaeological sites and contains particular procedures relating to their modification, damage or destruction. The material requested in this criterion is additional to those particular obligations and is not intended as a substitute.

- (g) Tourist Accommodation activities shall also be assessed in terms of how:
  - (i) the proposal protects the natural character of Lake Rotorua and its margins;
  - (ii) the proposal protects significant ecological, geothermal and landscape values;
  - (iii) the proposal provides for rehabilitation of natural features where this would be appropriate.

R6.3.3.6.2 In order to give effect to the matters above, Council may also impose conditions to ensure the:

- (a) protection and enhancement of indigenous vegetation and wildlife habitat;
- (b) protection of riparian margins along streams, rivers and lakes; and
- (c) protection and enhancement of water and soil conservation values of the site.

- R6.3.3.6.3 It is Council's policy for the Resort D Zone to preserve public access to Lake Rotorua and therefore Council will require as a condition of resource consent that an esplanade strip of three metres wide shall be created along the lakeside of the site. This strip shall be created by the negotiation of an instrument between the owner and the District Council and be in accordance with Section 232(2) of *the Resource Management Act 1991*. The value of this esplanade strip is to be offset against any financial contributions that Council imposed in respect of any development of the site under the Act or any Rules in the District Plan.
- R6.3.3.6.4 It is Council's policy to require a high standard of engineering facilities in the Resort D Zone.

Before any resource consent is granted, Council may impose any conditions on the standard of roads and car parks and the reticulation of water supply and stormwater and sanitary drainage, including the disposal of effluent.

Generally, access and services shall be provided in accordance with Council's engineering standards for urban subdivision or any other relevant engineering standards. This aims to ensure that acceptable standards of environmental amenity will be achieved and maintained, and that adverse effects on the environment are avoided, remedied or mitigated, or is appropriate in the circumstances.

Where a motorway or designated motorway is located within or adjacent to the Zone the location of access roads shall be subject to the agreement of Transit New Zealand.

- R6.3.3.6.5 It will also be the condition of any resource consent that the landowner accepts financial responsibility for any work that is carried out on the landowner's site to mitigate the adverse effects of the motorway, if this is constructed.

## **R6.3A RESTRICTED DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R6.3A.1 INTRODUCTION**

The activities listed as Restricted Discretionary Activities are those which may be appropriate on some sites in those Zones. These activities can, however, have effects which require particular assessment. Council may decline an application for such an activity or grant a resource consent, subject to conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the relevant Objectives and Policies of this Part are promoted.

## **R6.3A.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES**

### **R6.3A.2.1 VERANDAHS**

Council has restricted the criteria it will use when considering consents for a variation of the performance standards R6.2.9 and may impose conditions in respect of the following matters:

- whether adequate shelter is provided for pedestrians on the pavement;
- whether there are adverse effects on the safety or amenity of road users or pedestrians;
- whether the provision of a verandah is impractical;
- whether the provision of a verandah is unreasonable taking into account the use of the building, the size of the building and the street context;
- for verandahs within the CBD, the extent to which the building and/or verandah complies with the '*Rotorua City Design Principles*'

## **R6.4 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R6.4.1 INTRODUCTION**

The activities listed as Discretionary Activities are those which may be appropriate on some sites in those Zones. These activities can, however, have effects which require particular assessment. Council may decline an application for such an activity or grant a resource consent subject to conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the relevant Objectives and Policies of this Part are promoted.

The provisions of **4, 5, 6, and 7 of Part Two** also apply.

### **R6.4.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR DISCRETIONARY ACTIVITIES**

The general criteria for assessing applications for Discretionary Activities and conditions that may be imposed are set out below.

For a number of activities identified in **R6.1**, specific additional assessment criteria apply. These are set out in **R6.4.3**.

#### **R6.4.2.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES**

In general, Discretionary Activities will be required to comply with the Performance Standards in **R6.2** unless it is not appropriate to do so because of particular site characteristics, development considerations or unusual environmental factors. Where adverse effects are anticipated from a proposed activity, conditions may be imposed to avoid, remedy or mitigate the adverse effects on the environment, as is appropriate in the circumstances.

#### **R6.4.2.2 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES**

In general, buildings and structures should be of a similar or complementary scale and appearance to that of other buildings within the surrounding area unless those buildings and structures are dilapidated. Where this is not practicable, buildings and structures should not become overly dominant. Methods to mitigate any

adverse effects of the building or structure may include conditions requiring separation distances between the proposed activity and adjacent sites and the provision of screening.

#### R6.4.2.3 **TRAFFIC GENERATION**

No inappropriate reduction in the capacity of the roading network to service the requirements of the community will be accepted. Any such adverse effects on the roading network may be required to be avoided, remedied or mitigated by upgrading the roading network or by making alterations to the roading design. To enable this to occur a financial contribution up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

#### R6.4.2.4 **PARKING AND TURNING**

In general, Discretionary Activities should comply with parking Performance Standards in **Appendix F**, unless it is not appropriate to do so because of inherent site characteristics or extraordinary vehicle or pedestrian movements.

#### R6.4.2.5 **ACCESS**

Particular consideration shall be given to the location of entry and exit points to the site and their relationship with existing intersections, land constraints and adjacent activities. Adverse effects may be avoided, remedied or mitigated by controlling access to the road, by redesign of the road or by installing traffic signals and other traffic management measures. To enable this to occur, financial contributions up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

#### R6.4.2.6 **NOISE**

Activities shall be generally managed so that the noise generated shall not exceed the maximum levels specified in **Appendix K**. Detailed measures for the elimination of objectionable noise may be required.

In particular, conditions may be imposed in respect of the following matters to mitigate the adverse noise effects of activities:

- (a) requiring the provision of sufficient separation distances between the noise generator and affected areas;
- (b) requiring sound proofing of buildings and screening of the noise generator;
- (c) restricting the hours of operation of the activity; and/or

- (d) conditions may also be imposed in accordance with Section 108(4) of the *Resource Management Act 1991*.

**R6.4.2.7 NATURAL ENVIRONMENT AND WATER QUALITY**

Conditions may be imposed on activities to avoid, remedy or mitigate any effects of the activity on the natural environment and water quality as are appropriate in the circumstances.

Significant reductions in water quality as a direct result of the activity or as a result of the cumulative effect of an activity or activities will not be permitted.

**R6.4.2.8 SERVICING**

Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate that the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services.

To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works.

**R6.4.2.9 CUMULATIVE EFFECT**

In assessing the appropriateness of allowing an activity to be located in an area, or allowing an activity to proceed, consideration will be given to the activities already located in the area and on the site, and their present effect on the surrounding environment. Of particular concern is the cumulative effect of locating a new activity on a site adjoining or already accommodating an activity that may currently generate traffic, noise, etc, not in keeping with the relevant Objectives and Policies of this Part. The ability of a site to internalise effects, if more than one activity is proposed to operate from it, will be considered.

**R6.4.2.10 ZONE INTERFACE**

Of particular concern is the protection and maintenance of the amenity values of adjoining Zones along the Zone interfaces, and in particular, visual and aural qualities. Various methods can be used to ensure this, including imposing conditions requiring the provision of buffer areas, separation distances and/or screening.

**R6.4.2.11 PUBLIC SAFETY**

Any Discretionary Activity should not adversely affect public safety in a significant manner. Conditions may be imposed on any consent for a Discretionary Activity to avoid any adverse effects on public safety.

**R6.4.2.12 OBJECTIVES AND POLICIES OF THIS PART**

The granting of a consent for a Discretionary Activity shall not be contrary to the Objectives and Policies of this Part. Conditions may be imposed to promote the achievement of the relevant Objectives and Policies of this Part.

**R6.4.2.13 NATURAL HAZARDS**

Conditions may be imposed to control the effects of activities in order to avoid or mitigate natural hazards.

**R6.4.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED DISCRETIONARY ACTIVITIES**

The following Discretionary Activities have the potential to generate particular adverse effects which require additional assessment against the criteria listed below and may require the imposition of specific conditions in addition to those listed in **R6.4.2** in order to avoid, remedy or mitigate any adverse effects on the environment.

**R6.4.3.1 THE SALE OF LIQUOR AUTHORISED BY A CLUB OR ON LICENCE IN ACCORDANCE WITH THE SALE OF LIQUOR ACT 1989, BETWEEN THE HOURS OF 11.00PM AND 6.00AM IN THE RESORT A AND C, AND AT ALL TIMES IN THE RESORT B AND D ZONES, AND THE SALE OF LIQUOR AUTHORISED BY AN OFF LICENCE IN ACCORDANCE WITH THE SALE OF LIQUOR ACT 1989, BETWEEN THE HOURS OF 11.00PM AND 6.00AM IN THE RESORT A, B AND C ZONES****(a) Resort B Zone**

The anticipated environmental results for the Resort B Zone state that tourist development should be of such a character that the adverse effects on residential activities within or immediately adjacent to the Zone are minimised. While the sale of liquor will be generally allowed on the premises for guests staying on the site, it is not considered appropriate to allow the sale of liquor to persons who are not staying on the site where the site immediately adjoins a Residential Zone. This is because of likely adverse noise and traffic effects, as well as the likely scale of the activity. It is not intended that taverns and bars accessible to the general public will be allowed as a Discretionary Activity in the Resort B Zone, on sites immediately adjoining a Residential Zone.

Conditions may be imposed on the following matters:

- (i) the design of the building and structures;
  - (ii) the siting of activities;
  - (iii) the location, design and size of signs;
  - (iv) noise levels;
  - (v) separation distances;
  - (vi) screening from adjacent sites; and
  - (vii) opening hours.
- (b) Resort A, C and D Zones

Because of likely adverse noise and traffic effects, as well as the likely scale of the activity, conditions may be imposed on the following matters:

- (i) the design of the building and structures;
- (ii) the siting of activities;
- (iii) the location, design and size of signs;
- (iv) noise levels;
- (v) separation distances;
- (vi) screening from adjacent sites; and
- (vii) opening hours.

**R6.4.3.2 ACTIVITIES OTHERWISE PERMITTED OR CONTROLLED IN THE ZONE ON SITES WHICH CONTAIN AN HISTORIC BUILDING, HISTORIC CHURCH, HISTORIC STRUCTURE, HISTORIC SITE, ARCHAEOLOGICAL SITE, MARAE OR NATURAL HERITAGE SITE LISTED IN APPENDIX A; OR WITHIN THE DRIPLINE (BRANCH SPREAD) OF A NOTABLE TREE LISTED IN APPENDIX A.**

Applications for these activities will also be assessed in terms of:

- (a) whether or not the proposed activity will modify, destroy or adversely affect any item listed in **Appendix A**, and if so, the extent of such modification, destruction or adverse effect;
- (b) the natural and cultural heritage values of any listed item that will be modified, destroyed or adversely affected by the proposed activity; and
- (c) whether the applicant can avoid, remedy or mitigate any adverse effect of the activity on any listed item.

Depending on the nature of the item and the impacts of the proposed activity, Council may decline the application or grant it subject to conditions which will promote its protection. To this end, Council may partly or wholly waive any Rule in this Plan.

**R6.4.3.3 ACTIVITIES ACCESSORY TO THOSE PROVIDED FOR IN THE APPROVED DEVELOPMENT PLAN (SEE APPENDIX G) OR ANY OTHER APPROVED DEVELOPMENT PLAN, IN THE RESORT D ZONE**

- (a) Consideration will be given to:
  - (i) whether such activities are consistent with the anticipated environmental result of the Resort D Zone, and whether they unduly compromise the anticipated environmental results of the Zones surrounding the Resort D Zone; and
  - (ii) the effect of such activities on the environment.
- (b) Conditions may be imposed on matters such as:
  - (i) the scale of the buildings;
  - (ii) hours of operation;
  - (iii) buffers and landscaping;
  - (iv) screening; and
  - (v) the size, location and design of advertising signs.

In addition any relevant criteria listed under **R6.3.3.6** also apply.

**R6.4.3.4 RESTAURANTS IN THE RESORT B ZONE**

Applications for restaurants in the Resort B Zone will also be assessed in terms of their effects on residential amenity. Ways in which restaurants may adversely affect residential amenity include increased traffic generation, increased numbers of people and noise.

Council may decline the application or grant it subject to additional conditions that will avoid, remedy or mitigate the above adverse effects.

R6.4.3.5 **TAKEAWAY FOOD PREMISES AND SHOPS SELLING PREPARED FOOD IN THE RESORT B ZONE**

Applications for takeaway food premises and shops selling prepared food in the Resort B Zone will also be assessed in terms of their effects on residential amenity. Ways in which takeaway food premises and shops selling prepared food may adversely affect residential amenity, include increased traffic generation, increased numbers of people, smell, noise and litter.

Council may decline an application or grant it subject to additional conditions that will avoid, remedy or mitigate the above adverse effects.

R6.4.3.6 **Intentionally Blank**

R6.4.3.7 **ACTIVITIES INVOLVING THE CLEARANCE OR MODIFICATION OF INDIGENOUS VEGETATION, THE DRAINAGE OR INFILLING OF WETLANDS, THE FELLING OF OR DESTRUCTION OF ANY (REMNANT) INDIGENOUS TREE, OTHER THAN PROVIDED FOR AS A PERMITTED ACTIVITY**

- (a) These activities have the potential to destroy or damage significant natural heritage and amenity values. Applications for those activities shall be assessed against the following criteria and Council may consult with the Department of Conservation and the relevant regional council:
- (i) The significance of the ecological, geological, geomorphic and landscape values of the site;
  - (ii) Whether the proposed activity could cause erosion, run-off, sedimentation and/or reduction in water quality;
  - (iii) Whether the effects of the proposed activity will be offset by protection/rehabilitation activities undertaken by the applicant. These can include legal protection, fencing, animal and plant control.
- (b) Council may decline the application if the criteria are not met, or grant it subject to conditions that will avoid, remedy or mitigate any of the following adverse effects on the identified values, including, but not limited to, those identified below:
- (i) Decline in indigenous ecosystems or species diversity or abundance;
  - (ii) Obstruction of the recovery of native species and extinction trends;
  - (iii) Reduction of representative values;
  - (iv) Degradation of resources set aside for protection by statute or covenant;

- (v) Degradation of outstanding landscapes provided by indigenous vegetation;
- (vi) Degradation of indigenous riparian vegetation;
- (vii) Degradation of a fishery or aquatic habitat for indigenous fauna or vegetation.

**R6.4.3.8 AMENDMENTS (ADDITIONS AND/OR DELETIONS) TO THE SERVICE LANE NETWORK, SHOWN OR DESCRIBED IN APPENDIX N, IN THE RESORT A ZONE**

Any application to carry out amendments (additions and/or deletions) to the service lane network shown or described in **Appendix N** shall also be assessed in terms of the potential to adversely affect the safe and efficient servicing of any site in the block concerned and to adversely affect the safe and efficient operation of the surrounding road networks. Council may decline an application or grant it, subject to additional conditions to avoid, remedy or mitigate any adverse effects.

**R6.4.3.9 DEVELOPMENT OR MODIFICATION OR WETLAND ADJACENT TO LAKE ROTORUA IN THE RESORT D ZONE**

**R6.4.3.9.1** Any development or modification of the wetland adjacent to Lake Rotorua on the south western side of the site which requires a resource consent for a Discretionary Activity shall be subject to a condition of consent, that Council could require a Management Plan for the wetland to be developed. In this case, Council could require consultation with the Department of Conservation, and the following condition is to be included as a condition of any resource consent for the development of the Bird Park:

- (a) That the applicant consults with the Department of Conservation and the Eastern Fish and Game Council regarding the detailed design of the bird park area, including the location and design of the aviaries and observation platforms, drainage, and the design of the artificial lakes or water areas in order to ensure that these areas will be suitable for native and introduced waterbird species. The applicant will require the approval of the Department of Conservation and the Eastern Fish and Game Council to hold protected wildlife including waterbirds in captivity. This includes conditions relating to both acquisition of species and aviary standards.

**R6.4.3.9.2** That it be a condition of any Discretionary Activity consent that either the use of the land by grazing of stock ceases or that a suitable fence be erected and maintained by the landowner around the wetland identified under **R6.1.2** insofar as it is located within the Zone, before any earthworks commence in accordance with the Development Plan, and that before any such fence is erected on the land, the landowner will consult with the Department of Conservation as to the location of the fence.

## **R6.5 ASSESSMENT OF NON-COMPLYING ACTIVITIES**

An application may be made for a resource consent for a Non-Complying Activity where an activity is listed as a Non-Complying Activity or does not comply with the provisions of this Plan, but is not listed as a Prohibited Activity.

An application for a Non-Complying Activity shall be assessed in accordance with Section 105(2)(b) of the Act.

The provisions of **4, 5, 6, and 7 of Part Two** also apply.

## **R6.6 SUBDIVISION AND DEVELOPMENT**

### **R6.6.1 SUBDIVISION**

Subdivisions complying with the provisions of **Part Sixteen** shall be a Controlled Activity. The criteria on which a subdivision application will be assessed, and any conditions that Council may impose, are included in **Part Sixteen**.

### **R6.6.2 DEVELOPMENT**

Any development (as defined in **Part Nineteen**) will also be subject to the Rules outlined in **Part Sixteen**.