

PART TEN - RURAL RESOURCES

1. INTRODUCTION

1.1 EXISTING USES

The Rotorua District is predominantly pastoral. In general plantation forests are concentrated in the eastern side of the District and around the lakes. Pastoral farming such as dairying is concentrated in the Ngakuru, Reporoa and Rerewhakaaitu areas, with more drystock such as deer in the north and west.

Apart from their obvious economic benefits to their owners and the community, forestry and farming have other community values. Plantation forestry provides recreational uses when near urban centres, (eg. Whakarewarewa Forest) important backdrops to the urban area (eg Tokorangi Triangle) and to the lakes (eg. Rotokakahi and Tikitapu). Forestry also provides important erosion and sediment control benefits. Whakarewarewa Forest provides an invaluable site for disposal of Rotorua's sewage effluent.

Indigenous forests, although not managed primarily for on-site economic purposes, nevertheless do provide economic benefits to tourism and recreation businesses. They have off-site benefits in the form of erosion and sediment control and maintenance of high water quality. Indigenous forests have important intrinsic ecological and habitat values, and provide a visual setting for other features such as lakes and urban areas.

Pastoral farming provides a visual counterpoint to forests and urban areas, and facilitates views from roads.

Effects of rural activities cannot, however, be considered only in terms of land use. What is of equal importance, and often more so, is the way the use is managed. Both uses and management practices have environmental effects which can be positive or negative. Most of the soils of the District are derived from volcanic ashes and are easily erodable. Thus earthworks, whether for forestry or farming, can produce considerable amounts of silt if managed poorly, as can some farm management practices such as mob stocking or intensive deer stocking. Harvesting of trees can also produce silt and adverse visual effects.

Both forestry and farming generate important processing industries. Although these can produce undesirable effects such as effluent, noise and visual intrusion, it is sometimes better to locate them close to their sources of supply.

1.2 CHANGING USES

Land uses are always dynamic and changing, and there are a number of discernible trends in the District which have environmental implications. These include an intensification of land use and management, a change from pasture to urban and rural residential spread especially around the lakes, and a change from pasture to plantation forestry.

Changing patterns of land use and changing management styles create effects on the environment. For example urban expansion into rural land can change the character and visual setting of a lake, and afforestation of previously pastoral land can destroy views.

Forestry can also pose hazards from windthrow and fire for any neighbouring residential activities, and it can reduce sunlight on public roads, contributing to ice hazard in winter.

1.3 ISSUES IN PART FOUR

Part Four discussed some key resource management issues that were identified during the consultation process preparing this Plan. Those particularly relevant to rural areas include:

- Land use and management practices resulting in accelerated erosion, sedimentation, degradation of water quality, loss of indigenous forest and ecosystems, loss of productive potential of soils, and amenity.
- Intensification of land use through subdivision and urban expansion destroying rural amenity which is characterised by open spaces and low noise levels.
- Natural and cultural heritage in the District being threatened by activities such as earthworks and vegetation removal.

2. RESOURCE MANAGEMENT ISSUES

2.1 ISSUE ONE

ACTIVITIES SUCH AS RESIDENTIAL, FORESTRY AND FARMING CAN HAVE ADVERSE EFFECTS ON AMENITY AND RURAL CHARACTER

2.1.1 ISSUE STATEMENT

The *Resource Management Act 1991* defines amenity as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. It thus includes matters such as landscapes, natural features and natural character. One particular aspect of amenity is rural character. Public consultation during the development of the Plan made it clear that rural character is considered to be important by many people living in rural areas or who visit them from time to time.

Examples of activities that affect rural character include:

- Extensions to urban areas including rural and lakeside settlements. Such extensions change the characteristics of an area from having wide separation distances and quietness to having higher density housing, more noise and higher traffic volumes on local roads.
- Within the Lake Rotorua basin there is a substantial area used for rural residential purposes, particularly around Ngongotaha, Hamurana and Te Puea Road. The amenity of these areas has its own characteristics, being neither open rural nor urban. However, the spread of these areas within the visual catchment of the lake will change its essentially rural characteristics.
- Activities which produce noise or odour out of keeping with the prevailing levels, or which require building complexes that are out of proportion with normal rural buildings can adversely affect rural character. Examples are rural industries (those industries processing rural produce that need to locate close to their supplies). Enclosed animal farming can produce undesirable noise and odour. In some cases these effects will not be significant because of the location of the activity (for example in a forest) or the effect can be adequately mitigated by screening.
- Urban development intruding into valued landscapes and onto natural features. Many landscapes are valued because of their lack of human modification and their degree of naturalness. Urbanisation brings with it buildings and streets which change the characteristics of the rural landscape or destroy the feature.

- Widespread destruction or deterioration of indigenous vegetation along edges of lakes and rivers which detract from their natural character.
- Extensive planting of trees, either for forests or for shelterbelts, as well as buildings, can block views of important features such as lakes. The ability to be able to see features such as lakes from public places and roads is valued by residents and visitors.
- Harvesting of large areas of plantation forest can suddenly change the visual quality of a landscape. This is significant where the forest is close to urban areas or heavily used lakes.

2.1.2 RESOURCE MANAGEMENT OBJECTIVE

Land uses and management systems which do not destroy the amenity and character of rural areas and lakes

2.1.3 POLICIES

Many of the components that make up amenity are identified in Sections 6 and 7 of the *Resource Management Act 1991*: wetlands, and lakes and rivers and their margins; outstanding natural features and landscapes; significant indigenous vegetation and habitats; Maori ancestral lands, water, sites, waahi tapu; heritage values of sites, buildings, places and areas. Together these are referred to in this Plan as natural and cultural heritage. Objectives and Policies relating particularly to natural and cultural heritage, and landscapes and viewshafts are contained in **Part Eleven**.

Objective **2.1.2** will be achieved by both restricting adverse effects and promoting desirable ones. Some effects, such as spread of urban development into sensitive rural areas, are best addressed by containment. This is because the nature of the effects are such that there is no practical way of adequately remedying or mitigating them, and avoidance is the best option.

Containment limits the extent of undesirable effects to the existing areas, and may allow some collective measure of remedy to be applied. At some stage in the future with development of better techniques for remedying and mitigating adverse effects, and with better understanding of the components that constitute amenity, together with their limits to acceptable change, containment may be able to be relaxed.

2.1.3.1 Policy:

To maintain the amenity values of rural areas by restricting activities which produce adverse effects and by promoting methods which produce desirable effects.

2.1.3.2 **Policy : Intentionally Blank**

2.1.3.3 **Policies:**

- i) *To protect the natural character of the caldera rim of Lake Rotorua.*
- ii) *To provide a predominantly rural and open space visual backdrop to the Rotorua Urban Area.*
- iii) *To promote a change from animal grazing on pastoral land to indigenous vegetation so as to mitigate the adverse effects of land use activities on lake water quality where additional rural-residential development is contemplated, such as in the Rural B1 Zone.*
- iv) *To re-vegetate gullies to assist both in filtering runoff from more elevated rural lands in the catchment behind and in reducing the nutrient level of stormwater before it enters the lakes.*
- v) *In respect of the Rural B1 Zone to maintain the rural character of the western caldera rim by:*
 - a) *Setting the upper limit of development at the 385 metre contour.*
 - b) *Confining buildings and structures predominantly to lake terraces below the 385 metre contour.*
 - c) *Minimising the visual impact of built form when viewed from within the Rotorua Urban Area.*
 - d) *Integrating built form so that it nestles within the landform and indigenous vegetation.*
 - e) *Incorporating variation in rooflines to achieve elements of irregularity in buildings so that they nestle into vegetation and the landform.*
 - f) *Requiring separation distances between buildings and structures.*
 - g) *Re-vegetating prominent slopes to provide for the separation of built form within the Rural B1 Zone from built form within the Rotorua Urban Area.*
 - h) *To protect by way of an Approved Development Plan, a predominantly natural and rural open space visual character of the Rural B1 Zone when viewed from the Rotorua Urban Area.*

Methods of Implementation are described in **3.1**, **3.2** and **3.4** of this Part. Containment of urban Rotorua (the “Urban Fence”) is addressed in **Part Seven**. **Part Eleven** contains a number of Methods of Implementation (eg indigenous vegetation and reserves) important to this Policy.

2.2 ISSUE TWO

THE QUALITY OF THE LAKES CAN BE ADVERSELY AFFECTED BY ACTIVITIES IN THEIR CATCHMENTS

2.2.1 ISSUE STATEMENT

The lakes hold a particular importance in the District. The collection of water bodies which make up the Rotorua Lakes are important to residents for their intrinsic values, amenity and recreational qualities, and form a strong focal point for the District.

However, the lakes are under considerable pressure. Many of their catchments have been cleared from indigenous forest into pasture. Pastoral farming has compacted the soils and decreased infiltration, diminished riparian vegetation, and resulted in increased nutrients in the water. Stock, especially under some management regimes, break the surface vegetation and allow the friable soils to wash into watercourses during rain. Some of the catchments, particularly those in the vicinity of urban Rotorua, are undergoing considerable intensification of use. This is from urbanisation and from intensification of pastoral uses and management. Urban development results in increased runoff from hard paved areas and roads as well as from effluent. Urban Rotorua has recently diverted its sewerage effluent from direct discharge into Lake Rotorua to a spray irrigation to Whakarewarewa Forest, but the lakeside settlements and the rural residential areas all rely on septic tanks. Where septic tanks are poorly maintained, where the soil type and soakage characteristics of an area do not allow the efficient functioning of the tanks, and where these problems are exacerbated by sudden increases in demand (eg seasonal fluctuations at lakeside motor camps), the effluent can be poorly treated and add to the nutrient loading of the lakes.

Parts of the lakes catchments are being planted in plantation forests, usually, but not exclusively, of *Pinus radiata*. Afforestation brings its own set of effects. Destocking of the land removes the effects of stock having direct access to lakes and inflowing streams, and the continual disturbance of the soil surface. However, there is debate about the effects of afforestation on aspects of water quality and quantity. Afforestation decreases runoff, which may be significant especially for those lakes with small catchments. There is also debate about the effects of afforestation in conifers on water quality and the pH of soils. Harvesting of plantation forests, and earthworks for whatever reason, can have substantial adverse effects on water quality and aquatic habitats if not carried out with care.

Although lake quality is often seen in terms of lake water quality, there are other factors which also contribute to the quality of the lakes. For example, amenity, as discussed in 2.1 of this Part, is important, as are landscapes, indigenous vegetation and activities on the surface of water which are dealt with in **Part Eleven**. Thus lake quality covers more factors than water quality. Around the lakes the conflicts are more pronounced than they may be elsewhere.

2.2.2 RESOURCE MANAGEMENT OBJECTIVE

Maintained quality of the Rotorua lakes and their catchments

2.2.3 POLICIES

Although the maintenance and enhancement of water quality is primarily the responsibility of the regional councils, District Policies will also have an effect on this matter. For example, subdivision of land (see **Part Sixteen**) results in more intensive uses and housing. Where this intensification is in areas close to the lakes, but reliant on septic tanks, then Policies relating to intensification of land uses and minimum lot sizes will need to reflect this.

As the primary management of water quality rests with regional councils, the District's Policies relating to water quality are mainly to support regional ones. However, there are a number of other authorities such as the Department of Conservation with management responsibilities which have an impact on water quality. Thus, liaising with these other authorities is important to minimise both overlapping requirements and gaps in requirements.

Environment BOP and Environment Waikato both have Plans that make provisions for septic tanks or on-site effluent disposal systems. However, the two plans have different provisions: in the Waikato 2500m² per household unit is required for septic tanks to be allowed, while the Bay of Plenty provisions are not based on minimum site sizes.

Relevant provisions elsewhere in this Plan have been developed to contribute to the Objective. These include, but are not restricted to, amenity, earthworks and flood control works dealt with in this Part; and Objectives, Policies and Methods of Implementation in **Parts Eleven** and **Sixteen**. However, it is recognised that these provisions may not be adequate to deal with the pressures on the lakes environment.

Rotorua District Council and Environment BOP have agreed in principle to develop a strategy for the joint management of the Rotorua Lakes and their catchments. It is intended that this will form a vehicle for integrated planning of all those matters which impact on the long term management of the lakes.

An important Method of Implementation used in the rural areas is that of zoning (see **3.1** of this Part). To prevent compromising lake and catchment quality until this strategy is completed, Council will restrict any extension of zones which would allow more intensive activities unless outside the catchments.

2.2.3.1 **Policy:**

To improve the quality of water in the lakes by liaising closely with the regional councils and other statutory bodies such as the Department of Conservation and by making special provision for works or operations necessary to improve water quality.

2.2.3.2

Policy:

To promote, in conjunction with the appropriate regional council, lake, river and stream riparian protection and appropriate management to both protect and enhance natural character values, habitat and ecological values, and water quality.

2.2.3.3

Policy:

To contain the extent of the Rural B and E Zones within their current areas and to only contemplate extensions by way of Plan Changes where the Objectives of this Plan can be met.

2.2.3.4.1

Policy:

To apply Rural B1 zoning to 26.61 hectares at Pukehangi Road, Rotorua, being Lots 2 and 3 DP 343069, Part 2M2B Kaitao Rotohokahoka Block and Lot 2 DP 40792 as shown on Planning Map No 30 and on Drawing No 173975 – R-P-D001B included in Appendix G to the District Plan.

2.2.3.4.2

Policy:

To require the implementation of a Development Plan for land within the Rural B1 Zone. The Development Plan shall:

- a) determine the location of building platforms on the land; and*
- b) specify the areas of former grazing land to be planted in locally appropriate indigenous plant species; and*
- c) retire steep slopes and gullies that are to be re-vegetated and planted with indigenous plant species; and*
- d) require on-going management of retirement areas by owners to ensure vegetation is well established and maintained in a healthy state and that pest plants and pest animals are managed; and*
- e) include performance standards and audit procedures for revegetation that is established in accordance with a Revegetation Management Plan for the Rural B1 Zone.*

Methods of Implementation are described in **3.1, 3.2, 3.2A, 3.3, and 3.4** of this Part. Containment of urban Rotorua (the “Urban Fence”) is addressed in **Part Seven**.

2.3 ISSUE THREE

EARTHWORKS CAN RESULT IN ADVERSE EFFECTS INCLUDING CREATING HAZARDS

2.3.1 ISSUE STATEMENT

Earthworks includes any activity which disturbs the land surface, as well as disposal of fill. Earthworks can be undertaken for a variety of purposes: tracking and roading, recontouring for residential activities, filling gullies or depressions, disposal of unwanted material or overburden and quarries.

Earthworks can have a number of undesirable effects. Exposure of large areas of earth to rain can produce silt which deposits in water courses and on flat land. It can also block culverts under streets and roads.

In the vicinity of urban areas, especially urban Rotorua, fill can contain demolition material. This can include components that break down and release contaminants, or that decompose and produce instability. Areas that have been excavated or filled can also be used for building. These earthworks can be undertaken specifically for such purposes, and can be engineered accordingly. However, such earthworks may occur at some time in the future when knowledge of the presence of fills has been lost. Such fills have generally not been compacted or designed for these activities, and the fill is in fact hazardous in this context.

2.3.2 RESOURCE MANAGEMENT OBJECTIVE

Earthworks that minimise adverse effects and that do not constitute hazards to future activities

2.3.3 POLICIES

Earthworks are primarily controlled by regional councils. Environment BOP and Environment Waikato have different provisions relating to earthworks.

In the Bay of Plenty the provisions are within the proposed Bay of Plenty Regional Land Management Plan. In this plan the regional councils' principal concerns are with soil conservation, and erosion and sediment control. Environment BOP makes a distinction between large scale and small scale earthworks, with the Rules applied differently depending on slopes and proximity to watercourses, and to Class NBOP VIII land.

Provisions in the Waikato are contained in the *Proposed Change 3: Land Use to Environment Waikato's Transitional Regional Plan*. In this plan all earthworks more than 5 metres away from water bodies are allowed. On Class VII land, and on land in Classes I to VI with potential for severe erosion, earthworks are non-notified Discretionary Activities.

In assessing applications for consents, both councils are primarily concerned with sedimentation and erosion control, and adverse effects on water quality. The District Council is also concerned with adverse effects on water, but its main interests in this activity that are not covered by regional criteria are:

- Compaction of fill where the land is, or may be, used for activities such as housing or other buildings;
- Identification of sites on hazard registers or property files;
- Safety of the operation;
- Introduction of hazardous substances;
- Noise; and
- Ensuring that the fill does not contain undesirable foreign material such as demolition material.

Thus the District is primarily interested in fills in, or close to, urban areas, and in areas where activities may occur in the future. It is also interested in smaller fills than the regional councils are generally concerned with, and with the noise generated by such operations.

2.3.3.1 Policy:

To ensure that earthworks are carried out in ways that avoid, remedy or mitigate adverse effects on the environment and on future uses of the land by controlling them in conjunction with regional councils.

Methods of Implementation are described in **3.2** in this Part.

2.4 ISSUE FOUR

WORKS FOR THE CONTROL OF FLOODING IN RURAL CATCHMENTS CAN ADVERSELY AFFECT FLOODWAY FUNCTIONING IN URBAN AREAS

2.4.1 ISSUE STATEMENT

Most urban areas are situated in places such that there are hill slopes above them. Watercourses, both permanently flowing and ephemeral, that flow through urban areas thus normally have considerable catchment areas in rural land. Activities in the rural parts of the catchments can alter the flood flow patterns in areas of urban development.

Permanent streams flowing through the urban areas generally have flood protection works in their lower reaches. Ephemeral watercourses, however, are often constricted in their lower reaches where urban development and subdivision took place before there was appreciation of their importance. Constrictions in these watercourses, such as culverts, are generally sized to cope with existing conditions. However, works in the upper rural parts of the catchments, which change flow characteristics, will overwhelm these constrictions and often result in damage to property and services such as roads.

Afforestation and tree planting, and works for water and soil conservation that aim at decreasing flood peaks, are advantageous.

2.4.2 RESOURCE MANAGEMENT OBJECTIVE

Rural works to control floods which adequately recognise the limitations of urban waterways

2.4.3 POLICIES

Works that may alter flow characteristics are usually under the control of a regional council. Where such control adequately recognises any adverse effects on downstream urban areas the District Council is satisfied. Policy **2.4.3.1** is to ensure that the District's downstream urban interests are adequately covered.

Works to control floods (stopbanking and channel works) are covered in **Part Thirteen** (Natural Hazards).

2.4.3.1 Policy:

To ensure the continuing functioning of permanent and ephemeral watercourses in urban areas by restricting works in the upper catchments that may increase the flood flows.

2.4.3.2

Policy:

To require the mitigation of stormwater flows through the provision of land retirement and water quality improvements, particularly through revegetation within the Rural B1 Zone.

Methods of Implementation are described in **3.2** in this Part.

3. METHODS OF IMPLEMENTATION

All the issues in this Part are addressed by a mix of regulation (restriction), promotion and further planning. The restrictions are aimed at separating activities which produce adverse effects that are incompatible or that cannot be adequately avoided, remedied or mitigated.

3.1 SEPARATION BY ZONING

The principal separation is between the rural area and the various settlements throughout the District. These settlements are important to the District, but by containing them and restricting their expansion, adverse effects on rural amenity and character can be limited by avoidance in the first instance, or else by mitigation or remediation through Rules attached to the Zones.

The settlements around the lakes are treated differently from the other rural settlements because of the extra sensitivity of the lakes. This sensitivity relates to the settlements' positioning around lake shores, and the general inability of the rural environs of the lakes to absorb the visual effects of urban development. These settlements are dependent on septic tanks.

The rural/residential areas have been identified because of their proximity to urban Rotorua and to the lake. Special recognition of these areas is required because their spread will affect rural amenity, and will result in proliferation of septic tanks close to the lake. It is also necessary to contain these areas so that they do not become *de facto* extensions of urban Rotorua outside the Urban Fence. However, Council may consider the re-zoning of a specific area close to and beyond the Urban Area for rural-residential development if it is satisfied that the specific area is suitable after assessing:

- critical visual impacts on the Rotorua caldera rim as an outstanding natural feature and landscape;
- the ability of the area to be serviced without adversely affecting the capacity of existing or planned infrastructure;
- whether the proposed development of the area will not lead to development consistent with an urban character and thereby create an extension of urban development beyond the Urban Fence.

Two other special areas have been delineated. The first is Kaingaroa Village. This village, located in the Kaingaroa Forest, was originally established by the New Zealand Forest Service. It contains some 200 household units as well as community facilities, parks, sportsfield and commercial/industrial activities. In 1988, following the restructuring of the New Zealand Forest Service, the Kaingaroa Village was vested (under Section 438(5) of the *Maori Affairs Act 1953*) into the Kaingaroa Forest Trust. The Trust's objective is to manage the land as a papakainga, and is unique in that it is contained in just one title.

The second special area is the portion of Whakarewarewa Forest used for spray irrigation of treated effluent from Rotorua. Adverse effects of the system are few, but as the area is in close proximity to urban Rotorua, there is a potential conflict with recreational uses of the forest, and with the collection and storage of potable water supplies.

Within the zones, activities that produce effects that need to be restricted in some way are identified. Performance Standards and Assessment Criteria are established so that adverse effects are avoided, remedied or mitigated. Council will consider requests for extensions to zones through Plan Change procedures, but only where the effects of the Change will not conflict with Objectives of the Plan or the intent of the zones.

Related methods are in **Part Seven**, particularly Policies about the Urban Fence around Rotorua Urban Zones, and in **Part Eleven**.

The following Zones are used:

- Rural A:** This is the general zone that comprises the rural part of the District except those areas within other Rural Zones.
- Rural B:** This is the Rural Residential Zone. These areas are semi urban where the rural character is significantly altered but is not fully residential.
- Rural B1:** The Rural B1 Zone comprises 26.61 hectares being Lots 2 and 3 DP 343069, Part 2M2B Kaitao Rotohokahoka Block and Lot 2 DP 40792 as shown on Planning Map 30 and Drawing No 173975-R-P-D001B included in Appendix G to the District Plan; and within the western slopes of the Rotorua Caldera above Pukehangi Road. The Rural B1 Zone is similar to the Rural B Zone. It has a low density rural-residential character, where the rural character has been altered within the Zone. However, when viewed from outside the Zone, it has the appearance of a rural area due to the comprehensive integrated design concepts that incorporate landscape protection and enhancement consisting of indigenous revegetation of prominent areas of land, including areas around house sites. In addition, buildings are subject to specific design performance standards which include specific reflectivity standards.
- Rural C:** Kaingaroa Village. This zone provides for activities in accordance with a Development Plan, and aims to manage only the external effects of activities carried on in the Village.
- Rural D:** This zone is for rural settlements other than those close to lakes. These are similar to fully residential areas, except not so closely developed.
- Rural E:** This zone contains settlements around the lakes. For amenity and lake quality reasons the restrictions on activities in this zone are more stringent than for Rural D.
- Rural F:** This contains the area used for spray irrigation of treated effluent from urban Rotorua. The system operates under a permit from Environment BOP. Provisions in this zone relate to protecting other activities, such as public water supplies and recreation, mainly by the use of separation buffers.

3.2 RULES AND ASSESSMENT CRITERIA

Within each zone activities have been identified with Rules making them Permitted subject to Performance Standards, Controlled, Discretionary, Non-Complying, or Prohibited. Assessment Criteria are established for assessing applications for Controlled and Discretionary Activities designed to avoid, remedy or mitigate adverse environmental effects.

Council will require notification of all earthworks that involve hard-fill or cleanfill of more than 50m³ or a depth of 450mm for notation on hazard registers and property files. Where such operations fall outside regional council assessments, or where such assessments do not include the District Council as an interested party, then the District will require assessments in accordance with **Appendix I**.

In the case of prospecting and exploration, and mining and quarrying, assessment will be done in accordance with **Appendices R** and **S** respectively. These two appendices include assessments of noise and blasting.

Assessment of effects on amenity and rural character are difficult to quantify. Council's work on matters such as heritage and landscapes (see **Part Eleven**) will assist. In addition, Council intends to undertake research and elicit opinion during this Plan period on the type of "rural character" that communities would like Council to encourage through its planning decisions.

In the absence of these more detailed provisions, rural character will be considered to contain one or more of the following, which will be used for assessing effects:

- (a) large separation distances between buildings;
- (b) low density and height of buildings;

- (c) large expanses of vegetation including indigenous vegetation;
- (d) presence of wildlife habitats;
- (e) limited areas of paved surface;
- (f) socially close-knit communities;
- (g) presence of pastoral, horticultural and forestry activities;
- (h) livestock and wildlife;
- (i) low traffic volumes on local roads;
- (j) noise and smell associated with agricultural, horticultural and forestry activities;
- (k) relative quietness;
- (l) open spaces; and
- (m) predominance of natural edges.

Council will require assessment of activities and works that will alter or impact on flood flows that enter or cross urban areas. Such assessments will include ephemeral watercourses.

Council will regulate the location of plantation forestry adjacent to Residential Zones and public roads because of their shading effects. For that reason, Performance Standards on the location of forests within the Rural A, B and F Zones have been included.

Council will regulate the effects of forestry operations especially harvesting on landscapes. Particular importance is given to the catchments of Lakes Tikitapu and Rotokakahi (Blue and Green Lakes).

Council will regulate motor sports and firearm sports and helicopter landing areas because of the noise they produce.

Council will regulate rural industries and enclosed animal farming, because of their impact on rural amenity (principally noise, odour, and scale of building).

3.2A SPECIFIC METHODS OF IMPLEMENTATION FOR THE RURAL B1 ZONE

Specific Methods of Implementation within the Rural B1 Zone will comprise of an Approved Development Plan, which will contain restrictions on the siting of any building within a nominated building platform. The majority of the performance standards will, however, be retained within the rules for the zone over which Council will retain control.

Further, within the Rural B1 Zone a binding legal structure will be formulated to control the following matters:

- i) the use of the proposed individual lots;
- ii) the use and maintenance of common areas;
- iii) the implementation and maintenance of a long-term land retirement and revegetation management plan;
- iv) the provision and maintenance of all internal roading, pedestrian pathways, lighting, access, services and other infrastructure;
- v) the sharing of costs for the matters specified in (ii), (iii) and (iv) above; and
- vi) a single point of contact for third parties through an owner's association.

3.3 LAKES STRATEGY

Council will, as a matter of urgency, undertake the work and public consultation necessary to develop Objectives, Policies, and Methods of Implementation for the integrated management of the Rotorua Lakes and their catchments, and will aim to have these publicly notified as a Plan Change immediately after the first full Council meeting in 1998. This will include a long term strategy to deal with intensification of land use, including urbanisation.

3.4 PROMOTION

Council will:

- (a) Develop education programmes in conjunction with regional councils and land user groups that increase awareness of the effects that land management practices have on the environment.
- (b) Continue to take an active part with regional councils in the Environmental Plans programme. These have been developed in conjunction with Federated Farmers (Rotorua-Taupo Province), the Department of Conservation, and the regional councils.

Environmental Plans focus on works such as those that will improve water quality (eg fencing and managing stream banks and planting seepage areas), protect natural features and habitats such as wetlands and stands of indigenous vegetation, and protect landscape features. Funding is proposed to be shared between the land owners and the various agencies involved. This shared agreement recognises that while some benefits of such works will be enjoyed on-farm, many will also result in significant off-farm benefits.

Although the Plans are entirely voluntary, whereby rural land owners would approach Council and initiate their preparation, appropriate administrative arrangements (eg covenants) may be used to protect any public money that has been provided. Landowners are free to place covenants on the titles at their own initiative.

- (c) Work with regional councils to promote improvement and maintenance of the health of water bodies including mechanisms such as retirement of riparian land.
- (d) Work with regional councils on the implementation of methods to minimise effects of septic tank effluent on water bodies.
- (e) Consider a programme of amenity planting around rural settlements.
- (f) Consider developing rural landscape guidelines after the Landscape Assessment and District Character Study have been completed.

- (g) Ascertain, periodically the need for housing lots in rural settlements and consult with residents about how any demand can best be met.
- (h) Identify, during the life of this Plan, critical viewshafts and develop, with public consultation, suitable mechanisms for protecting them. These provisions may be introduced into the Plan through a Plan Change procedure.

4. ANTICIPATED ENVIRONMENTAL RESULTS

The results in the rural areas and the lakes that are anticipated through the provisions of **Part Ten** include:

- (a) Retention of the characteristics that contribute to the rural character of the District including the rural land that is within sight of urban Rotorua;
- (b) Retention of the largely rural character of the lakes;
- (c) Retention of important landscapes, views and natural features;
- (d) Retention and improved management of important natural heritage features including wetlands and areas of indigenous vegetation;
- (e) Improvement of riparian management including retention and improvement of indigenous vegetation beside waterbodies;
- (f) Improved water quality of waterbodies;
- (g) Artificial land surfaces arising from fills that are known so that they do not constitute hazards to future activities;
- (h) Protection of urban drainage facilities from changed flood flows arising from works to control flooding;
- (i) Increased integration of management between the District Council and the respective regional councils; and
- (j) Increased community awareness of adverse effects arising from land uses and management practices and methods to avoid, remedy and mitigate them.

R10 RULES

R10 ACTIVITIES IN THE RURAL ZONES

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

In Tables **R10.1.1**, **R10.1.2**, **R10.1.3** and **R10.1.4**:

P	=	Permitted Activity
C	=	Controlled Activity
RD	=	Restricted Discretionary
D	=	Discretionary Activity
NC	=	Non-Complying Activity
Prohibited	=	Prohibited Activity
NA	=	Not Applicable
Rural A	=	General Rural Zone
Rural B	=	Rural Residential Zone
Rural B1	=	Western Caldera Lake Terrace Rural-Residential Zone
Rural C	=	Kaingaroa Papakainga Zone
Rural D	=	Rural Settlement Zone
Rural E	=	Lakeside Settlement Zone
Rural F	=	Spray Irrigation 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.

R10.1 ACTIVITIES IN THE RURAL A, B, B1, C, D, E, AND F ZONES

R10.1.1 ACTIVITIES IN THE RURAL A, B AND D ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R10.6.2**.

Notwithstanding any provision in the table below any Activity Sensitive To Aircraft Noise (as defined in Part 19 of this Plan) or additions to such activities for which provision is made in this table as a permitted, controlled, discretionary or non-complying activity are subject to Appendix E and may become a restricted discretionary, discretionary or prohibited activity by reason of the rules in Appendix E if the site of the proposed Activity Sensitive To Aircraft Noise is located within either the Air Noise Area or the Inner Control Area shown on the Planning Maps.

ACTIVITIES	RURAL ZONES		
	A	B	D
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>	P	P	P
2. Works for the avoidance of flooding unless otherwise permitted	D	D	D
3. Agroforestry	P	P	NC
4. Agricultural production activities, except as otherwise regulated	P	P	D
5. Planting for the purposes of amenity improvement, erosion control and riparian management	P	P	P
6. Plantation forestry including harvesting other than in the covenanted areas along the margins of Lakes Tikitapu and Rotokakahi as shown on DPS 54801	P	P	NC
7. Plantation forestry including harvesting in the covenanted areas along the margins of Lakes Tikitapu and Rotokakahi as shown on DPS 54801	C	NA	NA
8a. Clearance or modification of indigenous vegetation of up to 500m ² over any 2 year period where the 500m ² is either a total for an individual site or for an individual remnant where that remnant covers more than one site, or the felling of any (remnant) indigenous tree (including for the taking of firewood) of up to 100m ³ per year on any one site	P	P	P

ACTIVITIES	RURAL ZONES		
	A	B	D
8b. Clearance of discrete areas of up to 1000m ² of regenerating secondary indigenous vegetation cleared for plantation forestry at the time of re-establishment	P	D	D
9. The felling or destruction of any exotic tree except those identified in Appendix A	P	P	P
10. Drainage or infilling in any 2 year period of wetlands of a size up to 100m ² in area	P	P	P
11. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P	P
12. Drainage or infilling in any 2 year period of wetlands of a size in excess of 100m ² 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
13. 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
14. Household units (one per lot)	P	P	P
15 Buildings not complying with the 25m buffers in R10.2.3	D	D	D
16. Community housing with a maximum of eight over night residents per lot	P	P	P
17. One additional household unit for each 15 hectares by which the lot exceeds 15 hectares	C	C	C
18. Any Permitted Activity that meets the criteria in R10.3.3.2 for the reduction or waiving of the Performance Standards	C	C	C
19. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P	P	P
20. One subsidiary household unit, per established household unit	C	C	C
21. Home based business enterprises within an established household unit	P	P	P
22. Tourism accommodation, other than homestay or farmstay	D	D	D

ACTIVITIES	RURAL ZONES		
	A	B	D
23. Homestay and farmstay tourism activities within an established household unit	P	P	P
24. Any activity accessory to any Permitted Activity situated on the same site	P	P	P
25. Outdoor commercial recreation activities, excluding motor sports and firearm sports	C	C	D
26. Motor sports and firearm sports	D	D	D
27. Indoor commercial recreation activities	D	D	D
28. Childcare centres	C	C	C
29. Enclosure of livestock	D	D	NC
30. Dairy sheds	C	C	NC
31. Roadside stalls not located adjacent to State Highways or rural arterial routes for the sale of produce produced less than 5km from the stall, and the sale of arts and crafts produced on site	C	C	NC
32. Roadside stalls located adjacent to State Highways or rural arterial routes for the sale of produce produced less than 5km from the stall, and the sale of arts and crafts produced on site	D	D	NC
33. Any activity accessory to a Controlled Activity situated on the same site	C	C	C
34. Rural contractors' depots and workshops	D	D	D
35. Industrial or trade processes	D	D	D
36. Extraction of honey	D	D	NC
37. Restaurants	D	D	D
38. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P	P	P
39. 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	D	D
40. Service stations, motor vehicle and machinery repair garages	D	D	D
41. Hospitals and rest-homes	D	D	D
42. Educational activities	D	D	D
43. Community facilities and churches including marae	D	D	D
44. Cemeteries and crematoria	D	D	NC

ACTIVITIES	RURAL ZONES		
	A	B	D
45. Prospecting and exploration subject to compliance with the Performance Standards set out in Appendix R . (Note that minimum impact activities, as defined in Section 2 (1) of the <i>Crown Minerals Act 1991</i> are subject only to the requirements of the <i>Crown Minerals Act 1991</i>)	P	P	NC
46. Prospecting and exploration that does not comply with the Performance Standards set out in Appendix R	D	D	NC
47. Mining and quarrying subject to the criteria specified in Appendix S	D	NC	NC
48. Helicopter landing areas complying with the standards of Appendix H	D	D	NC
49. Papakainga	D	D	D
50. Any activity involving: <ul style="list-style-type: none"> (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature; 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 or that is carried out in accordance with Schedule 8 - Ohaaki Geothermal Power Station, Part Seventeen of this District Plan	P	P	P
51. Any activity listed under 50 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
52. Activities otherwise permitted or controlled: <ul style="list-style-type: none"> (a) 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 (b) within the dripline (branch spread) of a notable tree listed in Appendix A 	D	D	D

ACTIVITIES	RURAL ZONES		
	A	B	D
53. Disposal of wood waste	D	NC	NC
54. Liquid organic waste spray irrigation	P	NC	NC
55. Veterinary hospitals	D	D	D
56. Garden Centres	D	D	D
57. Retail shops and banks	NC	NC	D
58. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See Appendix O)	D	D	D

ACTIVITIES	RURAL ZONES		
	A	B	D
59. Intentionally Blank.			
60. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill	Refer to Appendix I to determine the activity status		
61. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen to determine the activity status		
62. Utility services	Refer to Part Fifteen to determine the activity status		
63. Temporary Military Training	Refer to Appendix J to determine the activity status		

R10.1.1A ACTIVITIES IN THE RURAL B1 ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R10.6.2**.

ACTIVITIES	RURAL ZONE B1 ZONE
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 Wildlife Act 1953, Te Ture Whenua Maori Act 1993/Maori Land Act 1993, the Conservation Act 1987, the Queen Elizabeth II National Trust Act 1977, the Soil Conservation and Rivers Control Act 1941 or the Reserves Act 1977	P
2. Works for the avoidance of flooding unless otherwise permitted	C
3. Agroforestry and Plantation Forestry	Prohibited
4. Agricultural production activities	Prohibited
5 Revegetation in accordance with a subdivision consent	P
6. Planting for the purpose of amenity improvement in accordance with a subdivision consent	P
7 Revegetation and planting not in accordance with a subdivision consent	RD
8. Planting for the purpose of erosion control and riparian management	P
9. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P

10. Felling or destruction of any exotic tree (except those listed in Appendix A)	P
11. The regular maintenance of trees, removal of trees suffering from an untreatable disease, and work immediately necessary to avoid injury to persons or damage to property.	P
12. Activities involving the clearance or modification of indigenous vegetation, the drainage or infilling of wetlands, the felling or destruction of any (remnant) indigenous tree	NC
13 One household unit per site	P
14. Homestay tourism activities within established household units	P
15. One subsidiary household unit, per established household unit	RD
16. Home based business enterprises within an established household unit	RD
17. Any industrial or trade process, vehicle transport or storage facility or motor vehicle repair garage, other than a permitted home based business enterprise	Prohibited
18. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen to determine the activity status
19. Utility Services	Refer to Part Fifteen to determine the activity status
20. Helicopter landing areas	Prohibited
21. The erection of one sign at the entrance to the Zone denoting the name of the Estate	P
22. Signage, except for one sign at the entrance to the Zone	NC
23. Any other activity not listed	NC

R10.1.2 ACTIVITIES IN THE RURAL C ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R10.6.2**.

ACTIVITIES	RURAL ZONE
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>	C P
2. Works for the avoidance of flooding unless otherwise permitted	D
3. Any activity which is consistent with the Development Plan for the Kaingaroa Papakainga Village as shown in Appendix T , other than activities listed below	P
4. Home based business enterprises within an established household unit	P
5. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P
6. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See Appendix O)	D

ACTIVITIES	RURAL ZONE
	C
7. Activities otherwise permitted or controlled: <ul style="list-style-type: none"> (a) 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 (b) within the dripline (branch spread) of a notable tree listed in Appendix A 	D
8. Helicopter landing areas complying with the standards of Appendix H	D
9. Intentionally Blank	
10. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P
11. Any activity involving: <ul style="list-style-type: none"> (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature; 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
12. Any activity listed under 11 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
13. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill	Refer to Appendix I to determine the activity status
14. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen to determine the activity status
15. Utility services	Refer to Part Fifteen to determine the activity status
16. Temporary Military Training	Refer to Appendix J to determine the activity status

R10.1.3 ACTIVITIES IN THE RURAL E ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R10.6.2**.

ACTIVITIES	RURAL ZONE
	E
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>	P
2. Works for the avoidance of flooding unless otherwise permitted	D
3. Household units (one per lot)	P
4. Homestay tourism activities within established household units	P
5. Community housing with a maximum of eight overnight residents per lot	P
6. Any activity accessory to any Permitted Activity situated on the same site	P
7. Home based business enterprises within an established household unit	P
8. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P
9. Buildings not complying with the 25m buffers in R10.2.3	D
10. One additional household unit for each 2000m ² that the lot exceeds 2000m ²	C
11. Two or more household units per site provided there is a minimum of 1000m ² site area per unit	D
12. Any activity accessory to a Controlled Activity situated on the same site	C
13. Childcare centres	D
14. Tourist accommodation, other than homestay	D
15. Community facilities and churches including marae	D
16. Educational activities	D
17. Any Permitted Activity that meets the criteria in R10.3.3.2 for the reduction or waiving of the Performance Standards	C

ACTIVITIES	RURAL ZONE
	E
18. Clearance or modification of indigenous vegetation of up to 500m ² over any 2 year period where the 500m ² is either a total for an individual site or for an individual remnant where that remnant covers more than one site, and the felling of any (remnant) indigenous tree (including for the taking of firewood) of up to 100m ³ per year	P
19. The felling or destruction of any exotic tree except those identified in Appendix A	P
20. Drainage or infilling in any 2 year period of wetlands of a size up to 100m ² in area	P
21. Drainage or infilling in any 2 year period of wetlands of a size in excess of 100m ² 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
22. 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
23. 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 Appendix A ; or (b) within the dripline (branch spread) of a notable tree listed in Appendix A	D
24. Indoor and outdoor commercial recreation activities	D
25. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P
26. Intentionally Blank.	

ACTIVITIES	RURAL ZONE
	E
<p>27. Any activity involving:</p> <ul style="list-style-type: none"> (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature; <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>28. Any activity listed under 27 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</p>	D
<p>29. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill</p>	Refer to Appendix I to determine the activity status
<p>30. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants</p>	Refer to Part Fourteen to determine the activity status
<p>31. Utility Services</p>	Refer to Part Fifteen to determine the activity status
<p>32. Helicopter landing areas</p>	Prohibited
<p>33. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See Appendix O)</p>	Prohibited
<p>34. Motor vehicle repair garages</p>	Prohibited
<p>35. Temporary Military Training</p>	Refer to Appendix J to determine the activity status

R10.1.4 ACTIVITIES IN THE RURAL F ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R10.6.2**.

ACTIVITIES	RURAL ZONE F
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>	P
2. Works for the avoidance of flooding unless otherwise permitted	D
3. Plantation forestry	P
4. Plant nurseries	P
5. Wastewater treatment and disposal by way of spray irrigation	P
6. Plant excluding buildings, required for spray irrigation	P
7. Holding ponds	P
8. Weirs, piezometers, lizometers and ancillary structures and equipment necessary to effectively monitor the spray irrigation system	P
9. Any activity accessory to any Permitted Activity	P
10. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P
11. 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 Appendix A ; or (b) within the dripline (branch spread) of a notable tree listed in Appendix A	D
12. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See Appendix O)	D
13. Any Permitted Activity that meets the criteria in R10.3.3.2 for the reduction or waiving of the Performance Standards	C

ACTIVITIES	RURAL ZONE
	F
14. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P
15. Intentionally Blank.	
<p>16. Any activity involving:</p> <ul style="list-style-type: none"> (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature; <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
17. Any activity listed under 16 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
18. Stockpiling, earthworks involving cleanfill and disposal of materials other than cleanfill	Refer to Appendix I to determine the activity status
19. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen to determine the activity status
20. Utility services	Refer to Part Fifteen to determine the activity status
21. Temporary Military Training	Refer to Appendix J to determine the activity status

R10.2 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

R10.2.1 INTRODUCTION

The Permitted Activities listed in **R10.1.1** to **R10.1.4** are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to all Rural 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**.

R10.2.2 MAXIMUM HEIGHT AND DAYLIGHTING

Any building shall not exceed the standards specified below.

R10.2.2.1 RURAL A ZONE

10 metres above the lower of either the natural ground level or the finished ground level at that point; except that for residential (household) units the maximum height is 7.5 metres.

Note: Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

R10.2.2.2 RURAL B AND D ZONES

7.5 metres above the natural ground level at that point.

Note: Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

R10.2.2.2A RURAL B1 ZONE

Within the Rural B1 Zone there are two specific areas with different height provisions, **Area A** and **Area B** (refer to Appendix G2).

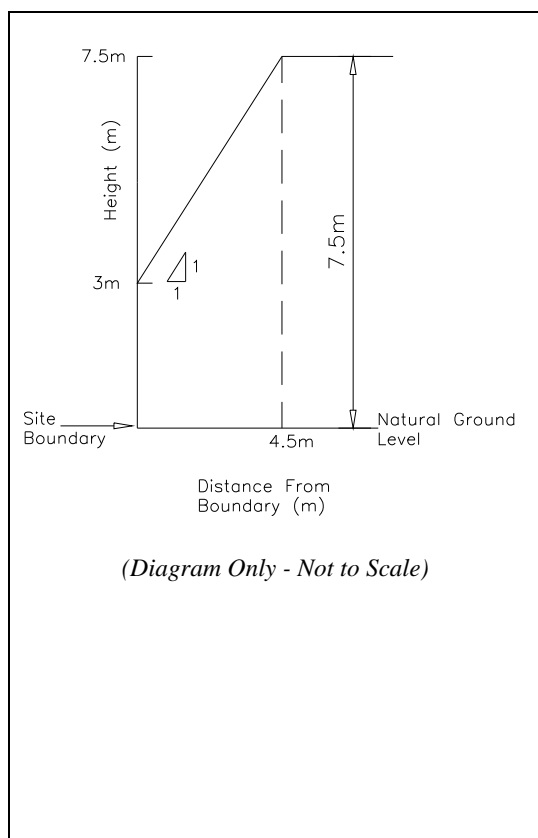
Any building shall not exceed the standards specified below:

- i) Within **Area A**, as a Permitted Activity, 5 metres above the finished ground level of the Building Platform.

- ii) Within **Area B**, as a Permitted Activity, 7.5 metres above the finished ground level of the Building Platform.

R10.2.2.3 RURAL C ZONE

No height restrictions apply other than any that may be specified in the Development Plan.

R10.2.2.4 RURAL E ZONE

7.5 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 1.0 metre for every 1.0 metre from that boundary.

Note: Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

R10.2.2.5 RURAL F ZONE

15 metres above the natural ground level at that point.

R10.2.3 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.

In the Rural A, B, C, D, and E Zones no building, waste disposal facility or structures for confined animal farming may be erected within 25 metres of any river or stream, the bed of which has an average width of 3 metres or more, or from any lake with a surface area in excess of 8 hectares, or within 5 metres of any esplanade reserve or strip.

In all other cases the following buffer requirements for buildings only apply:

R10.2.3.1 RURAL A ZONE

Minimum front yard	10.0 metres
Minimum side yard	5.0 metres
Minimum rear yard	7.5 metres
Minimum rear site yard	5.0 metres

R10.2.3.2 RURAL B ZONE

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

R10.2.3.2A RURAL B1 ZONE

Minimum Yards

No buffer provisions apply other than those that may be specified within the Approved Development Plan for the Rural B1 Zone. (Refer Appendix G2.)

R10.2.3.3 RURAL C ZONE

Minimum yards

No restrictions apply other than as may be specified in the Development Plan.

R10.2.3.4 RURAL D ZONE

Minimum front yard	7.5 metres
Minimum side yard	2.5 metres
Minimum rear yard	2.5 metres
Minimum rear site yard	2.5 metres

R10.2.3.5 RURAL E ZONE

Minimum front yard	7.5 metres
Minimum side yard	2.5 metres
Minimum rear yard	5.0 metres
Minimum rear site yard	2.5 metres

R10.2.3.6 RURAL F ZONE

All front, rear and side yards	7.5 metres
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Where spray irrigation takes place adjacent to a road which is open for use by the public, a buffer zone of at least 30 metres in width shall be maintained between the spray area and such a road.

A buffer zone of at least 20 metres in width shall be maintained between areas where the spray irrigation takes place and any potable drinking water reservoir.

In the above situations, these buffer zones shall contain a multi-canopied strip of forest that is not used for spray irrigation purposes.

R10.2.4 SITE COVERAGE

In all zones, other than the Rural B1 Zone, the maximum site coverage shall be:

Buildings	25%
Impermeable surfaces	40%

R10.2.4A SITE COVERAGE AND BUILDING FORM IN THE RURAL B1 ZONE

The site coverage and building form for all buildings shall comply with the following conditions:

- i) Buildings in Area A and Area B shall be located within the Building Platform and shall not exceed a total ground floor area of 400m².
- ii) Where buildings located in Area A and Area B have a total ground floor area of 250m² or more, the building form shall be broken into smaller (yet connected) blocks or wings.
- iii) Where buildings in Area B have both a ground and first floor
 - (a) the first floor shall be no greater than 65% of the total ground floor area; and
 - (b) the first floor shall be stepped back by a minimum of one (1) metre in relation to the building's ground floor area in its northern, eastern and western elevations; and
 - (c) the building shall incorporate eaves of at least 600mm width at both the ground and first floor levels.

Where the total ground floor area of buildings within the building platform of Area A exceeds 400m² but does not exceed 450m² and where the building form elements specified in R10.2.4(ii) are met, a consent to a Controlled Activity shall be required. Where the total ground floor area of buildings within the building platform of area A exceeds 450m², or building form elements specified in rule R10.2.4(ii) are not met, a consent to a Restricted Discretionary Activity shall be required.

Where the total ground floor area of buildings within the building platform of Area B exceeds the site coverage requirement of 400m² or building form elements specified in rule R10.2.4(ii) and R10.2.4(iii) are not met, a consent to a Restricted Discretionary Activity shall be required.

(Note: Refer to Appendix G2 for the location of Area A and Area B).

R10.2.4B REFLECTIVITY VALUES IN THE RURAL B1 ZONE

Reflectivity values for all buildings and structures shall be as follows:

- i) Any exterior surface wall shall have a reflectivity value of between 0 and 37%.
- ii) Any roof shall have a reflectivity value of between 0 and 25%.

R10.2.4C LIGHTING AND GLARE IN THE RURAL B1 ZONE

R10.2.4C.1 LIGHTING

As a Permitted Activity, any activity that results in light spill or stray light emissions complying with the following condition:

- i) Any direct artificial illumination shall not exceed ten (10) lux when measured at the nearest site boundary.

Illuminance levels shall be measured vertically and horizontally in accordance with professional illumination engineering practice.

R10.2.4C.2 GLARE

As a Permitted Activity, any activity that results in glare complying with the following condition:

- i) Lighting shall be aimed no higher than 30° below the horizontal and shall be aimed, hooded or screened, to minimise glare.

R10.2.4D ROOF DESIGN IN THE RURAL B1 ZONE

For all buildings and structures in the Rural B1 Zone, 60% of roofs shall be either gable or hip. Mono-pitch (shed) or dormer roof forms can be used in combination with gable or hip roofs.

R10.2.5 PARKING AND TURNING

R10.2.5.1 RURAL A, B, B1, D, AND E ZONES

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

No additional access points shall be created unless consent has been obtained from Transit New Zealand in the case of State Highways or the District Council in the case of rural arterial routes.

R10.2.5.2 RURAL C AND F ZONES

There are no parking standards for these zones.

R10.2.6 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.

R10.2.7 SIGNS

R10.2.7.1 RURAL A, B, D, E, AND F ZONES

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.

R10.2.7.2 RURAL B1 ZONE

As a Permitted Activity, signage shall be restricted to the provision of up to a maximum of one sign at the entrance to the zone, specifying the name of the Estate and other relevant details, of no more than a total area of 5m². Excluded from this provision are Exempted Signs.

R10.2.7.2 RURAL C ZONE

No standards apply, other than any that may be specified in the Development Plan.

R10.2.8 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.

R10.2.9 PLANTATION FORESTRY IN THE RURAL A, B AND F ZONES

No part of any plantation forest shall be closer than 20 metres from the edge of any public road carriageway (being the formed part of the road for use by vehicles) or the boundary of any Rural C, D, or E Zone, or any Residential Zone.

R10.2.10 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;
- (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, B1, 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; and
- (c) Make provision for the retirement from grazing and the revegetation of appropriate land within the Rural B1 Zone.

R10.2.10A EARTHWORKS IN THE RURAL B1 ZONE

As Permitted Activities, earthworks that comply with the following conditions:

- i) The earthworks do not disturb any recorded heritage feature including historic places, archaeological sites and waahi tapu; and
- ii) The earthworks are on slopes that do not exceed 25°; and
- iii) The earthworks are outside an ephemeral watercourse; and
- iv) The fill is cleanfill and has a vertical dimension that does not exceed 600mm; and
- v) The excavation has a vertical dimension that does not exceed 2500mm (2.5 metres); and
- vi) The earthworks do not exceed 500m³.

Where one or more of the above conditions for earthworks are not met, a consent to a Restricted Discretionary Activity shall be required.

R10.2.10B COLLECTION AND DISPOSAL OF STORMWATER FROM INDIVIDUAL BUILDING ALLOTMENTS IN THE RURAL B1 ZONE

As a Permitted Activity, all buildings and impermeable surfaces, including driveways, shall be provided with a stormwater and disposal system within the site, complying with the following conditions:

- i) It is designed to accommodate at least a 10% AEP storm event by:
 - a) soakage; or
 - b) vegetated swales; or
 - c) ponding; or
 - d) a combination of any of the above.

- ii) Surface water does not enter habitable buildings from a 2% AEP storm event; and
- iii) Where the system uses pipes, that:
 - a) accessible inspection points or chambers are provided at all changes of grade and direction; and
 - b) self cleansing velocities are maintained; and
 - c) the system has a functional design life of at least 50 years.

R10.2.11 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.

R10.2.12 DEVELOPMENT PLAN - RURAL B1 ZONE

The Approved Development Plan for the Rural B1 Zone is included as Appendix G2 in Part Eighteen of the Plan. All development activities are to comply with the provisions contained in Appendix G2.

Performance standards that apply within the area covered by the Approved Development Plan include the following:

R10.2.12.1 Buildings within Building Platforms

All buildings shall be located within the Building Platform denoted on each allotment.

R10.2.12.2 Buffers

As buildings are located within a specific Building Platform on each allotment, which are in all cases located away from property boundaries, there shall be no Buffers specified for any allotment within the Development Plan.

R10.3 CONTROLLED ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R10.3.1 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 **R10.3.2** below.

For a number of activities identified in **R10.1.1** to **R10.1.4**, specific additional criteria will also be applied. These criteria are set out in **R10.3.3**.

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

R10.3.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR CONTROLLED ACTIVITIES

R10.3.2.1 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES

Particular concerns relate to ensuring that buildings and structures in Rural Zones retain a rural 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.

R10.3.2.2 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 of buildings, parking and vehicle circulation areas.

R10.3.2.3 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.

R10.3.2.4 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.

R10.3.2.5 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.

R10.3.2.6 OBJECTIVES AND POLICIES OF THIS PART

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

R10.3.2.7 **NATURAL HAZARDS**

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

R10.3.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED CONTROLLED ACTIVITIES

R10.3.3.1 **INTRODUCTION**

All Controlled Activities identified in **R10.1.1** to **R10.1.4** are to be assessed against the Performance Standards outlined in **R10.2** and the criteria outlined in **R10.3.2**. 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.

R10.3.3.2 **PERMITTED ACTIVITIES THAT MEET THE CRITERIA FOR REDUCTION OR WAIVING OF PERFORMANCE STANDARDS**

The Performance Standards in **R10.2.2**, **R10.2.3**, **R10.2.5** and **R10.2.9** 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 **R10.3.2** apply.

R10.3.3.2.1 **Maximum Height and Daylighting in Rural A, B, D and E Zones**

- (a) The maximum height provided for in **R10.2.2** may be exceeded by up to 1.5 metres where Council considers that compliance with those standards would be in impractical or unreasonable because:
 - (i) sections have an unusual or irregular shape or topography; or
 - (ii) of the existence of rights-of-way, easements or similar land use restrictions; or
 - (iii) of the existence of a non-conforming building; or
 - (iv) in the case of gable ended buildings the top of the proposed gable end encroaches the height and daylighting standard; or
 - (v) the proposed block boundary wall requires a parapet for fire rating purposes; or
 - (vi) the proposed extension cannot be located in a manner conforming with the Plan due to the existence of an item listed in **Appendix A**; or
 - (vii) the adverse effects on the environment (eg. privacy, daylighting and visual appearance) will be minor.

- (b) This reduction or waiver will be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.
- (c) No consent shall be granted under this Rule where a building, structure or tree penetrates any of the take-off slopes, approach slopes, transitional slopes, horizontal or conical surfaces as defined and illustrated in the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14.

R10.3.3.2.2 Buffers

- (a) Rural A, B, and D Zones:
The buffer standards for the Rural A, B and D Zones as outlined in **R10.2.3** may be reduced or waived where Council considers that compliance with these standards would be impractical or unreasonable because:
 - (i) sections have an unusual or irregular shape or topography; or
 - (ii) rights-of-way, easements or similar land restrictions exist; or
 - (iii) a non-conforming building exists; or
 - (iv) the proposed extension cannot be located in a manner conforming with the Plan due to the existence of an item listed in **Appendix A**; or
 - (v) the adverse effects on the environment will be minor.

In addition, this reduction or waiver will be subject to obtaining the written consent of property owner(s) or occupier(s), that Council considers may be affected.

- (b) Rural E Zone:
The minimum front yard may be reduced to 1.5 metres for the purpose of accommodating a garage or carport or other accessory buildings, provided that the front yard is suitably screen planted to the satisfaction of Council.

The side yards may be reduced to a minimum of 1.2 metres with the written consent of property owners(s) or occupier(s), that Council considers may be affected, having been obtained.
- (c) All Rural Zones:
In all Rural Zones the buffer standards may be reduced or waived in order to preserve any building, tree, object or site listed in **Appendix A**.

R10.3.3.2.3 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.

R10.3.3.2.4 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.

R10.3.3.2.5 Plantation forestry within 20 metres of the boundary of a public road

The Performance Standards in **R10.2.9** may be reduced or waived, where Council is satisfied that this will not result in any detrimental effect on traffic safety.

R10.3.3.3 PLANTATION FORESTRY INCLUDING HARVESTING IN THE COVENANTED AREAS ALONG THE MARGINS OF LAKES TIKITAPU AND ROTOKAKAHI AS SHOWN ON DPS 54801

These lakes have very high recreational and amenity values, as well as significant cultural and spiritual values. Applications for Controlled Activities will normally be non-notified and will be assessed in terms of the following criteria:

- (a) The relevant Objectives and Policies of this Plan;
- (b) The effect of the activity on amenity and recreational values; and
- (c) The replanting of areas of harvested forest in species that maintain the landscape values of the area and that are capable of being selectively managed.

In setting conditions on any consent, Council will consider any agreement or covenant that exists between the Crown and the Licensee that meets the Objectives of this Plan. In particular, Council will consider using the covenants that exist between the Crown and the Licensee dated 30 April 1990 as a basis for conditions on a consent. Because of the nature of the activity, Council will consider giving a long term consent with a review clause.

R10.3.3.4 ONE ADDITIONAL HOUSEHOLD UNIT FOR EACH 15 HECTARES BY WHICH THE LOT EXCEEDS 15 HECTARES IN THE RURAL A, B AND D ZONES

Applications for additional household units will be assessed in terms of Council's Objectives to preserve the rural character, and to avoid, remedy or mitigate any adverse effects of the activity on the natural environment and water quality.

Council may impose conditions on a resource consent for this activity that specify the location of the additional household unit(s).

A restriction may be registered on the title stating that, when future subdivision of the lot is to take place, the maximum number of household units on the total area of the parent lot shall not exceed one per fifteen hectares.

R10.3.3.5 ONE ADDITIONAL HOUSEHOLD UNIT FOR EACH 2,000M² THAT THE LOT EXCEEDS 2,000M² IN THE RURAL E ZONE

Applications for additional household units in the Rural E Zone will be assessed in terms of the following criteria in order to avoid, remedy or mitigate any adverse effect on the environment:

- (a) One additional household unit will be allowed for each 2000m² of site area;
- (b) The design and location of buildings and structures must not create an adverse visual effect on the landscape character of the area (Refer to the Rotorua Lakes Landscape);
- (c) Existing areas of native and exotic vegetation must be retained as much as practicable in order to maintain the landscape character; and
- (d) The collection, treatment and disposal of stormwater and wastewater must not lead to any increase of contaminants or nutrients entering water bodies.

Council may impose such conditions as it considers appropriate in the circumstances to ensure that the above criteria are given effect to.

R10.3.3.6 STORMWATER CONTROL WITHIN EPHEMERAL WATERCOURSES IN THE RURAL B1 ZONE

As a Controlled Activity a stormwater control system within an ephemeral watercourse shall be provided, which shall comply with the following conditions:

- i) Gully sides and bottoms shall be planted, where appropriate, with locally appropriate indigenous species at an appropriate density to assist in the mitigation of adverse effects from stormwater runoff;
- ii) Notwithstanding i) above, where potential stormwater flows are likely to be high, gully bottoms shall be maintained free of shrub and tree planting to assist in the mitigation of any adverse downstream effects from uncontrolled debris during storm events;
- iii) Other appropriate methods of stormwater control to assist in reducing the velocity and volume of stormwater flow in storm events, such as by the creation of a series of low ponding areas, shall be provided within the zone boundaries.
- (iv) That the design and implementation of any stormwater disposal system will be required by the Rotorua District Council to provide mitigation within the Zone, of the additionally generated stormwater in a 1% AEP storm event so that the stormwater discharge from the Zone does not exceed the existing undeveloped stormwater discharge.

R10.3.3.7 DAIRY SHEDS

Applications for dairy sheds will be assessed in terms of adverse effects on nearby residential activities and the general amenity of the area, particularly in terms of noise and odour. Council may impose conditions on the location of structures and other matters that it considers appropriate in the circumstances.

R10.3.3.9 SITE COVERAGE EXCEEDING 400M2 BUT NOT 450M2 IN THE RURAL B1 ZONE

For site coverage that exceeds 400m2 but not 450m2 in the Rural B1 Zone and where the buildings are broken into smaller yet connected blocks or wings as specified in rule R10.2.4(ii), the Council shall reserve its control and may impose conditions on the following matters:

- The location and orientation of building on the building platform
- The area of glass and whether it is to be tinted
- Width of any eave
- Landscaping to reduce visibility of the building

In addition to the above, Council may impose a bond to ensure satisfaction of conditions of consent and a charge to cover monitoring costs.

R10.3A RESTRICTED DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R10.3A.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.

R10.3A.1.1 SUBSIDIARY HOUSEHOLD UNITS AND HOME BASED BUSINESS ENTERPRISES IN THE RURAL B1 ZONE

For subsidiary household units and home based business enterprises, Council shall limit its discretion and may impose conditions in respect of the following matters:

- (i) The extent to which the activity complements the rural-residential amenity values and rural-residential neighbourhood coherence and character, having particular regard to:
 - The extent to which the activity detracts from or conflicts with the maintenance of primarily rural-residential activities in the neighbourhood surrounding the site;
 - How the proposed activity compares with the rural-residential development allowable in the zone as a Permitted Activity;
 - The extent of any mitigation of adverse effects from on-site development intensity and scale, provided through means such as provision of screening or landscape treatment, external appearance of buildings, location of any additional access, egress and parking areas.

R10.3A.1.2 EARTHWORKS IN THE RURAL B1 ZONE

For earthworks, the Council shall limit its discretion to, and may impose conditions in respect of, the following matters:

- i) Geotechnical design;
- ii) Land stability management;
- iii) Stormwater and sediment management;
- iv) Any effect on an historic place, archaeological site, or waahi tapu, both recorded and unrecorded;
- v) Measures to avoid, remedy or mitigate effects on any view obtained from a public reserve or public road;
- vi) The location on-site, the extent, method, staging, time of day, season and weather conditions under which earthworks can be undertaken.

In addition to the above, Council may impose a bond to ensure satisfaction of conditions of consent and a charge to cover monitoring costs.

R10.3A.1.3 SITE COVERAGE AND BUILDING FORM IN THE RURAL B1 ZONE

For site coverage and building form, the Council shall limit its discretion to, and may impose conditions in respect of, the following matters:

- i) The extent to which the external design of the building:
 - a) detracts from or promotes natural character; and
 - b) is visually prominent.

- ii) The extent to which the more than minor effects of the building can be remedied or mitigated on-site by measures such as landscaping or revegetation.
- iii) Whether an alternative design is able to address any adverse effects.

Council may impose conditions in respect of the following matters:

- a) Specifying the:
 - location within the Building Platform;
 - maximum height of the building;
 - maximum floor area of building(s);
 - minimum width of eaves;
 - minimum first floor level set-backs;
 - reflectivity values;
 - design themes including measures that will break the proposed building's external form;
 - landscaping;
 - revegetation.
- b) Specifying maximum glare and light levels.

In addition to the above, Council may impose a bond to ensure satisfaction of conditions of consent and a charge to cover monitoring costs.

R10.3A.1.4 REVEGETATION AND PLANTING IN THE RURAL B1 ZONE NOT IN ACCORDANCE WITH A SUBDIVISION CONSENT

For Revegetation and Planting not in accordance with a subdivision consent, the Council shall limit its discretion to and may impose conditions in respect of the following matters:

- i) The extent and composition (ie species mix) of indigenous vegetation (or exotic vegetation) in specified locations on the site or within the Zone;
- ii) The location of indigenous vegetation in relation to building locations on the site or within the Zone;
- iii) Topographical constraints within the site or Zone;
- iv) Whether alternative measures are required to address any adverse effects on indigenous vegetation, habitats and species on the site or within the Zone.

Council may impose conditions in respect of the following matters:

Specifying the:

- Site preparation techniques
- The timing and staging of planting
- Location of buildings within the building platform

- Location and extent of the indigenous revegetation on the site or within the Zone including additional plantings to be undertaken close to buildings
- Species composition including the numbers, density, grade and species of plant per hectare
- Inter-planting with later species after canopy closure or completion of construction
- Planting and ongoing maintenance specifications, including the term and type of maintenance
- Formal protection by way of legal covenants
- Weed and pest control measures
- Requirement for fences and exclusion of grazing
- Monitoring and review requirements for revegetation planting and maintenance

In addition to the above, Council may impose a bond to ensure satisfaction of conditions of consent and a charge to cover monitoring costs.

R10.4 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R10.4.1 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.

R10.4.2 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 **R10.1.1** to **R10.1.4**, specific additional assessment criteria apply. These are set out in **R10.4.3**.

R10.4.2.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

In general, Discretionary Activities will be required to comply with the Performance Standards in **R10.2** 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.

R10.4.2.2 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.

R10.4.2.3 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.

R10.4.2.4 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.

R10.4.2.5 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 by taking 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.

Council will consult with Transit NZ when considering any application for an activity which requires access onto a State Highway, and may use any relevant guidelines relating to traffic safety when setting conditions.

R10.4.2.6 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*.

R10.4.2.7 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 allowed.

R10.4.2.8 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.

R10.4.2.9 **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 the Plan. The ability of a site to internalise effects, if more than one activity is proposed to operate from it, will be considered.

R10.4.2.10 **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.

R10.4.2.11 **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.

R10.4.2.12 **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.

R10.4.2.13 **NATURAL HAZARDS**

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

R10.4.2.14 **LANDSCAPE**

Discretionary Activities and subdivision should not lead to significant adverse effects on landscapes, and in all cases the adverse effects on landscapes generated by the proposed activity should be avoided, remedied or mitigated as appropriate.

Council has undertaken a landscape assessment for part of the District as part of its Section 32 analysis. If appropriate, this assessment will be referred to as part

of the criteria for assessing applications for Discretionary Activities and subdivisions as to their effects on landscapes and applications for both may be declined, particularly in areas which have been identified as sensitive or highly sensitive.

In cases where the application concerns sites outside the area covered by the assessment referred to above, Council may require a landscape impact assessment of the proposed activity.

Council may decline the application, or grant it subject to conditions in order to avoid, remedy or mitigate any adverse effects on the environment.

R10.4.2.15 RURAL CHARACTER

Applications for Discretionary Activities and subdivisions in the rural areas of the District may be declined if they cause significant adverse effects on the rural character. In this Plan it is considered that rural character may comprise any of the following:

- (a) large separation distances between buildings;
- (b) low density and height of buildings;
- (c) large expanses of vegetation including indigenous vegetation;
- (d) presence of wildlife habitats;
- (e) limited areas of paved surface;
- (f) socially close-knit communities;
- (g) presence of pastoral, horticultural and forestry activities;
- (h) livestock and wildlife;
- (i) low traffic volumes on local roads;
- (j) noise and smell associated with agricultural, horticultural and forestry activities;
- (k) relative quietness;
- (l) open spaces; and
- (m) predominance of natural edges.

Conditions may be imposed to avoid, remedy or mitigate any adverse effects on the rural character of the rural areas of the District, as are appropriate in the circumstances.

R10.4.3 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 **R10.4.2** in order to avoid, remedy or mitigate any adverse effects on the environment.

R10.4.3.1 BUILDINGS NOT COMPLYING WITH THE 25 METRE BUFFERS IN R10.2.3

Applications for these buildings will also be assessed against the following criteria:

- (a) The effect of the building on the amenity or natural functioning of the adjacent waterbody or on aquatic habitats; and
- (b) The ability of any on-site effluent disposal system associated with the building to be installed and maintained in accordance with any proposed or operative regional plan.

R10.4.3.2 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 and 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 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; and
- (vii) Degradation of a fishery or aquatic habitat for indigenous fauna or vegetation.

R10.4.3.3 ACTIVITIES INVOLVING THE ENCLOSURE OF LIVESTOCK, ANIMALS AND POULTRY, INCLUDING PIG FARMS, KENNELS, CATTERIES, AND SALE YARDS

These activities also have the potential to cause significant adverse effects on the neighbourhood through odour, noise and traffic generation, the scale of buildings required, and on public water supply recharge catchments. Applications for these activities shall be assessed against the measures proposed to prevent or mitigate the effects on these matters.

Where the applicant proposes to operate according to industry guidelines or code of practice that achieve adequate prevention or mitigation, Council will consider placing the relevant guidelines or code of practice on the consent as conditions.

R10.4.3.4 TOURIST ACCOMMODATION

- (a) Applications for these activities shall also be assessed in terms of the following criteria:
 - (i) the activities must not have significant net adverse effects on natural, visual, landscape, geothermal or wildlife resources;
 - (ii) the activities must not have significant net adverse effects on the sustainable management of the natural and physical resources of the District;
 - (iii) the activities must not have significant adverse effects on the rural character of the area; and
 - (iv) the activities must not result in adverse effects on streams, rivers, lakes or water supplies/bodies.
- (b) Applications for these activities shall include a Development Plan for the site. It will be a condition of any consent that an activity will be required to

be in accordance with any approved Development Plan. The Development Plan shall show:

- (i) the location and extent of the area that is the subject of the application;
- (ii) land contours, water bodies, vegetation and existing activities;
- (iii) the proposed layout of building sites and/or the location of building platforms and, in the case of tourist accommodation, the number of units proposed for each site or platform;
- (iv) the proposed design of buildings with an indication of site coverage, location and height;
- (v) the proposed provision for, and design of, access;
- (vi) proposed reticulation of water supply and provisions for stormwater and sanitary drainage, including the disposal of effluent;
- (vii) proposals for landscaping to avoid, remedy or mitigate any adverse visual effects of the activity; and
- (viii) any proposal for the staging of development.

Council may decline the application or grant it subject to conditions that avoid, remedy or mitigate any of the adverse effects identified in the above criteria.

- (c) In addition, in order to maintain control over erosion in the District, any proposal that will involve:
 - (i) the disturbance of land surfaces by the removal of soil, excavation or filling; and/or
 - (ii) the cutting, burning, clearing or removal of scrub or tree vegetation;

will not be allowed without the written consent of the regional council concerned.

R10.4.3.5 INDUSTRIAL OR TRADE PROCESSES

- (a) Applications for industrial or trade processes shall also be assessed against the following criteria:
 - (i) the activity must not have significant net adverse effects on natural, visual, landscape, geothermal or wildlife resources;
 - (ii) the activity must not have significant net adverse effects on the sustainable management of the natural and physical resources of the District;

- (iii) the activity must not result in adverse effects on streams, rivers, lakes or other water supplies; and
 - (iv) the activity must not have significant adverse effects on the rural character of the area.
 - (v) Where relevant, consideration shall be given to the likely effect of industrial trade processes on the safe and efficient operation of the Rotorua Regional Airport. Consent will not be granted to any activity that emits smoke or dirt, other than domestic heating fires, glare or electrical interference, causes aggregation of birds or otherwise may prejudice the safe and satisfactory conduct of airport operations.
- (b) Applications for industrial or trade processes shall include a Development Plan and it will be a condition of any consent that an activity will be required to be in accordance with any approved Development Plan. The Development Plan shall show:
- (i) the location and extent of the area proposed to be used;
 - (ii) land contours, water bodies, vegetation and existing activities;
 - (iii) the proposed layout of industrial and other buildings including open air storage and carparking and truck servicing, loading and unloading areas;
 - (iv) the proposed design of buildings including elevations showing height;
 - (v) the proposed provision and design of access and egress from the site(s);
 - (vi) water supply, stormwater and drainage provisions;
 - (vii) measures to dispose of waste products created; and
 - (viii) any proposal for the staging of development.

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

In the Rural A and B Zones Council will require a minimum 20 metre wide landscaping strip around the perimeter of the site(s) used or proposed to be used by the industrial activity. This landscaping strip shall be closely planted to provide screening of the industrial or trade process activities. The landscaping strip shall not be used for the parking, loading or turning of vehicles except for vehicle crossings.

Note: Refer also to offensive trades in terms of the Third Schedule to the *Health Act 1956* for slaughter houses.

R10.4.3.6 EXTRACTION OF HONEY

Applications for the extraction of honey shall also be assessed in terms of the potential for people to be adversely affected by the presence of bees. Council may decline the application or grant it subject to additional conditions that will ensure that people are not adversely affected by the presence of bees.

R10.4.3.7 SERVICE STATIONS, MOTOR VEHICLE AND MACHINERY REPAIR GARAGES

The above activities will also be assessed in terms of their potential to generate adverse effects on the adjoining roading network, the visual amenity of the particular site, the parking of vehicles, noise, the escape of oils, fuels, and chemicals to surface and ground water.

Council may decline the application or grant it subject to additional conditions relating to vehicle ingress and egress; the design, location and landscaping of buildings and structures; methods to manage the storage, use, disposal or transportation of hazardous substances; and protection of water quality.

Note: The provisions of **Part Fourteen** in respect of the storage, use, disposal or transportation of hazardous substances and/or contaminants also apply.

R10.4.3.8 CEMETERIES AND CREMATORIA

Applications for cemeteries and crematoria will also be assessed in terms of their potential to generate adverse effects such as air pollution, the use of chemical substances and the possible psychological effects of residing next to or in close proximity to such activities.

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

R10.4.3.9 HELICOPTER LANDING AREAS COMPLYING WITH THE STANDARDS OF APPENDIX H

Applications for helicopter landing areas will also be assessed in terms of their potential significant adverse effects such as vibration, noise and visual effects on the surrounding area.

Council may decline the application or grant it subject to additional conditions controlling the effects of noise and vibration, including controlling the operating hours of the activity, and conditions on separation distances and buffer planting.

R10.4.3.10 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.

R10.4.3.11 PAKAINGA

- (a) Applications for papakainga shall also be assessed in terms of the following criteria:
 - (i) the land concerned shall either be in close proximity to the marae or have some other important significance to the Maori people;
 - (ii) the land concerned shall be Maori multiple owned land or otherwise be under the jurisdiction of the Maori Land Court;
 - (iii) the land concerned shall be vested in trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
 - (1) the land remains vested in the trustees without power of sale; and
 - (2) the occupation and/or beneficial interest in the land shall be restricted to members of the hapu.
 - (iv) the papakainga must not have significant net adverse effects on natural, visual, landscape, geothermal or wildlife resources;
 - (v) the papakainga must not have significant net adverse effects on the sustainable management of the natural and physical resources of the District;

- (vi) the papakainga must not have significant adverse effects on the rural character of the area; and
 - (vii) the papakainga must not result in adverse effects on streams, rivers, lakes or other water supplies.
- (b) Applications for papakainga shall include a Development Plan for the area. It will also be a condition of any consent that the activity will be required to be in accordance with any approved Development Plan. The Development Plan shall show:
- (i) the location and extent of the area proposed to become a papakainga including any community land or adjacent activity;
 - (ii) land contours, water bodies, vegetation and existing activities;
 - (iii) the proposed layout of building sites and/or the location of building platforms and the number of household units proposed for each site or platform;
 - (iv) the proposed provision and design of access, including ingress and egress;
 - (v) the proposed reticulation of water supply and provisions for stormwater and sanitary drainage, including the disposal of effluent;
 - (vi) the proposals for landscaping to avoid, remedy or mitigate any adverse visual effects of the activity; and
 - (vii) any proposal for the staging of the development.

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

- (c) In addition, in order to maintain control over erosion in the District, any proposal that will involve:
- (i) the disturbance of land surfaces by the removal of soil or excavation or filling; and/or
 - (ii) the cutting, burning, clearing or removal of scrub or tree vegetation,
- will not be allowed without the written consent of the regional council concerned.

R10.4.3.12 ANY ACTIVITY LISTED AS AN OFFENSIVE TRADE IN TERMS OF THE THIRD SCHEDULE TO THE HEALTH ACT 1956

The above activities will also be assessed in terms of their potential to generate adverse effects on the amenity of the surrounding area due to, discharges into the air, offensive odours and the disposal of waste products.

Council may decline the application or grant it subject to additional conditions requiring these activities to be located away from areas used for residential purposes or subject to other conditions to avoid, remedy or mitigate the adverse effects of the proposed activity. Conditions may also be imposed relating to the operation and scale of offensive trades and the installing of equipment to reduce the effects of odour.

R10.5 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 *Resource Management Act 1991*.

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

R10.6 SUBDIVISION AND DEVELOPMENT

R10.6.1 SUBDIVISION

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

R10.6.2 DEVELOPMENT

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

