

PART ELEVEN: RESERVES, WATER BODIES, AND HERITAGE

1. INTRODUCTION

This Part of the Plan addresses issues relating to the sustainable management of reserves, heritage, and water bodies in the District. While the issues are dealt with in three separate sections there is considerable overlap between them. The need to balance the use of reserves and waterbodies with the protection and enhancement of existing cultural and natural heritage values is recognised.

The District's reserves are addressed first. Then, in the section on water bodies consideration is given to their recreational use, their protection, and public access to them. Finally, matters relating to the District's heritage are considered including natural heritage (eg. natural features, landscapes, indigenous vegetation and habitats) and cultural heritage (eg. historic buildings and sites).

The text that follows develops several issues, identified in **Part Four** of the Plan, relating to:

- Land use and management practices around the lakes;
- Natural heritage;
- Cultural heritage values in the Central Business District;
- Amenity values; and
- The effects of tourism.

2. RESERVES

2.1 BACKGROUND

Amenity values are recognised as a significant resource management issue in the District. Amenity is defined in the *Resource Management Act 1991* as “*those natural or physical qualities or characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”. Reserves can contribute to the attractiveness of areas within the District, including the maintenance of the landscape character, as well as the District as a whole. They can also protect geothermal resources, indigenous vegetation and habitats, notable trees, and historic buildings and sites. In addition, they are valued for the opportunities they provide for recreational and community use.

Rotorua is fortunate to have a large number of reserves, in both the urban and rural areas of the District, managed by Council. The Department of Conservation manages the majority of protected areas in the District. There are also a number of privately owned reserves and reserves managed by Schools. In addition, there are also areas of undeveloped private land. All these areas make an important contribution to the reserve system.

Council has responsibility for over 680 hectares of reserves. The majority of these reserves are:

- Recreation reserves for both indoor and outdoor recreational use including sports fields, play grounds, camping grounds and picnic areas; and
- Local purpose reserves which have a variety of community uses (eg. play centres, kindergartens, scout halls, community halls). They are also set aside for utility services such as service lanes and roads.

These reserves provide a range of different scales and types of open spaces and facilities. For example, the Government Gardens, Kuirau Park and the Waikite Valley Thermal Reserve are reserves of national importance. There are a number of reserves important to the region which are managed by Council including the Aquatic Centre, the International Stadium, the Crematorium Reserve and Kauae Cemeteries. There are also a range of local and neighbourhood parks distributed throughout the District which are generally open spaces which contribute to the attractiveness of an area. Facilities such as playgrounds may also be provided in these areas.

Local and neighbourhood parks are generally distributed throughout the District, whereas larger reserves are generally located where land of a suitable size is available or has been set aside for their establishment. Diversity, access and quality are all factors which contribute to the recreational and leisure opportunities provided by these reserves, allowing for people to provide for their social well-being and health.

In addition to reserves managed by Council, there are a number of other reserves, covenants and protected areas in the District primarily established to protect cultural heritage values (eg. marae, historic buildings and sites), and natural heritage values (eg. geothermal surface features, indigenous vegetation and habitats). This land has been set aside under a variety of statutes including the *Wildlife Act 1953*, the *Reserves Act 1977*, the *Conservation Act 1987* and *Te Ture Whenua Maori Act 1993/Maori Land Act 1993*.

The remainder of this section focuses on the way in which reserves contribute in addressing the problem of the loss of heritage and amenity values in the District. The issue of the sustainable management of parks and reserves for recreational and community use is also addressed.

Esplanade strips and reserves and access strips, because they are located adjacent to lakes, rivers or streams, are addressed in the section that follows on Water Bodies.

2.2 RESOURCE MANAGEMENT ISSUES

2.2.1 ISSUE ONE

CERTAIN ACTIVITIES SUCH AS INFILL HOUSING, SUBDIVISION AND INCREASED TOURIST ACTIVITIES, MAY HAVE ADVERSE EFFECTS ON AMENITY AND HERITAGE VALUES IN THE DISTRICT

2.2.1.1 ISSUE STATEMENT

Concern has been expressed in earlier Parts in this Plan about the potential loss of amenity and heritage values due to subdivision and the intensification of land use throughout the District. These matters in particular have been highlighted:

- The potential loss of indigenous forests and wetlands and subsequent destruction of ecosystems through rural subdivision;
- The potential loss of open space due to infill housing in residential areas;
- The loss of amenity values in the District, particularly along arterial routes and at residential boundaries resulting from the intensification of industrial activity;
- The potential loss of cultural heritage values in the Central Business District; and

- Increasing tourism activity which may affect cultural and natural heritage values.

All these activities may contribute to reduced environmental quality in the District. For example, increased tourist numbers may affect the amenity values of reserves. It has been projected by the Tourism Board that by the year 2000, New Zealand will attract at least two million overseas visitors annually. Currently, Rotorua attracts just over a third of these international visitors. Rotorua's proportion of the international visitor market is predicted to stay the same or increase. This increase in numbers, combined with a growing preference of tourists for experiences in the natural environment and the continuing expansion of attractions that provide for growing numbers of tourists, will inevitably put pressure on the environmental quality of reserves.

As with many other places, there has been a move towards smaller residential units in Rotorua. This will influence the amount of open space in residential areas and may lead to a loss of amenity in areas where substantial infill housing is occurring. Infill housing will also reduce the amount of private open space which may place additional pressure on existing local reserves. Some residential housing may also be established in commercial areas, currently lacking in open space.

In addition, lifestyle lot subdivisions in rural areas may adversely affect the open landscape character found there. The potential loss of heritage features such as landscapes, indigenous vegetation and habitats may also occur as a result of subdivision. In the urban area, trees with heritage importance may be lost through subdivision and other activities. Heritage buildings and sites in urban and rural areas may also be lost.

2.2.1.2 **RESOURCE MANAGEMENT OBJECTIVE**

Reserves distributed throughout the District which contribute to the maintenance and enhancement of heritage and amenity values

2.2.1.3 **POLICIES**

The Objective **2.2.1.2** recognises the role that reserves have in contributing to the maintenance and enhancement of amenity values throughout the District. They provide attractive open spaces for enjoyment by both residents and the visitors. Because of the projected increase in tourist numbers, reserves contributions will be taken for those activities that are likely to attract greater numbers of tourists, particularly new hotels or motels. It is recognised, however, that this will not address the matter of increasing use of reserves that are not in Council ownership.

Opportunities may also exist for the protection of heritage values through the establishment of reserves. Some existing reserves already contribute to the protection of heritage values as well as environmental quality. For example, a conservation area in the Government Gardens protects all significant heritage buildings including:

- The Bandstand Rotunda;
- The Blue Baths; and
- The Rotorua Art and History Museum (Te Whare Taonga O Te Arawa).

There are also a number of notable trees and geothermal features in the Gardens.

The Rotorua Art and History Museum is Rotorua's most notable Edwardian building. Consideration of the design, colour and placement of buildings on Reserves adjacent to the CBD is important to ensure that the Edwardian and Maori themes that have been recognised as significant are respected in any new development. The '*Rotorua City Design Principles*' has been developed in order to positively influence the development and redevelopment of buildings in the city.

In addition to reserves, there are other ways in which potentially negative effects can be addressed such as covenants, which protect indigenous vegetation, and Maori Reserves. In addition landscaping and other Performance Standards are used. These methods are detailed in the relevant Parts of the Plan.

As noted in **2.1** of this Part, there are already a large number of reserves in the District on public and privately owned land. Because of this, financial contributions will primarily be taken as cash and be used for the development of existing reserves. In some cases, the money will be applied to the purchase of new reserves in some residential areas lacking in local or neighbourhood parks for both recreational and community uses.

In some circumstances, it may be more appropriate to take land instead of a cash contribution particularly where land is adjacent to a lake or river (as discussed in **3 - Water Bodies**). It may also be appropriate to acquire land with natural or cultural heritage values of significance to the District.

Other circumstances where land may be taken are where there is a lack of open space, particularly in those limited areas where there is still potential for considerable residential activity (eg. Pukehangi), or where taking the land will provide a linkage between reserves. There are some parts of the District lacking in local or neighbourhood reserves. These local reserves not only contribute to amenity, but are also used for recreational and community activities. The provision of community and recreational facilities is discussed in **2.2.2** of this Part.

- 2.2.1.3.1 Policy :**
To contribute towards enhancing amenity and heritage values in the District by the provision of reserves for certain activities including infill housing, subdivision and developments.
- 2.2.1.3.2 Policy :**
To reduce the adverse environmental effects of developments that may put additional pressure on existing reserves by increasing visitor numbers.
- 2.2.1.3.3 Policy:**
To add to the quality and diversity of open space in the District.

2.2.1.3.4 **Policy :**
To enhance the amenity of reserves adjacent to the CBD through the design of buildings which are in accord with Rotorua's theme.

2.2.1.4 **METHODS OF IMPLEMENTATION**

2.2.1.4.1 **Financial Contributions for Reserves**

Policies **2.2.1.3.1** to **2.2.1.3.3** will be implemented in part by levying a financial contribution for reserves for a range of purposes including subdivisions, infill

housing, housing in commercial and industrial areas, and activities with the potential to increase tourist numbers. *The Resource Management Act 1991* requires that these contributions be fair and reasonable.

They may be used to:

- (a) Develop existing reserves to meet community needs; or
- (b) Purchase land for new reserves especially local or neighbourhood reserves in areas lacking in this type of reserve; or
- (c) Purchase land to protect areas with significant heritage values.

Land contributions in lieu of monetary contributions from subdivision and developments may be taken where appropriate.

The criteria for deciding whether to take a cash contribution, land, or require works or services to be undertaken, are detailed in **Part Sixteen** and **Appendix U**.

2.2.1.4.2 **Other Methods for Protecting Heritage and Amenity Values**

There are certain circumstances where reserves and strips cannot be required, such as when the land is Maori Land as defined under *Te Ture Whenua Maori Act 1993/ Maori Land Act 1993*. Other mechanisms, including cash contributions and Maori Reserves and kawenata, may be appropriately used in these circumstances.

Land Improvement Agreements used by Environment BOP and Environment Waikato, and other covenants under the *Queen Elizabeth II Trust Act 1977*, *Reserves Act 1977* and *Conservation Act 1987* also contribute to the maintenance and enhancement of natural, cultural and amenity values. These can also be used to protect lakes under 8 hectares and rivers less than 3 metres in width. Public access may also be provided on covenanted land if the landowner wishes to do this.

2.2.1.4.3 **Annual Plan**

While some specific circumstances where reserves contributions will be required have been identified here, a major source of funding for reserves will continue to come from rating revenue.

The allocation of funds for reserves management is part of the Annual Plan and Budget Process. This process involves consultation with residents about the

appropriate level of funding for reserves and other services provided by Council. The level of support provided for reserves management will affect Council's ability to provide for new reserves and maintain existing reserves.

2.2.1.4.4 **Management Plans**

Council is required to prepare management plans for the reserves in the District in consultation with the community. These Plans are required under the *Reserves Act 1977*, and involve setting out the ways in which Council intends to manage reserves. Controls on the types of activities may also be set such as the design and location of buildings, boat ramps and children's playgrounds.

2.2.1.5 ANTICIPATED ENVIRONMENTAL RESULTS

Reserves which contribute towards the maintenance and enhancement of amenity and heritage values throughout the District.

2.2.2 ISSUE TWO

**THE SUSTAINABLE MANAGEMENT OF RESERVES
FOR RECREATIONAL USE AND COMMUNITY
SERVICES**

2.2.2.1 ISSUE STATEMENT

As the previous discussion highlights, one of the important roles of reserves is the maintenance and enhancement of amenity in the District. Many reserves are also used for recreation and community services. Recreational activities are wide ranging from sports fields and stadia to local parks used for a variety of leisure activities including children playing and people walking their dogs. Increasingly, the private sector is also becoming involved in recreation provision (eg. golf driving ranges, ten pin bowling). Continued tourism growth is also likely to lead to increasing numbers of privately owned recreational facilities.

A wide range of community facilities are also provided for within the District on both private and public reserves including marae, churches, hospitals and community halls. These facilities provide the community with essential services, venues for meetings, and a range of other activities. They are also an important part of the social and cultural fabric of communities in the District. It is important that neighbourhood reserves, in particular, are conveniently located close to residential areas to encourage their use.

There may also be a number of potentially negative effects associated with reserves. The primary concerns relate to noise, traffic generation and parking, glare, building scale and the impact of activities on reserves on neighbouring areas.

The sustainable management of these recreational and community resources, in a way that will meet the needs of future generations in the District, is a challenge. Rotorua's population is projected to increase by 23% between 1991 and 2011. Rotorua, like the rest of New Zealand, is also experiencing notable changes in the structure of the population, characterised by:

- Changing family structures including increases in single parent and one person households;
- Continuing long term unemployment; and
- An ageing population. In Rotorua, the proportion of the District's population over 60 years of age increased between 1981 and 1991 from 7.2% to 13.6%. This trend is continuing;

These changes have been accompanied by increases in participation in recreation activities in the last few years. Recent studies show an increase in the range of activities available and an increase in participation in more informal activities focused on individual needs (see for example, *Life in New Zealand Survey* undertaken by the Hilary Commission for Sport, Fitness and Leisure in 1991).

Recognition of these changes is one consideration in making decisions about the application of financial contributions for the acquisition of new reserves and development of existing reserves. Other issues that need to be considered are the under-utilisation of some existing reserves, the contribution of privately owned reserves towards recreation and community activities, and the identification of areas lacking in neighbourhood reserves.

2.2.2.2 RESOURCE MANAGEMENT OBJECTIVES

(a) *Attractive, accessible and well utilised reserves located throughout the District*

(b) *Recreational and community facilities on reserves provided in a way which enables the adverse effects on amenity values to be minimised*

2.2.2.3 POLICIES

In establishing new reserves, it is important to identify those areas lacking in reserves. The identification of under-utilised reserves which can be redeveloped to better meet the community's needs is also important. A Reserves Strategy will be developed which will do this. It will also assist in identifying the appropriate use of financial contributions and in deciding whether cash or land is the most appropriate form of contribution. Accessibility and convenience are also contributing factors which may encourage greater use of reserves.

There may be large scale recreational and community facilities which have both positive and negative environmental effects. It is important that any adverse effects such as glare, noise and additional traffic are minimised.

2.2.2.3.1 Policy:

To identify those areas lacking in reserves, or where reserves are under-utilised for recreation or community use, and provide for additional parks or facilities where required.

2.2.2.3.2 Policy:

To minimise the adverse environmental effects of recreational and community activities on reserves (eg. noise, glare) on surrounding areas.

2.2.2.4 METHODS OF IMPLEMENTATION

2.2.2.4.1 Reserves Strategy

The preparation of a Reserves Strategy will assist in the management of reserves in a way that maximises opportunities for the use of facilities by the community.

It will also assist in making decisions about reserves contributions (refer Policies **2.2.1.3.1** to **2.2.1.3.3**).

The Reserves Strategy will incorporate an assessment of the recreation and community service needs of residents and how well they are being met. It will also include an assessment of the recreational needs of visitors. Associated with this, will be the consideration of reserves provision for the protection of amenity and heritage values. Particular consideration will also be given to reserves around the lakes discussed in **3** - Water Bodies. It is intended that this strategy will be developed within two years of the Plan becoming operative.

2.2.2.4.2 **Management Plans**

Management Plans have already been discussed in **2.2.1.4** of this Part. These plans set out how particular reserves in the District will be managed including recreational and community use.

2.2.2.4.3 **Zoning**

Reserves A and B Zones have been established for all reserves and areas including those established under the *Reserves Act 1977*, and those protected under the *Conservation Act 1987* and the *Wildlife Act 1953*. Within the Reserve A and B Zones, Performance Standards have been set to ensure that the effects of activities on reserves do not exceed expected levels. This ensures minimum standards of amenity are maintained. It also minimises the adverse effects of recreational and community activities on surrounding areas, particularly, residential areas.

2.2.2.4.4 **Rules**

The establishment of Performance Standards for recreational and community facilities is a way of maintaining environmental quality. These Standards assist in, for example, ensuring traffic safety by providing safe entry and exit points from reserves and by requiring carparking to be provided on reserves which are utilised for various activities. Concerns about glare, noise, and the effects of activities on neighbouring areas, particularly residential areas, can also be addressed through Performance Standards.

2.2.2.4.5 **Designations**

Designations further influence, and in some cases limit, the use of reserves. Many reserves in the District are designated by Council or other requiring authorities such as the Department of Conservation. Some of the more common designations of reserves in the District are Local Purpose Reserves (eg. for community halls, playgrounds), Recreational Reserves (eg. sports fields, sports stadia), Maori Reserves, and Scenic Reserves.

2.2.2.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

- Minor adverse environmental effects, arising from activities on reserves, on neighbouring areas;
- Recreational facilities which are well utilised for a variety of purposes by residents and visitors to the District; and

- Community services which are well utilised for a variety of purposes by residents.

3. WATER BODIES

3.1 BACKGROUND

This section addresses matters relating to the sustainable management of the lakes, rivers, streams and other wetlands. These assets are valued for a variety of purposes including:

- Their recreational use;
- As water supply sources for many lakeside settlements;
- As outstanding natural, scenic and landscape features;
- Energy generation;
- Their importance to the culture and traditions of tangata whenua;
- Their conservation values, (eg. as habitats of indigenous vegetation and fauna).

The focus of this section is on the management of the water bodies in the District in a way that enables these often competing uses to co-exist. Emphasis is placed on the management of the land adjacent to water bodies, and the use of the surface of the lakes.

3.2 RESOURCE MANAGEMENT ISSUES

3.2.1 ISSUE ONE

CERTAIN LAND USE ACTIVITIES MAY ADVERSELY AFFECT WATER QUALITY, AMENITY, CULTURAL AND NATURAL VALUES OF WATER BODIES IN THE DISTRICT

3.2.1.1 ISSUE STATEMENT

Part Four of the Plan highlights the issues arising from certain land use practices, such as activities associated with residential and tourism use around the lakes including:

- Changes in landscape character;
- Loss of amenity values;
- The degradation of water quality; and
- Degradation or destruction of indigenous vegetation and fauna habitats.

The lakes are under considerable pressure. Many of their catchments have been cleared from indigenous forest to pasture. Pastoral farming has compacted the soils and decreased infiltration, diminished riparian vegetation, increased run-off, and has resulted in increased nutrients in the water. The use of some of the catchments, particularly those close to the urban area, is intensifying which has further implications for the lake quality such as increased stormwater run-off and chemical pollution. Changes in use and the intensification of use, can also have implications for rivers, streams and wetlands in the District.

Part Six: Tourism, **Part Ten:** Rural Resources, and **Part Sixteen:** Subdivision and Development discuss issues relating to these matters and also highlight some of the ways in which these problems can be addressed. In addition, **Part Five:** Maori Development, discusses the ways in which some of these activities also have the potential to adversely affect Maori cultural and spiritual values. The primary concern here, is how the lakes can be managed in such a way that enables their use while sustaining the potential of this important resource, including the protection of recreation, natural and amenity values.

Water Quality

Reduced water quality can adversely affect vegetation and habitats along the lake edges as well as those in the lakes. It can also have an adverse effect on people's enjoyment of recreational activities. The growth of algae such as water net restricts the use of some lakes for recreation activities such as swimming, fishing, water skiing and sailing. The visual attractiveness of lakes will also be adversely affected.

Access

Associated with the use of the lakes is the provision of access to them, and also to other water bodies in the District. Continuing tourism growth, such as the increasing number of commercial boat operators, will put additional pressure on access to, and the use of, the District's lakes and rivers. This may adversely affect the natural, cultural and amenity values associated with them.

Encroachment

In the past there has been a considerable encroachment onto existing esplanade reserves by adjacent landowners. This encroachment, which was not allowed, has included terracing, paving, fencing and the extension of private gardens. There have also been low levels of enforcement in relation to these extensions.

Encroachment may mean that public land can become regarded as private property and can result in reduced public access adjacent to water bodies.

Past management of esplanade reserves has also meant that in some instances reserves have been provided, but no practical access to the reserve has been negotiated with the landowner. So, while the public may have been aware of the existence of the reserve, they may not have access to it.

Council's policy on allowing the construction of boatsheds on some esplanade reserves has also meant that public land may be perceived as being privately owned. This may mean that access to public reserves has been impeded.

3.2.1.2 RESOURCE MANAGEMENT OBJECTIVES

- (a) *The protection of the natural, cultural and amenity values of water bodies and their margins in the District***
- (b) *The use of the lakes and other water bodies and their margins in the District, where the use is compatible with the maintenance of natural, cultural and amenity values***
- (c) *Public access to lakes and rivers within the District***

3.2.1.3 POLICIES

While responsibility for water quality rests primarily with the regional councils, consideration is given elsewhere in this Plan to the effects of land use on the water quality of lakes and other water bodies. In this Part, the contribution of esplanade reserves and strips to the protection of natural, cultural and amenity values is addressed. These purposes are set out in Section 229 of the *Resource Management Act 1991* and include:

- Maintaining or enhancing the natural functioning of the adjacent river or lake;
- Maintaining or enhancing water quality;
- Maintaining or enhancing aquatic habitats;
- Protecting the natural values associated with the esplanade reserve or esplanade strip; and
- Mitigating natural hazards.

Esplanade reserves and strips, particularly when planted or retained in indigenous vegetation, can act as nutrient screens or traps preventing some nutrients from entering the water. The restoration or retention of indigenous vegetation on esplanade reserves can also enhance and maintain the natural character and scenic quality of lake and river margins. As a result, the recreational and amenity values of lakes and rivers may also be improved.

Other functions of esplanade reserves and strips include public access to the lakes and rivers of the District and also the provision of recreational areas adjacent to lakes and rivers where the use is compatible with the high natural, cultural and amenity values of the area. Access strips can also be established on any land to provide access to reserves, esplanade strips and reserves and water bodies.

The following Policies are broad based to provide flexibility in the decision making process. The preparation of a Reserves Strategy combined with other work on the identification of significant landscapes and natural heritage values, discussed in greater detail in the sections that follow, will assist in the identification of areas where the establishment of esplanade strips and reserves and access strips will be a priority.

3.2.1.3.1 **Policy:**
To identify and protect, where appropriate, natural, cultural and amenity values of lakes and rivers and other water bodies and their margins in the District.

3.2.1.3.2 **Policy:**
To identify those areas where there needs to be improved access to and along water bodies, particularly lakes and rivers, and also those water margins where improved protective management is required.

3.2.1.3.3 **Policy:**
To protect natural, cultural and amenity values, and the provision of access to and along water ways by taking esplanade reserves and strips for a variety of purposes (as set out in Section 229 of the Resource Management Act 1991) upon subdivision and development.

3.2.1.3.4 **Policy:**
To negotiate the establishment of access strips in those areas where there is limited access to and along waterways.

3.2.1.3.5 **Policy:**
To maintain and enhance the existing natural character of the District's lake margins.

3.2.1.4 **METHODS OF IMPLEMENTATION**

3.2.1.4.1 **Esplanade Reserves and Strips**

Provision is made for esplanade reserves and strips in Sections 229 to 237 of the *The Resource Management Act 1991*. The purposes of esplanade reserves and strips are set out in Section 229 and are discussed in some detail here.

Esplanade reserves are areas alongside water bodies which have been surveyed and vested in Council at the time of subdivision. An esplanade reserve is fixed and does not move with changes in the watercourse. On the other hand, esplanade strips are areas of land alongside water bodies which are retained by the land owner. Surveying of esplanade strips is not required as the strip moves with changes in the watercourse. These strips may be created, varied or cancelled as long as there is agreement between the landowner(s) and Council.

3.2.1.4.2 **Access Strips**

Access strips are another mechanism available to Council for the provision of access to water bodies. They are provided for under Section 237B and 237C of the *Resource Management Act 1991*. The access strip is registered as an easement over the land. The conditions upon which such an easement shall be enjoyed are negotiated with the landowner.

3.2.1.4.3 **Rules**

As provided for under Section 77 of the *Resource Management Act 1991*, Rules have been included in the Plan for esplanade reserves and strips, and access strips. They are set out in this Part supported by criteria in **Appendix U**.

In addition, Rules are included in the Plan which restrict the construction of buildings and other structures along water bodies which may provide barriers to access. The Rules relating to reserves also apply to esplanade reserves vested in Council as local purpose reserves for esplanade purposes under the *Reserves Act 1977*. They have also been used to ensure potential adverse effects of the use of the water bodies are minimised.

In developing the Rules in the Plan, in this Part and other Parts, the use of other mechanisms as ways of achieving similar ends is recognised.

3.2.1.4.4 **Other Methods for Protecting Heritage and Amenity Values**

These Methods are discussed in **2.2.1.4** of this Part and also apply to Water Bodies.

3.2.1.4.5 **Zoning**

Water Zones have been established to control any actual or adverse environmental effect of the use of the lakes in the District. The Water B Zone has been established in those areas with high natural, cultural and amenity values to ensure they are not adversely affected by incompatible uses on the surface of the lakes. These are the Sulphur Bay Wildlife Refuge and the Hamurana Springs Recreation Reserve Stream Environs.

The Water A Zone is a general zone to manage the potential conflicts between different recreational uses of the surface of the lakes. This Zone restricts the establishment of certain structures associated with recreational activities to minimise any actual or potential effects of activities on the surface of the water. It should also be noted that structures in, on, over, or under a lake or river bed in the Waikato region are likely to require consent from Environment Waikato. Environment BOP has transferred responsibility for structures on lakes to the Rotorua District Council.

3.2.1.4.6 **The Rotorua District Lake Waters and Rivers Control Bylaw 1991**

This Bylaw controls the use of lakes and rivers in the District. It sets standards for the use of the lakes for boating and associated activities, and includes safety standards.

3.2.1.4.7 **Management Plans**

Management Plans have already been discussed in **2.2.1.4** of this Part. These Plans set out how particular reserves in the District will be managed including their recreational use along the margins of water bodies.

3.2.1.4.8 **Public Awareness Programmes**

The implementation of public awareness programmes associated with the use and protection of the lakes, in particular water quality, is another way of achieving the Objectives of this section. For example, Council intends to establish an education programme in conjunction with the schools in the District and other local authorities and agencies. These groups of people will work together to develop a programme which will help improve the water quality of the water bodies within the District.

3.2.1.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

- Appropriate public access to water bodies and their margins throughout the District;
- Protection of the natural, cultural and amenity values associated with water bodies and their margins; and
- Minimisation of adverse effects and potential conflicts in relation to the use of the surface of water in rivers and lakes.

4. NATURAL AND CULTURAL HERITAGE

4.1 BACKGROUND

Heritage is an important issue within the Rotorua District. Aspects of heritage such as buildings, trees, objects and sites of historic significance, remnant indigenous forest, and geothermal surface features are valuable for their intrinsic worth, landscape and visual appeal, and as a record of cultural history.

The term 'natural and cultural heritage' has been adopted as a generic term for a number of various Part II matters stated in the *Resource Management Act 1991*. Section 6 of the Act requires Council to "recognise and provide for" the following matters:

- The preservation of the natural character of wetlands, and lakes and rivers and their margins, and their protection from inappropriate subdivision, use and development;
- The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 7 of the *Resource Management Act 1991* also requires Council to "have particular regard to" the following matters:

- The maintenance and enhancement of amenity values;
- Intrinsic value of ecosystems;
- Recognition and protection of the heritage values of sites, buildings, places or areas;
- Any finite characteristics of natural and physical resources.

A number of other Section 6 and 7 matters are also relevant such as public access and maintenance and enhancement of the quality of the environment.

4.2 RESOURCE MANAGEMENT ISSUES

4.2.1 ISSUE ONE

CERTAIN ACTIVITIES MAY ADVERSELY AFFECT THE PROTECTION OF INDIGENOUS VEGETATION, HABITATS OF INDIGENOUS FAUNA AND NATURAL FEATURES IMPORTANT TO THE NATURAL HERITAGE OF THE DISTRICT

4.2.1.1 ISSUE STATEMENT

There are a large number of "sites" with indigenous vegetation, fauna habitat and natural features that are important for their contribution to the natural heritage and character of the Rotorua District. The values of these sites are

also important in the maintenance and enhancement of amenity values and public access and this is discussed in 2 - Reserves.

The sites include wetlands, lakes and rivers and their margins, geothermal surface features and areas of forest. Although landscape is addressed primarily in 4.2.2 of this Part, it is recognised that individual sites are elements in the overall landscape. The protection of natural heritage must, therefore, cover the component parts (sites) and the whole (landscape).

Geothermal surface features are of particular importance to Rotorua District. They are recognised by many New Zealanders as being part of the nation's national and spiritual heritage. Rotorua, Waimangu and Waiotapu geothermal fields are of international significance, while Orakei-Korako and Te Kopia geothermal fields are of national significance.

There are a number of values associated with the geothermal surface features which are an integral aspect of the District's character and the wellbeing of local communities, including:

- (a) **Natural values** - their intrinsic value as natural features and habitat for indigenous vegetation and fauna (some examples of rare vegetation and fauna, such as thermophilic bacteria, exist in geothermal fields);
- (b) **Maori cultural values** - tangata whenua traditionally use geothermal waters for cooking, bathing, washing and heating;
- (c) **Scientific values** - studying geothermal systems has led to a greater understanding of their hydrological processes and development of predictive models of their behaviour (natural hazards are discussed in **Part Thirteen**);
- (d) **Visual values** - their contribution to the amenity and landscape values of the District;
- (e) **Commercial values** - Whakarewarewa, Waimangu, Sulphur Flats, Hell's Gate and Kuirau Park are important geothermal tourist attractions. Other geothermal fields, such as the Rotorua Field and the Ohaaki Field, are valued as an energy or heat source.

There is potential conflict between the different values of geothermal surface features outlined above. Until the mid 1980s, drilling of geothermal fields for domestic and commercial use in the Rotorua Field may have had adverse effects on surface features. Decreasing pressure in the geothermal aquifers may have had a marked effect on the performance of the geysers, particularly Pohutu Geyser at Whakarewarewa. While a closure programme has since been executed, this situation demonstrates the potential conflicts that can exist. Investigations into the energy potential of geothermal fields in the District is continuing.

The effects of increased visitor numbers on geothermal surface features is also of concern. In a report published in July 1993 by the New Zealand Tourism Board it stated that, unlike other major attractions in New Zealand, as long as sound management practices were used, Whakarewarewa Thermal Reserve had the capacity to cope with increased visitor numbers. It is recognised that other

attractions may not have the same capacity. Another potential problem is the effect of infilling geothermal surface features. It is important, therefore, that the geothermal resources in the District are sustainably managed. Safety matters associated with the use or presence of geothermal features are also an issue.

It is recognised in **Part Four** that the threat to natural heritage sites by inappropriate subdivision, use and development is a significant resource management issue. In many cases, the people owning or occupying properties on which such sites are located, are not aware of the importance of them or of the need to protect them from modification.

More intensive residential activity in rural areas around Lake Rotorua may compromise the values associated with the caldera. Removal of indigenous trees for firewood or through subdivision may cause adverse effects on forests. Grazing can also adversely affect forest remnants through preventing regeneration. Even when protected from the direct consequences of such activities the sites can suffer from “benign neglect” through the impact of introduced plants and animals. Such adverse effects erode the viability of forest ecosystems by preventing ecological processes from functioning in a way that sustains them.

Some of these elements of natural heritage are already protected through a range of formal mechanisms including conservation covenants, or management of protected areas by agencies including the Department of Conservation. Other sites have been unofficially protected by private landowners (eg through fencing and denial of access for stock). There are still, however, significant sites that remain unprotected. As a consequence the protected area network of the Rotorua District is not representative of its natural heritage.

Without a more comprehensive understanding of the natural heritage of the District and the importance of the values associated with individual sites, together with their contribution to landscape character, it will continue to be threatened.

4.2.1.2 **RESOURCE MANAGEMENT OBJECTIVE**

Protection of the natural heritage of the Rotorua District and its contribution to the conservation of the natural character of New Zealand from inappropriate subdivision, use and development

4.2.1.3 **POLICIES**

In order to fulfil part of its responsibilities under Section 6 of the *Resource Management Act 1991* Council, in conjunction with the Department of Conservation, has identified a number of sites of natural heritage value (including wetlands, areas of indigenous vegetation, habitats of indigenous fauna and geothermal surface features) in the Rotorua District. This initial work will be refined through the development of a Heritage Strategy. It is intended that the sites will be identified in the Natural and Cultural Heritage Inventory in **Appendix A** and appended to the Planning Maps through a Plan Change. This information will be of assistance in identifying the potential adverse effects of activities.

Council may also consider the introduction of an incentives programme as part of ongoing work on the Heritage Strategy. The programme, which could include rates relief, would provide financial incentives to preserve the sites concerned, and recognise the efforts that landowner(s) and occupier(s) have made to maintain and enhance the sites.

To provide interim protection to the values sought to be covered by the Natural Heritage Inventory, certain activities will be discretionary activities in a number of Zones. In the Rural, Residential, Resort and Reserve Zones certain activities affecting wetlands, indigenous vegetation and remnant trees, will be a Discretionary Activity. These provisions are covered in detail in the relevant parts.

The Policies below reflect both regional and district councils responsibilities for the matters laid out in Part II of the *Resource Management Act 1991*. An important emphasis is placed on addressing matters relating to geothermal surface features. Under Section 31(a) of the Act, district councils have implicit responsibilities to manage the geothermal features and the areas surrounding these features. The management of the geothermal resources, however, is primarily a regional council responsibility. Geothermal resources are located in both the Waikato and Bay of Plenty regions.

It is therefore, necessary that the District Council has a proactive role in promoting the integrated and sustainable management of geothermal resources and natural heritage generally, in the Rotorua District.

4.2.1.3.1 **Policy:**

To identify and protect sites important to the natural heritage of the District.

4.2.1.3.2 **Policy:**

To consider the provision of financial incentives for the protection of natural heritage sites.

4.2.1.3.3 **Policy:**

To liaise with regional councils in promoting the sustainable management of geothermal resources and other matters relating to natural heritage.

4.2.1.4 **METHODS OF IMPLEMENTATION**

4.2.1.4.1 **Rules**

While the importance of using other Methods of Implementation in the protection of natural heritage is recognised, the primary means through which this will be achieved (at least initially) is through Rules. As an interim measure, certain activities directly affecting wetlands, indigenous vegetation and remnant trees, in the Rural, Residential, Resort and Reserve Zones are Discretionary Activities. In the first instance, proposed activities affecting wetlands will be considered in the light of the Policies and plans of the two relevant regional councils.

4.2.1.4.2 **Heritage Strategy**

Council will undertake the development of a Heritage Strategy. The Strategy will bring together all the processes initiated by Council relating to the protection of natural and cultural heritage. This work will be on-going. Components of the

Strategy, including the Natural and Cultural Heritage Inventory, Incentives Programme and public awareness programme, are discussed below.

4.2.1.4.3 **Natural and Cultural Heritage Inventory**

The Natural and Cultural Heritage Inventory will be amended as part of ongoing work on the Heritage Strategy and reintroduced as a Plan Change. It will include a list of natural heritage sites and a comprehensive set of Objectives, Policies and Methods that recognise and provide for their protection. The inventory will be completed in 1997.

4.2.1.4.4 **Rotorua District Geothermal Safety Bylaw**

The *Rotorua District Geothermal Safety Bylaw 1988* sets out a code of practice for managing the natural hazards and safety issues pertaining to geothermal features.

4.2.1.4.5 **Incentives Programme**

The establishment of a financial incentives programme will be considered during the Plan period as part of ongoing work on the Heritage Strategy. It will aim to provide incentives to encourage owner(s) or occupier(s) to physically and legally protect sites of high natural heritage value identified on their properties. The programme may include rates relief and will consider other incentives such as transferable development rights and grants or subsidies for works required to protect the site.

4.2.1.4.6 **Public Awareness Programme on Natural and Cultural Heritage**

A public awareness programme highlighting the need to protect natural and cultural heritage will be developed during the Plan period. This will focus on the need to protect sites important for their contribution to the indigenous biodiversity and natural heritage generally of the Rotorua District and New Zealand. The aim will be to promote awareness and understanding of the values of the sites and the potential for activities to adversely affect their viability. This will increase support for the physical and legal protection of such sites.

4.2.1.4.7 **Heritage Orders**

Under Section 189 of the *Resource Management Act 1991*, any heritage protection authority, including the District Council, may give notice of its requirement for a heritage order for the purpose of protecting:

- (a) Any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural or historical reasons; and
- (b) Such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of that place.

Heritage Orders will only be considered in exceptional circumstances.

4.2.1.4.8 **Financial Contributions**

Appendix U sets out those circumstances where financial contributions may be required. They may be used for the protection of natural and cultural heritage values.

4.2.1.4.9 **Liaison With Regional Councils**

Close liaison with regional councils will be important to ensure consistency of approach. Submissions to regional plans and policy statement, prepared by Environment BOP and Environment Waikato, are one way in which this will be given effect. Ensuring this Plan is not inconsistent with regional plans and policy statements is also important.

4.2.1.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

The protection of the wetlands, areas of indigenous vegetation, habitats of indigenous fauna and natural features that are identified as important for their contribution to the natural heritage of the District.

4.2.2 **ISSUE TWO**

CERTAIN ACTIVITIES MAY ADVERSELY AFFECT THE PROTECTION OF THE CHARACTER AND OUTSTANDING LANDSCAPES IMPORTANT TO THE NATURAL HERITAGE OF THE DISTRICT

4.2.2.1 **ISSUE STATEMENT**

The Rotorua District's various landscapes are important as they bring together a variety of elements. Their character makes the District an important tourist destination. The various lakes and their catchments, the mountains, plateaux, rock formations, geothermal surface activity, indigenous and exotic bush cover and the pastoral land uses, combine to provide a unique mix of landscapes throughout the District.

Landscapes are a result of the underlying natural processes of a place, modified in various ways by the activities of people, through time. "Landscape" is, therefore, something dynamic, that changes over time as human land uses change. In the Rotorua District, given the importance of existing landscapes for tourism and for providing the scenic characteristics that contribute towards Rotorua being a desirable place in which to live, it is considered important to carefully manage any incremental changes in land use that could affect sensitive existing landscapes.

4.2.2.2 **RESOURCE MANAGEMENT OBJECTIVE**

Protection of the outstanding landscapes and overall landscape character of the Rotorua District

4.2.2.3 **POLICY**

The District Council has commissioned an analysis of landscapes in the Rotorua District. This research is intended to assess landscape character, describe the degree to which the various landscapes can absorb change (if at all) and suggest protection mechanisms for particularly sensitive landscapes. An understanding of the individual elements that give rise to landscape character, and an ability to determine limits of acceptable change, are essential.

At the time this Plan was publicly notified (1993), landscape assessments had been carried out for the catchments of Lake Rotorua, Lake Rotoiti, Lake Okareka and Lake Tarawera. These catchments were the first to be assessed because of the significant pressures on them for activities involving land use changes that could affect landscape character (eg increased areas of lakeside residential settlement, resort activities, and lifestyle lot development). It is intended that the balance of the Rotorua District will have similar landscape assessments carried out by the end of this District Plan period. The understanding and support of local communities and other affected parties is necessary.

This information will be used to develop further Policies (eg. The Lakes Strategy) in the assessment of applications for resource consents.

- 4.2.2.3.1 **Policy:**
To protect outstanding landscapes in the Rotorua District.

4.2.2.4 **METHODS OF IMPLEMENTATION**

4.2.2.4.1 **Rules**

While the importance of using other Methods of Implementation in the protection of landscapes is recognised, the primary means through which this will be achieved (at least initially) is through Rules. All applications for Discretionary Activities in Rural Zones will be assessed in terms of their effects on the landscape character of the area concerned. Particular regard will be had to the potential for cumulative effects.

4.2.2.4.2 **Landscape Assessment and District Character Study**

Council will commission a comprehensive assessment of the landscape character, including sensitivity to change, of the Rotorua District during the Plan period. The contribution of Natural Heritage Sites to the landscape will be considered as part of this study. It is intended that this will refine the existing study of the lakes and be extended to cover the remainder of the District. The assessment of landscape character will be translated into limits of acceptable change. Public input will be an integral part of the study. Methods developed to implement the findings of the study will be introduced as a Plan Change, including the detailed identification of sensitive landscapes on the Planning Maps. A Landscape Design Guide may also be developed.

4.2.2.5 ANTICIPATED ENVIRONMENTAL RESULTS

The maintenance and enhancement of the District landscape character and visual amenity.

4.2.3 ISSUE THREE

TREES IMPORTANT FOR THEIR CONTRIBUTION TO THE NATURAL AND CULTURAL HERITAGE AND AMENITY VALUES OF THE DISTRICT ARE ADVERSELY AFFECTED BY CERTAIN ACTIVITIES OR LACK OF AWARENESS ABOUT THEM

4.2.3.1 ISSUE STATEMENT

Trees have an important role in the sustainable management of natural and physical resources. They make an important contribution to the natural and cultural heritage and amenity values of the District. Larger areas of indigenous vegetation are discussed above in **4.2.1** of this Part.

The environmental relationship between people and trees is no less fundamental in urban areas. In residential, commercial and industrial areas trees play a role in sustaining the ecological balance between nature and the built environment. The important role of trees in maintaining the community's health and well-being, through contributing the following important environmental functions, is threatened by the felling or destruction of large or otherwise significant trees as a consequence of subdivision or site development:

- **Visual amenity** - trees complement the built environment by establishing connections between buildings, sites, and the surrounding landscape and by introducing a living element.
- **Noise buffers** - trees may help to reduce noise levels in certain situations.
- **Weather shields** - trees may reduce the intensity of wind effects, provide shelter from rain and the sun, and reduce heat created by buildings and road surfaces.
- **Land stabilisers** - trees play an integral part in the avoidance of natural hazards, reducing water run-off, preventing flooding, stabilising soils, preventing landslips and reducing erosion.
- **Atmospheric effect** - trees absorb carbon dioxide from the atmosphere and give off oxygen. Their transpiration of moisture helps to control temperatures.

- **Heritage** - trees can represent a living sense of continuity between the past, present and future. The continued existence of significant trees is important to the heritage left to future generations.

Adverse effects on trees can be caused by intentional or unwitting action. Disturbance of the ground immediately under the tree, for example, can be damaging. The experiences of other councils show that effective regulatory control is not always successful in protecting trees.

4.2.3.2 **RESOURCE MANAGEMENT OBJECTIVE**

Protection of trees and groups of trees which are important character elements in maintaining and enhancing the natural and cultural heritage and amenity values of the district

4.2.3.3 **POLICY**

The discussion in **4.2.2** of this Part, focused on the landscape, and rural landscape in particular, of which trees are an important component. Individual or small groups of trees are also important for their ecological, cultural and amenity values. They can contribute to the attractiveness of urban areas and assist in minimising adverse visual effects in industrial areas. The contribution of some specific trees to the natural and cultural heritage and amenity values of the District will be recognised. It is also necessary to provide for the planting of trees in ways that encourage their functions as outlined above.

In order to safeguard the natural and cultural heritage and amenity values of the District it is necessary to identify trees that make a particularly important contribution to it. A list of Notable Trees in the Natural and Cultural Heritage Inventory in **Appendix A** is a transparent means to raise the profile of such trees. Additions and deletions of trees will be undertaken by evaluation against objective criteria and implemented through a plan change.

The Plan also recognises the need to protect indigenous trees over the size set down in the New Zealand Forest Accord.

In the long term the ability to maximise achievement of the objective **4.11** lies with increased public awareness and support for the protection of significant trees. However, it is necessary for Council to exercise regulatory control over those activities that are likely to adversely affect such trees. Thus, any proposal to fell or destroy any Notable Tree listed in **Appendix A** is a Discretionary Activity in the Residential, Resort, and Reserves Zones.

The purpose of this particular control is to ensure that the significant trees within the District, and the urban areas especially, are retained wherever possible. The Rules for the Residential, Reserve and Resort Zones are designed to reduce the risk of serious or irreparable damage being done to the local environment through unnecessary tree removal. This is a "call-in" provision which allows Council to consider the value of the tree and the consequences of retaining or consenting to its removal. It is not a ban on the cutting of trees. Rather it is to ensure that any work on trees is neither done in haste nor executed without care.

The various provisions seeking to protect trees will be reviewed during the plan period as part of the development of a Tree Plan for the District. Council also recognises the contribution it can make through planting and maintaining trees on roadsides, reserves and other open spaces it administers.

4.2.3.3.1 **Policy:**

To recognise and protect the contribution of indigenous and exotic trees to the natural and cultural heritage and amenity values of the District.

4.2.3.4 **METHODS OF IMPLEMENTATION**

4.2.3.4.1 **List of Notable Trees**

The Plan recognises the value of notable trees as community assets and has adopted a system of identifying and protecting notable trees, both as individual specimens and as groups. Notable Trees are listed in the Natural and Cultural Heritage Inventory in **Appendix A** and identified on the Planning Maps. Criteria for their assessment are also included in this Appendix. Additions and deletions will be made as a result of Plan Changes. The removal or felling of any trees is a Discretionary Activity.

4.2.3.4.2 **General Indigenous Tree Protection**

The Plan makes provision for the protection of remnant indigenous trees over a certain size. Any proposal to fell or destroy an indigenous tree above this size is a Discretionary Activity. Some activities are exempt as Permitted Activities, such as the maintenance and removal of dangerous trees.

Any trees that meet the evaluation criteria in **Appendix A** will be considered for addition to the list of Notable Trees in the Natural and Cultural Heritage Inventory. This will be done by way of a Plan Change after consultation with stakeholders.

4.2.3.4.3 **Trees on Roads, Reserves and Council Administered Land**

Throughout the District there are significant plantings of trees on roadsides, parks, reserves and open spaces. A few examples of such trees are included in the list of Notable Trees. Council follows a programme of planting new trees in these areas, as part of its capital works programme. Due to the amenity that these trees provide they will be maintained as far as practicable and only removed in certain circumstances such as where they are in a dangerous condition or pose a danger.

4.2.3.4.4 **Tree Plan**

A Tree Plan will be developed during the Plan period. It will include a comprehensive review of the list of Notable Trees and refinement of the evaluation criteria in the light of any new Royal New Zealand Institute of Horticulture criteria. The Tree Plan will also investigate options for new methods of protecting trees including an incentives package and education and information campaigns to raise public awareness.

4.2.3.5 ANTICIPATED ENVIRONMENTAL RESULTS

- The retention of trees of value to the public, the District and the environment generally.
- Increased public awareness of the functions of trees and support for their protection.

4.2.4 ISSUE FOUR

CERTAIN ACTIVITIES MAY HAVE ADVERSE EFFECTS ON CULTURAL HERITAGE VALUES IN THE DISTRICT

4.2.4.1 ISSUE STATEMENT

Much of Rotorua's growth occurred after 1945 and few earlier buildings, apart from marae buildings (which are in the care of marae trustees appointed under *Te Ture Whenua Maori Act 1993/Maori Land Act 1993*) have remained standing until the present day. Nevertheless, there are a number of significant buildings and other structures still standing including the Art and History Museum, the Prince's Gate Archway in the Government Gardens and the Clock Tower of the Old Post Office (now the Tourism Centre) at the corner of Fenton and Arawa Streets.

In **Part Four** of this Plan, the potential loss of amenity in the Central Business District through ad hoc extensions was highlighted as an issue. Associated with reduced amenity, is the potential loss of Maori cultural and Edwardian heritage values in this area. There are other historic and, in particular, archaeological sites in the District which may be threatened by activities such as development or subdivision of land.

It was pointed out in the Historic Places Inventory, completed in 1989 by the New Zealand Historic Places Trust, that very few historic places have been recorded in the Rotorua District. Of those places recorded, the vast majority are Pa. These archaeological sites lie mainly in the vicinity of the larger lakes such as Rotorua, Rotoiti and Tarawera. There can be some difficulty in locating archaeological sites which may lead to their destruction. Furthermore, the location of some of these sites is not accurately identified. Lack of knowledge about sites in the District may also result in the accidental destruction of sites. Sometimes they may be destroyed intentionally.

4.2.4.2 RESOURCE MANAGEMENT OBJECTIVE

The protection of historic places in the District

4.2.4.3 POLICIES

Historic places and archaeological sites are important for one or more of the following reasons:

- (a) **Historical significance:** the item has a strong association with important people or events, or is important as a recollection of social values and conditions in the past;
- (b) **Architectural significance:** the item is a notable example of a particular style, designer or period, or displays craftsmanship, artistry and technology of intrinsic interest;
- (c) **Landmark significance:** the item makes an important contribution to the identity of the City, neighbourhood, road or area in which it is sited; or
- (d) **Archaeological significance:** the item is of archaeological importance.

These sites are classified in one of two categories:

- Category I: Places of special or outstanding historical or cultural heritage significance or value; or
- Category II: Places of historical or cultural heritage significance or value;

under Section 22(3) of the *Historic Places Act 1993*. These categories replace the old A to D Historic Places classification. Other sites, not registered by the Historic Places Trust are still protected under the provisions of the *Historic Places Act 1993*. Those historic places, including historic and archaeological sites, which have already been identified in the District are listed in **Appendix A**. For the purposes of 4.2.4.2 of this Part, the term “Historic Places” includes historic places, historic areas, waahi tapu and waahi tapu areas as defined by the *Historic Places Act 1993*.

Consultation with the New Zealand Historic Places Trust, tangata whenua, the Department of Conservation, the New Zealand Archaeological Association, historic societies and the general public has helped determine which historic places, are important to the District and should be included in the Plan. Continued consultation will be important in obtaining further information and more accurately identifying historic places. In addition, written approval from the New Zealand Historic Places Trust has to be obtained before any demolition consent is granted to modify archaeological sites, whether or not they have been listed in **Appendix A**. The ICOMOS (International Council on Monuments and Sites) New Zealand Charter for the Conservation of Places of Cultural Heritage Value provides guidelines on the conservation of Historic Places.

It is noted that the Fourth Schedule of the *Resource Management Act 1991* requires applicants to consider the effects of their application on historic and cultural values. This can be achieved by providing for landowners to undertake historical surveys for activities which require a resource consent. This will assist in the identification and protection of historic places, particularly archaeological sites. Another way of enhancing the protection of these sites is by raising public awareness about them.

- 4.2.4.3.1 **Policy:**
To identify and protect historic places within the District.
- 4.2.4.3.2 **Policy:**
To assist other heritage protection authorities, including the New Zealand Historic Places Trust, in the protection of historic places and areas within the District.
- 4.2.4.3.3 **Policy:**
To raise people's level of awareness about their obligations to inform the New Zealand Historic Places Trust if a possible archaeological site is uncovered while undertaking any activity or use of a site.
- 4.2.4.3.4 **Policy**
To recognise and use the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value when making decisions that might affect heritage resources in the District.
- 4.2.4.3.5 **Policy:**
To facilitate archaeological survey and assessment within Rotorua District, particularly in areas where sites are at risk or it is likely that there are large numbers of sites.

4.2.4.4 **METHODS OF IMPLEMENTATION**

4.2.4.4.1 **Heritage Strategy**

It is intended that a Heritage Strategy be developed for the District which will include:

- Existing information about historic places as shown in the Historic Places Inventory of the Rotorua District;
- Further work in accurately identifying archaeological sites and their associated values such as by archaeological survey and assessment;
- Guidelines for the protection of historic places such as the International Council on Monuments and Sites (ICOMOS) New Zealand Charter; and
- Methods of Implementation such as heritage orders, economic incentives and land acquisition to ensure the protection of historic places. The use of reserves to protect historic places was discussed in **2 - Reserves**.

The Cultural Heritage Inventory, which will identify historic places with cultural values is intended to be completed early in the life of the Plan.

In the meantime, Rules will be the primary way of ensuring the protection of historic places. Recognition by Council is also given to the assistance of other legislation and bodies in achieving this end.

4.2.4.4.2 **Heritage Orders**

Heritage Orders are another mechanism available to Council. These have been discussed in **4.2.1.4** of this Part.

4.2.4.4.3 **Rules**

The Rules set out for each Part of the Plan restrict activities in relation to those items listed in **Appendix A**. These provisions:

- (a) Ensure that any proposed demolition or modification requires a resource consent application for a Discretionary Activity;
- (b) Require applications for resource consents to include an assessment of the effects that the activity will have on the environment. This assessment includes the identification of the location of features with heritage value. The details required of this assessment are outlined in **Part Two**;
- (c) Ensure that any area of land surrounding an historic place that is important to the integrity of that place, is recognised;
- (d) Recognise that the New Zealand Historic Places Trust and the New Zealand Archaeological Association are affected parties under Section 94 of the *Resource Management Act 1991*; and
- (e) Require that Council consider the option of acquiring land, buildings and areas under Section 86(1)(b) of the *Resource Management Act 1991*.

In addition, it is noted that waahi tapu kept in or returned to tribal ownership may be established as Maori Reserves under *Te Ture Whenua Maori Act 1993/Maori Land Act 1993* and kept within the ownership of appropriate hapu.

4.2.4.4.4 **Public Awareness Programme**

A public awareness programme for cultural and natural heritage will also be introduced during the Plan period. This programme is discussed in greater detail in **4.2.1.4** of this Part, on natural heritage.

4.2.4.4.5 **Financial Contributions**

Financial contributions may be used for the protection of cultural heritage values. The Objectives and Policies for financial contributions are set out in **2.2.1.2** and **2.2.1.3** of this Part. **Appendix U** sets out the circumstances where financial contributions may be required and the methods for calculating these contributions.

4.2.4.4.6 **Protection of Archaeological Sites**

Archaeological sites are protected under the *Historic Places Act 1993* whether or not they are recorded. Where it is proposed to use land which has the potential to adversely affect archaeological sites, the land will be surveyed to ensure that such sites are identified and effects evaluated.

4.2.4.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

The protection of historic buildings, places and sites in the District.

R11 RULES

R11 ACTIVITIES IN THE RESERVE AND WATER ZONES

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

In Tables **R11.1.1** and **R11.1.2**

P	=	Permitted Activity
C	=	Controlled Activity
D	=	Discretionary Activity
NC	=	Non-Complying Activity
Prohibited	=	Prohibited Activity
NA	=	Not Applicable
Reserve A	=	Recreation, Heritage Protection and Utility Reserves
Reserve B	=	Maori and other Reserves
Water A	=	Active Water Zone
Water B	=	Conservation Water 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.

R11.1 ACTIVITIES IN THE RESERVE A AND B, AND WATER A AND B ZONES

R11.1.1 ACTIVITIES IN THE RESERVE A AND B ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R11.8.2**.

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	RESERVE ZONE	
	A	B
1. Any activity that is consistent with the designation of the site	P	NA
2. 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, 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</i> or the <i>Reserves Act 1977</i>	P	P
3. Works for the avoidance of flooding unless otherwise permitted	D	D
4. Outdoor commercial recreation activities excluding motor sports	P	P
5. Any activity accessory to any Permitted or Controlled Activity. This includes churches and church halls on sites identified in the Reserve B Zone for these purposes on the Planning Maps	C	C
6. Any Permitted Activity that meets the criteria in R11.3.3.2 for the reduction or waiving of the Performance Standards	C	C
7. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P	P
8. 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

ACTIVITIES	RESERVE ZONE	
	A	B
9. 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	D
10. Helicopter landing areas complying with the standards of Appendix H	D	D
11. Community facilities and churches not otherwise provided for in this table	D	D
12. Urupa on Section 1 SO 58700 and complying with R11.2.7	NA	P
13. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P	P
14. Intentionally Blank.		
15. Hospitals and associated activities, on the following sites only, having a similar scale, character and having similar environmental effects as those already established on those sites: (a) Section 78 Block I Tarawera Survey District, Section 8 Block V Town of Rotorua, Part Section 45 Block I Tarawera Survey District commonly known as Queen Elizabeth Hospital; and (b) Section 14 Part 8 Pukeroa Domain Block LVIII Town of Rotorua commonly known as King George V Hospital or Rotorua Public Hospital	NA	C
16. Any activity in an historic area registered by the New Zealand Historic Places Trust	D	D
17. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P
18. Clearance or modification of indigenous vegetation of up to 100m ² in any 2 year period where the 100m ² is either a total for an individual site or for an individual remnant where that remnant covers more than one site	P	P
19. Drainage or infilling in any 2 year period of wetlands of a size up to 100m ² in area	P	P

ACTIVITIES	RESERVE ZONE	
	A	B
20. 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
21. Felling or destruction of any (remnant) indigenous trees with a height of less than 6m, and having a trunk circumference of less than 90cm at a height of 1.4m above ground level. Where a tree has multiple trunks the trunk circumference shall be the aggregate measurement of all trunks	P	P
22. Felling or destruction of any exotic tree (except those listed in Appendix A)	P	P
23. The regular maintenance of trees, removal of trees suffering from an untreatable disease, work immediately necessary to avoid injury to persons or damage to property, and the actions of any statutory authority in carrying out work authorised by statute	P	P
24. 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
25. 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; <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

ACTIVITIES	RESERVE ZONE	
	A	B
26. Any activity listed under 25 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
27. Stockpiling, earth works involving clean fill, and disposal of materials other than clean fill	Refer to Appendix I to determine the activity status	
28. 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	
29. Utility Services	Refer to Part Fifteen to determine the activity status	
30. Temporary Military Training	Refer to Appendix J to determine the activity status	
31. The regular maintenance, crowning or felling of the kahikatea which comprise White Pine Bush as identified on Planning Map 46 where such maintenance, crowning or felling is carried out in accordance with an agreement dated 14 February 2003 signed by Rotorua Regional Airport Limited, the Rotorua District Council and the Ngati Rangiteaorere Kahikatea Trust.	RESERVE A	RESERVE B
	N/A	P
32. New buildings or external alterations to existing buildings including the construction or alteration of verandahs in the area identified in the ' <i>Rotorua City Design Principles</i> '.	C	C

R11.1.2 ACTIVITIES IN THE WATER A AND B ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R11.8.2**.

The areas covered by the Water B Zone include the Sulphur Bay Wildlife Refuge and the Hamurana Springs Recreation Reserve Stream Environs.

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	WATER A	WATER B
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
2. Works for the avoidance of flooding unless otherwise permitted	D	D
3. Motorised water based recreational activities including hovercraft	P	D
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P
5. Use of craft for aquatic weed management	P	P
6. Use of motorised craft, excluding hovercraft and floatplanes, for scientific research and monitoring	P	P

ACTIVITIES	WATER A	WATER B
7. Non-motorised water based recreational activities	P	P
8. Any structure or activity essential for the preservation of safety such as navigational aids in terms of the <i>Harbours Act 1950</i>	P	P
9. Moorings and ski lanes	D	NC
10. Jetties, boatsheds, and structures for recreation purposes	D	D
11. Any Permitted Activity that meets the criteria in R11.3.3.2 for the reduction or waiving of the Performance Standards	C	C
12. Helicopter landing areas complying with the standards of Appendix H	D	D
13. Wharves and marinas	D	Prohibited
14. Private ramps and slipways	D	Prohibited
15. Public ramps and slipways	D	NC
16. Buildings and parking areas accessory to any Permitted or Controlled Activity on land reclaimed from a lake	NC	Prohibited
17. 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	D
18. Clearance or modification of indigenous vegetation of up to 100m ² in any 2 year period where the 100m ² is either a total for an individual site or for an individual remnant where that remnant covers more than one site	P	P
19. Drainage or infilling in any 2 year period of wetlands of a size up to 100m ² in area	P	P
20. 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

ACTIVITIES	WATER A	WATER B
21. Felling or destruction of any (remnant) indigenous trees with a height of less than 6m, and having a trunk circumference of less than 90cm at a height of 1.4m above ground level. Where a tree has multiple trunks the trunk circumference shall be the aggregate measurement of all trunks	P	P
22. Felling or destruction of any exotic tree (except those listed in Appendix A)	P	P
23. The regular maintenance of trees, removal of trees suffering from an untreatable disease, work immediately necessary to avoid injury to persons or damage to property, and the actions of any statutory authority in carrying out work authorised by statute	P	P
24. 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
25. 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	P
26. Any activity listed under 25 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
27. 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	
28. Utility Services	Refer to Part Fifteen to determine the activity status	
29. Temporary Military Training	Refer to Appendix J to determine the activity status	

R11.2 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

R11.2.1 INTRODUCTION

The Permitted Activities listed in **R11.1.1** and **R11.1.2** are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to all Reserve Zones and Water 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**.

R11.2.2 MAXIMUM HEIGHT AND DAYLIGHTING

Any building shall not exceed the standards specified below.

7.5 metres above the natural ground level at that point. Where the Reserve A or B Zone adjoins a Residential Zone or Rural D or E Zone, the height in relation to the boundary standard of that Zone shall also apply

Note: In addition to the height standards below, all buildings, structures and trees (excluding the remnant stand of kahikatea shown as White Pine Bush on Planning Map 46), 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.

R11.2.3 BUFFERS IN THE RESERVE A AND B ZONES

Minimum Front Yard	7.5 metre
Minimum Side and Rear Yard	5.0 metres

No building may be constructed over any part of a lot or lease area 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

R11.2.4 NOISE

There are no specific noise levels for the Reserve and Water Zones.

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.

R11.2.5 PARKING AND TURNING

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

R11.2.6 SIGNS

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

R11.2.7 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.

R11.2.8 STANDARDS APPLICABLE ONLY TO URUPA SITE SECTION 1 SO 58700

Provision for parking shall be made as denoted on Plan 46019/12 prepared by Martin McCaulay Morton Ltd. Okere Falls Road shall be screen planted along the boundary of Section 1 within 6 months of the Incorporation having obtained title to this site or before the proposed use is established, whichever is the sooner. The planting shall create a substantial visual barrier to the satisfaction of Council.

R11.2.9 WATER BASED RECREATION ACTIVITIES IN THE WATER A AND B ZONES

Water based recreational activities are permitted subject to meeting the following Performance Standards:

- (a) compliance with specified speed limits where the relevant speed limits are specified in the *Rotorua District Lake Water and Rivers Control Bylaw 1991*; and
- (b) compliance with the locational and noise requirements of the *Rotorua District Lake Water and Rivers Control Bylaw 1991*.

R11.2.10 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; and
- (b) Do not adversely affect any permanent or ephemeral watercourse which flows into or across land within the Urban Fence or land zoned Rural B, D or E, Industrial B or C, Airport or Airport Protection outside the Urban Fence; except where a consent for the same activity has been issued by a regional council and where the Rotorua District Council has been consulted as an affected party.

R11.3 CONTROLLED ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R11.3.1 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 **R11.3.2** below.

For a number of activities identified in **R11.1**, specific additional criteria will also be applied. These criteria are set out in **R11.3.3**.

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

R11.3.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR CONTROLLED ACTIVITIES

R11.3.2.1 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES IN THE RESERVE A AND B ZONES

Particular concerns relate to ensuring that buildings and structures in the Reserve Zones retain a reserve 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.

R11.3.2.2 **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.

R11.3.2.3 **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.

R11.3.2.4 **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.

The parking and turning standards will not be reduced or waived where the reserve is located adjacent to, or access to the reserve is located on a State Highway.

R11.3.2.5 **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.

R11.3.2.6 **OBJECTIVES AND POLICIES OF THIS PART**

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

R11.3.2.7 **NATURAL HAZARDS**

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

R11.3.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED CONTROLLED ACTIVITIES

R11.3.3.1 **INTRODUCTION**

All Controlled Activities identified in **R11.1** are to be assessed against the Performance Standards outlined in **R11.2** and the criteria outlined in **R11.3.2**. 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.

R11.3.3.2 **PERMITTED ACTIVITIES THAT MEET THE CRITERIA FOR REDUCTION OR WAIVING OF PERFORMANCE STANDARDS**

The Performance Standards in **R11.2.2**, **R11.2.3** and **R11.2.5** may be reduced or waived as a Controlled Activity to the maximum amount stated below subject to compliance with the criteria listed below. In addition, the assessment criteria outlined in **R11.3.2** apply.

R11.3.3.2.1 **Height and Daylighting**

(a) Reserve A and B Zones

The maximum height of 7.5 metres may be exceeded by up to 1.5 metres where Council considers that the compliance with the height standards would be impractical or unreasonable because:

- (i) the lot or lease area has such a topographical character that compliance with the height control would be unreasonable and/or impractical; or
- (ii) in the case of gable ended buildings the top of the proposed gable end encroaches the height control requirement and compliance with the height limit would be impractical; or
- (iii) of the existence of a non-conforming building;

provided that any buildings in these zones comply with the daylighting control that applies to the zone that the building is adjacent to.

In addition, 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.

No consent shall be granted under this Rule where a building, structure or tree (excluding the remnant stand of kahikatea shown as White Pine Bush on Planning Map 46) 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.

(b) **Water A Zone**

The maximum height provided for in **R11.2.2** may be waived for hydro-electric power stations only, where Council considers that compliance with the height standard would be impractical.

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.

R11.3.3.2.2 Buffers

The buffer standards for the Reserve A and B Zones may be reduced or waived when the siting of buildings in a conforming manner would be impractical.

Buffer standards may also be reduced or waived in order to preserve any item listed in **Appendix A**.

In addition, 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.

R11.3.3.2.3 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.

R11.3.3.3 ANY ACTIVITY ACCESSORY TO ANY PERMITTED ACTIVITY, INCLUDING CHURCHES AND CHURCH HALLS ON SITES IDENTIFIED IN THE RESERVE B ZONE FOR THESE PURPOSES, ON THE PLANNING MAPS

Activities in the Reserve B Zone may have some adverse effects on the surrounding environment, particularly if the site is located within a residential environment. Conditions related to the location, design and landscaping of buildings, carparks, illumination, vehicle access and egress and the location and size of signs may be imposed to mitigate effects of the activities on the surrounding area.

R11.3.3.4 NEW BUILDINGS OR EXTERNAL ALTERATIONS TO EXISTING BUILDINGS INCLUDING THE CONSTRUCTION OR ALTERATION OF VERANDAHS IN THE AREA IDENTIFIED IN THE ‘ROTORUA CITY DESIGN PRINCIPLES’

- (a) Council will exercise its discretion over the extent to which the construction of new buildings or alterations to existing buildings in the Reserve Zones are in accordance with the ‘Rotorua City Design Principles’.

When assessing applications for the construction of new buildings, or external alterations to existing buildings in the Reserve A and B Zones, Council will consider the extent to which the proposal meets the provision of ‘Rotorua City Design Principles’ and, in particular, the following aspects:

- i. consideration of how the proposal will fit into the Rotorua context;
 - ii. consideration of the placement on the building on the site, in terms of achieving compatibility with the surrounding environs and the effect of the building on open space, gardens, site features and views to the site;
 - iii. consideration of and respect for adjacent buildings and/or the streetscape in terms of building height, detailing and style;
 - iv. use of the Rotorua colour palette;
 - v. incorporation of the human scale in the design of the building including appropriate decoration, detailing, windows and doors and use of materials;
 - vi. identification of areas for signage, if appropriate.
- (b) The construction of new buildings or external alterations to existing buildings can have adverse effects on amenity and pedestrian and vehicular safety. Council may impose conditions in order to avoid, remedy or mitigate any such adverse effects. The conditions that Council may impose, in the case of all buildings include the following:
- i. a requirement that the use of unsympathetic materials is avoided;
 - ii. a requirement that the building design be amended to accord with recommendations within the ‘Rotorua City Design Principles’;
 - iii. a requirement that any additions are so positioned or modifications are so designed as not to detract from the existing environs;

- iv. specifying the colours of the building;
- v. specifying landscaping;
- vi. specifying illumination levels;
- vii. specifying the direction of any lighting;
- viii. the imposition of a bond to ensure satisfaction of conditions of consent.

R11.4 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R11.4.1 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.

R11.4.2 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 **R11.1**, specific additional assessment criteria apply. These are set out in **R11.4.3**.

R11.4.2.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

In general, Discretionary Activities will be required to comply with the Performance Standards in **R11.2** 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.

R11.4.2.2 **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.

R11.4.2.3 **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.

R11.4.2.4 **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.

R11.4.2.5 **ACCESS**

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

R11.4.2.6 **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*.

R11.4.2.7 **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.

R11.4.2.8 **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.

R11.4.2.9 **CUMULATIVE EFFECT**

In assessing the appropriateness of allowing an activity to be located in an area, or allowing 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.

R11.4.2.10 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.

R11.4.2.11 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.

R11.4.2.12 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.

R11.4.2.13 NATURAL HAZARDS

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

R11.4.2.14 LANDSCAPE

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

Council is undertaking a landscape assessment for the District as part of its Section 32 analysis. If appropriate, this assessment will be referred to as part of the criteria for assessing the effects on landscapes of applications for Discretionary Activities. Applications may be declined, particularly in areas which have been identified as being sensitive or highly sensitive.

In case the application concerns a site 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.

R11.4.2.15 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.

R11.4.3 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 **R11.4.2** in order to avoid, remedy or mitigate any adverse effects on the environment.

R11.4.3.1 HELICOPTER LANDING AREAS COMPLYING WITH THE STANDARDS OF APPENDIX H

Applications for helicopter landing areas will be assessed in terms of their potential to generate 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 operating hours of the activity and conditions on separation distances and buffer planting.

R11.4.3.2 ACTIVITIES OTHERWISE PERMITTED OR CONTROLLED IN THE ZONE ON SITES WHICH CONTAIN AN HISTORIC BUILDING, HISTORIC CHURCH, HISTORIC STRUCTURE, HISTORIC SITE, ARCHAEOLOGICAL SITE, MARAE OR NATURAL HERITAGE SITE LISTED IN APPENDIX A; OR WITHIN THE DRIPLINE (BRANCH SPREAD) OF A NOTABLE TREE LISTED IN APPENDIX A

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

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

Depending on the nature of the item and the impacts of the proposed activity, Council may decline the application or grant it subject to conditions which will promote its protection. To this end, Council may partly or wholly waive any Rule in this Plan. In addition, regard shall be had to the assessment criteria in Rule R11.3.3.5.

R11.4.3.3 ANY ACTIVITY IN AN HISTORIC AREA REGISTERED BY THE NEW ZEALAND HISTORIC PLACES TRUST

Any proposed activity within an historic area as classified by the New Zealand Historic Places Trust, has the potential to adversely affect the heritage value.

Depending on the nature of the activity, consideration will be given to imposing conditions, including modifying or waiving any Rules of this Plan, in order to promote the heritage value of the historic area. In addition, a condition may be imposed so that no building will be contrary to the conservation area status. In addition, regard shall be had to the assessment criteria in Rule R11.3.3.5.

R11.4.3.4 Intentionally Blank

R11.4.3.5 ACTIVITIES INVOLVING THE CLEARANCE OR MODIFICATION OF INDIGENOUS VEGETATION, THE DRAINAGE OR INFILLING OF WETLANDS, THE FELLING OF OR DESTRUCTION OF ANY (REMNANT) INDIGENOUS TREE, OTHER THAN PROVIDED FOR AS A PERMITTED ACTIVITY

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

R11.4.3.6 THE SALE OF LIQUOR AUTHORISED BY A CLUB, ON AND/OR OFF LICENCE IN ACCORDANCE WITH THE SALE OF LIQUOR ACT 1989 IN THE RESERVE A AND B ZONES

The application will be assessed in terms of the potential to generate adverse effects on the amenity of surrounding areas because of (late night) noise, light and glare and traffic generation. Such effects may not be appropriate in areas where a

high level of environmental amenity, also in respect of neighbouring Residential, Rural and Resort Zones, is sought.

Conditions may be imposed on the following matters:

- (a) the design of the building and structures;
- (b) the siting of activities;
- (c) the location, design and size of signs;
- (d) noise levels;
- (e) separation distances;
- (f) screening from adjacent sites; and/or
- (g) opening hours.

R11.4.3.7 WHARVES, MARINAS, PUBLIC AND PRIVATE RAMPS AND SLIPWAYS, MOORINGS AND SKI LANES IN THE WATER A ZONE AND JETTIES, BOATSHEDS AND STRUCTURES FOR RECREATION PURPOSES IN THE WATER A AND B ZONES

Applications for these activities will be assessed in terms of their potential to generate adverse effects on the Water Zones and the amenity of the surrounding area.

Council will also assess applications on:

- (a) the likely disturbance to significant wildlife or habitat areas;
- (b) the likely conflict with other water based recreational activities;
- (c) the likely conflict with or disturbance of adjacent land based activities in the area.

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.

R11.5 RULES FOR ESPLANADE RESERVES AND STRIPS FOR SUBDIVISION AND ROAD STOPPING

Note: For the purpose of this section the meaning of “river” and “lake” will be as defined in the *Resource Management Act 1991*.

R11.5.1 LOTS LESS THAN 4 HECTARES

Upon any lot of less than four hectares being created by subdivision along the bank of any river or along the margin of any lake, Council will require an esplanade reserve to be set aside or an esplanade strip to be created in accordance with the following provisions:

- (a) The widths of any esplanade reserve or esplanade strip will be determined by an assessment of the purpose of the esplanade reserve or esplanade strip in accordance with **R11.5.6**.
- (b) Council may, after consideration of **R11.5.6**, waive any requirement to set aside an esplanade reserve or create an esplanade strip.
- (c) Council may, after consideration of **R11.5.6**, resolve that the requirement under Section 230 of the *Resource Management Act 1991* to set aside a 20 metre esplanade reserve should:
 - (i) Apply; or
 - (ii) Be waived; or
 - (iii) Be varied by increasing or reducing the width of the reserve; or
 - (iv) Be replaced by a requirement to create an esplanade strip.
- (d) Where an esplanade reserve is set aside or an esplanade strip is created to a width in excess of 20 metres, Council will compensate the subdivider for any part of the esplanade reserve or esplanade strip that is in excess of 20 metres in accordance with **R11.5.7**. Compensation will not be given for any esplanade reserves, or strips 20 metres or less in width.
- (e) Council has the discretion to require an esplanade reserve or an esplanade strip. In general for lots created of less than four hectares an esplanade reserve will be required.

R11.5.2 LOTS OF 4 HECTARES AND GREATER

Upon any lot of four hectares or more being created by subdivision along the bank of any river or along the margin of any lake, Council may require an esplanade reserve to be set aside or an esplanade strip to be created in accordance with the following provisions:

- (a) The width of any esplanade reserve or esplanade strip will be determined by an assessment of the purpose of the esplanade reserve or esplanade strip in accordance with **R11.5.6**;

- (b) Where any esplanade reserve or esplanade strip is required, Council will compensate the subdivider in accordance with **R11.5.7**.

R11.5.3 MAORI LAND

It is noted that, in accordance with 108(9)(b) of the *Resource Management Act 1991*, the provisions set out in **R11.5.1** and **R11.5.2** do not apply to Maori Land. Council may require the use of covenants, kawenata, or Maori reservations when water margin protection is needed as a result of subdivision.

R11.5.4 ROAD STOPPING

Where a road is stopped and an esplanade reserve is required, under Section 345 of the *Local Government Act 1974*. Council after consideration of **R11.5.6** may resolve that the requirements of Section 345 shall:

- (a) Apply; or
- (b) Be waived; or
- (c) Be varied by increasing or reducing the width of the reserve; or
- (d) Be replaced by a requirement to create an esplanade strip.

R11.5.5 SUBDIVISION OF THE BED OF RIVERS AND LAKES

Where any part of a lot being subdivided is the bed of a river or lake, and is required under Section 237A of the *Resource Management Act 1991* to vest as esplanade reserve, Council after consideration of **R11.5.6** may resolve that Section 237A shall:

- (a) Apply; or
- (b) Be waived; or
- (c) Be varied by increasing or reducing the width of the reserve; or
- (d) Be replaced by a requirement to create an esplanade strip.

R11.5.6 CRITERIA FOR ASSESSING WHERE ESPLANADE RESERVES OR ESPLANADE STRIPS WILL BE REQUIRED

Where an esplanade reserve or esplanade strip is being considered under **R11.5.1** to **R11.5.5**, the following criteria will be used to establish the width and requirements for any esplanade reserve or esplanade strip to be included as conditions of a resource consent:

- (a) The purposes specified in Section 229 of the *Resource Management Act 1991*;
- (b) The intended use or effect of the esplanade reserve or strip, or marginal strip;
- (c) The contour, topography and physical nature of the margin;
- (d) The location and use of any other esplanade reserves , esplanade strips or marginal strips along the same river or lake margin;
- (e) Any adverse or positive effects that the esplanade reserve or esplanade strip may have on adjoining land uses and owner(s);
- (f) Where relevant, the ability of the public to gain access to the esplanade reserve or esplanade strip;
- (g) The ability of Council to fund any compensation necessary to acquire the esplanade reserve or esplanade strip;
- (h) Any other esplanade reserve or esplanade strip acquisition or management policies which have been adopted by Council;
- (i) The actual and maximum desirable lake level in relation to the existing title boundary for lots adjoining a lake;
- (j) The potential effect on public safety, the security of power generating plants, and/or whether alternative provision for public access has been made; and
- (k) Whether any regional council or the Crown requires separate protective management for the riparian area.

R11.5.7 COMPENSATION FOR ESPLANADE RESERVES AND ESPLANADE STRIPS

Where Council is required to compensate the subdivider under **R11.5.1** and **R11.5.2**, the following provisions will apply:

- (a) Council in the first instance will try to negotiate the value of any compensation with the subdivider;
- (b) Council may request an independent valuer to provide an estimate of the value of any compensation to serve as a basis for negotiation;
- (c) If no agreement as to the value of compensation can be reached between Council and the subdivider, then the value of compensation will be settled by the Valuer General in accordance with Section 237H of the *Resource Management Act 1991*;
- (d) To satisfy the full or partial value of compensation, Council may offer to waive any financial contribution or part thereof, which could be levied on the resource consent.
- (e) To satisfy the full or partial value of compensation, Council may offer works or some other form of non-cash payment to the subdivider; and
- (f) Any compensation involving a monetary payment to the subdivider will only be released upon confirmation from the Land Registry Office that the Land Transfer Plan has been deposited.

R11.5.8 ACCESS STRIPS

Where an esplanade reserve or esplanade strip is being considered under **R11.5.1**, **R11.5.2**, **R11.5.4** and **R11.5.5**, Council will also assess the need for any access strips to serve the purpose of the esplanade reserve or esplanade strip. Any access strip will be subject to negotiation and agreement with the subdividing owner.

R11.6 ESPLANADE RESERVES AND STRIPS FOR DEVELOPMENT

Those circumstances where esplanade reserves and strips will be taken for development are set out in **Part Sixteen** and **Appendix U**. The Rules set out in **R.11.5.6** and **R11.5.7** shall also apply.

R11.7 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.

R11.8 SUBDIVISION AND DEVELOPMENT

R11.8.1 SUBDIVISION

The Rules applying to subdivision are included in **Part Sixteen**.

R11.8.2 DEVELOPMENT

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