

PART TWELVE - TRANSPORTATION

1. INTRODUCTION

1.1 BACKGROUND

Transportation by road, rail, air and water is important for the efficient functioning of the District and for the well-being and convenience of residents, visitors and the businesses operating within it. The transportation infrastructure is acknowledged as an important District resource which must be protected. Similarly, the transportation infrastructure and operations and activities within it, may have considerable adverse effects on local amenity values and on the wider environment.

The Plan therefore provides measures to address the adverse effects of transportation activities on amenity values and the wider environment and the adverse effects of activities on the transportation network.

1.2 SCOPE OF PART TWELVE

In addition to the provisions of this Part, other Parts of the Plan may provide for, or control, transportation activities. For example, **Part Sixteen** of the Plan contains Policies and Methods of Implementation for the provision of roads in new subdivisions and developments. **Part Nine** contains Rules governing retail activity adjacent to State Highways in Industrial Zones.

A number of measures available in addition to the District Plan may be used to facilitate and manage transportation infrastructure. These include:

- designation by requiring authorities;
- the provisions of the District Council's Annual Plan; and
- traffic management plans for works carried out under other legislation.

The planning, construction, operation and maintenance of transportation infrastructure in the District is carried out by a number of authorities and agencies under legislation, such as the *Local Government Act 1974* and the *Transit New Zealand Act 1991*.

The purpose of this Part is not to propose changes or additions to the transportation infrastructure of the District, although these are acknowledged in its text and Planning Maps. This Part is to consider the *effects* of transportation activities on the surrounding environment as well as the effects of all other activities on the transportation network itself, and to provide the means of avoiding, remedying, or mitigating these effects.

1.3 TRANSPORTATION ISSUES

This Part addresses the following key issues relating to transportation:

- The effects of transportation activities on amenity values and the environment of the District; and
- The effects of activities in the District on the safe and efficient operation of the transportation network.

2. RESOURCE MANAGEMENT ISSUES

2.1 ISSUE ONE

EFFECTS OF TRANSPORTATION ACTIVITIES ON THE AMENITY AND ENVIRONMENT OF THE DISTRICT

2.1.1 ISSUE STATEMENT

The text that follows develops several transport related issues identified in **Part Four** including:

- Amenity values generally;
- Central Business District amenity; and
- The potential adverse effects of activities, particularly heavy industry.

Certain transportation modes, particularly light and heavy motor vehicle and aircraft traffic, are major users of finite fossil fuels. Globally, there is concern over the increasing utilisation of non-renewable fossil fuels and the effects in terms of pollution and accelerated global warming.

Rotorua's low density of development and the limited availability of public transport increases reliance on private vehicle usage. Increasing the capacity of

the existing roading system to further accommodate the use of private transport has the potential to create significant adverse effects on the environment. Increased roading capacity may, in the long term, be absorbed as more private vehicles take advantage of better roads and faster travel.

Regionally, there are concerns over the capacity of the State Highway network to accommodate further traffic increases. Regional policies to manage these increases are likely to impact significantly on Rotorua because of the present routing of a number of State Highways directly through the Urban Area. The use of the District's transport routes by the logging industry and other heavy vehicles already has significant adverse effects, especially where the same routes are used by residents and tourists. Such effects include wear and tear on roads, threats to vehicle and pedestrian safety, and noise.

Unlike larger urban and metropolitan areas, traffic congestion is not a significant issue for Rotorua. Key issues arise from conflicts between transport modes and between traffic and adjacent activities. Such conflicts exist within the Central Business District between vehicles and pedestrians and between through-traffic and parking vehicles. Other significant conflicts occur where streets act as both a major arterial route or State Highway and a local feeder road. Particular difficulties arise in the Rotorua Urban Area where State Highways and arterial routes pass through Residential, Commercial and Industrial Zones. This situation occurs for example where Old Taupo Road/Fairy Springs Road passes through the western industrial areas and where Te Ngae road passes through the eastern suburbs.

The conflicts between the needs of different activities such as visual aesthetics for tourism, functional utility for industry, accessibility and exposure for commerce and aesthetic and social amenity for residential purposes, need to be addressed in the Plan. Residential communities, in particular, are affected by vehicle noise at night or in the early morning, as well as the traffic hazards and the visual impact associated with large vehicles, particularly those parking in residential streets.

Major concerns and conflicts arise where roads in particular, become used for purposes for which they were not intended or designed. This can occur as traffic adjusts to changes in the road network or seeks to avoid points of congestion from new activities or general traffic growth. In such cases, even minor residential streets can become used as thoroughfares for large volumes of traffic, regardless of previously accepted road hierarchies.

Allowing large service vehicles to load and unload in Central Business District streets may conflict with use of the streets by pedestrians and for parking.

The activities of service vehicles can have adverse effects on amenity and safety.

Another issue is the continued designation of the Eastern Arterial By-pass. This by-pass is intended to reduce the adverse effects of heavy and other through-traffic currently using Te Ngae Road. The matter remains an issue with residents in close proximity to the designation, due to potential noise, disturbance of cultural sites, land severance and perceived traffic hazards.

The Rotorua Airport is an important resource for the District. However, measures are required to ensure that potential adverse effects of the airport on

surrounding activities are correctly managed and that other activities in turn, do not affect safe and efficient airport operations.

Rotorua, because of its importance as a tourist destination:

- experiences relatively high volumes of helicopter traffic which can have considerable adverse effects on the environment; and
- makes high levels of visual amenity on major transport routes into and through the City desirable.

2.1.2 RESOURCE MANAGEMENT OBJECTIVE

The avoidance or minimisation of adverse effects from the transportation network and the maintenance of environmental quality.

2.1.3 POLICIES

Policies to reduce traffic may be appropriate and measures are available that could be considered, including the use of alternative modes of transport, the increased use of public transport, and limiting outward urban expansion. Bicycles are often the only means of transportation available to children, students, and people without the use of a motor vehicle, for financial or other reasons. The Rotorua Urban Area, because of its relatively flat terrain and relatively low wind speeds, has the conditions that favour bicycle use.

Public transport in many cases has the potential to reduce the adverse effects of excessive traffic and more efficiently promote the sustainable management of the District's natural and physical resources. An effective public transport system is important for some residents of Rotorua as well as visitors. While Council has no direct control over the provision of such a public transport system, opportunities may exist for Council to facilitate the efforts of public transport operators.

The spatial extent of the Rotorua Urban Area and the distribution of commercial outlets, employment areas and community facilities, can also positively or negatively influence traffic generation.

Many of these effects of regional traffic growth cannot be directly controlled through the District Plan, although the regional councils are developing policies to address some of the adverse effects.

Road design and management of traffic flows are important for traffic safety and environmental reasons. The design of carriageways and traffic management facilities can influence driver behaviour.

In recent years, Council has acknowledged the importance of Central Business District amenity and a comprehensive revitalisation programme is under way as a component of the Annual Plan process.

A network of existing and proposed service lanes has been carried forward from the Transitional District Plan, however, the programme of acquiring and developing service lanes is an issue. Unless Council actively pursues this programme, conflicts between service vehicles and other road users may continue. Due to the different ownership of lots and the different timing of redevelopments within each street block, it is often difficult to acquire useful or linked areas of land for service lanes. This has led to a situation where portions of land vested in Council as service lanes are “land locked” and cannot function as intended.

The Proposed Bay of Plenty Regional Policy Statement requires that the District Council protect and maximise the cost-effective use of existing transport corridors before committing resources to extending or constructing new infrastructure.

- 2.1.3.1 **Policy:**
To pursue and adopt measures to reduce traffic growth in the District and to reduce the need to travel.
- 2.1.3.2 **Policy:**
To avoid, reduce or mitigate the adverse effects of road traffic on other activities in the District.
- 2.1.3.3 **Policy:**
To ensure that requirements for new roads and road widenings are justifiable and reasonably necessary.
- 2.1.3.4 **Policy:**
To avoid, remedy, or mitigate the adverse effects of aircraft noise arising from aircraft operations at the Airport on residential and other activities sensitive to aircraft noise.
- 2.1.3.5 **Policy:**
To actively pursue the acquisition, formation and control of the Central Business District service lane network.

2.1.4 **METHODS OF IMPLEMENTATION**

2.1.4.1 **Encouragement of Alternative Forms of Transport**

Encouraging forms of transport other than private motor vehicles, including public transport, by road, rail or other means, cycling and pedestrian travel. Cycleways, footpaths, accessways, public places, street furniture and other facilities benefiting alternative forms of transport, are Permitted Activities in the Road Zone. Provisions for these facilities will fall within the normal roading functions of authorities such as Council and Transit New Zealand. Public transport facilities are also Permitted Activities.

Council may include measures within the Annual Plan process, such as improving the pedestrian amenity of the Central Business District to promote alternative forms of transport.

2.1.4.2 **Limitation of Urban Expansion**

Council seeks to limit urban expansion by use of the Urban Fence and encouraging higher densities within the existing residential areas. These provisions are contained in **Part Seven**.

2.1.4.3 **Location of Activities**

Provision is made in the Plan for the distribution of a range of community facilities, commercial centres and employment centres throughout the District, particularly in the Rotorua Urban Area. The Plan allows for commercial, resort, and a range of other activities in areas other than those zoned for these purposes, provided that any adverse effects can be managed. For example, certain home based businesses, complying with Performance Standards for the Zone are Permitted Activities in Residential and Rural Zones, under the provisions of other Parts of the Plan. The adverse effects associated with industrial activity will continue to limit the distribution of industrial employment nodes.

2.1.4.4 **Responses to Regional Traffic Trends**

Methods of Implementation within the District Plan to influence regional traffic trends may be limited but will include liaison with Transit New Zealand, Environment Waikato and Environment BOP and reference to appropriate regional land transport strategies, to ensure effective District responses.

2.1.4.5 **Compliance with Roding Designations**

Council may impose conditions in terms of Section 171(2)(a) of the *Resource Management Act 1991* in confirming a designation for a road, as a means of avoiding, remedying or mitigating the adverse effects of that road.

Council will impose conditions for further assessment and consultation on matters such as noise reduction, environmental degradation and disturbance to cultural sites in the planning, design and construction of the Eastern Arterial Bypass in confirming its designation. These are set out in **Appendix B**.

2.1.4.6 **Roding Hierarchy**

During the Plan period, an agreed roding hierarchy and an accompanying set of Rules for each road classification will be introduced by Council by way of a Plan Change. This will be done in consultation with regional councils and Transit New Zealand. This will provide guidance for roding authorities on the nature of measures they may take in avoiding, remedying or mitigating adverse effects on adjacent activities and the wider environment.

2.1.4.7 **Traffic Management Plans**

The traffic management plans prepared, as part of the annual works programmes of Council and Transit New Zealand, will normally provide ways of avoiding, remedying or mitigating adverse effects of roding on adjacent uses or on the wider environment. Examples of such measures include traffic calming, pedestrianisation programmes and the provision of landscaping adjacent to State Highways and arterial routes. **Appendix P** and Policy **2.2.3.2** of **Part Six - Tourism** contains provisions for landscaping along main routes.

2.1.4.8 **Justification for New Roads and Road Widenings**

Requirements for new roads and road widenings will normally be justified in terms of regional land transportation strategies and priorities in the works programmes of the roding authorities concerned. The designation process, used

for roads and road widenings, not included in this Plan, will also require that roading projects are reasonably necessary.

2.1.4.9 **Airport and Aircraft Operations**

Local authorities and airport authorities have a broad responsibility to control the emission of aircraft noise and mitigate the adverse effects of that noise. Accordingly, the following measures will be incorporated in the District Plan:

- *NZS 6805 – “Airport Noise Management and Land Use Planning” will be used as the basis for establishing noise boundaries and associated rules in the District Plan in relation to controlling noise from the Airport;*
- *Areas subject to aircraft noise from the Airport will be identified and a reasonable degree of mitigation will be provided for existing activities sensitive to aircraft noise such as residential, school and hospital uses in these areas;*
- *Controls will be placed on the location of new activities sensitive to aircraft noise and requirements for acoustic treatment of those new activities inside the Air Noise Area and the Inner Control Area will be imposed (See also Section 2.2.4.4 below); and*
- *Limitations will be imposed on helicopter landing sites contained in Appendix H and in other parts of the Plan (eg helicopter landing areas are Prohibited Activities in Residential Zones).*

It should be noted that the application of the Resource Management Act to over-flying aircraft is specifically limited to noise emission controls that may be prescribed by a territorial authority in relation to airports: (see section 9(8) of that Act. In that regard a definition of Aircraft Operations is included in this Plan (see section 9(8) of that Act).

2.1.4.10 **Acquisition, formation and control of service lanes**

Rules have been developed to facilitate the completion of a comprehensive service lane network in the Central Business District.

2.1.5 **ANTICIPATED ENVIRONMENTAL RESULTS**

The Objectives, Policies and Methods of Implementation set out in **2.1.2** to **2.1.4** of this Part are intended to achieve the following environmental results:

- Increased use of forms of transport other than vehicular traffic;
- A reduction in the rate of growth of vehicular traffic and of the need to travel resulting in reduced environmental effects which would otherwise derive from vehicular traffic growth;

- A reduction in traffic conflicts and other adverse effects which result from the lack of a roading hierarchy and service lane network;
- Minimisation of the adverse effects resulting from new roads and road widenings; and
- A reduction of the impact and adverse effects of the transportation infrastructure on surrounding uses and the wider environment.
- Management of aircraft noise in relation to the airport and helicopter landing areas in the district
- Mitigation of aircraft noise in relation to the airport on existing Activities Sensitive to Aircraft Noise within the identified Air Noise Area and the Inner Control Area

2.2 ISSUE TWO

EFFECTS OF DISTRICT ACTIVITIES ON THE SAFE AND EFFICIENT OPERATION OF TRANSPORTATION

2.2.1 ISSUE STATEMENT

All parts of the transportation infrastructure are important physical resources of the District and represent a substantial investment that can be threatened by activities using this infrastructure or located close to it.

Activities in the District that generate large volumes of traffic or that generate heavy vehicle traffic have the potential to adversely affect the safety and efficiency of transport infrastructure. Projected growth in timber harvesting and processing is expected to have significant impacts on State Highways and Council arterial and feeder roads.

The growth of regional and District road traffic and any resultant traffic hazards on existing routes, may necessitate the widening of existing roads or the construction of new roads.

Certain activities adjacent to roads have the propensity to generate significant requirements for parking of both heavy and private motor vehicles. Where the provision of public or private parking does not meet requirements, on-street parking and turning can adversely affect the efficient use and capacity of the road network. Certain activities adjacent to roads may require access onto those roads and this is of particular concern in the case of State Highways and major arterial roads. Signs adjacent to roads may also have adverse effects on amenity and safety. Verandahs, where located on the public road, can have impacts on pedestrian or road user safety.

In addition to the activities adjacent to roads, that may have adverse effects, other activities may impact on the ongoing safe and efficient operation of the Rotorua Airport. Of particular concern are activities which may generate smoke, dust, glare or electrical interference or create height obstructions in proximity to the airport. Additionally, the location of activities sensitive to aircraft noise in areas where high and moderate aircraft noise level cannot be avoided creates incompatibilities between the operation of the airport and those activities and could, if not controlled, lead to undesirable restrictions on the airport's operation.

Roading authorities such as Transit New Zealand and Council have powers under the *Local Government Act 1974* and *Transit New Zealand Act 1991* to carry out certain activities on roads. However other public and private bodies including utility service operators, transport operators and hawkers may seek to carry out activities within areas intended for roading.

Similarly, activities by parties other than the airport authorities may seek locations in and adjacent to the airport, such as tourist operators, aircraft related service industries and meteorological services.

2.2.2 RESOURCE MANAGEMENT OBJECTIVE

Activities, which do not adversely affect the safe and efficient operation of the transportation infrastructure.

2.2.3 POLICIES

From the discussion of issues, it is evident that Policies are required to achieve the protection of the safe and efficient operation of the road transport infrastructure and of the Rotorua Airport.

Identified needs for new roads and road widenings should be acknowledged and procedures put in place to accommodate justifiable requirements.

Provisions are also required under the District Plan or other legislation in order to manage adverse effects of any activity adjacent to or in close proximity of any transportation infrastructure or facility.

The activities of utility service operators, transport operators and hawkers need to be acknowledged and any anticipated effects on the transport network addressed.

2.2.3.1 Policy:

To ensure that activities do not adversely affect the safe and efficient operation and maintenance of the roading infrastructure and to respond to requirements for its expansion and upgrading.

2.2.3.2 **Policy:**
To recognise the importance of the Airport as a transportation mode for the District's and Region's residents, visitors and tourists and businesses.

2.2.3.3 **Policy:**
To protect the operational capability of the Airport for the planning period to 2033.

2.2.3.4 **Policy:**
To provide for the potential future development of the Airport resource by managing activities which have the potential to adversely affect present and future safe and efficient Airport operations."

2.2.3.5 **Policy:**
The location of new activities which are sensitive to aircraft noise in the Air Noise Area and the Inner Control Area should generally be avoided unless the adverse effects of those activities on Rotorua Regional Airport can be avoided, remedied or mitigated.

2.2.4 **METHODS OF IMPLEMENTATION**

2.2.4.1 **Zoning**

The Road Zone provides for a range of Permitted, Controlled, Discretionary and Non Complying Activities. Roading activities, provided for by the *Local Government Act 1974* and the *Transit New Zealand Act 1991*, will be Permitted Activities in the Road Zone provided:

- they are not in contravention of any Rule of a regional plan; or
- they do not contravene any condition of a designation.

Controlled activities will include the erection of signs in the Road Zone adjacent to the Commercial A, B or Resort A Zones.

Restricted Discretionary Activities are those where a waiver is sought to the requirements for verandahs. The specific performance standards relate to aspects of safety and amenity on road users and care must be taken if these standards are varied.

Activities which may have an adverse effect on the Road Zone including the parking of heavy vehicles, verandahs, stockpiling and earthworks and utility service activities are either Discretionary Activities or are referred to other parts of the Plan for consideration.

Provision is also made for Airport and Airport Protection Zones and for a range of Permitted, Controlled, Discretionary, Non Complying and Prohibited Activities.

2.2.4.2 **Designations and Road Widening**

Council's role will be in processing requests for designations for new roads and road widenings and the placing of restrictions on non-roading activities within designations.

A specific designation for the Eastern Arterial By-pass is carried forward with modifications from the Transitional District Plan.

Provisions are contained in **Appendix D** and the Planning Maps for road widenings, but the provisions of **Appendix D** override information contained in the Planning Maps.

2.2.4.3 **Rules**

Rules for parking and turning of vehicles, in **Appendix F** and in other parts of the Plan, will provide the primary means for ensuring that the adverse effects of vehicular activities adjacent to roads are correctly managed.

Rules specifying the dimensions of verandahs ensure that verandahs do not have adverse impacts on pedestrian or user safety and that verandahs provide good amenity to pedestrians by providing continuity of cover.

2.2.4.4 **Airport Protection**

Certain activities that have the potential to attract birds, generate direct or reflected light or glare, smoke or dust, or to create radio or electrical interference can compromise the safe operation of the Airport. The mechanism of an Airport Protection Zone will be used to control such activities.

The operational and ancillary commercial and retail needs of the Airport will be provided for by the Airport Zone. A range of performance standards apply to the Airport Zone including controls on the height and location of buildings and noise generated by use of land in the Zone.

Additionally, the designation of Obstacle Limitation Surfaces (that is the diagrams that prescribe height restrictions on structures, trees and any other obstacle) over land lying below the flight approach and departure paths terminating at the runway ends will allow for the safe and efficient operation of the Airport.

New Activities Sensitive To Aircraft Noise establishing in areas likely to be subject to high (within the Air Noise Area) and moderate (within the Inner Control Area) levels of aircraft noise over the next thirty years can also have the potential to have an adverse effect on the operation of the Airport. Detailed predictions of the future noise impacts of the Airport have been undertaken utilising the methodology set out in the New Zealand Standard 6805:1992 "Airport Noise Management and Land Use Planning". As a result, areas predicted to be subject to high (above Ldn 65dBA) and moderate (Ldn 60-65dBA) aircraft noise by the year 2033 have been defined. The relevant District Plan Maps define the extent of these areas and they have been slightly modified to generally follow property boundaries for clarity of administration.

The land within the Air Noise Area shown on the planning maps is expected, by 2033, to be subject to high levels of aircraft noise greater than Ldn 65dBA and the land within the Inner Control Area shown on the planning maps is expected to be subject to noise between Ldn 60 and Ldn 65dBA. Controls will therefore be imposed on the location of new Activities Sensitive To Aircraft Noise establishing in those areas as well as requirements for acoustic treatment of those new activities.

In particular, the establishment of new Activities Sensitive To Aircraft Noise will be prohibited inside the Air Noise Area and will be discretionary activities within the Inner Control Area. Papakainga on the land shown on Rotorua District Planning Map 45 and additions to existing Activities Sensitive To Aircraft Noise will be restricted discretionary activities within the Inner Control Area. Where Activities Sensitive To Aircraft Noise (or extensions thereto) are granted consent within the Inner Control Area they will be required to be acoustically treated to ensure that they provide an internal noise environment not exceeding Ldn 40dBA with all external doors and windows closed. Consistent with NZ Building Code ventilation requirements, they will also be required to meet certain ventilation performance standards through the fitting of appropriate ventilation equipment.

The District Plan recognises the importance of limiting the amount of additional residential development in areas affected or potentially affected by high or moderate aircraft noise within the Air Noise Area and the Inner Control Area. This is because, while it is possible to acoustically insulate dwellings and other activities sensitive to aircraft noise, it is not possible to use such methods to mitigate the effects of aircraft noise on the external environment.

However the District Plan also recognises that making special provision for Papakainga on the land shown on Rotorua District Planning Map 45 is important in terms of recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga under Section 6(e) of the Resource Management Act .

An Outer Control Area which is predicted to be subject to between Ldn 55dBA and Ldn 60dBA has also been defined on the Planning Maps.

When issuing a Land Information Memorandum, a Project Information Memorandum, a resource consent and/or a building consent relating to a property within the Air Noise Area, the Inner Control Area and the Outer Control Area, the Council will advise that the property is located in an area where the aircraft operations arising from the Airport could create potential noise effects which may be disturbing but are within permitted noise emission levels and, in the case of the Air Noise Area and the Inner Control Area, will advise that specific land use restrictions are contained in the District Plan in relation to Activities Sensitive to Aircraft Noise.

2.2.4.5 **Other Methods**

During the Plan period an agreed roading hierarchy will be introduced as will an accompanying set of Rules for each road classification. This will be achieved by way of a Plan Change, in consultation with regional councils and Transit New Zealand. In addition to providing guidance for roading authorities on measures they may take in managing the adverse effects of roads, the hierarchy will acknowledge the status of major roads and support measures for the safeguarding of roads.

Provisions are included in the Annual Plan process for traffic management plans and traffic regulation. These will provide the primary means of ensuring the safe and efficient movement of traffic.

Council requires compliance with other legislation and bylaws, which control activities in or adjacent to the Road Zone, including hawking and the limitation of access.

2.2.5 **ANTICIPATED ENVIRONMENTAL RESULT**

A decrease in the adverse effects of activities on transport infrastructure.

Avoidance of new Activities Sensitive To Aircraft Noise and extensions to existing Activities Sensitive to Aircraft Noise within the Air Noise Area around the Airport

Appropriate limitations on new Activities Sensitive to Aircraft Noise and extensions to existing Activities Sensitive to Aircraft Noise in the Inner Control Area around the Airport

Acoustic treatment of those existing Activities Sensitive To Aircraft Noise which are established within the Inner Control Area around the Airport and any additions to those existing activities for which resource consent is granted.

Community adequately advised of the likely aircraft noise effects and land use restrictions within the Air Noise Area, the Inner Control Area and the Outer Control Area around the Airport.

Continued efficient operation of the Airport and its development as an important physical resource for the District.

R12 RULES

R12 ACTIVITIES IN THE TRANSPORT ZONES

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

In Tables **R12.1.1** and **R12.1.2**:

P	=	Permitted Activity
C	=	Controlled Activity
RD	=	Restricted Discretionary Activity
D	=	Discretionary Activity
NC	=	Non-Complying Activity
Prohibited	=	Prohibited Activity
NA	=	Not Applicable

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.

R12.1 ACTIVITIES IN THE ROAD, AIRPORT AND AIRPORT PROTECTION ZONES

R12.1.1 ACTIVITIES IN THE ROAD ZONE

The Road Zone shall apply to all road reserves within the District. In situations where road reserves are designated then the designation will take precedence. In situations where the boundary of a road reserve is re-aligned, or a road is stopped, any part of the land no longer needed for the road reserve, located from the centre line of the road reserve to the road reserve boundary shall be given the same zoning as the land immediately adjacent to the road reserve boundary. In instances where a road is stopped and is adjacent to a water body, Council may require all or part of that road to be established as an esplanade reserve under Section 345 of the *Local Government Act 1974* (refer **R11.5.4**).

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R12.8.2**.

ACTIVITIES	ROAD ZONE
1. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993</i> / <i>Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P
2. All existing lawfully established fixed structures, activities and services	P
3. Any relevant activity provided for by the <i>Transit New Zealand Act 1991</i> or the <i>Local Government Act 1974</i>	P
4. The repair and maintenance of existing lawfully established structures, activities and services	P
5. The passage and temporary parking of motorised, non-motorised vehicles, stock, domestic animals and pedestrians, unless otherwise restricted	P
6. The construction and realignment of carriageways, footpaths, vehicle crossings, and accessways	P
7. Public transport infrastructure and facilities	P
8. Street furniture, sculptures, works of art and utility provisions such as road signs, bus shelters, parking meters, traffic lights, lamp posts and litter bins	P
9. The establishment and maintenance of street trees	P
10. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services where they comply with the strictest performance standards for any zone adjacent to the road zone	P
11. The parking of heavy vehicles adjacent to Residential Zones between 11.00pm and 7.00am on any day	D
12. 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
13. New buildings or external alterations to existing buildings, including the construction or alteration of verandahs, where the Road Zone adjoins the Resort A, Commercial A or B Zones	C
14. Signs where the Road Zone adjoins the Resort A, Commercial A or B Zones	C

ACTIVITIES	ROAD ZONE
<p>15. Any activity involving:</p> <p>(a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or</p> <p>(b) interference with the physical structure of a geothermal surface feature; or</p> <p>(c) destruction of a geothermal surface feature including excavation; or</p> <p>(d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;</p> <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>16. Any activity listed under 15 for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party</p>	D
<p>17. Works for the avoidance of flooding unless otherwise permitted</p>	D
<p>18. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill</p>	Refer to Appendix I to determine the activity status
<p>19. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants.</p>	Refer to Part Fourteen to determine the activity status and to Rule R14.1.4 in respect of Bulk Earthworks and road Construction Activities
<p>20. Utility Services</p>	Refer to Part Fifteen to determine the activity status
<p>21. Temporary Military Training</p>	Refer to Appendix J to determine the activity status
<p>22. Verandahs where the Road Zone adjoins the Commercial C, D or Resort C Zones</p>	P
<p>23. An activity listed under 13 or 22 for which a waiver of the standards of R12.2.11 is sought</p>	RD
<p>24. The construction and use of a vehicle crossing over a formed pavement (public footpath) adjacent to the Commercial A, B and Resort A Zones, except for access to service lanes.</p>	RD

R12.1.2 ACTIVITIES IN THE AIRPORT AND AIRPORT PROTECTION ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R12.8.2**.

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	AIRPORT ZONE	AIRPORT PROTECTION ZONE
1. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P	P
2. Works for the avoidance of flooding unless otherwise permitted	D	D
3. Any activity associated with the operational needs of the Airport, including passenger, visitor and airport employee facilities, car rental agencies; transport and courier depots, restaurants and souvenir shops, administrative and professional offices and the landing and taking off of aircraft, their refuelling and maintenance, runways, taxiways, airport terminals and freight forwarding operations	P	NC
3A. Community facilities, and retail shops provided that they are located in accordance with the Rotorua Airport Plan of Development in Appendix Q	C	NC
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services activities	P	P
5. Helicopter landing areas complying with the standards of Appendix H	P	Prohibited

ACTIVITIES	AIRPORT ZONE	AIRPORT PROTECTION ZONE
6. Household units (1 per lot), except within the Air Noise Area or Inner Control Area shown on the Planning Maps where the rules in Appendix E shall apply	NC	P
7. Additional Household units, except within the Air Noise Area or Inner Control Area shown on the Planning Maps where the rules in Appendix E shall apply	NC	NC
8. Home based business enterprises	NC	C
9. Agricultural activities	D	D
10. Industrial and Commercial Activities	D	NC
11. Any activity accessory to any Permitted Activity	P	P
12. Any activity accessory to a Controlled Activity	P	P
13. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P	P
14. Any Permitted Activity that meets the criteria in R12.3.3.5 for the reduction or waiving of the Performance Standards	C	C
15. Stalls for the sale of produce from the site on which the stall is situated	NC	D
16. 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
17.A New Activities Sensitive to Aircraft Noise and additions to existing Activities Sensitive to Aircraft Noise within the Air Noise Area shown on the Planning Maps	Prohibited	Prohibited
17.B New Activities Sensitive to Aircraft Noise(except Papakainga on the land shown on Rotorua District Planning Map 45) within the Inner Control Area shown on the Planning Maps	D	D

ACTIVITIES	AIRPORT ZONE	AIRPORT PROTECTION ZONE
17C. Additions to Existing Activities Sensitive to Aircraft Noise within the Inner Control Area shown on the Planning Maps	RD (Subject to performance standards in Appendix e.1.4 and matters for discretion in Appendix e.1.6)	RD (Subject to performance standards in Appendix e.1.4 and matters for discretion in Appendix e.1.6)
17D. Papakainga on the land shown in Rotorua District Planning Map 45	N/A	RD (Subject to performance standards in Appendix e.1.4B and matters for discretion in Appendix e.1.8)
18. Any activity involving: (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
19. Any activity listed under 18 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
20. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill	Refer to Appendix I to determine the activity status	
21. 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	

ACTIVITIES	AIRPORT ZONE	AIRPORT PROTECTION ZONE
22. Utility services	Refer to Part Fifteen to determine the activity status	
23. Any activity which produces radio or electrical interference which may adversely affect aircraft communications or navigational equipment	Prohibited	
24. Any activity or use of material which produces direct light beams or reflective glare which may interfere with the vision of pilots	Prohibited	
25. Any activity which emits smoke or dirt, other than domestic heating fires, causes bird aggregation or other like effects in a manner that would prejudice the safe conduct of airport and accessory operations	Prohibited	
26. Temporary Military Training	Refer to Appendix J to determine the activity status	

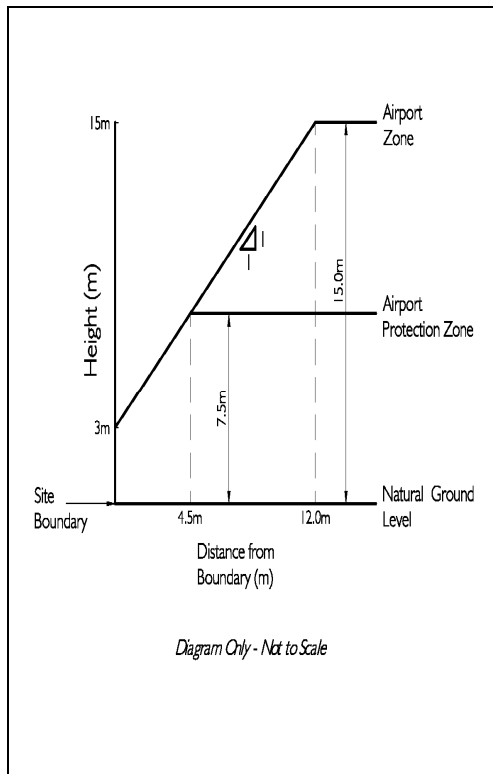
R12.2 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

R12.2.1 INTRODUCTION

The Permitted Activities listed in **R12.1.1** and **R12.1.2** are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to the Road, Airport and Airport Protection 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**.

R12.2.2. MAXIMUM HEIGHT AND DAYLIGHTING IN THE AIRPORT AND AIRPORT PROTECTION ZONES



15 metres in the Airport Zone and 7.5 metres in the Airport Protection Zone above the natural ground level at that point provided that the height in relation to the boundary standard outlined below is complied with at all times.

The height in relation to the boundary standard is the maximum height on the boundary of 3.0 metres plus 1.0 metre for every 1.0 metre from that boundary.

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

R12.2.3 BUFFERS

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

R12.2.3.1 AIRPORT ZONE

No building may be erected within 5 metres of any boundary with State Highway 30 or any internal road in the Airport Zone or within 150 metres of either side of the runway centre-line or within 150 metres of the runway safety end areas. In addition, no building may be erected within 25 metres of Lake Rotorua.

R12.2.3.2 AIRPORT PROTECTION ZONE

Minimum front yard	3 metres
Minimum side yard	2.5 metres
Minimum rear yard	2.5 metres
Minimum rear site yard	2.5 metres

In addition to the above standards, no building may be erected within 25 metres of Lake Rotorua.

R12.2.4 SITE COVERAGE IN THE AIRPORT PROTECTION ZONE

Maximum site coverage 50%.

R12.2.5 NOISE CONTROLS AND MITIGATION

12.2.5.1 GENERAL NOISE AND AIRCRAFT ENGINE TESTING NOISE

- (a) Any use of land in the Airport Zone or the Airport Protection Zone for any purpose other than:
- Aircraft Operations (see Rule 12.2.5.2 below);
 - aircraft engine testing (see Rule 12.2.5.1(b) below); or
 - the use of audible bird scaring devices;
- shall not exceed the noise limits set out in **Appendix K**.
- (b) Subject to the provision relating to unscheduled engine testing below, no person shall start or run an aircraft engine for the purposes of aircraft engine testing unless carried out so as to comply with the following maximum noise levels at or within the boundary of any site not zoned Airport Zone or Airport Protection Zone:

Time Period	Noise Level
Monday to Sunday 7.00 am to 11.00 pm	55dBA Leq (16 hours)

All engine testing shall be scheduled to take place between 7am and 11pm.

In some situations it may be necessary to conduct Essential Unscheduled Maintenance and Engine Testing that may need to take place between 11pm and 7 am or that cannot comply with the noise limit for scheduled engine testing stated above. Essential Unscheduled Maintenance and Engine Testing shall take place on no more than 18 occasions per year and noise from such engine testing shall not exceed the following noise levels at or within the boundary of any site other than a site zoned Airport Zone or Airport Protection Zone:

Time Period	Noise Level
Monday to Sunday 7.00 am to 11.00 pm	60dBA Leq (16 hours)
All days 11.00 pm to 7.00 am	55dBA Leq (8 hours)
All days 11.00 pm to 7.00 am	85dBA Lmax

Where practical all Essential Unscheduled Maintenance and Engine Testing shall take place between the hours of 7am and midnight and the total duration of engine testing shall not exceed 1 hour in any 11.00pm to 7am period.

On each of these occasions the date, time, noise level reached, duration and reason for the tests shall be reported as soon as practicable to the Rotorua District Council and Airport Noise Management Committee.

For the purpose of this control aircraft engine testing shall be measured in accordance with NZS 6801:1999 Acoustics: Measurement of Environmental Sound.

12.2.5.2 **NOISE FROM AIRCRAFT OPERATIONS**

- (a) The Airport shall be managed so that noise from Aircraft Operations (as defined in Part 19 of this District Plan) shall not exceed a Day/Night Noise Level (Ldn) of 65dBA outside the Air Noise Area shown on the Planning Maps. For the purpose of this control aircraft noise shall be calculated as a 3 month rolling logarithmic average in accordance with NZS 6805:1992 using the FAA Integrated Noise Model (INM) and records of actual aircraft operations
- (b) Noise from the following Aircraft Operations shall be excluded from the compliance calculations set out above:
 - (i) aircraft landing or taking off in an emergency; and
 - (ii) emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency, and
 - (iii) aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at another scheduled airport, and
 - (iv) flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983, and
 - (v) flights certified by the Minister of Defence as necessary for reasons of National Security in accordance with Section 4 of the Act; and
 - (vi) aircraft undertaking fire fighting duties.
- (c) Except for those aircraft movements provided for in clause (b) above, no aircraft movement shall produce a noise level of SEL 95dBA or more at any location outside the Air Noise Area between the hours of 11pm and 7am. ;
- (d) A report detailing the calculated noise levels at the boundary between the Air Noise Area and the Inner Control Area shall be prepared and forwarded to the Council on an annual basis by the Airport Operator. The first such report shall be forwarded to the Council within six months of this Rule becoming operative.

- (e) Noise level measurements shall be carried out for a minimum of three months every two years to audit compliance with this rule and a report on the results of such monitoring shall be forwarded to the Council within one month of the monitoring being undertaken. These measurements shall only be required when the calculated noise levels at the boundary between the Air Noise Area and the Inner Noise Area is L_{dn} 64dBA or greater from aircraft operations. Noise level measurements shall be undertaken in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.

Explanation

The imposition of the 95dBA SEL noise limit effectively restricts jets and noisy turboprop aircraft from taking off and landing at Rotorua Airport during the specified night time hours. The 95dBA SEL limit will still allow some aircraft to operate at night time but this will be limited to quieter turbo prop and piston engine aircraft.

12.2.5.3 NOISE MITIGATION PROGRAMME

Aircraft Operations and the development and use of any runway at the Airport shall be subject to compliance with the following requirements:

- (a) The Airport Operator shall prepare and forward to the Council at the same time as the annual report required by Rule 12.2.5.2(d) an Annual Aircraft Noise Contour Plan showing the properties (and including a list of their legal descriptions and street addresses) predicted to lie within the L_{dn} 60dBA and L_{dn} 65dBA contour at a date 12 months from the date of the report required by Rule 12.2.5.2(d) and based on calculations undertaken in accordance with Rule 12.2.5.2(d). The Council shall make the Annual Aircraft Noise Contour Plan available for public inspection and shall annually publicly notify that availability.
- (b) **Where an existing building is occupied and used by an Activity Sensitive to Aircraft Noise (other than an Educational Activity or Kohanga Reo):**
- which was established before 17 December 2005 ("the Qualifying Date"); or
 - for which a resource consent or building consent was granted before the Qualifying Date; and
 - where the site which contains that building is predicted to fall within or partly within either the L_{dn} 60dBA or the L_{dn} 65dBA contour in the Annual Aircraft Noise Contour Plan;

the Airport Operator shall make an offer to the owner(s) to install ("the Offer"), and if the Offer is accepted shall install, acoustic treatment and related ventilation measures ("the Treatment Measures") to achieve an internal acoustic environment in the existing habitable rooms of the buildings (with all external doors of the building and all windows of the habitable rooms closed) of L_{dn} 40dBA **Provided that** no such Offer shall be required in respect of any site owned by the Airport Operator.

The Offer shall be made within six months of the public notification of the Annual Aircraft Noise Contour Plan showing the properties which are predicted to lie within the Ldn 60dBA and Ldn 65dBA contour in the twelve month prediction period.

The Treatment Measures shall include but not necessarily be limited to:

- (i) a mechanical ventilation system or mechanical ventilation systems capable of meeting the performance standards specified in Rule e.1.4(b)(i) in Appendix E; and
- (ii) Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
- (iii) A mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

The Offer shall be made on the following basis:

- (i) any structural or other changes required under the Building Act or otherwise, to enable the installation of the Treatment Measures shall be at the Airport Operator's cost, except that nothing in this clause shall require the Airport Operator to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed or to improve the standard of finishes in the building;
- (ii) the owner(s) accepting an obligation to enter into a covenant prepared and registered at the Airport Operator's cost, in the terms set out in Attachment 1 to Appendix E of the District Plan.
- (iii) The Airport Operator shall contribute the full cost of the Treatment Measures where those works are within the Inner Control Area or the Air Noise Area; and
- (iv) It will remain open for acceptance on a willing participant basis for three years from the date on which it was made after which time the Airport Operator's obligations under this rule will be deemed to be fulfilled; and
- (v) where the Airport Operator installs any Treatment Measures the Airport Operator shall provide the Council with a certificate from a suitably qualified independent person or persons nominated by the Airport Operator and approved by the Council, that the installation of those Measures has been properly undertaken in accordance with sound practice.

Proviso: If requested by the owner the Airport Operator may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in this clause, subject to the owner being granted any necessary building or resource consents and the Council waiving the Airport Operator's obligations in respect of the required ventilation measures in this clause.

(c) **Where an existing building is occupied and used by an Educational Activity or Kohanga Reo:**

- which was established before the Qualifying Date; or
- for which an Outline Plan of Works has been submitted or resource consent or building consent was granted before the Qualifying Date; and
- where the site which contains that building is predicted to fall within or partly within either the Ldn 60dBA or the Ldn 65dBA contour in the Annual Aircraft Noise Contour Plan:

the Airport Operator shall make an offer to the owner(s) to install ("the Offer"), and if the Offer is accepted shall install acoustic treatment and related ventilation measures ("the Treatment Measures") to achieve an internal acoustic environment in all existing classrooms, libraries and halls (with all external doors of the building and all windows of the classrooms, libraries and halls closed) of Ldn 40dBA.

The Offer shall be made within six months of the public notification of the Annual Aircraft Noise Contour Plan showing the Educational Activities which are predicted to lie within the Ldn 60dBA and Ldn 65dBA contour in the twelve month prediction period.

The Treatment Measures shall include but not necessarily be limited to:

- (i) in the case of classrooms and libraries, air conditioning and/or a mechanical ventilation system or mechanical ventilation systems for each classroom or library that are capable of meeting the performance standards specified in Rule e.1.5(b)(i) in Appendix E; and
- (ii) in the case of halls a mechanical ventilation system or mechanical ventilation systems for each hall capable of meeting the performance standards specified in Rule e.1.5(b) (ii) in Appendix E; and
- (ii) Thermal grade (minimum R1.8) ceiling insulation to all classrooms, libraries and halls where equivalent ceiling insulation is not already in place.

The Offer shall be made on the following basis:

- (i) any structural or other changes required under the Building Act or otherwise, to enable the installation of the Treatment Measures shall be at the Airport Operator's cost, except that nothing in this clause shall require the Airport Operator to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed or to improve the standard of finishes in the building;
- (ii) the owner(s) accepting an obligation to enter into a covenant prepared and registered at the Airport Operator's cost, in the terms set out in Attachment 1 to Appendix E of the District Plan.
- (iii) The Airport Operator shall contribute the full cost of the Treatment Measures where those works are within the Inner Control Area or the Air Noise Area; and
- (iv) It will remain open for acceptance on a willing participant basis for three years from the date on which it was made after which time the Airport Operator's obligations under this rule will be deemed to be fulfilled; and
- (v) where the Airport Operator installs any Treatment Measures the Airport Operator shall provide the Council with a certificate from a suitably qualified independent person or persons nominated by the Airport Operator and approved by the Council, that the installation of those Measures has been properly undertaken in accordance with sound practice.

Proviso: If requested by the owner the Airport Operator may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in this clause, subject to the owner being granted any necessary building or resource consents and the Council waiving the Airport Operator's obligations in respect of the required ventilation measures in this clause.

- (d) **Where a new classroom, library or hall or an addition to an existing classroom, library or hall is proposed to be built as part of an Educational Activity or Kohanga Reo which was established on land within the Inner Control area before the Qualifying Date;**

then the Airport Operator, upon receiving notice of the proposed works, shall make an offer to the owners of the relevant Educational Activity or Kohanga Reo to provide funding (and if the offer is accepted, provide funding) for the Treatment Measures set out in clause 12.2.5.3 (c) above on the basis set out in that clause **provided that** this offer shall be conditional on the owner agreeing to contribute 25% of the costs of the Treatment Measures **and further provided that** the Airport Operator's obligations in this regard shall only extend, in the case of additional

classrooms, libraries and halls, to those which the Regional Manager of the Ministry of Education (or the successor of that office) certifies are required as a result of roll growth caused by underlying increases in population in the catchment in the immediate vicinity of the Educational Activity or Kohanga Reo.

- (e) Within 18 months of this rule becoming operative, the Airport Operator shall make an offer to the owners of the following properties:

830 SH30 Te Ngae Rd	Lot 1 DPS 54693	2 houses
850 SH30 Te Ngae Rd	Lot 1 DPS 51442	1 house only (on road frontage)
852 SH30 Te Ngae Rd	Lot 1 DPS 310616	Block of flats joined together (on road frontage only)
863 SH30 Te Ngae Rd	15B1B Whakapoungakau	1 house
871 SH30 Te Ngae Rd	15B1A Whakapoungakau	1 house
873 SH30 Te Ngae Rd	13B(2-4)18A Whakapoungakau	1 house
875 SH30 Te Ngae Rd	Lot 1 DPS 30311	1 house
877 SH30 Te Ngae Rd	Lot 2 DPS 30311	1 house

to install (“the Offer”), and if the Offer is accepted shall install, acoustic treatment and related ventilation measures (“the Treatment Measures”) to achieve an internal acoustic environment in the existing habitable rooms of the buildings (with all external doors and windows of the building closed) of Ldn 40dBA.

The Treatment Measures shall include:

- (i) a mechanical ventilation system or mechanical ventilation systems capable of meeting the performance standards specified in Rule e.1.4(b)(i) in Appendix E; and
- (ii) Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
- (iii) A mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

The Offer shall be made on the following basis:

- (i) any structural or other changes required under the Building Act or otherwise, to enable the installation of the Treatment Measures shall be at the Airport Operator’s cost, except that nothing in this clause shall require the Airport Operator to fund any measures

required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed or to improve the standard of finishes in the building;

- (ii) the owner(s) accepting an obligation to enter into a covenant prepared and registered at the Airport Operator's cost, in the terms set out in Attachment 1 to Appendix E of the District Plan.
- (iii) The Airport Operator shall contribute the full cost of the Treatment Measures where those works are within the Inner Control Area or the Air Noise Area; and
- (iv) It will remain open for acceptance on a willing participant basis for three years from the date on which it was made after which time the Airport Operator's obligations under this rule will be deemed to be fulfilled; and
- (v) where the Airport Operator installs any Treatment Measures the Airport Operator shall provide the Council with a certificate from a suitably qualified independent person or persons nominated by the Airport Operator and approved by the Council, that the installation of those Measures has been properly undertaken in accordance with sound practice.

Proviso: If requested by the owner the Airport Operator may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in this clause, subject to the owner being granted any necessary building or resource consents and the Council waiving the Airport Operator's obligations in respect of the required ventilation measures in this clause.

R12.2.6 PARKING AND TURNING IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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

R12.2.7 ARCHAEOLOGICAL SITES IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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.

R12.2.8 SIGNS IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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

R12.2.9 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.

R12.2.10 FINANCIAL CONTRIBUTION FOR RESERVES AND HERITAGE PURPOSES

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

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

R12.2.11 VERANDAHS IN THE ROAD ZONE

- (a) Where a verandah is erected to and abuts an existing verandah, the junction of such a verandah shall be made weatherproof.
- (b) Every verandah or part of a verandah shall be erected at a height of not less than 2.9 metres above the level of the kerb of the pavement.
- (c) At least 60% of the lower outside (kerb) edge of the verandah shall be no greater than 3.2 metres above the level of the kerb of the pavement.
- (d) Any new or refurbished verandah shall provide in its design for a visual continuity between any existing adjoining verandah(s) and the proposed verandah.

- (e) The ends of every verandah shall be at an angle of 90 degrees with the street boundary.
- (f) The verandah shall be constructed from the building to a point 450mm on the building side of the kerb line.
- (g) The roof covering of any verandah shall be of weather-resisting material and any downpipes shall not project beyond the boundary or building line of any lot and shall be connected to the piped street stormwater system.
- (h) Ceilings of verandahs shall be lined and any glazing used shall meet the requirements of the *Building Act 1991*.
- (i) Any verandahs that use verandah posts on the pavement as a non-structural feature are only permitted where the building is in the Commercial A Zone and is located on Tutanekai Street between Arawa Street and Whakaue Street.

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

R12.3 CONTROLLED ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R12.3.1 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 **R12.3.2** below.

For a number of activities identified in **R12.1.1** and **R12.1.2**, specific additional criteria will also be applied. These criteria are set out in **R12.3.3**.

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

R12.3.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR CONTROLLED ACTIVITIES

R12.3.2.1 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES IN THE AIRPORT AND AIRPORT PROTECTION ZONES

Particular concerns relate to ensuring that buildings and structures in the Airport Zone and Airport Protection Zone do not detrimentally affect airport operations and public safety.

Conditions may be imposed requiring buildings and structures to take account of the above concerns.

R12.3.2.2 LANDSCAPE DESIGN AND SITE LAYOUT IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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.

R12.3.2.3 THE LOCATION AND DESIGN OF VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE SITE IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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.

R12.3.2.4 PARKING AND TURNING IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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.

R12.3.2.5 MANAGEMENT OF MINOR ADVERSE EFFECTS ON THE ENVIRONMENT IN THE AIRPORT AND AIRPORT PROTECTION ZONES

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; and
- (c) the control of activities that may, in the opinion of Council, detrimentally affect airport operations and public safety.

R12.3.2.6 OBJECTIVES AND POLICIES OF THIS PART

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

R12.3.2.7 NATURAL HAZARDS

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

R12.3.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED CONTROLLED ACTIVITIES

12.3.3.1 INTRODUCTION

All Controlled Activities identified in **R12.1.1** and **R12.1.2** are to be assessed against the Performance Standards outlined in **R12.2** and the criteria outlined in **R12.3.2**. 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.

R12.3.3.2 NEW BUILDINGS AND /OR EXTERNAL ALTERATIONS TO EXISTING BUILDINGS INCLUDING THE CONSTRUCTION OR ALTERATION OF VERANDAHS AND SIGNS IN THE ROAD ZONE WHERE IT ADJOINS THE RESORT A, COMMERCIAL A OR COMMERCIAL B ZONES

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

When assessing applications for the construction of new buildings and signs, or external alterations to existing buildings in the Commercial 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 and respect for adjacent buildings and the streetscape in terms of building height, detailing and style;
 - iii. use of the Rotorua colour palette;
 - iv. incorporation of the human scale in the design of the building including appropriate decoration, detailing, windows and doors and use of materials;
 - v. identification of areas for signage.
- (b) In addition, the following criteria shall also apply to buildings with heritage value as identified in **Appendix A**:
- (i) that any external addition or alteration of any existing buildings is carried out in a manner and design with materials similar to those originally used and which do not detract from the architectural character of the building;
 - (ii) that as much as possible of the existing building is retained by restoring and/or adapting parts of the existing building rather than replacing them, and that alterations and additions shall be in keeping with the architectural and historic form, proportions and style of the existing buildings on the site; and/or

- (iii) a requirement that changes to the road facade of the building are as far as possible avoided unless they accurately reproduce original detail.
- (c) In order to avoid, remedy or mitigate any adverse effects, Council may impose conditions on the following matters:
 - (i) avoid the unsympathetic use of materials; or
 - (ii) a requirement that the building design be amended to accord with recommendations within the '*Rotorua City Design Principles*';
 - (iii) ensure additions do not detract from the existing facade line of the buildings in the vicinity;
 - (iv) specifying the colours of the building;
 - (v) specifying landscaping;
 - (vi) specifying the provision of areas for signage;
 - (vii) specifying illumination levels;
 - (viii) specifying the direction of any lighting;
 - (ix) the imposition of a bond to ensure satisfaction of conditions of consent.

R12.3.3.3 HOME BASED BUSINESS ENTERPRISES IN THE AIRPORT PROTECTION ZONE

To ensure that the amenity of the Airport Protection Zone and surrounding Residential Zones is not unduly compromised and that these activities do not have adverse effects on airport operations and public safety. Conditions on home based business enterprises may be imposed on:

- (a) the design of buildings so that they are in keeping with their surroundings;
- (b) the location, design and size of signs;
- (c) the maximum number of persons working on the site; and
- (d) the nature of the activity.

12.3.3.4 Intentionally Blank

R12.3.3.5 PERMITTED ACTIVITIES THAT MEET THE CRITERIA FOR REDUCTION OR WAIVING OF PERFORMANCE STANDARDS

The Performance Standards in **R.12.2.2**, **R12.2.3** and **R12.2.6** 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 **R12.3.2** apply.

R12.3.3.5.1 Height and Daylighting

- (a) The maximum height provided for in **R12.2.2** may be exceeded by a maximum of 1.5 metres where Council considers that the compliance with the height standards would be impractical or unreasonable because:

- (i) sections have an unusual or irregular shape or topography; or
 - (ii) in the case of gable ended buildings the top of the proposed gable end encroaches the height and daylighting standard; or
 - (iii) the proposed block boundary wall requires a parapet for fire rating purposes; or
 - (iv) of the existence of a non-conforming building; or
 - (v) of the existence of rights-of-way, easements or similar land use restrictions; or
 - (vi) the proposed extension cannot be located in a manner conforming with the Plan due to the existence of an item listed in **Appendix A**; or
 - (vii) the adverse effects on the environment (eg. privacy, daylighting and visual appearance) will be minor.
- (b) This reduction or waiver will be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.
- (c) No consent shall be granted under this Rule where a building, structure or tree penetrates any of the take-off slopes, approach slopes, transitional slopes, horizontal or conical surfaces as defined and illustrated in the Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14.

R12.3.3.5.2 **Buffers**

- (a) The buffer standards in **R12.2.3** may be reduced or waived where Council considers that compliance with those standards would be impractical or unreasonable because:
- (i) sections have an unusual or irregular shape or topography; or
 - (ii) of the existence of rights-of-way, easements or similar land use restrictions; or
 - (iii) of the existence of a non-conforming building; or
 - (iv) the proposed extension cannot be located in a manner conforming with the Plan due to the existence of an item listed in **Appendix A**; or
 - (v) the adverse effects on the environment (eg. privacy, daylighting and visual appearance) will be minor.

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.

The buffer standards in **R12.2.3** may also be reduced where a vehicle can park in front of a garage or carport without blocking the footpath or carriageway in which case the minimum front yard for the garage or carport may be reduced to 1.5 metres. This will also be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.

R12.3.3.5.3 Parking and Turning

- (a) The requirement for the provision of parking spaces may be reduced by up to 100% provided that:
- (i) the sharing of parking between activities on a site or parking provision is made on an alternative site within 250 metres of the site; and
 - (ii) the parking area complies with the rules in Appendix F; and
 - (iii) a joint parking agreement is entered into by way of a lease or other legally binding agreement where the parking is on the same site and by a consent notice on both certificates of title with the Council as a party if the parking is on a different site from the activity.
- (b) Council reserves its control and therefore may attach conditions on the following matters:
- (i) the safe and efficient flow of traffic; and
 - (ii) safe and convenient movement of pedestrians; and
 - (iii) the preservation and enhancement of amenity values.

R12.3.3.5.4 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.

R12.3.3.6. COMMUNITY FACILITIES, AND RETAIL SHOPS PROVIDED THAT THEY ARE LOCATED IN ACCORDANCE WITH THE ROTORUA REGIONAL AIRPORT PLAN OF DEVELOPMENT IN APPENDIX Q

Controlled activity applications for these activities shall also be assessed in terms of their potential to adversely affect airport operations, traffic safety or the overall amenity of the Airport, the State Highway and immediately surrounding public reserve, residential and rural areas.

Council may grant the application subject to additional conditions which ensure that adverse effects in relation to these matters are avoided, remedied or mitigated.

R12.3A RESTRICTED DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R12.3A.1 INTRODUCTION

The activities listed as *Restricted Discretionary Activities* are those which may be appropriate on some sites in those Zones. These activities can, however, have special 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. In addition, in respect of verandahs, regard shall be had to the Objectives and Policies of Part 8.

R12.3A.1.1 VERANDAHS IN THE ROAD ZONE

Council has restricted the criteria it will use when considering consents for a variation of the performance standards R12.2.11.

Council shall restrict its discretion and may impose conditions in respect of the following matters:

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

R12.3A.1.2 VEHICLE CROSSINGS

Council shall restrict its discretion when assessing vehicle crossings and may impose conditions in respect of the following matters:

- Whether the property is accessible via a service lane or alternative legal access and the adequacy of this access
- safety of road users or pedestrians;
- amenity of road users or pedestrians including the effect of the vehicle crossing on parking, streetscaping and paving.

R12.4 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R12.4.1 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.

R12.4.2 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 **R12.1.1** and **R12.1.2**, specific additional assessment criteria apply. These are set out in **R12.4.3**.

R12.4.2.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES IN THE AIRPORT AND AIRPORT PROTECTION ZONES

In general, Discretionary Activities will be required to comply with the Performance Standards in **R12.2** 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.

R12.4.2.2 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 of Implementation 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.

R12.4.2.3 **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.

R12.4.2.4 **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.

R12.4.2.5 **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 a maximum of the actual cost of the necessary works may be required as a condition of consent.

R12.4.2.6 **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*.

In addition, in the Airport and Airport Protection Zones, noise levels of certain activities, above the defined maximum, may be acceptable for short periods of time. Individual applications must demonstrate that the frequency and duration of these noise levels will not unduly affect the amenity of adjoining properties.

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.

R12.4.2.7 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.

R12.4.2.8 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.

R12.4.2.9 CUMULATIVE EFFECT

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

R12.4.2.10 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 measures can be used to ensure this, including imposing conditions requiring the provision of buffer areas, separation distances and/or screening.

R12.4.2.11 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.

R12.4.2.12 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.

R12.4.2.13 NATURAL HAZARDS

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

R12.4.2.14 LANDSCAPE IN THE ROAD ZONE

Discretionary Activities should not lead to significant adverse effects on landscapes. Council has undertaken a landscape assessment for the District as part of its Section 32 analysis. This assessment will be referred to as part of the criteria for assessing applications for Discretionary Activities as to their effects on landscapes. In all cases applications may be declined, particularly in areas which are sensitive or highly sensitive. Alternatively, Council may impose conditions on resource consents to avoid, remedy or mitigate any adverse effects on landscapes.

R12.4.3 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 **R12.4.2** in order to avoid, remedy or mitigate any adverse effects on the environment.

R12.4.3.1 THE PARKING OF HEAVY VEHICLES ADJACENT TO RESIDENTIAL ZONES BETWEEN 11.00PM AND 7.00AM IN THE ROAD ZONE

Applications for these activities shall also be assessed in terms of their potential to cause significant adverse effects on the environmental amenity of the surrounding area and traffic safety.

The criteria for assessing any application to park heavy vehicles shall consider:

- (a) the nature and intensity of activities being carried out on the adjacent land;
- (b) the function and status of the road subject to the application;
- (c) the effect of the activity on safety (in terms of road conditions, access to neighbouring properties and any particular needs of local residents);
- (d) the size of the vehicle(s); and
- (e) the expected duration and frequency of stay.

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

R12.4.3.2 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.

R12.4.3.3 AGRICULTURAL ACTIVITIES IN THE AIRPORT AND AIRPORT PROTECTION ZONES

Applications for agricultural activities will generally be allowed. However, they will also be assessed in terms of the likelihood that the activity may cause birds to be attracted to the site, and the adverse effects this may have on the operational safety of the airport.

Council may decline the application, or grant it subject to any additional conditions to ensure the operational safety of the airport.

R12.4.3.4 Intentionally Blank

R12.4.3.5 INDUSTRIAL AND COMMERCIAL ACTIVITIES IN THE AIRPORT ZONE

Applications for these activities shall also be assessed in terms of their potential to adversely affect airport operations, traffic safety or the overall amenity of the airport, the State Highway and immediately surrounding residential and rural areas.

Council may decline the application or grant it subject to additional conditions to ensure that adverse effects are avoided, remedied or mitigated.

R12.5 ASSESSMENT OF NON-COMPLYING ACTIVITIES

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

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

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

R12.6 SERVICE LANES IN THE COMMERCIAL A AND B AND RESORT A ZONES

The following Rules will apply for the acquisition, construction and formation of service lanes:

- (a) The vesting and formation of service lanes in the Commercial A, B and Resort A Zones shall be in accordance with the Rules of the Plan including the requirements of **Appendix N**;
- (b) The vesting of service lanes, shown or described in **Appendix N**, in the ownership of Council, unless done voluntarily by property owner(s) and occupier(s), shall occur at the time of development of a lot or lease area, where the value of that development exceeds \$250,000 or at the time of subdivision of a lot or lease area;
- (c) The survey, construction and formation of service lanes by Council, shall be at its cost except that in the case of an application for subdivision, the costs of survey shall be borne by the applicant;
- (d) A programme of liaison and negotiation shall be undertaken with owner(s) and occupier(s) to expedite the voluntary vesting of the service lane network, where subdivision and redevelopment is not being carried out, subject to funds being made available in the Annual Plan;
- (e) The designation of further service lanes, other than those shown or described in **Appendix N**, shall be carried out where necessary, under Part VIII of the *Resource Management Act 1991*; and
- (f) Provisions shall be made through the Annual Plan process for the formation and acquisition of service lanes.

R12.7 VESTING FOR ROAD WIDENING

Any subdivision or development as defined in **Part Nineteen** of lots or lease areas that have identified road widening requirements in **Appendix D** shall require the vesting of the affected land with the appropriate roading authority.

R12.8 SUBDIVISION AND DEVELOPMENT

R12.8.1 SUBDIVISION

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

R12.8.2 DEVELOPMENT

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