Part 2: District Wide Matters

GENERAL DISTRICT WIDE MATTERS

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EW

EARTHWORKS

Status: EW is Operative and subject to Plan Change 9. Plan Change 9 amendments are shown in underline and ~~strikethrough.~~

OBJECTIVES

Refer to objectives:

- RESZ-O2, RESZ-O6;
- CCZ-O1, CCZ-O2, CCZ-O3;
- COMZ-O1, COMZ-O2, COMZ-O3;
- INZ-O2, INZ-O4;
- BIZ-O1;
- RURZ-O1, RURZ-O2, RURZ-O3, RURZ-O5; and
- RCAWZ-O1.

POLICIES

Refer to policies:

- RURZ-P3, RURZ-P4, RURZ-12, RURZ-18, RURZ-19, NFL-P15]; and
- RCAWZ-P1, RCAWZ-P2, RCAWZ-P3.

RULES

The rules in this chapter apply in addition to the rules in other chapters. Notably, there are additional rules addressing earthworks/land disturbance in other chapters of Part 2 District Wide Matters:

- HH– Historic Heritage – disturbance of archaeological and historic sites.
- TREE– Notable Trees – earthworks in the dripline of a notable tree.
- SASM– Sites and Areas of Significance to Māori – disturbance of cultural heritage sites.
- ECO– Ecosystems and Biodiversity – earthworks in Significant Natural Areas.
- NC– Natural Character – earthworks adjacent to the Waikato River Operating Easement Boundary or adjacent to waterbodies.
- NFL– Natural Features and Landscapes – Earthworks in Outstanding Natural Features or Landscapes, earthworks affecting Significant Geothermal Features.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rules overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

There are a number of National Environmental Standards (NES) that include provisions relating to earthworks. These include the:

- National Environmental Standards for Electricity Transmission Activities (2009)
- National Environmental Standards for assessing and managing contaminants in soil to protect human health (2011)
- National Environmental Standards for Telecommunication Facilities (2016)
- National Environmental Standards for Plantation Forestry (2017)

The NES sets out whether the Standards over-ride the District Plan rules.

The Waikato and Bay of Plenty regional plans also contain rules relating to earthworks.

Earthworks in or near wetlands may be controlled by rules under the National Environmental Standards (particularly the National Environmental Standards for Freshwater and the National Environmental Standards for Plantation Forestry) and/or rules in the regional plans. It is recommended that any person considering undertaking earthworks in or near wetlands should discuss their proposal with the relevant regional council.

EW-R1 Earthworks		*[4.5(96), 5.5(1)(1), 7.5(96), 8.5(1)(41), 8.5(2)(34), 8.5(3)(39), 9.5(121)]*
Applicable Spatial Layers All Residential Zones All City Centre Zones Industrial 1, 1E and 2 Zones All Business and Innovation Zones All Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. General earthworks EW-S1.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for EW-R1(1). **Matters of Discretion** a. Non-compliance EW-MD1; b. Zone specific EW-MD2; c. Natural hazards EW-MD3; and d. Financial contributions EW-MD4.
Applicable Spatial Layers All Commercial Zones All Reserves, Community Assets and Water Zones	**3. Activity Status:** Permitted **Where:** The earthworks are associated with a permitted or controlled activity. **Performance Standards:** a. General earthworks EW-S1.	**4. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for EW-R1(3). **Matters of Discretion** a. Non-compliance EW-MD1; b. Zone specific matters EW-MD2; c. Natural hazards EW-MD3; and d. Financial contributions EW-MD4.
Applicable Spatial Layers All Reserves, Community Assets and Water Zones	**5. Activity Status:** Discretionary **Where:** The earthworks are not associated with a permitted or controlled activity. **Assessment Criteria:** The general assessment criteria for the relevant zone.	

Applicable Spatial Layers All Commercial Zones	**6. Activity Status:** Non-Complying **Where:** The earthworks are not associated with a permitted or controlled activity.
Applicable Spatial Layers Industrial T Zone	**7. Activity Status:** Non-Complying

Performance Standards

The following performance standards apply if listed in the rule table for the relevant activity.

EW-S1 General earthworks performance standards

[A10.2(1), 4.6(8), 5.6(1)(9), 5.6(2)(8), 7.6(8), 8.6(1)(8), 8.6(2)(8), 8.6(3)(8), 9.6(9), 10.6(8)]

1. Industrial Zones, Business and Innovation Zones and Rural 1 Zone:

a. The volume shall not exceed 1000m^3 in any 12 month period;

b. Any fill shall be cleanfill and shall not exceed 5m in depth; and

c. The cut face of any excavation shall not exceed a vertical dimension of 3m.

2. In all other zones other than those listed in 1 above:

a. The volume shall not exceed 100m^3 in any 12 month period;

b. Any fill shall be clean fill and shall not exceed 450mm in depth; and

c. The cut face of any excavation shall not exceed a vertical dimension of 1.5m.

3. All Zones:

a. It shall not require retaining structures that are either in excess of 1.5m in height (measured from the finished ground level) at any point or in excess of 20m in total length;

b. It shall not result in the modification of a Mamaku Tor; and

c. It shall not be carried out within 20m of the Waikato River Operating Easement boundary (as identified on map 213 and the Planning Maps).

4. Exceptions:

a. Notwithstanding the preceding requirements, the following activities are exempt from the performance standards above:

i. Earthworks incidental to either an approved subdivision, or construction of a building platform, or installation of utility services, or to provide access to an activity which is a permitted activity or authorised by a resource consent;

ii. Excavations that do not exceed 2m in depth for the purpose of installing foundations for telecommunication masts;

iii. Earthworks associated with the operation, maintenance, and upgrading of existing electricity generation infrastructure within Electricity Generation Core Sites, including any new boreholes, trenches, access tracks, fence lines and erosion protection works within:

1. Electricity Generation Core Sites; or

2. Land zoned Industrial 2 at Ohaaki identified on Planning Maps 545 and 546;

iv. Earthworks associated with the construction of permitted network utilities and the maintenance, renewal and upgrade of existing network utilities;

v. Earthworks associated with the replacement or removal of a fuel storage system as defined in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;

vi. Land preparation and earthworks accessory to and reasonably necessary for fencing and existing forestry activity;

vii. Earthworks activity undertaken for the purpose of the maintenance of indigenous biodiversity;

viii. Normal domestic gardening and other earthworks accessory to the use and occupation of a residential ~~household~~ unit;

ix. Normal reserve gardening activities, turf and pasture preparation, maintenance and renovation practices;

x. The maintenance of walking tracks, farm and forestry tracks, driveways and roads and tracks and drains associated with existing infrastructure and normal farming practices;

xi. Earthworks on land not under water that is accessory to lake structures;

xii. Ploughing as part of normal farm practices, which result in recontouring the land, but does not alter the Mamakū Tor feature; and

xiii. Troughs and their associated pipe network and realignment of fences associated with normal farming practices.

xiv. New drains within pastoral landscapes.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

EW-MD1 Non-compliance matters

1. Residential Zones:

[4.8(2)(1)]

a. The reason for the non-compliance with the performance standard and the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the relevant performance standard and objectives and policies.

2. City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, Reserves, Community Assets and Water Zones:

[5.8(2)(1), 6.8(2)(1), 7.8(2)(1), 8.8(2)(1), 10.8(2)(1)]

a. The effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies;

b. How the aspect of non-compliance will reduce the amenity of the zone and affect adjacent sites;

c. How the activity provides more efficient and practical use of the remainder of the site; and

d. Within the Transitional Industrial Zone, how the aspect of non-compliance will reduce the amenity of neighbouring residents.

3. Rural Zones:

[9.8(2)(1)]

a. The extent of the effects of the non-compliance on achieving the purpose of the relevant performance standard and the objectives and policies relevant to the particular standard.

b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated.

EW-MD2 Zone specific matters

1. Residential and Rural Zones:

a. The extent to which the activity adversely effects the character and amenity values of the zone.

2. Industrial Zones:

a. The extent to which the proposal will enhance the character and amenity of the city entranceways.

3. Reserves, Community Assets and Water Zones:

a. Building Design, Site Layout and Amenity:

i. The amenity of the streetscape is maintained and enhanced;

ii. The extent to which the activity would affect ecological values of the area or the quality of water;

iii. The extent to which the activity maintains the passage of flood flows and the maintenance and enhancement of riparian habitat;

iv. The extent to which the activity would maintain or enhance heritage features, cultural sites, identified natural and cultural landscapes or archaeological sites;

v. The extent to which the activity adversely affects the natural character, cultural amenity and landscape values;

vi. The extent to which the activity produces smoke, odour, fumes, dust, noise, glare, or any other nuisance effects;

vii. The extent to which the activity adversely affects adjoining sites or land-based activities;

viii. The extent to which the activity adversely affects the public access to the lake or water way;

ix. The extent to which the activity adversely affects the recreational values of the lakes and waterways;

x. The extent to which the activity conflicts with other users of the surface of waters of the lake or river, including recreational and commercial activities;

xi. The extent to which the hours of operation of an activity causes adverse effects on adjoining sites; and

xii. The extent to which the activity will avoid, remedy, or mitigate reverse sensitivity effects on lawfully established activities or existing infrastructure.

EW-MD3 Natural hazards

1. Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed.

EW-MD4 Financial contributions

1. Whether the proposal requires a financial contribution under the provisions of FC– Financial Contributions.

ANTICIPATED ENVIRONMENTAL RESULTS

Residential Zones

RESZ-AER2	An improved perception of Rotorua as a safe and attractive place to live.
RESZ-AER4	Retained character of each of the five residential zones according to their attributes.
RESZ-AER5	An increase in or at least no loss of vegetation in low density residential areas for amenity purposes.
RESZ-AER8	Increase in new activities or development that results in the implementation of a landscaping scheme.
RESZ-AER9	A low number of applications for activities that seek changes to the performance standards.

Commercial Zones

COMZ-AER5	An increase in amenity and safety of Commercial Centres.

Industrial Zones

INZ-AER1	Improved amenity where industrial zones interface with other zones, particularly residential zones.

Rural Zones

RURZ-AER1	Improvement in water quality of Lake Rotorua, the Waikato River and other lakes rivers and streams.
RURZ-AER2	Low net loss of productive rural land through fragmentation or damage to soil quality.
RURZ-AER3	Rural character and amenity of the rural zones is maintained.
RURZ-AER4	No reverse sensitivity effects on existing activity as a result of rural residential or other incompatible use or development.
RURZ-AER5	No net loss of characteristics, values or significance of indigenous biodiversity, significant habitats of indigenous fauna or ecological functions in the rural zones.

Reserves, Community Assets and Water Zones

RCAWZ-AER4	No loss of natural character, amenity or biodiversity as it relates to the conservation values attributed to the conservation and destination reserves.

FC

FINANCIAL CONTRIBUTIONS – PŪTEA TĀKOHA

Status: FC is Operative and subject to Plan Change 9. Plan Change 9 amendments are shown in underline and ~~strikethrough.~~

INTRODUCTION

Financial contributions are levied on activities that increase the density of housing and tourist accommodation in our district which includes subdivision and the establishment of additional residential ~~household~~ units and tourist accommodation. These activities can result in an increased demand for reserves, open space and infrastructure, and financial contributions are a fair and efficient way of offsetting the increased demand on public resources that is generated through these developments. Financial contributions will be used to achieve positive effects on the environment such as developing existing reserves or purchasing new reserves when needed to provide enough open space to maintain the amenity of neighbourhoods and the requirements of communities for recreation.

The council will also require a financial contribution where it has identified the need to upgrade network infrastructure as a direct result of additional loading on infrastructure through development.

A financial contribution is a contribution of cash or land, or a combination of both in order to acquire land for public reserves purposes. Council collects the contribution pursuant to section 108 of the Resource Management Act 1991 to offset the effect of an increasing demand for reserves and open space that is generated through development.

Where council considers the acquisition of land as a financial contribution, it may be assessed according to the benefit it brings to the community. The land needs to be physically suitable for its intended use, and there should be the need for a public reserve in that locality. Where land falls within an important landscape that has been identified to be of natural or historical value, or if it is of significance to tangata whenua, the land may be incorporated into the required financial contribution. Council may also actively pursue the acquisition of land in the city centre to form an effective service lane network.

A resource consent for any subdivision or land use consent for tourist accommodation ~~and~~ or additional residential ~~household~~ units may include a condition that a financial contribution be made up to the value of a maximum amount specified in, or determined in accordance with, the plan. Contributions for reserves for additional residential units will also be assessed at the time of granting building consents.

The Council also collects contributions to mitigate adverse effects or pay towards the cost of providing the increase in capacity of the network infrastructure that is required to service the increase in demand generated by a development.

ISSUES

There are three key issues influencing the policy framework for financial contributions:

FC-I1 New development and the demand on ~~recreation~~ open space

Reserves are open space areas used for recreation and enhance the amenity of an area. As more land is developed, the density of housing may increase and more pressure is placed on existing reserves. Development of existing reserves and n~~N~~ew reserves may be required to provide for the higher demand for recreational space in the district. Council will collect financial contributions from activities that will increase this demand i.e. additional ~~household~~ residential units, tourist accommodation and subdivision.

Council will use financial contributions to acquire and develop land ~~for recreation~~ (reserves and certain esplanade reserves) to enhance the open space network ~~recreational~~ land within the district to provide recreational opportunities and improve amenity values of neighbourhoods, and to provide public access to water bodies that include lakes, rivers, and streams. Reserves may also have purposes in addition to providing recreational and amenity, such as stormwater management.

FC-I2 New development and the capacity of existing infrastructure to meet the additional demand on infrastructure

Subdivision and land use activities increase the demand on infrastructure. Council will require a financial contribution where it is identified that the proposal increases the demand on infrastructure or causes an upgrading of infrastructure. The financial contribution or upgrading required will be proportional to the adverse effects that are directly attributable to the development.

FC-I3 New development creating positive environmental and community benefits

Council will consider waiving financial contributions in instances where it is apparent that there will be a positive benefit to the community in doing so. Such benefits may include the provision for public access over land that would not otherwise occur, the protection and enhancement of significant natural areas and features or a land use change that will result in sustainable positive effects on lake water quality. A request to reduce a financial contribution will be assessed on a case by case basis as part of an application for resource consent.

OBJECTIVES

New development and the demand on recreation space

FC-O1 *[14.3(1)]*	~~New neighbourhood reserves that serve the additional demand for recreation and amenity purposes.~~ A network of quality reserves that serve the additional demand for recreation and amenity purposes. *Policies FC-P1 to FC-P3*

New Development and the capacity of existing infrastructure

FC-O2 *[14.3(2)]*	Subdivision and development contribute to the upgrade of infrastructure necessary to serve the activity. *Policy FC-P4*
FC-O3 *[14.3(3)]*	An effective service lane network is provided in the city centre. *Policy FC-P5*
FC-O4 *[14.3(4)]*	Significant environmental benefits associated with subdivision and development are obtained instead of a financial contribution. *Policies FC-P6 to FC-P7*

POLICIES

New development and the demand on recreation space

Objective FC-O1

FC-P1 *[14.3(1)(1)]*	Provide reserves that are proportionate to the increased demand, including intensity and type of demand created by subdivision and land use activities.

FC-P2 *[14.3(1)(2)]*	Require a financial contribution for reserves purposes, either in money or land, from those activities that generate a direct demand on recreation and reserve use, specifically: 1. Subdivision that creates lots that can be used for residential purposes 2. Additional residential ~~household~~ units 3. Tourism accommodation.
FC-P3 *[14.3(1)(3)]*	When a financial contribution of land is taken as opposed to cash, the Council will ensure the land: 1. Is located, sized and designed to provide a quality contribution to the open space network and to be consistent with Council's Open Space Level of Service Policy 2021 2. Integrates valued natural and built features, including trees and watercourses, while having topography and drainage suitable for its intended role in the open space network. ~~1. Is consistent with the recreational and amenity needs of the neighbourhood~~ ~~2. Creates and strengthens existing linkages throughout the district~~ ~~3. Enhances recreational values and public access t.~~ ~~4. Creates and strengthens ecological connectivity and active transport connections~~ ~~5. Is of sufficient size to enable community recreational activities to take place for its intended function~~ ~~6. Is physically appropriate for the intended purpose of the reserve~~ ~~7. Is easily accessible and visible to the community~~ ~~8. Has sufficient road frontage~~ 9. ~~Is stable, and either grassed or vegetated, and all weeds and noxious plants have been eradicated prior to the land being vested~~ Is geotechnically stable. ~~10. All weather access to the land for maintenance purposes can be provided~~ ~~11. Has adequate drainage~~ ~~12. Has a secure boundary to manage vehicle access~~ ~~13. Is not used for the primary function of a utility or other infrastructure purpose.~~
FC-P4A	The Council will ensure that on vesting, land provided as a financial contribution of land for reserves shall meet the following criteria, unless otherwise agreed with the Council: 1. Is provided debris and weed free; 2. Provides for all weather access to the land for maintenance purposes; and 3. Is secure and has suitable boundary fencing to prevent unauthorised vehicular access 4. Has been prepared for use, including having a suitable topsoil depth and an acceptable gradient and has been grassed and/or vegetated.

New development and the capacity of existing infrastructure

Objective FC-O2

FC-P4 *[14.3(2)(1)]*	Require a financial contribution where the effects of subdivision and development impact on the capacity of stormwater, wastewater, water supply and road infrastructure.

Objective FC-O3

FC-P5 *[14.3(3)(1)]*	Acquire land to create an integrated service lane network within the city centre that: 1. Strengthens the city centre urban design principles 2. Provides a safe and efficient servicing network for the city centre 3. Maintains the safe and efficient functioning of the city centre transportation network.

Objective FC-O4

FC-P6 *[14.3(4)(1)]*	Consider a reduction of financial contributions in instances where a proportionate contribution is made to achieving an objective or policy of the plan relating to the protection, maintenance or enhancement of the environment in such matters as: 1. Natural landscapes and features 2. Ecological values, habitats and biodiversity 3. Water quality 4. Public access.
FC-P7 *[14.3(4)(2)]*	Consider a reduction of a financial contribution for reserve purposes where: 1. Public access to nationally and regionally significant landscapes and features is provided 2. Ecological, amenity or recreational values on public land are strengthened.

Service lanes

Objective CCZ-O1

FC-P8 *[5.3(1)(3)]*	Require at the time of subdivision, or upon land use consent, service lanes to be vested in council for identified areas, (Planning Map 204) where the service lane will be for the purpose of: 1. Strengthening the city centre urban design principles 2. Providing a safe and efficient servicing network for the city centre 3. Maintaining the safe and efficient functioning of the city centre transportation network 4. Promoting a safe pedestrian focussed environment.

RULES

These are the district wide rules for financial contributions that are applicable across all zones of the district. All activities subject to subdivision consent or land use consent will be assessed against these rules. In addition, residential units that are permitted under the plan will be assessed for financial contributions for reserves when granting a building consent.

~~Subdivision~~ Purpose of Financial Contributions

Council will require a financial contribution ~~for~~ to achieve the objectives set out in this chapter. ~~mitigating the potential effects of subdivision on community infrastructure. The financial contribution will be taken for the purposes of purchasing reserves, some esplanade reserves and strips, or for the purpose of infrastructure upgrades where the effect on the network results directly from the subdivision application~~

FC-R1 Financial contributions for reserves

1. Subdivision

a. **Method of Calculation**[1]

Financial contributions, where required, will be included as a condition of consent at the time of granting resource consent. The financial contributions will be calculated by an independent valuer at time of granting subdivision consent, unless otherwise specified by the performance standards in this part.

The financial contribution will be levied as cash or land or a combination of the two, and will be in accordance with the following:

i. Cash

A financial contribution will be based on ~~5% of~~ the land value of each of the additional allotments shown on the proposed scheme plan for which Computer Register (Certificates of Title) (see note on calculation method below) will be created pursuant to section 224 using the percentage of land value rates below.

Rates:

Rural Zones: 2.5%

Other Zones: 3.5%

The requirement for a financial contribution in cash will not be levied against subdivision undertaken within the Industrial, Commercial, City Centre, Business and Innovation, Reserve or Water zones of the district.

ii. Land

1. The financial contribution will be an area of land:[2]

   a. not exceeding ~~5%~~ 2.5% (Rural Zones) or 3.5% (Other Zones) of the value of a vacant allotment shown on the approved scheme plan to which additional Computer Register (Certificates of Title) are created pursuant to section 224 of the Act, unless agreed by the applicant or specified in the zone or development plan chapter; and

   ~~b. with a minimum land area 1,000m²; and~~

   c. agreed acceptable by Council following assessment~~ed~~ in accordance with policy FC-P3;

2. If the land to be taken as a financial contribution for reserve purposes is to be developed as part of the subdivision application, then a development plan for the reserve shall be submitted to, and approved by Council, prior to any works beginning on the land to be vested.

iii. Combination of cash and land for reserves

Council may impose a financial contribution requiring a combination of cash and land provided that the value of the total contribution will not exceed ~~5~~2.5% (Rural Zones) or 3.5% (Other Zones) of the land value of the vacant allotments shown on the proposed scheme plan for which additional Computer Register (Certificates of Title) are created pursuant to section 224, unless otherwise agreed with the applicant specified in the zone chapter or development plan chapter

[1] New sub-heading for clarity
[2] Spit into bullet points to improve clarity

iv. Additional notes on method of calculation

The contribution shall be calculated by multiplying the relevant rate by ~~on the basis of being 3% of~~ the value of all lots created and multiplied by the number of additional lots divided by the number of all lots created

For example, for a residential lot that is subdivided into three new lots – ~~5~~3.5% of the value of each of the lots is $4,000, $2,500 and $2,500 making a total of $9,000. Two additional lots are created; therefore the contribution is calculated as 2/3 of $9,000.

~~A cross leased site is comprised of one Certificate of Title for the underlying lot and two or more leased areas, each with a Certificate of Title. The calculation for the purposes of assessment of a financial contribution will not consider the title for the underlying lot, but be based on the net increase from the number of occupied lease areas. Therefore a cross leased title with two existing household units on individual lease areas that is subdivided into two freehold lots is not considered as creating an additional lot. However if three freehold lots are created, a contribution based on one additional lot will be taken.~~[3]

b. Subdivision of vacant land[4]

The financial contribution for reserves purposes will be the average over all of the vacant allotments shown on the approved scheme plan to which additional Computer Register (Certificates of Title) or additional titles pursuant to section 226 of the Act will be issued, minus the credit for the existing allotment.

c. Financial contributions in relation to cross-lease sites[5]

A cross leased site is comprised of one Certificate of Title for the underlying lot and two or more leased areas, each with a Certificate of Title. The calculation for the purposes of assessment of a financial contribution will not consider the title for the underlying lot, but be based on the net increase from the number of occupied lease areas. Therefore, a cross leased title with two existing residential units on individual lease areas that is subdivided into two freehold lots is not considered as creating an additional lot. However, if three freehold lots are created, a contribution based on one additional lot will be taken.[6]

~~Any new household units on the parent title will be charged a financial contribution. However, financial contributions will not be levied on household units that are to be located on vacant cross-leased exclusive use areas and are located in accordance with a second or subsequent stage of a previously approved cross-lease plan approved by council after the enactment of the Resource Management Act on 1st October 1991. Cross lease plans approved prior to that date were not considered to be subdivisions and therefore have not been approved by the council. New household units created as a result of a unit title subdivision will be charged a financial contribution.~~[7]

d. Financial contributions for sites with new or approved ~~household~~ residential units[8]

Where a subdivision consent is for land that has either an approved additional or subsidiary ~~household~~ residential unit or substantial building and does not create additional Computer Register (Certificates

[3] Moved to section on cross leases
[4] Heading heirarchy changed to clarify that this is a sub-section to subdivision
[5] Heading hierarchy changed to clarify that this is a sub-section to subdivision
[6] Moved from above
[7] Moved to residential units section
[8] Heading hierarchy changed to clarify that this is a sub-section to subdivision

of Title) pursuant to section 224 that are vacant, financial contributions will be in accordance with the following:

~~**New or approved additional household units**~~[9]

i. Where a land use consent has been granted for the placement of either an additional ~~household~~residential unit, or for an activity that would require the taking of a financial contribution on an allotment for which additional Computer Register (Certificates of Title) will be issued, and the payment of the financial contribution has not been received by council at the time of granting of the subdivision application, then a financial contribution will be required as a condition of the subdivision consent. If the contribution is for reserve purposes, the contribution shall be reassessed on the current land market value at the time of granting the subdivision consent.

ii. Where a land use consent has been granted for the placement of an additional ~~household~~ residential unit, or for an activity that would require the taking of a financial contribution in accordance with the provisions of this part, on an allotment for which additional Computer Register (Certificates of Title) will be issued and the payment of the financial contribution has been received by council, then a financial contribution will not be levied at the time of subdivision.

iii. Where a land use consent has been granted for the placement of a subsidiary ~~household~~ residential unit in accordance with the rules of the Rotorua District Plan 1996, on an allotment for which an additional Computer Register (Certificate of Title) will be issued and the payment of the financial contribution for the ~~household~~ residential unit has been received by council, a financial contribution will still be required as a condition of the subdivision consent. However, the contribution will be the difference between 5% of the land value of the allotment occupied by the subsidiary ~~household~~ residential unit and the contribution paid at the time of land use consent.

2. ~~**Residential Zones**~~[10]

e. Large residual lots in residential zones

In cases where the subdivision of a large lot results in a large residual balance lot that is capable of further subdivision, assessment of the contribution based on the full area of the lot would be disproportionate to the one potential ~~household~~ residential unit that would be permitted on site. This is further compounded if later subdivision is carried out in a number of stages – the full value of the lot would be assessed each time and in effect these subsequent contributions would be paying for the same potential development.

Therefore to avoid repeat payment for the purpose of calculating financial contributions on large residual balance lots, lease areas or vacant lease areas that have the potential to be further subdivided (based on the minimum net site area for the zone), the financial contribution payable shall be calculated as follows:

Where the balance lot is more than twice the minimum lot size for the relevant residential zone and is therefore capable of being subdivided, the area of land to be valued for the purpose of calculating the contribution for that lot shall be based on the minimum lot size for that zone.

For example – In the Residential 1 zone a residual lot exceeding 900m^2 will have an area of 250m^2 (the minimum area for the zone) valued for the financial contribution.

~~**Additional household units**~~ [11]

[9] Heading removed as created confusion as to relevance of content below
[10] Removed heading to clarify hierarchy of provisions and that this content is still part of subdivision
[11] Moved to section on residential units

~~A financial contribution for reserve purposes shall be required for all additional household units and shall be in accordance with the following:~~

~~1. The financial contribution shall take the form of cash or land, or a combination of these, and the total contribution will be 5% of the land value of the minimum net site area specified for the zone.~~

~~2. For the residential 4 and 5 zone, a 450m² house site will be used when calculating the financial contribution for reserve purposes for additional household units.~~

f. **New lots in Rural Zones**[12]

For the purposes of calculating 2.5% ~~5%~~ of the land value when a financial contribution is levied on sites in the rural area, the following shall apply:

i. For Rural 1 and 2 zones, the value of the financial contribution will be calculated on a land area of 2,500m². This area will be deemed to be located on the proposed or most suitable location for a house site as assessed by an independent valuer or as indicated in the subdivision application.

ii. For Rural 3 zone, the value of the financial contribution will be calculated on a land area of 1,500m². These areas will be deemed to be located on the proposed or most suitable location of a house site as assessed by an independent valuer or as indicated in the subdivision application.

2. Residential units[13]

a. **Residential units in Residential Zones**[14]

A financial contribution for reserve purposes shall be required for all second and subsequent residential units on a site and shall be in accordance with the following:

The financial contribution shall take the form of cash or land, or a combination of these, and the total contribution will be calculated as a percentage of the ~~5%~~ of the land value of the minimum net site area specified for the zone as assessed in the rating database, at the rates set out below:

Rates:

Minor residential units: 1%

Other residential units: 3.5%

For the residential 4 and 5 zone, a 450m² house site will be used when calculating the financial contribution for reserve purposes for additional residential units.

~~**3. Commercial, Industrial and Business and Innovation Zones**~~

~~A financial contribution shall be levied on household units that are in addition to any existing household units on site. The contribution shall be 2.5% of the value of the household unit as assessed by an independent valuer. Where there is an existing building council will consider 2.5% of the value of the whole building. The financial contribution for reserve purposes will be used to:~~

~~1. Contribute to public open space for recreation in the vicinity of the Commercial, Industrial and Innovation zones.~~

[12] Moved from below and inserted corresonding heading
[13] New major heading to group clauses relating to charging contributions for second and subsequent residential units on a site
[14] Content moved from above into residential units section and heading added

~~2. Contribute to the provision of a reserve and landscape area that adjoins the fringes of the Commercial, Industrial and Innovation zones.~~

~~3. Assist in acquiring the esplanade reserve or esplanade strip network that adjoins part of the Commercial, Industrial and Innovation zones.~~

4. ~~**Rural Zones**~~ [15]

~~**4. New sites**~~

~~For the purposes of calculating 5% of the land value when a financial contribution is levied on sites in the rural area, the following shall apply:~~

~~i. For Rural 1 and 2 zones, the value of the financial contribution will be calculated on a land area of 2,500m². This area will be deemed to be located on the proposed or most suitable location for a house site as assessed by an independent valuer or as indicated in the subdivision application.~~

~~ii. For Rural 3 zone, the value of the financial contribution will be calculated on a land area of 1,500m². These areas will be deemed to be located on the proposed or most suitable location of a house site as assessed by an independent valuer or as indicated in the subdivision application.~~

b. Residential ~~Additional household~~ units in Rural Zones

A financial contribution shall be required for all second and subsequent ~~additional~~ ~~household~~ residential units on a site. The financial contribution will be cash, land, or a combination of these. The contribution shall be calculated as a percentage of the value of the land area identified below, as assessed in the rating database, at the rates set out below:

Rates:

Minor residential units: 1%

Other residential units: 3.5%

Land area for Calculation

The ~~minimum~~ area used to calculate the financial contribution for an additional ~~household~~ residential unit will be in accordance with the following;

i. For Rural 1 and 2 zones, a 2,000m² house site will be used when calculating the financial contribution for reserve purposes for additional ~~household~~ residential units.

ii. For the Rural 3 zone, a 450m² house site will be used when calculating the financial contribution for reserve purposes for additional ~~household~~ residential units.

c. ~~household~~ Residential Units in any Zone, other than Residential Zones, ~~Commercial, Industrial and Business Innovation Zones~~ or Rural Zones[16]

~~Financial contributions, where required, will be included as a condition of consent at the time of granting of resource consent. The financial contributions will be calculated by an independent valuer at time of granting land use consent, unless otherwise specified by the performance standards in this part.~~

[15] Moved above to section on subdivision
[16] Changed hierarchy of heading to clarify that a subsection of Residential Units

A financial contribution for reserve purposes will be required for all ~~additional~~ second and subsequent ~~household~~ residential units on a site. The financial contribution will be cash, land, or a combination of these. The financial contribution for reserves purposes shall be in accordance with the following.

The financial contributions will be based on the valuation in rating database, unless otherwise specified by the performance standards in this part.

i. Cash

The financial contribution for reserve purposes shall be ~~5% of the land value~~ calculated as a percentage of the value of the net site area or net floor area that the additional ~~household~~ residential unit has exclusive rights to, and shall include a pro-rata proportion of any common areas on the site that the ~~household~~ residential unit also has use of, as assessed in the rating database, at the rates set out below:

Rates:

Minor residential units: 1%

Other residential units: 3.5%

ii. Land

The financial contribution for reserve purposes shall be an area of land to a value not exceeding 3.5~~5%~~ of the value of the net site area or net floor area that the additional ~~household~~ residential unit has ~~exclusive~~ rights to, and shall include a pro-rata proportion of any common areas on the site that the ~~household~~ residential unit also has use of.

iii. Combination of cash and land

Council may impose a financial contribution requiring a combination of cash and land as a contribution, provided that the value of the total contribution does not exceed ~~5~~3.5% of the land value of the net site area or net floor area that the ~~additional household~~ residential unit has ~~exclusive~~ rights to, and shall include a pro-rata proportion of any common areas on the site that the ~~household~~ residential unit also has use of.

Notwithstanding FC-R1(3), a financial contribution for additional ~~household~~ residential units will apply to the second and subsequent units proposed on any land covered by a single Computer Register (Certificate of Title) regardless of the number of lots or lease areas which may exist on that Computer Register (Certificate of Title).

d. Residential units on cross-lease sites[17]

Any new residential units on the parent title will be charged a financial contribution. However, financial contributions will not be levied on residential units that are to be located on vacant cross-leased exclusive use areas and are located in accordance with a second or subsequent stage of a previously approved cross-lease plan approved by council after the enactment of the Resource Management Act on 1st October 1991. Cross lease plans approved prior to that date were not considered to be subdivisions and therefore have not been approved by the council. New residential units created as a result of a unit title subdivision will be charged a financial contribution.

3. Tourist accommodation

A financial contribution shall be levied on tourist accommodation. This contribution will be 2.5% of the value of the land or 1% of the total value of the costs associated with the construction of the accommodation, whichever is the greater as assessed by Council.

[17] Heading added and content moved from above to Residential Units section

The contribution will be levied as cash, land or a combination of these.

FC-R2 Financial contributions for infrastructure

In addition to any financial contribution payable for reserves purposes, where it is demonstrated that the servicing needs of a subdivision or land use cannot be met, and additional impacts on public infrastructure will result, a financial contribution in the form of cash or works, or land will be taken for infrastructure purposes by way of a condition of consent, and will be in accordance with the following:

1. Cash

The financial contribution for infrastructure purposes shall be the value of the actual costs of the necessary works in order for the effects on the infrastructure to be mitigated.

2. Land

The financial contribution for infrastructure purposes shall be an area of land sufficient to provide for the necessary infrastructure such as stormwater drainage, and such land will be vested in council. Land to be vested in council, or to provide for other infrastructure purposes, cannot be credited against the financial contribution taken as cash or works for other necessary infrastructure works.

FC-R3 Financial contribution in the form of land for service lane acquisition

1. City Centre Zones:

a. Where a site or building is to be subdivided, or a land use other than minor external alterations, internal alterations, repairs, maintenance or signage, is undertaken on land identified as a service lane on the planning maps, council will require the vesting of the land.

b. The financial contribution will be taken in the form of land to the extent shown for the service lane on the planning maps. The maximum financial contribution to be taken will be the maximum amount required for service lane purposes.

c. Costs associated with the vesting and forming of the service lane shall be met by the council.

FC-R4 Assessment criteria for determining a reduction in the amount of a financial contribution required

There may be instances that justify a reduction in the amount of a financial contribution. Where an applicant seeks a reduction in the amount of financial contribution levied, the following criteria will be considered to determine whether a reduction is justified:

1. If there is a positive benefit that could accrue by not taking the contribution.
2. If there is a possibility of taking the financial contribution at a later date in a further stage of a project where this will be secured by way of consent notice or legal agreement.
3. If there is the provision for ongoing and secured public access that is considered to be part of a strategic network over private land where it otherwise would not occur.
4. If there is significant vegetation, natural features, important landscapes, habitats or cultural or historic sites that are to be formally protected indefinitely by a legal mechanism.
5. If there is significant vegetation, natural features, important landscapes, habitats or cultural or historic sites that will be enhanced and maintained indefinitely.

6. If there is buffering from the effects of land use to improve water quality, amenity, ecological values through fencing and planting vegetation.

7. Whether land is required for the purposes of road widening.

FIGURE FC-1 - Service Lanes

ANTICIPATED ENVIRONMENTAL RESULTS

FC-AER1	An increase in the number of or area of reserves proportionate to the amount of new development in order to meet the need for new amenity areas.
FC-AER2	Increase in new infrastructure or increased capacity of existing infrastructure proportionate to growth and development.
FC-AER3	An increase in significant natural areas and outstanding natural features and landscapes that are protected and enhanced.
FC-AER4	Increased public access to water bodies.

LIGHT

LIGHT

Status: LIGHT is Operative and subject to Plan Change 9. Plan Change 9 amendments are shown in underline and ~~strikethrough.~~

OBJECTIVES

Refer to objectives:

- RESZ-O2, RESZ-O3, RESZ-O5, RESZ-O6;
- CCZ-O1, CCZ-O2, CCZ-O3, CCZ-O5;
- COMZ-O2, COMZ-O3;
- INZ-O4, INZ-O5;
- BIZ-O1, BIZ-O2;
- RURZ-O3, RURZ-O5; and
- RCAWZ-O1, RCAWZ-O2.

POLICIES

Refer to policies:

- RESZ-P12, RESZ-P13, RESZ-P14, RESZ-P15;
- CCZ-P1, CCZ-P7, CCZ-P8, CCZ-P14;
- COMZ-P6, COMZ-P7;
- INZ-P1, INZ-P3, INZ-P10, INZ-P11;
- BIZ-P1, BIZ-P2, BIZ-P3;
- RURZ-11, RURZ-12, RURZ-18, RURZ-19, [Policy 9.3.6.2]; and
- RCAWZ-P1, RCAWZ-P4, RCAWZ-P5.

RULES

The rules in the table below apply in addition to:

- the rules in Part 3 – Area Specific Matters (zone chapters and development area chapters); and
- the rules in the other chapters of Part 2 – District Wide Matters.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rule overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

LIGHT-R1	**Direct or indirect illumination**	
Applicable Spatial Layers All Zones	**1. Activity Status:** Permitted **Performance Standards:** a. Illumination standards LIGHT-S1.	**2. Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for LIGHT-R1(1). **Matters of Discretion:** a. Non-Compliance LIGHT-MD1; and b. Zone specific LIGHT-MD2.

Performance Standards

The following performance standards apply if listed in the rule table for the relevant activity.

LIGHT-S1 Illumination standards

1. Residential Zones:

[4.6(7)]

a. Activities shall be managed so that direct or indirect illumination measures no more than 10 lux on any site boundary.

2. City Centre Zones and Commercial Zones:

[5.6(1)(7)][5.6(2)(7)][6.6(7)]

a. Activities within these zones shall be managed so that direct or indirect illumination measures no more than 10 lux when measured at the boundary of any residential zone.

3. Industrial Zones:

[7.6(7)]

a. Activities shall be managed so that direct or indirect illumination measures no more than 10 lux on any boundary adjoining a residential zone or a site of an existing residential ~~household~~ unit within the block bounded by Fairy Springs Road, Victory Road, Russell Road and Salisbury Road.

4. Business and Innovation Zones – Scion Innovation Park:

[8.6(1)(7)]

a. Activities shall be managed so that direct or indirect illumination measures no more than 10 lux on any boundary adjoining a residential or rural zone.

5. Business and Innovation Zones – Waipa Business Park:

[8.6(2)(7)]

a. Any artificial illumination shall not exceed 20 lux when measured at the boundary adjoining a rural zone.

6. Business and Innovation Zones – Eastgate Business Park:

[8.6(3)(7)]

a. Any artificial illumination shall not exceed 20 lux when measured 15m from the façade of any existing ~~dwelling~~ residential unit located in an adjoining rural or residential zone.

7. Rural Zones:

[9.6(8)]

a. Activities shall be managed so that direct or indirect illumination measures no more than 10 lux on any site boundary.

8. Rural Zones – Parklands Estate Precinct

[A5.2.2]

a. Any direct artificial illumination shall not exceed 10 lux when measured at the nearest site boundary.

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

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

9. Reserves, Community Assets and Water Zones:

[10.6(7)]

a. Activities shall be managed so that direct or indirect illumination measures not more than 10 lux on any boundary adjoining an alternative zone.

10. Infrastructure – All Zones

[7.6(7)]

a. Infrastructure activities addressed in EIT – Energy Infrastructure and Transport shall be managed so that direct or indirect illumination measures do not exceed more than 10 lux on any adjoining site boundary. This shall override any of the performance standards for the zone listed above.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

LIGHT-MD1 Non-compliance matters

1. Residential Zones:

[4.8(2)(1)]

a. The reason for the non-compliance with the performance standard and the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the relevant performance standard and objectives and policies.

2. City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, Reserves, Community Assets and Water Zones:

[5.8(2)(1), 6.8(2)(1), 7.8(2)(1), 8.8(2)(1), 10.8(2)(1)]

a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the performance standard and the relevant objectives and policies;

b. How the aspect of non-compliance will reduce the amenity of the zone and affect adjacent sites;

c. How the activity provides more efficient and practical use of the remainder of the site; and

d. Within the Transitional Industrial Zone, how the aspect of non-compliance will reduce the amenity of neighbouring residents.

3. Rural Zones:

[9.8(2)(1)]

a. The extent of the effects of the non-compliance on achieving the purpose of the relevant performance standard and the Objectives and Polices relevant to the particular standard; and

b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated.

LIGHT-MD2 Zone specific matters

1. Residential Zones:

[4.8(1)(2)]

a. The extent to which the activity adversely effects the character and amenity values of the zone.

2. Industrial Zones:

[7.8(1)(3)]

a. The extent to which the proposal will enhance the character and amenity of the city entranceways.

3. Reserves, Community Assets and Water Zones:

[10.8(1)(1)]

a. Building Design, Site Layout and Amenity:

i. The amenity of the streetscape is maintained and enhanced;

ii. The extent to which the activity would maintain or enhance heritage features, cultural sites, identified natural and cultural landscapes or archaeological sites;

iii. The extent to which the activity adversely affects the natural character, cultural amenity and landscape values;

iv. The extent to which the activity produces smoke, odour, fumes, dust, noise, glare, or any other nuisance effects;

v. The extent to which the activity adversely affects adjoining sites or land-based activities;

vi. The extent to which the activity adversely affects the recreational values of the lakes and waterways; and

vii. The extent to which the hours of operation of an activity causes adverse effects on adjoining sites.

ANTICIPATED ENVIRONMENTAL RESULTS

The efficiency and effectiveness of the policy framework of this part will be the focus of on-going monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:

Residential Zones

LIGHT-AER1	Retained character of each of the five residential zones according to their attributes.

Commercial Zones

LIGHT-AER2	An increase in amenity and safety of commercial centres.

Industrial Zones

LIGHT-AER3	Improved amenity where industrial zones interface with other zones, particularly residential zones.

Business and Innovation Zones

LIGHT-AER4	Increase in development of the business park whilst ensuring the vitality of the city centre and amenity of the commercial, rural and residential environments are maintained.

Rural Zones

LIGHT-AER5	Rural character and amenity of the rural zone is maintained.

Reserves, Community Assets and Water Zones

LIGHT-AER6	No loss of natural character, amenity or biodiversity as it relates to the conservation values attributed to the conservation and destination reserves.

NOISE

NOISE

Status: NOISE is Operative and subject to Plan Change 9. Plan Change 9 amendments are shown in underline and ~~strikethrough.~~

INTRODUCTION

Noise is a particularly important amenity consideration, and therefore a dedicated chapter and specific rules are included in the District Plan. The rules aim to avoid, remedy or mitigate the adverse effects of noise from activities on residents. The rules also aim to maintain a reasonable balance between the amenity expected in noise sensitive areas and the viable functioning of permitted and lawfully established activities. As such reverse sensitivity is also a focus of the Noise provisions. Reverse sensitivity is the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse effects generated by the first activity. A range of provisions are included, such as the requirement that new ~~dwellings~~ residential units in the City Centre includes insulation that provides an acceptable internal noise environment, reducing the potential for noise complaints arising from sleep disturbance. Other mechanisms are implemented at the zoning stage where appropriate buffers and separation distances are set between uses and zones that may clash.

In addition to the rules the enforcement orders and abatement notice procedures of the Act will be used to control unreasonable noise.

Airport noise

The Rotorua Airport is an important resource for the Rotorua district and wider Bay of Plenty, East Coast and Central Plateau areas. It is a strategic transport infrastructure asset that has a direct link to the state highway network. From a business and convenience perspective the airport has the advantage of being close to the city centre, however the proximity of the urban edge presents a number of amenity and safety issues that require management.

Significant noise levels are created by airport operations. Detailed predictions of the future noise impacts of the Airport have been undertaken, modelling growth up to 2033. Air noise contours have been established to manage effects of, and from, the airport operations on activities sensitive to aircraft noise.

The planning method for the airport and surrounding area is one of balance; providing sufficient provision for expansion and growth of the Rotorua Airport, whilst providing certainty and protection for those existing activities that will be impacted by airport activities. Management and control of activities sensitive to aircraft noise that are within the Inner Noise and Air Noise Contours, such as residential ~~dwellings~~ units, are required.

Located on the fringe of the urban area the Rotorua Airport is also susceptible to encroachment from noise sensitive activities. New activities that may be sensitive to aircraft noise, such as housing and schools, establishing in areas likely to be subject to high and moderate levels of aircraft noise over the lifetime of the Plan can impact airport operations, and an additional level of management is required. Controls for location of sensitive activities and the need for acoustic treatment of those new activities will ensure that the operation and future growth of the airport is provided for.

The established noise contours have set a noise limit for airport operations, encompassed anticipated growth needs, and established restrictions that acknowledge the existence of adjoining residential and community

activities. The noise contours have been modelled on 2033 predictions, and allow for growth and changes in technology.

As a result of establishing the noise contours, areas predicted to be subject to high noise; those experiencing noise above 2033 Ldn 65dBA are located within the Air Noise Area. Those sites located in the moderate noise levels of Ldn 60-65dBA area are located in the Inner Noise Control Area. An Outer Noise Control Area indicating lower noise levels, noise between Ldn 55dBA and Ldn 60dBA, has also been defined. The extent of the noise contours are defined on the district plan maps.

The district plan recognises the importance of limiting the amount of additional residential development in areas affected by high or moderate aircraft noise within the Air Noise Area and the Inner Noise Control Area. While it is possible to acoustically insulate ~~dwellings~~ residential units and other activities sensitive to aircraft noise to provide a suitable internal residential environment, it is not possible to use such methods to mitigate the effects of aircraft noise on the external environment.

ISSUES

Noise has the potential to cause annoyance and affect health, depending on:

1. when and where it occurs;
2. its duration;
3. physical characteristics, including the sound pressure level (loudness) and frequency (pitch);
4. its steadiness;
5. variations of these properties; and
6. whether special audible characteristics are present.

NOISE-I1 Non-residential activities in Residential Zones

The operation of non-residential activities within Residential Zones that generates noise which detracts from existing amenity.

NOISE-I2 Activities in zones generating noise.

Activities within one zone generating noise which detracts from the amenity of adjacent zones, for example between Industrial and Residential Zones, and between the Airport and surrounding Residential and Rural Zones.

NOISE-I3 Rural and non-rural activities in Rural Zones

The operation of rural and non-rural activities in the Rural Zones that generate noise which detracts from an amenity level that can be expected in a Rural Zone.

NOISE-I4 Perception of Rural Zones

The perception of Rural Zones as being quiet environments that does not reflect the reality of these zones as productive working areas.

NOISE-I5 City centre amenity

The expectation by residents of a certain standard of amenity in the central city that conflicts with the permitted noise environment and the primary function of the central city.

NOISE-I6 Operation of aircrafts

The operation of aircraft, particularly helicopters; from landing areas in Residential and Rural Zones that detracts from the amenity of those zones.

NOISE-I7 Large scale rural industrial activities

Large scale rural industrial activities which generate noise which are lawfully established and operating and are in the District's rural environments.

OBJECTIVES

Appropriate noise environment

NOISE-O1 *[A11.3(1)]*	A noise environment consistent with the character and amenity expected for the zone. *Policies NOISE-P1 to NOISE-P6*

Reverse sensitivity

NOISE-O2 *[A11.3(2)]*	Existing and permitted activities in the Central City, Rural and Industrial Zones are protected from noise reverse sensitivity. *Policies NOISE-P7 to NOISE-P11*

Rotorua Airport

NOISE-O3 *[15.3(4)]*	To promote the safe, effective and efficient operation of the Rotorua Regional Airport. *Policies NOISE-P12 to NOISE-P14*

Transport network

Refer to objective EIT-O6.

POLICIES

Appropriate noise environment

Objective NOISE-O1

NOISE-P1 *[11.3(1)(1)]*	Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the function of the zones and permitted activities within them.
NOISE-P2 *[11.3(1)(2)]*	Avoid the potential adverse effects of noise on noise sensitive activities by ensuring at time of zoning the potential for noise reverse sensitivity is taken into account.
NOISE-P3 *[11.3(1)(3)]*	Control the potential adverse effects of noise generated in one zone and received in another.
NOISE-P4 *[11.3(1)(4)]*	Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.
NOISE-P5 *[11.3(1)(5)]*	Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas (well drilling, audible bird scaring devices, frost fans) as well as other activities (in any zone) clearly of a temporary nature (e.g. Construction works, emergency back-up generators).

NOISE-P6 *[5.3(1)(5)]*	Encourage the provision of high amenity residential accommodation within the City Centre 1 zones above ground level. This will be achieved by ensuring residential units provide, amongst other things, appropriate noise insulation.

Reverse sensitivity

Objective NOISE-O2

NOISE-P7 *[11.3(2)(1)]*	Encourage activities to locate in areas where the noise generated from existing activities, or noise anticipated by the zone rules, is compatible with the proposed activity.
NOISE-P8 *[11.3(2)(2)]*	Avoid, remedy or mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, building location and/or noise control boundaries to maintain the amenity of adjacent residential zones or marae and habitable buildings.
NOISE-P9 *[11.3(2)(3)]*	Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to major infrastructure are appropriately insulated.
NOISE-P10 *[11.3(2)(4)]*	Limit the location of new residential activities sensitive to disturbance from lawfully established urban and rural industries, recreation and infrastructure activities and network utilities to avoid reverse sensitivity effects.
NOISE-P11 *[4.3(1)(6)]*	Require noise mitigation measures for residential ~~household~~ units that adjoin strategic roads to avoid reverse sensitivity effects.

Rotorua Airport

Objective NOISE-O3

NOISE-P12 *[15.3(4)(1)]*	Avoid the establishment of new and intensification of existing noise sensitive activities within the Air Noise Area.
NOISE-P13 *[15.3(4)(2)]*	Minor additions to existing noise sensitive activities and subdivisions (for example, boundary adjustments and conversions of cross lease titles to freehold titles) are provided for where these do not result in the intensification of existing noise sensitive activities on the site or reverse sensitivity effects on the continued operation of the airport.
NOISE-P14 *[15.3(4)(3)]*	Any additions to noise sensitive activities are fitted with appropriate acoustic insulation and associated ventilation. The certification of an approved acoustical engineer will be accepted as evidence that the design meets the insulation standard.

Transport network

Objective EIT-06

NOISE-P15 *[1.6(7)(5)]*	Ensure that subdivision, use and development located in the vicinity of the district's transport network is appropriately designed to avoid, remedy or mitigate any reverse sensitivity effects such as noise and vibration.

RULES

The rules in the table below apply in addition to:

- the rules in Part 3 – Area Specific Matters (zone chapters and development area chapters); and
- the rules in the other chapters of Part 2 – District Wide Matters.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rule overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

Links to the rule categories are provided below:

Noise Emission 35

Noise Sensitive Activities 36

Noise Emission		
NOISE-R1	**Emission of noise**	*[A11.5(1)]*
Applicable Spatial Layers All Zones	**1. Activity Status:** Permitted **Where:** The noise is not: a. Construction noise; or b. The following types of noise emitted within the Rotorua airport: i. Aircraft operations noise; ii. Aircraft engine testing noise; or iii. Noise from bird scaring devices. **Performance Standards:** a. Noise within zone NOISE-S1; b. Noise within different zone NOISE-S2; and c. Temporary amplification NOISE-S8.	**2. Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for NOISE-R1(1). **Matters of Discretion:** a. Non-compliance matters NOISE-MD1; b. Noise specific NOISE-MD2; and c. Zone specific NOISE-MD3.
Advice Note: For the avoidance of doubt, this rule applies to all activities, including temporary activities and events, unless stated.		
NOISE-R2	**Construction noise**	*[A11.5(1)]*
Applicable Spatial Layers All Zones	**1. Activity Status:** Permitted **Performance Standards:** a. All construction noise shall comply with the relevant noise levels stated in NZS 6803:1999, and shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'.	**2. Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for NOISE-R2(1) **Matters of Discretion:** a. Non-compliance matters NOISE-MD1; b. Noise specific NOISE-MD2; and

		c. Zone specific NOISE-MD3.
NOISE-R3	**Airport noise at Rotorua airport**	*[A7.2]*
Applicable Spatial Layers All Zones	**1. Activity Status:** Permitted **Where:** The noise is: a. Aircraft operations noise at Rotorua Airport; b. Aircraft engine testing noise at Rotorua Airport; or c. Noise from bird scaring devices at Rotorua Airport. **Performance Standards:** a. Rotorua Airport noise NOISE-S3 b. Noise mitigation programme NOISE-S4	**2. Activity Status:** Discretionary **Where:** Compliance is not achieved with the performance standards for NOISE-R3(1).
Noise Sensitive Activities		
NOISE-R4	**Noise sensitive activities near State Highways**	*[A11.6(3)(1)]*
Applicable Spatial Layers All Residential Zones City Centre 1 and 3 Zones All Commercial Zones All Rural Zones	**1. Activity Status:** Permitted **Where:** a. Noise sensitive activities are within: i. 40m of a state highway with a speed limit of less than 70km/h; or ii. 80m of a state highway with a speed limit of 70km/hr or more (measured from the nearest painted edge of the carriageway). **Performance Standards** a. Noise sensitive activities near State Highways NOISE-S5. **Exception**: This rule shall not apply to Māori cultural training facilities at Te Puia, being the site inclusive of land legally described as Section 1 SO408975.	**2. Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for NOISE-R4(1). **Matters of Discretion:** a. Non-compliance matters NOISE-MD1; b. Noise specific NOISE-MD2; and c. Zone specific NOISE-MD3.
NOISE-R5	**Noise sensitive activities within City Centre Zones, Commercial Zones and the Ōhakuri Electricity Generation Core Site Noise Control Boundary**	*[A11.6(3)(2)]*
Applicable Spatial Layers	**1. Activity Status:** Permitted **Performance Standards:** a. Acoustic treatment NOISE-S6.	**2. Activity Status:** Restricted Discretionary **Where:**

City Centre 1 and 3 Zones All Commercial Zones Water and Rural 1 Zones: Ōhakuri Core Site Noise Control Boundary.		a. Compliance is not achieved with the performance standards for NOISE-R5(1). **Matters of Discretion:** a. Non-compliance matters NOISE-MD1; b. Noise specific NOISE-MD2; and c. Zone specific NOISE-MD3.
NOISE-R6	**Any noise sensitive activity within the 45dB LAeq (15 min) Noise Control boundary surrounding the Reporoa Dairy**	*[9.5(112)]*
Applicable Spatial Layers Rural 1 Zone: Reporoa Noise Control Boundary 45dB Overlay.	**1. Activity Status:** Discretionary **Assessment Criteria:** a. The general assessment criteria for the relevant zone.	
NOISE-R7	**Noise sensitive activity within the Inner Noise Control Area Overlay (60dBA Control Boundary)**	*[4.5(47), 8.5(3)(26)(c), 9.5.58, 4.5(48), 8.5(3)(26)(d), 9.5(59)]*
Applicable Spatial Layers Residential 1 Zone Business and Innovation 3 Zone Rural 1 Zone: Airport Inner Noise Control Area Overlay 60dBA	**1. Activity Status:** Permitted **Where:** The activity is an addition to an existing noise sensitive activity. **Performance Standards:** a. The extension does not increase the total gross floor area of the noise sensitive activity by more than 25% of the total gross floor area that existed prior to 16 May 2018.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for NOISE-R7(1). **Matters of Discretion** a. Zone specific NOISE-MD3; and b. Noise sensitive activities near Rotorua Airport NOISE-MD4.
Applicable Spatial Layers Residential 1 Zone Business and Innovation 3 Zone Rural 1 Zone: Airport Inner Noise Control Area Overlay 60dBA	**3. Activity Status:** Discretionary **Where:** The activity is a new noise sensitive activity **Assessment Criteria:** a. Noise sensitive activities within Inner Noise Control Area NOISE-AC1; and b. The general assessment criteria for the relevant zone.	

NOISE-R8	Noise sensitive activities within the Airport Air Noise Area Overlay (65dBA Control Boundary)	*[4.5(49), 9.5(60) 10.5(20)(a), 4.5(49)(a) 9.5(60)(a), 10.5(20)(b)]*
Applicable Spatial Layers Residential 1 Zone Rural 1 Zone Reserves 1 and 2 Zones: Airport Air Noise Area Overlay 65DbA	**1. Activity Status:** Non-Complying **Where:** The activity is an extension to or upgrade or replacement of a building accommodating a noise sensitive activity.	
Applicable Spatial Layers Residential 1 Zone Rural 1 Zone Reserves Zones: Airport Air Noise Area Overlay 65dBA	**2. Activity Status:** Prohibited **Where:** The activity is a new noise sensitive activity within the Air Noise Area.	

Performance Standards

The following performance standards apply if listed in the rule table for the relevant activity.

NOISE-S1 Noise generated and received within the same zone

[A11.6(1)]

1. Residential Zones

a. Noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:

Daytime	7am to 7pm, any day except public holidays	50 dB $L_{Aeq\ (15\ minutes)}$
Evening	7pm to 10pm any day except public holidays	45 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	40 dB $L_{Aeq\ (15\ minutes)}$ 70 dB L_{Amax}

2. City Centre Zones and Commercial 1, 2, 4, 5 and 6 Zones

a. Other than that specified below under (b), noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:

Daytime	7am to 10pm, any day except public holidays	65 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	60 dB $L_{Aeq\ (15\ minutes)}$ 75 dB L_{Amax}

b. Community events:

Noise levels for large scale community events located on council owned or controlled property within City Centre 3 shall comply with the following standards and limits:

i. For four events in any 12 month period a noise limit of 95 dB $L_{Aeq\ (1\ hour)}$ at any point within the receiving site in adjacent zones.

ii. For the four events provided for under i. above the events shall conclude by 12.30am.

iii. For two events in any 12 month period – a noise limit of 70 dB $L_{Aeq\ (1\ hour)}$ at any point within the receiving site in adjacent zones providing the event does not exceed 12 hours per day over a two day period.

iv. All other events shall comply with the noise standards specified under NOISE-S1(2)

v. Octave band noise levels within residential zones shall not exceed 85 dB $_{LZeq\ (1\ minute)}$ at 63Hz and 75 dB $L_{Zeq\ (1\ minute)}$ at 125Hz.

3. Commercial 3 Zone

a. Noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:

Daytime	7am to 10pm, any day except public holidays	50 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	40 dB $L_{Aeq\ (15\ minutes)}$ 70 dB L_{Amax}

4. Industrial Zones

a. Other than that specified below, noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:

Daytime	7am to 10pm, any day except public holidays	75 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	70 dB $L_{Aeq\ (15\ minutes)}$ 80 dB L_{Amax}

b. Reporoa Dairy Manufacturing site:

Activities located within the Reporoa Dairy Manufacturing site (Planning Map 395) shall not exceed 45 dB $L_{Aeq\ (15\ min)}$ when measured at the 45 dB L_{Aeq} noise control boundary as shown on Planning Maps 395 and 546 except that where the noise control boundary is located within land in common ownership with the Reporoa Dairy Manufacturing site noise shall be measured at the boundary with land not in common ownership with the Reporoa Dairy Manufacturing site.

c. Block bounded by Fairy Springs, Victory, Russell and Salisbury Road:

Noise levels within the block bounded by Fairy Springs Road, Victory Road, Russell Road and Salisbury Road, shall not exceed the noise limit specified for the residential zones at any point within the site boundary of a residential ~~household~~ unit.

5. Business and Innovation Zones

a. Noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:

i. Scion Innovation Park:

Daytime	7am to 10pm, any day except public holidays	50 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	40 dB $L_{Aeq\ (15\ minutes)}$ 75 dB L_{Amax}

ii. Waipa Business Park and Eastgate Business Park:

Daytime	7am to 10pm, any day except public holidays	75 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	70 dB $L_{Aeq\ (15\ minutes)}$ 80 dB L_{Amax}

6. Rural Zones:

a. Other than that specified below, noise levels shall not exceed the following limits when measured at any point within the notional boundary of any rural ~~dwelling~~ residential unit.

Daytime	7am to 10pm, any day	50 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	40 dB $L_{Aeq\ (15\ minutes)}$ 75 dB L_{Amax}

b. Well drilling

Noise levels shall not exceed the following limits when measured at any point within the notional boundary of any rural ~~dwelling~~ residential unit.

Daytime	7am to 10pm, any day	70 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	60 dB $L_{Aeq\ (15\ minutes)}$ 85 dB L_{Amax}

c. Audible bird scaring devices

i. Noise from audible explosive bird scaring devices shall only be operated between sunrise and sunset, and shall not exceed 100 dB L_{Zpeak}, when measured at any point within the notional boundary to any ~~dwelling~~ residential unit in the Rural zone, or at any point within the site boundary of any residential-zoned site.

ii. Discrete sound events of a bird scaring device including shots or audible sound shall not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour.

iii. A legible notice is fixed to the road frontage of the property on which the device is being used, giving the name, address and telephone number of the person responsible for the operation of any such device(s).

d. Frost fans

i. Noise generated by frost fans shall not exceed 55 dB LAeq (15 minutes) when measured at any point within the notional boundary to any ~~dwelling~~ residential unit in the Rural zone, or at any point within the boundary of any residential-zoned site.

ii. A legible notice is fixed to the road frontage of the property on which it is being used, giving the name, address and telephone number of the person responsible for its operation.

7. Reserves, Community Assets and Water Zones:

a. Other than that specified above under b, noise levels from any activity shall not exceed the following limits when measured at the boundary of the zone:

Daytime	7am to 10pm, any day except public holidays	50 dB $L_{Aeq\ (15\ minutes)}$
Night-time and public holidays	At all other times	45 dB $L_{Aeq\ (15\ minutes)}$ 75 dB L_{Amax}

b. Temporary community and district events

Noise levels from temporary community and district events shall not exceed the following limits when measured at any point within the boundary of the receiving site in any adjoining zone:

Four events up to 3 hour duration per every 12 month period	80 dB $L_{Aeq\ (1\ hour)}$
Three events every 12 month period, up to 12 hours per day for two consecutive days	70 dB $L_{Aeq\ (1\ hour)}$
Octave band levels	85 dB $L_{Zeq\ (1\ minute)}$ at 63 Hz 75 dB $L_{Zeq\ (1\ minute)}$ at 125 Hz

8. Taheke 8C Precinct:

a. The noise standards for the Industrial 2 Zone shall apply to activities associated with geothermal electricity generation activities in in Areas A, C, D, E and G of Taheke 8C Precinct.

NOISE-S2 Noise received within a different zone

[A11.6(2)]

1. All Zones:

a. Noise levels from any activity shall not exceed the noise limits specified for the adjoining zone when measured at any point within the receiving site, or at any point within the notional boundary of any ~~dwelling~~ residential unit in the Rural zones, except where provided under:

i. Audible bird scaring devices NOISE-S1(6)(c), and Frost fans NOISE-S1(6)(d);

ii. Reserves NOISE-S1(7)); or

iii. City Centre events NOISE-S1(2)(b).

b. Octave band noise levels from the Commercial 1, 2, 4, 5 and 6 Zones should not exceed the following limits when measured at any point within any residential-zoned site:

Octave band levels	75 dB $_{LZeq\ (1\ minute)}$ at 63Hz 65 dB $L_{Zeq\ (1\ minute)}$ at 125Hz.

NOISE-S3 Rotorua Airport noise

[A7.2]

1. Aircraft operations at Rotorua Airport

   a. The Airport shall be managed so that noise from Aircraft Operations, as defined in the definitions 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 Federal Aviation Authority (FAA) Integrated Noise Model (INM) and records of actual aircraft operations;

      i. Noise from the following Aircraft Operations shall be excluded from the compliance calculations set out above:

         1. Aircraft landing or taking off in an emergency; and

         2. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency, and

         3. Aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at another scheduled airport, and

         4. Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983, and

         5. Certified by the Minister of Defence as necessary for reasons of National Security in accordance with Section 4 of the Act; and

         6. Aircraft undertaking fire-fighting duties.

      ii. Except for those aircraft movements provided for in (i) 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 midnight and 6.00am.

      iii. 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.

      iv. 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 Ldn 64dBA or greater from aircraft operations. Noise level measurements shall be undertaken in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.

2. Aircraft testing at Rotorua Airport

   a. All engine testing related to airport activities shall take place between the hours of 6.00am and 12.00pm (midnight);

   b. Subject to the provision relating to essential unscheduled engine testing in NOISE-S3(2)(c), 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 covered by the Airport designation:

Time Period	Noise Level
Monday to Sunday 6.00am to 12.00pm (midnight)	55dB L_{Aeq} (16 hours)

c. Essential unscheduled engine testing undertaken at Rotorua Airport:

In situations where it may be necessary to conduct essential unscheduled maintenance and engine testing that may need to take place between 12.00pm (midnight) and 6.00am or where the testing cannot comply with the noise limit for scheduled engine testing stated in NOISE-S3(2)(b) then following shall apply;

i. The testing shall take place on no more than 18 occasions per 12 months;

ii. Where practical all essential unscheduled maintenance and engine testing shall take place between the hours of 6.00am and midnight;

iii. The total duration of engine testing shall not exceed 1 hour in any 12.00pm (midnight) to 6.00am period;

iv. On each occasion of the unscheduled engine testing 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;

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

vi. The noise from such engine testing shall not exceed the following noise levels at, or within, the boundary of any site other than a site covered by the Airport designation:

Time Period	Noise Level
Monday to Sunday 6.00 am to 12.00 pm (midnight)	60dB L_{Aeq} (16 hours)
All days 12.00 pm (midnight) to 6.00 am	55dB L_{ALeq} (8 hours)
All days 12.00 pm (midnight) to 6.00 am	85dB L_{Amax}

NOISE-S4 Rotorua Airport noise mitigation programme

[A11.7(4)]

1. Aircraft operations and the development and use of any runway at the Airport shall be subject to compliance with the requirements of a) to d).

a. Annual Noise Report

The Airport Operator shall prepare and forward to the Council at the same time as the annual report required by Performance Standard NOISE-S3(1)(iii) 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 Ldn 60dBA and Ldn 65dBA contour at a date 12 months from the date of the report required by NOISE-S3(1)(iii) and based on calculations undertaken in accordance with NOISE-S3(1)(iii). The Council shall make the Annual Aircraft Noise Contour Plan available for public inspection and shall annually publicly notify that availability.

b. Noise Mitigation Offer to Owners for Existing Activity Sensitive to Aircraft Noise Buildings

Where an existing building is occupied and used by an Activity Sensitive to Aircraft Noise (other than an Educational Facility or Kōhanga 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 Ldn 60dBA or the Ldn 65dBA contour in the Annual Aircraft Noise Contour Plan;

i. 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 Ldn 40dBA, provided that no such Offer shall be required in respect of any site owned by the Airport Operator.

ii. 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.

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

1. a mechanical ventilation system or mechanical ventilation systems capable of meeting the performance standards specified in NOISE-S7(1)(b) and

2. Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and

3. 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.

iv. The Offer shall be made on the following basis:

1. 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;

2. 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 the appendix NOISE-APP1.

3. The Airport Operator shall contribute to the full cost of the Treatment Measures where those works are within the Inner Control Area or the Air Noise Area; and

4. 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

5. 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.

v. 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. Noise Mitigation Offer to Owners for Existing Educational Facilities or Kōhanga Reo Buildings

Where an existing building is occupied and use by an Educational facility or Kōhanga 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.

i. 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.

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

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

1. 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 NOISE-S7(1)(b)(i); and

2. 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 NOISE-S7(1)(b)(i); and

3. Thermal grade (minimum R1.8) ceiling insulation to all classrooms, libraries and halls where equivalent ceiling insulation is not already in place.

iv. The Offer shall be made on the following basis:

1. 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;

2. 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 the appendix.

3. 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

4. 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

5. 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.

v. 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. Noise Mitigation Offer for Proposed Classroom, Library or Hall Buildings for Established Educational Facility or Kōhanga Reo Within the Inner Control Area

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 Facility or Kōhanga 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 facility or Kōhanga Reo to provide funding (and if the offer is accepted, provide funding) for the Treatment Measures set out in clause NOISE-S7(2). 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 Facility or Kōhanga Reo.

NOISE-S5 Noise sensitive activities near State Highways

[A11.6(3)(1)]

1. Residential Zones, City Centre 1 Zone, City Centre 3 Zone, Commercial Zones and Rural Zones:

a. Internal sound level:

i. Any new residential unit or extension/alteration to an existing residential unit that exceeds 25% of the existing gross floor area, shall meet an internal road-traffic design sound level of 40 dB $L_{Aeq\ (24hour)}$ inside all habitable rooms; or

ii. Any new noise sensitive activity other than a residential activity shall meet an internal road-traffic design sound level of 40 dB $L_{Aeq\ (24hour)}$ inside all habitable rooms and teaching areas; and

b. An acoustics design report from a suitably qualified acoustics specialist shall be provided to the Council demonstrating compliance with NOISE-S5(1)(a) prior to the commencement of construction.

c. As an alternative to complying with NOISE-S5(1)(a) any new noise sensitive activity, including extension/alteration to a residential unit which exceeds 25% of the existing gross floor area, shall comply with the following:

   i. The windows of all habitable rooms and teaching areas shall be constructed with glazing that includes a laminated pane that is at least 6.38mm thick and covers the glazed area; and

   ii. A ventilation system shall be installed in accordance with NOISE-S5(1)(e) below.

   Advice Note:

   An acoustic design report will not be required for compliance with NOISE-S5(1)(c).

d. NOISE-S5.1(a) and NOISE-S5.1(c) do not apply if:

   i. It can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics specialist that the road-traffic noise level from any existing state highway is less than 55 dB LAeq (24hour) on all façades of a new noise sensitive activity, or extension/alteration to an existing noise sensitive activity; or

   ii. The nearest façade of the ~~dwelling~~ residential unit is at least 50m from any state highway and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to habitable rooms to any part of the road surface of any state highway; or

   iii. The NZ Transport Agency provides written consent that the performance standards do not need to be applied to a proposed activity.

   Explanatory Note:

   NOISE-S5.1(d)(iii) is intended to provide for circumstances where the expectation of human occupancy of buildings would, by reason of the period of occupancy or vulnerability, not be sensitive to state highway noise. It may also account for other circumstances which may not justify the compliance costs including the viability of the proposed activity or where it is apparent that the occupants of a building are unlikely to be subject to noise issues, such as low traffic volumes or building design.

e. A ventilation system installed under NOISE-S5.1(c) above shall comply with one of the following:

   i. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) shall not exceed 40dB $L_{Aeq\ (30seconds}$ in the largest habitable room (excluding bedrooms) and 35dB $L_{Aeq\ (30seconds}$ in all other habitable rooms and teaching areas, when measured 1m away from any grille or diffuser, or

   ii. Comprise a system capable of providing at least 6 air changes per hour in the largest habitable room (excluding bedrooms) and teaching spaces and at least 5 air changes per hour in all other habitable rooms, and

      1. The noise level generated by the system shall not exceed 40 dB $L_{Aeq\ (30seconds)}$ in the largest habitable room (excluding bedrooms) and 35 dB $L_{Aeq\ (30seconds)}$ in all other habitable rooms, when measured 1m away from any grille or diffuser, and

2. The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation, and

3. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25 degrees Celsius.

Advice Notes:

1. This performance standard shall not apply to Māori cultural training facilities at Te Puia, being the site inclusive of land legally described as Section 1 SO408975.

2. The requirements of Clause G4 of the New Zealand Building Code will apply at the same time as to the requirements contained in this performance standard.

NOISE-S6 Noise sensitive activities within City Centre Zones, Commercial Zones, and the Ōhakuri Electricity Generation Core Site

[A11.6(3)(2)]

1. Any new noise sensitive activities shall be designed and constructed to ensure that noise from activities on any other sites will not exceed the following when measured in accordance with *AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors*:

In bedrooms 10pm to 7am on any day	35 dB $L_{Aeq\ (1\ hour)}$ 45 dB L_{eq} at 63 Hz 35 dB L_{eq} at 125Hz
In all other habitable rooms at all times; and in bedrooms 7am to 10pm on any day	40 dB LAeq (1 hour) 50 dB Leq at 63 Hz 45 dB Leq at 125Hz

2. Compliance with the indoor noise criteria in NOISE-S6(1) shall be determined within habitable rooms when external noise sources shall represent the logarithmic sum of the following:

   a. Road traffic noise:

      i. During night time hours, outdoor noise from road traffic existing at the time of establishing the new noise sensitive activity, at the external wall, logarithmically averaged between 10pm and 7am;

      ii. During daytime hours, outdoor noise from road traffic existing at the time of establishing the new noise sensitive activity, at the external wall, logarithmically averaged between 7am and 10pm; and

   b. The allowable noise permitted by the District Plan in the zone or any adjacent zone;

   c. Noise due to activities on any site approved by way of resource consent; and

   d. Exiting lawfully established activities.

3. Under this performance standard habitable areas do not include transit and utility areas such as corridors, kitchens, bathrooms and storage areas.

4. If the internal noise criteria cannot be achieved with the windows and doors open, then a forced-air ventilation or air conditioning systems which complies with the NZ Building Code shall be provided so that the acoustic and ventilation criteria can be achieved simultaneously with

windows and doors closed. Noise from any ventilation system shall not cause the internal noise criteria to be exceeded.

5. At the time of application for building consent, an acoustic design certificate from a suitably qualified and experienced acoustic engineer will be required demonstrating how the internal noise criteria will be achieved.

6. The acoustic design is not required to include mitigation from noise generated by large scale events as detailed in NOISE-S1(7)(b) and defined in the definitions.

NOISE-S7 Noise sensitive activities near Rotorua Airport

[A7.3]

1. Acoustic standards for:

- additions to existing activities sensitive to aircraft noise (except for educational facilities including Kōhanga Reo (see NOISE-S7(2)); and
- any new activities sensitive to aircraft noise (except for educational facilities (including Kōhanga Reo)(see NOISE-S7(2))) in the Inner Control Area; and
- Papakāinga; and
- extensions to an existing activity sensitive to aircraft noise within the Air Noise Area

a. Prior to the issue by the Council of a resource consent or a building consent an applicant shall provide a certificate from a suitably qualified and experienced acoustical consultant stating that the design and construction of a new building or additions or alterations to an existing building are able to attenuate aircraft noise sufficiently to meet an internal noise environment of Ldn 40dBA in all habitable rooms and rooms used for sleeping, convalescing or learning with all windows closed. A similar certificate is to be provided from a suitably qualified and experienced ventilation engineer stating that the design and construction of a new building or additions or alterations to an existing building are able to meet the ventilation performance standard set out below. This certificate is to be accompanied by the following information:

i. A plan clearly identifying the system to be installed and the location of the fan and ducting;

ii. Sufficient information to confirm that the system is within the volume limits; and

iii. A covering letter stating that suitable arrangements have been made with the approved provider or supplier for the installation.

b. The ventilation performance standard shall be, either:

i. A mechanical ventilation system or mechanical ventilation systems capable of:

1. Providing at least 15 air changes of outdoor air per hour in the principal living room of each building and 5 air changes of outdoor air per hour in the other habitable rooms of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable rooms that need to be ajar to provide air relief paths;

2. Enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;

3. Limiting internal air pressure to not more than 30 Pascals above ambient air pressure;

4. Being individually switched on and off by the building occupants, in the case of each system; and

5. Creating no more than 40dB LAeq in the principal living room, no more than 30dB LAeq in the other habitable rooms, and no more than 40dB LAeq in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1m away from any diffuser, or

ii. Air conditioning plus mechanical outdoor air ventilation capable of:

1. Providing internal temperatures in habitable rooms not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water &and Atmospheric Research ("NIWA") (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991 – 2000), with all external doors and windows of the habitable rooms closed;

2. Providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;

3. Each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and

4. Creating no more than 40dB LAeq in the principal living room, no more than more than 30dB LAeq in the other habitable rooms, and no more than 40dB LAeq in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1m away from any diffuser, 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.

c. Following the installation of the measures to meet the above standards the applicant shall provide the Council with a certificate from a suitably qualified independent person or persons approved by the Council, that the installation of those measures has been properly undertaken in accordance with sound practice.

2. Acoustic standards for additions to existing educational facilities and any new educational facilities in the Inner Control Area

a. Prior to the issue by the Council of a resource consent or a building consent an applicant shall provide a certificate from a suitably qualified and experienced acoustical consultant stating that the design and construction of a new building or additions or alterations to an existing building are able to attenuate aircraft noise sufficiently to meet an internal noise environment of Ldn 40dBA in all classrooms, libraries and halls with all windows closed. A similar certificate is to be provided from a suitably qualified and experienced ventilation engineer stating that the design and construction of a new building or additions or alterations to an existing building are able to meet the ventilation performance standard set out below. This certificate is to be accompanied by the following information:

i. A plan clearly identifying the system to be installed and the location of the fan and ducting;

ii. Sufficient information to confirm that the system is within the volume limits; and

iii. A letter stating that suitable arrangements have been made with the approved provider or supplier for the installation.

b. The ventilation performance standard shall be:

i. In the case of classrooms and libraries, air conditioning and/or a mechanical ventilation system or mechanical ventilation systems that are:

1. Designed to achieve indoor air temperatures of not less than 16 degrees Celsius in winter and not greater than 27 degrees Celsius in summer at 5% ambient design conditions as published by the National Institute of Water and Atmospheric Research in its publication "Design Temperatures for Air Conditioning (degrees Celsius) Data Period 1991-2000";

2. Capable of providing outdoor air ventilation at the rate of 8 litres of air per second per person for the maximum number of people able to be accommodated in any such room at one time ("the required airflow");

3. Capable of enabling (in the case of classrooms or libraries in which only mechanical ventilation systems are used to satisfy the above temperature and outdoor air requirements) the outdoor airflow to be controlled across the range, from the maximum airflow capacity down to the required airflow when all external doors of the classroom or library are closed;

4. Otherwise complying with the New Zealand Standard NZS 4303:1990 "Ventilation for Acceptable Indoor Air Quality"; and

5. Capable of creating no more than 35dB LAeq in each classroom and no more than 40dBA Leq in each library or any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1m away from any diffuser.

ii. In the case of halls, a mechanical ventilation system or mechanical ventilation systems that are capable of:

1. Providing at least 12 litres of outdoor air per second per square metre with all external doors and windows of the hall closed;

2. Enabling the outdoor airflow to be controlled across the range, from the maximum airflow down to the rate of 8 litres of outdoor air per second per person for the maximum number of occupants able to be accommodated in the hall at one time;

3. Otherwise complying with the New Zealand Standard NZS 4303:1990 "Ventilation for Acceptable Indoor Air Quality"; and

4. Creating no more than 35dB LAeq in each hall and no more than 40dB LAeq in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1m away from any diffuser.

NOISE-S8 Amplification involved with temporary activities and events

[4.6(9), 5.6(8), 6.6(9), 7.6(9), 8.6(1)(9), 8.6(2)(9), 8.6(3)(9), 9.6(10), 10.6(10)]

1. Any amplification system shall not be used earlier than 8:00am and shall finish no later than 10:30pm (Sunday to Thursday) or 11:00pm (Fridays and Saturdays). Testing shall not last more than six hours between 9.00am and 7.00pm.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

NOISE-MD1 Non-compliance matters

1. Residential Zones:

[4.8(2)(1)]

a. The reason for the non-compliance with the performance standard and the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the relevant performance standard and objectives and policies.

2. City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, and Reserves, Community Assets and Water Zones:

[5.8(2)(1)][6.8(2)(1)][7.8(2)(1)][8.8(2)(1)][10.8(2)(1)]

a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the performance standard and the relevant objectives and policies.

b. How the aspect of non-compliance will reduce the amenity of the zone and affect adjacent sites.

c. How the activity provides more efficient and practical use of the remainder of the site.

d. Within the Transitional Industrial Zone, how the aspect of non-compliance will reduce the amenity of neighbouring residents.

3. Rural Zones:

[9.8(2)(1)]

a. The extent of the effects of the non-compliance on achieving the purpose of the relevant performance standard and the Objectives and Polices relevant to the particular standard.

b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated.

NOISE-MD2 Noise specific matters

[A11.7(1)]

1. Where one or more performance standards are not met, the reason for the non-compliance and the extent to which the activity will avoid, remedy or mitigate the effects of non-compliance on achieving the purpose of the relevant performance standard and objectives and policies.
2. The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone.
3. The nature of any adjoining zone(s), and the compatibility of the noise generating activity with the expected environmental results for those adjoining zone(s).
4. Existing ambient noise levels.
5. The length of time for which specified noise levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused.
6. The potential for cumulative noise effects to result in an adverse outcome for receivers of noise.

7. The likely adverse impacts of noise generating activities both on and beyond sites, on a site, on visitors, users of business premises, or on public places in the vicinity.
8. The extent to which the noise may detract from enjoyment of any recreation or conservation area.
9. The maximum level of noise likely to be generated, its nature, character and frequency, and the disturbance this may cause to people in the vicinity.
10. Whether the noise generated would be of such a level as to create a threat to the health or well-being of persons living or working in the vicinity.
11. The proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant.
12. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.
13. The extent to which achieving the relevant limits is practicable, given any existing activities which create noise, particularly on the interface with commercial, industrial or recreational activities.
14. The extent to which achieving the relevant limits is practicable where the existing noise environment is subject to significant noise intrusion from road, rail or air transport activities.
15. The adequacy of information provided by the applicant.
16. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options
17. Any other relevant standards, codes of practice or assessment methods based on robust acoustic principles.
18. Whether the proposed activity is likely to lead to potential conflicts with, or adverse effects on, lawfully established noise generating activities in the locality.
19. Methods of reducing noise sensitivity.
20. Whether the proposed activity achieves the relevant reverse sensitivity objectives and policies of this chapter.

NOISE-MD3 Zone specific matters

1. Residential Zones:

a. The extent to which the activity adversely effects the character and amenity values of the zone.

2. Industrial Zones:

a. The extent to which the proposal will enhance the character and amenity of the city entranceways.

3. Reserves, Community Assets and Water Zones:

a. Building Design, Site Layout and Amenity:

i. The amenity of the streetscape is maintained and enhanced

ii. The extent to which the activity would maintain or enhance heritage features, cultural sites, identified natural and cultural landscapes or archaeological sites.

iii. The extent to which the activity adversely affects the natural character, cultural amenity and landscape values.

iv. The extent to which the activity produces noise or any other nuisance effects.

v. The extent to which the activity adversely affects adjoining sites or land-based activities.

vi. The extent to which the hours of operation of an activity causes adverse effects on adjoining sites

NOISE-MD4 Noise sensitive activities near Rotorua Airport

[4.8(2)(2), 8.8(2)(4), 9.8(2)(2)]

1. Any addition to Existing Activities Sensitive to Aircraft Noise within the Inner Noise Control Area, that increases the total gross floor area of the noise sensitive activity by more than 25% - Council shall restrict its discretion to the following matters:

   a. The nature, size and scale of the proposed additions.

   b. The application of the applicable acoustic performance standards to existing parts of the structure housing the activity sensitive to aircraft noise.

   c. Whether a covenant should be registered on the title to secure any conditions of consent; and the means of securing any conditions of consent.

   d. Whether, having regard to all the circumstances the nature, size and scale of the addition is likely to lead to potential conflict with and adverse effects upon airport activities.

   e. Any assessment criteria applicable to the activity within the residential zones.

   f. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.

   g. The potential to detract from the qualities and characteristics specified of a landscape or feature identified in the schedules of Natural Environmental Values Inventory or the natural character of the environment.

   h. How the proposal affects the appearance of the outstanding natural feature or landscape.

   i. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options.

Assessment Criteria

Whilst not limiting the exercise of its discretion, Council may consider the particular matters below where indicated in the table above.

NOISE-AC1 Noise sensitive activities within the Inner Noise Control Area

[4.9(2)(1), 8.9(2)(3), 9.9(2)(1)]

1. Whether, having regard to all the circumstances (including location in relation to the Airport, likely exposure of the site to aircraft noise, noise attenuation and ventilation measures proposed, and the number of people to be accommodated) the nature, size and scale of the activity is likely to lead to potential conflict with and adverse effects upon airport activities;

2. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site;

3. The desirability of reasonably limiting the intensity of development and activities within the Inner Control area, including in relation to proposed subdivisions and higher density residential development;

4. The application of the applicable acoustic performance standards listed; and
5. Whether a covenant should be registered on the title to secure any conditions of consent; and the means of securing any conditions of consent.

ANTICIPATED ENVIRONMENTAL RESULTS

The efficiency and effectiveness of the policy framework of this part will be the focus of on-going monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:

NOISE-AER1	Amenity of zones consistent with that anticipated.
NOISE-AER2	Improved amenity where residential zones interface with other zones.
NOISE-AER3	No reverse sensitivity effects at the interface f industrial zones and infrastructure activates and other zones.
NOISE-AER4	No reverse sensitivity effects within the Central City zones.
NOISE-AER5	The continued viable production of rural land and operation of permitted and lawfully established industries in the rural zone.

APPENDICES

NOISE-APP1 – Deed of Land Covenant

DEED dated the…… day of …… 20….

PARTIES

1. **[REGISTERED PROPRIETOR]** together with its successors in title **("Covenantor")**

2. **THE ROTORUA DISTRICT COUNCIL ("the Council")**

INTRODUCTION

A. The Covenantor is registered as proprietor of the land more particularly described in the First Schedule **("Servient Land")**

B. The Council is registered as proprietor of the land more particularly described in the Second Schedule **("Dominant Land")**.

C. The Rotorua Regional Airport is sited on the Dominant Land and [**NAME OF AIRPORT OPERATOR] ("AO")** operates the Rotorua Regional Airport with the agreement of the Council under the powers conferred on it pursuant to section 3(3) of the Airport Authorities Act 1966.

D. The operation of the Rotorua Regional Airport results and is likely to result in environmental effects, such as noise, which has and is likely to have consequences beyond the boundaries of the Dominant Land, including upon the Servient Land.

E. The Rotorua District Plan requires that where land is identified as being occupied and used by an Activity Sensitive to Aircraft Noise, and 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 relating to levels of noise from operations at Rotorua Regional Airport, AO shall make an offer to the owner of that land to install acoustic treatment and related ventilation measures in the building(s) on the Servient Land, for the purpose of mitigating the effects of such noise, more particularly described in the Fourth Schedule ("Treatment Measures").

F. The Servient Land is identified as being occupied and used by an Activity Sensitive to Aircraft Noise, and is [predicted to fall] [falls] within or partly within the [L_{dn} 60dBA] [L_{dn} 65dBA] contour in the Annual Aircraft Noise Contour Plan relating to levels of noise from operations at Rotorua Regional Airport, and the Covenantor has accepted AO's offer to install Treatment Measures in the building(s) on the Servient Land.

G. In consideration of AO's offer the Covenantor has agreed with AO to accept for itself and its successors in title to the Servient Land and any part or interest in the Servient Land, for the period until [insert date 30 years from date of plan change becoming operative], an obligation not to lessen the effectiveness of, or remove, the Treatment Measures, in accordance with the terms of this Deed.

COVENANTS

The Covenantor for itself and its successors in title to the Servient Land, or any part of it, hereby covenants, acknowledges and agrees with the Council as a covenant for the benefit of the Dominant Land, that the Covenantor will observe and perform all the stipulations and restrictions contained in the Third Schedule to the end and intent that each of the stipulations and restrictions shall, in the manner and to the extent prescribed, ensure for the benefit of, and be appurtenant

to, the whole of the Dominant Land until [insert date 30 years from date of plan change becoming operative].

EXECUTION

Signed by)

Registered Proprietor)

in the presence of:)

……

(Signature of Witness)

……

(Name of Witness)

……

(Occupation of Witness)

……

(Address of Witness)

THE COMMON SEAL of)

ROTORUA DISTRICT COUNCIL)

was affixed in the)

presence of:)

……

……

……

FIRST SCHEDULE

(Servient Land)

Legal Description
Certificate of Title

SECOND SCHEDULE

(Dominant Land)

Legal Description
Certificate of Title

THIRD SCHEDULE

(Covenants)

1. The Covenantor acknowledges that:

(a) The Servient Land is being occupied and used by an Activity Sensitive to Aircraft Noise, and is [predicted to fall] [falls] within or partly within the [L_{dn} 60dBA] [L_{dn} 65dBA] contour in the Annual Aircraft Noise Contour Plan relating to levels of noise from operations at Rotorua Regional Airport; and that

(b) The Covenantor has accepted AO's offer to install Treatment Measures in the building(s) on the Servient Land; and that

(c) The terms of this Deed will remain binding on the Parties notwithstanding any future change to the Rotorua District Plan.

2. The Covenantor will do nothing to lessen the effectiveness of the Treatment Measures ("modifications") and will not remove the Treatment Measures ("removal work") in any building on the Servient Land unless:

(a) The Covenantor has obtained the written approval of AO; or

(b) The modifications or removal works are being undertaken for the purpose of reconstructing, altering or extending the building or part of the building or removing part of the building, and:

(i) The entire building; or

(ii) Any room directly affected by the modifications or removal works, which is to remain a habitable room, will meet the requirements of the relevant Rotorua District Plan for acoustic treatment measures to mitigate aircraft noise; or

(c) The Covenantor is demolishing the entire building or removing it from the Servient Land.

3. The Covenantor will not seek any further acoustic treatment or related ventilation measures from AO in respect of the Servient Land beyond the Treatment Measures described in the Fourth Schedule, EXCEPT THAT if AO, after entering into this Deed:

(a) Amend either by designation or resource consent, the length of the existing runways, or add new runways; or

(b) Permit any change in the type of aircraft using Rotorua Regional Airport; and

(c) The effect is to increase the noise exposure of the Servient Land beyond that contemplated within the Air Noise Area or the Inner Control Area, the Covenantor shall be released from this Deed.

4. AO shall not unreasonably withhold its approval under clause 2(a); and in considering a request for approval it shall take into account the reason(s) why approval is sought and in particular whether:

(a) The owner intends to upgrade or improve the acoustic insulation in the building or relevant parts of the building;

(b) Whether the proposed modifications or removal works will affect in any material way the mitigation of the effects of aircraft noise in any habitable room in the building;

(c) The owner wishes to change the use of a habitable room to a non-habitable room;

(d) The use of the building for an Activity Sensitive to Aircraft Noise has or is intended to cease, on more than a temporary basis.

5. AO shall deal promptly with any request for approval under clause 2(a) and shall as soon as is practicable:

   (a) Serve the Covenantor with written notice of AO's decision under clause 2(a);

   (b) Include as part of that written notice its reasons for any refusal to give its approval; and

   (c) Where approval is refused, forward a copy of that written notice to the Rotorua District Council.

6. For the purpose of this Covenant, the terms "operative", "District Plan", and "designation" are as defined under the Resource Management Act 1991, or any equivalent subsequent legislation, and references to any sections or parts of the Resource Management Act 1991 are deemed to refer to any equivalent provisions of the subsequent legislation also.

FOURTH SCHEDULE

(Treatment Measures)

[REGISTERED PROPRIETOR]

Covenantor

AIRPORT OPERATOR

AO

DEED OF LAND COVENANT

Correct for the purposes of the Land Transfer Act

Solicitor for Covenantor

TO: DISTRICT LAND REGISTRAR

SOUTH AUCKLAND LAND REGISTRY

Please note the covenants contained in the within Deed of Land Covenant against the Certificate of Title referred to in the First Schedule to this Deed.

……

Solicitor for Covenantor

PK

PAPAKĀINGA AND KAUMĀTUA HOUSING

Status: PK is Operative and subject to Plan Change 9. Plan Change 9 amendments are shown in underline and ~~strikethrough.~~

OBJECTIVES

Refer to objective SDML-O1 (Development of Māori Land) in Strategic Direction.

POLICIES

Sustainable development of Māori land

Objective SDML-O1

PK-P1 *[3.3(4)(1)]*	Enable opportunities for papakāinga development that provides for a range of functions including living, working, cultural activities and recreation that can be serviced and is in keeping with the zone in which it is located.

Refer also to policies SDML-P1 and SDML-P2.

RULES

The rules in the table below apply in addition to:

- the rules in Part 3 – Area Specific Matters (zone chapters and development area chapters); and
- the rules in the other chapters of Part 2 – District Wide Matters.

However, these rules override the rules for the zone with respect to the activities addressed.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rule overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

Papakāinga (including Kaumātua Flats)			
PK-R1	**Papakāinga (including kaumātua flats)**		*[3.5(14) 3.5(14)(a) 3.5(17) 3.5(18)]*
Applicable Spatial Layers All Zones except in Rural	**1. Activity Status:** Permitted **Where:** The papakāinga or kaumātua flats have not been approved through the	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for PK-R1(1).	

and Industrial Zones	development plan process set out in PK-R2 **Performance Standards:** a. Activities shall comply with the performance standards of the zone for residential ~~household~~ units, ~~except in respect of the density of kaumātua flats (see b. below)~~; ~~b. The density for kaumātua flats shall not exceed one per 150m² of land area;~~ c. The activity must be located on ~~land that adjoins or is adjacent to a Marae, and~~ ~~is on~~ Māori multiple-owned land, or land which is otherwise under the jurisdiction of the Māori Land Court; and d. The land concerned must be vested in trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure that: i. The land remains vested in the trustees without power of sale; and ii. The occupation or beneficial interest in the land shall be restricted to members of the hapu.	**Matters of Discretion:** a. Those matters of non-compliance and the objectives and policies relevant to the matters of discretion; b. Where performance standards of the zone are not met: the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; c. PK-MD1 General; d. The extent to which papakāinga affects the natural landscape, geothermal or wildlife resources; e. The extent to which papakāinga affects the sustainable management of the natural and physical resources of the district; f. The extent to which papakāinga affects streams, rivers, lakes or other elements of the water environment; and g. The extent to which papakāinga affects the planned character and amenity of the underlying zone.

Applicable Spatial Layers All Rural Zones	**3**	**Activity Status:** Permitted **Where:** The papakāinga or kaumātua flats have not been approved through the development plan process set out in PK-R2. **Performance Standards:** a. Activities shall comply with the performance standards of the zone for household units, except in respect to RURZ-S4 Household unit density; b. The number of residential units per site does not exceed one residential unit per 2,000m^2 of net site area. c. The density for kaumātua flats shall not exceed one per 150m^2 of land area; d. Any places of assembly and commercial or industrial activities are established in conjunction with, and are directly associated with, the residential activities of the papakāinga. e. Non-residential activities are set back at least 100m from any existing residential unit on a separate site. f. Non-residential activities shall not cumulatively exceed 500m^2 in gross floor area on any one site. g. The activity must be located on Māori multiple-owned land, or land which is otherwise under the jurisdiction of the Māori Land Court; and h. The land concerned must be vested in trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure that:	**4**	**Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for PK-R1(3). **Matters of Discretion:** a. Those matters of non-compliance and the objectives and policies relevant to the matters of discretion; b. Where performance standards of the zone are not met: the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; c. PK-MD1 General; d. The extent to which papakāinga affects the natural landscape, geothermal or wildlife resources; e. The extent to which papakāinga affects the sustainable management of the natural and physical resources of the district; f. The extent to which papakāinga affects streams, rivers, lakes or other elements of the water environment; and g. The extent to which papakāinga affects the character and amenity of the underlying zone.

	i. The land remains vested in the trustees without power of sale; and ii. The occupation or beneficial interest in the land shall be restricted to members of the hapū.	

Applicable Spatial Layers All Industrial Zones	~~3~~5. **Activity Status:** Non-Complying	

PK-R2	**Papakāinga (including kaumātua flats) under a development plan**	*[3.5(15)]*
Applicable Spatial Layers All Zones	1. **Activity Status:** Restricted Discretionary **Performance Standard** a. Applications for development plan PK-S1. **Matters of Discretion:** a. Those matters of non-compliance and the objectives and policies relevant to the matters of discretion; b. Where one or more performance standards of the zone are not met: extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion; and c. The extent to which development affects: i. the natural landscape, geothermal or wildlife resources; ii. the sustainable management of the natural and physical resources of the district; iii. streams, rivers, lakes or other elements of the water environment; iv. the character and amenity of the underlying zone; and d. PK-MD1 General;	

Advice Note:

Where an application for resource consent is required for papakāinga (including kaumātua flats), the resource consent can be in the form of a 'development plan' to establish the principles of development, rather than providing all details with the application. Papakāinga or kaumātua flats developed in accordance with the development plan will not require further resource consent for not meeting the performance standards of the zone.

Advice Note:

The subdivision provisions of the District Plan are located in SUB – Subdivision. This section has limited application to the subdivision of Māori land. However SUB – Subdivision does include provisions for the subdivision of sites that include, or that adjoin, sites of importance to Māori. The criteria upon which a subdivision application will be assessed, and any conditions that council may impose, are included in SUB - Subdivision.

Performance Standards

The following performance standards apply if listed in the rule table for the relevant activity.

PK-S1 Applications for development plans for papakāinga (including kaumātua flats) under a development plan

[3.8(3)]

1. Applications shall include sufficient detail to describe the scale and means of servicing the site by providing information regarding:

   a. The number of residential ~~household~~ units or other buildings,

b. The means of access to a road,

c. The means of providing services (potable water supply, stormwater and sewage disposal, electricity, gas and telecommunications),

d. Any proposal for the staging of the development;

2. It may also include all or any of the following:

a. Landscaping of the site (including earthworks, existing planting to be retained, proposed planting, fencing or other means of enclosure, and any other hard landscaping features).

b. Design and external appearance of the buildings.

Advice Notes:

1. Where an application for resource consent is required for papakāinga, the resource consent can be in the form of a 'development plan' to establish the principles of development, rather than providing all details with the application.

2. A development plan may be subject to conditions relevant to any of the above matters that are considered necessary given the circumstances of the site, but are not submitted with the development plan accompanying the application for resource consent.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

PK-MD1 General matters of discretion

[3.8(1)]

1. The extent to which legal protection of a site scheduled in the Historical and Cultural Values or Natural Environmental Values schedules can be achieved;

2. The extent to which the subdivision boundary complies with the requirements of existing legal protection;

3. The extent to which the ongoing preservation and maintenance of the site of cultural importance listed in the Historical and Cultural Values or Natural Environmental Values schedules is secured through a formal management arrangement;

4. The extent of any further investigations and studies necessary to determine the precise location of the site;

5. The degree to which existing planting is retained and the extent of proposed re-vegetation; and

6. The extent of the use of Tikanga Māori to ensure that the intrinsic worth of the site is able to be maintained.

7. Whether a financial contribution is required under the provisions of FC – Financial Contributions.

SIGN

SIGNS

Status: SIGN is Operative

ISSUES

SIGN-I1 Management of signs to maintain and/or improve amenity and protect a safe and efficient transport network

The size, type, colour, illumination and location of signs, as well as the proliferation of signs can have an adverse effect on the safe and efficient operation of the transport network and the amenity and character of the zone and district. In order to promote Rotorua's image as a tourist destination, the cumulative effects and visual clutter of signs, especially along the entranceways, strategic and collector roads need to be managed.

The amenity and character can therefore be improved by avoiding signs which are not related to the site on which they are located (non-site related signs). Similarly, the adverse visual effects of a proliferation of signs across the district needs to be offset by maintaining a high amenity level in more sensitive zones such as the Residential and Rural environments.

The plan needs to enable the inclusion of te reo Māori on signs.

OBJECTIVES

Activities in All Zones

SIGN-O1 *[4.3(9), 5.3(7), 6.3(5), 7.3(6) 8.3(7), 9.3(8) 10.3(6)]*	Signs are designed and located to maintain and/or improve the amenity and character of the zone and district and to ensure traffic safety is not compromised. *Policies SIGN-P1 to SIGNS-P4, Polices SIGN-P6 to SIGN-P9, Policies SIGN-10 to SIGN-P13*

Activities in Residential Zones

SIGN-O2 *[4.3(6)]*	Residential site design and development in a sustainable manner that promotes and maintains the character of the zone, residential amenity and community safety. *Policies SIGNS-P5*

POLICIES

Activities in Residential Zones

Objective SIGN-O1

SIGN-P1 *[4.3(9)(1)]*	The size and scale, type, colour, number and location of signs is consistent with the amenity value and character of the zone, and illuminated, flashing and multi-media signs are avoided.
SIGN-P2 *[4.3(9)(2)]*	Enable site-related signs to support and promote the activity on the site, including identification of location, whilst minimising the visual impact.
SIGN-P3 *[4.3(9)(3)]*	Reduce the cumulative effects of signs, particularly along the city entranceways, strategic and collector roads by: 1. Avoiding the establishment of non-site related signs that detract from the purpose of the zone and amenity and character of the district 2. Mitigating visual clutter through integration of multiple signs into multi sign signboards.
SIGN-P4 *[4.3(9)(4)]*	Ensure that the scale, design and location of signs are consistent with the safe and efficient functioning of the transport network, especially near roundabouts and intersections, as well as providing for clear identification of access to sites.

Objective SIGN-O2

SIGN-P5 *[4.3(6)(3)]*	Control signage to ensure that it does not adversely affect traffic safety, residential amenity, or matters of significant cultural, historical, or landscape value as listed in Appendices 1 and 2, Cultural Historic Heritage Inventory and Natural Heritage Inventory respectively.

Activities in City Centre, Commercial, Industrial, Business and Innovation Zones

Objective SIGN-01

SIGN-P6 *[5.3(7)(1)* *6.3(5)(1)* *7.3(6)(1)* *8.3(7)(1)]*	The size and scale, type, colour, number and location of signs is consistent with the amenity value and character of the zone, and illuminated, flashing and multi-media signs are restricted to appropriate locations.
SIGN-P7 *[5.3(7)(2)* *6.3(5)(2)* *7.3(6)(2)* *8.3(7)(2)]*	Enable site-related signs to support and promote the activity on the site, including identification of location, whilst minimising the visual impact.
SIGN-P8 *[5.3(7)(3)* *6.3(5)(3)* *7.3(6)(3)* *8.3(7)(3)]*	Reduce the cumulative effects of signs, particularly along the city entranceways, strategic and collector roads by: 1. Avoiding the establishment of non-site related signs that detract from the purpose of the zone and amenity and character of the district 2. Mitigating visual clutter through integration of multiple signs into multi sign signboards.

SIGN-P9 *[5.3(7)(4)* *6.3(5)(4)* *7.3(6)(4)* *8.3(7)(4)]*	Ensure that the scale, design and location of signs are consistent with the safe and efficient functioning of the transport network, especially near roundabouts and intersections, as well as providing for clear identification of access to sites.

Activities in Rural, Reserves, Community Assets and Water Zones

Objective SIGN-O1

SIGN-P10 *[9.3(8)(1)]*	The size and scale, type, colour, illumination, number and location of signs is consistent with the amenity value and character of the zone, and flashing and multi-media signs are avoided.
SIGN-P11 *[9.3(8)(2)]*	Enable site-related signs to support and promote the activity on the site, including identification of location, whilst minimising the visual impact.
SIGN-P12 *[9.3(8)(3)]*	Reduce the cumulative effects of signs, particularly along the city entranceways, strategic and collector roads by: 1. Avoiding the establishment of non-site related signs that detract from the purpose of the zone and amenity and character of the district 2. Mitigating visual clutter through integration of multiple signs into multi sign signboards.
SIGN-P13 *[9.3(8)(4)]*	Ensure that the scale, design and location of signs are consistent with the safe and efficient functioning of the transport network, especially near roundabouts and intersections, as well as providing for clear identification of access to sites.

RULES

The rules in the table below apply in addition to:

- the rules in Part 3 – Area Specific Matters (zone chapters and development area chapters); and
- the rules in the other chapters of Part 2 – District Wide Matters.

However, these rules override the rules for the zone with respect to the activities addressed.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rule overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

SIGN-R1 Signs		*[A8]*
Applicable Spatial Layers All Zones excluding Water Zones	1. **Activity Status:** Permitted **Where:** a. Signs relate to a permitted or controlled activity on the site. **Performance Standards:** a. General SIGN-S1; and b. Zone specific SIGN-S2.	2. **Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for SIGN-R1(1). **Matters of Discretion:** a. Non-compliance SIGN-MD1; b. Sign SIGN-MD2; and c. Zone specific SIGN-MD3.

SIGN-R2	**Temporary signs**		*[A8]. 7.5(98)*
Applicable Spatial Layers All Zones excluding Water Zones	**1. Activity Status:** Permitted **Where:** a. Signs relate to the site. b. The sign is not addressed by Rules SIGN-R2(3) or (4) **Performance Standards:** a. General SIGN-S1; and b. Temporary SIGN-S3.	**2. Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for SIGN-R2(1) **Matters of Discretion:** a. Non-compliance SIGN-MD1; b. Sign SIGN-MD2; and c. The general assessment criteria for the relevant zone.	
Applicable Spatial Layers Industrial 1 Zone	**3. Activity Status:** Discretionary **Where:** a. It is signage for a temporary event		
Applicable Spatial Layers Industrial 2 and T Zones	**4. Activity Status:** Non-complying **Where:** a. It is signage for a temporary event		
SIGN-R3	**Signs within Government Gardens in accordance with Council's Government Gardens Signage Strategy**		*[10.5(40)]*
Applicable Spatial Layers Reserves 2 Zone	**1. Activity Status:** Permitted		
SIGN-R4	**One freestanding sign for sites that contain multiple businesses, or where a number of sites are located down a single accessway, which combines each business' or tenancy's sign into one**		*[7.5(63)]*
Applicable Spatial Layers All Industrial Zones	**1. Activity Status:** Controlled **Where:** a. Signs relate to permitted or controlled activities on the site; and b. Signs exceed the maximum signage area in SIGN-S2. **Performance Standards:** a. General SIGN-S1; b. Zone specific SIGN-S2 but excluding maximum signage area; and **Matters of Control:** a. Building design, site layout and amenity;	**2. Activity Status:** Restricted Discretionary **Where:** a. Compliance is not achieved with the performance standards for SIGN-S4(1) **Matters of Discretion:** a. Non-compliance SIGN-MD1; b. Sign SIGN-MD2; and c. Zone specific SIGN-MD3.	

	i. The location of buildings and structures and location of outdoor activities in order to mitigate potential adverse effects on amenity of the city entranceways, rural or residential zones; ii. Vegetative screening and landscaping along any boundary adjoining a residential or rural zone in order to maintain residential or rural amenity; iii. The cultural or social effects created on the surrounding environment with particular regard to effects of activities on the Ngāpuna residential area; and iv. Management of glare, illumination and light levels to avoid adversely affecting surrounding residents. v. The maintenance and enhancement of amenity of the streetscape, and where relevant the city entranceway; b. Any requirement for on-going maintenance of the sign(s); c. The benefits of the consolidation of signs; d. The location, type and size of other signs on the same site and adjoining sites; e. Any comments received from the New Zealand Transport Agency if the site fronts or is directed towards a State Highway, and/or f. Any adverse effects of a sign on road safety or visual amenity.	
SIGN-R5	**Signs located on a historic site or attached to a Historic Structure listed in the schedules for Historical and Cultural Values.**	*[4.5(46) 5.5(1)(35) 5.5(2)(27) 6.5(49) 9.5(51) 10.5(41)]*
Applicable Spatial Zones All Zones	**1. Activity Status:** Restricted Discretionary **Where:** a. Signs relate to a permitted or controlled activity on the site. **Matters of Discretion** a. Non-compliance SIGN-MD1; b. Sign SIGN-MD2; and c. Zone specific SIGN-MD3.	

SIGN-R6 Non site related signs	*[A8]*
Applicable Spatial Layers All City Centre Zones Industrial 1,2 and T Zones All Business and Innovation Zones All Reserves, Community Assets and Water Zones	**1. Activity Status:** Discretionary **Assessment Criteria:** a. Sign SIGN-AC1; and b. The general assessment criteria for the relevant zone.
Applicable Spatial Layers All Residential Zones Industrial 1E Zone All Rural Zones	**2. Activity Status:** Non-Complying **Assessment Criteria:** a. Sign SIGN-AC1.

Advice Notes:

1. Signs required to comply with HAZS-S3 are exempt from the rules of this chapter.
2. Signs within the road reserve are controlled through the Rotorua District Council Signs on Roads Bylaw 2015, not the rules in this plan.
3. Signs required by statute such as the Electoral Act 1993, or bylaw, are governed by the relevant statute or bylaw.
4. Signs that are not visible from beyond the boundary of a site are not included in the definition of a sign and are not subject to the provisions in this Plan.
5. For the rules relating to signs in the Water Zones, refer to the rules for lake structures.

Performance Standards

The following performance standards apply if listed in the rule table for the relevant activity.

SIGN-S1 General signs performance standards

[A8.2(1)]

1. All signs shall relate to the activity located on-site. A community information sign is site related when it relates to the primary activity of the site and does not include occasional use of the site for community-based or charitable organization purposes.
2. No sign shall mimic the design, wording, graphics, shape or colour of an official traffic sign.
3. All signs shall comply with the performance standards for the relevant zone in relation to:
    a. Maximum Height and Daylight Envelope;

b. Yard Requirements;

c. Site Coverage;

d. Reflectivity; and

e. Location of Buildings within the Rotorua Caldera Rim.

4. Signs shall be maintained at all times in the same or similar standard as when the sign was erected.

5. A sponsor's name and logo may appear in relation to:

a. Educational activities; or

b. Sports or Club Facilities; or

c. A temporary sign advertising a single forthcoming event; or

d. Community information signs;

and shall occupy no more than 20% of the sign area.

6. No sign shall be visible from a road that:

a. Obscures or impairs the sight distance of any vehicle/pedestrian entry or exit; or

b. Is of a design or contains lettering that constitutes a hazard to traffic safety; or

c. Is constructed, placed and/or affixed in a manner that poses a danger to property, people or traffic.

7. Sign area shall be calculated as follows:

a. The area of a single sided sign whether painted, attached to a structure or freestanding shall be its face area.

b. The area of a double sided sign shall only be calculated once.

c. Support structures including poles shall not be included in the area calculation.

8. The diagram below illustrates the different types of signs referred to in the plan.

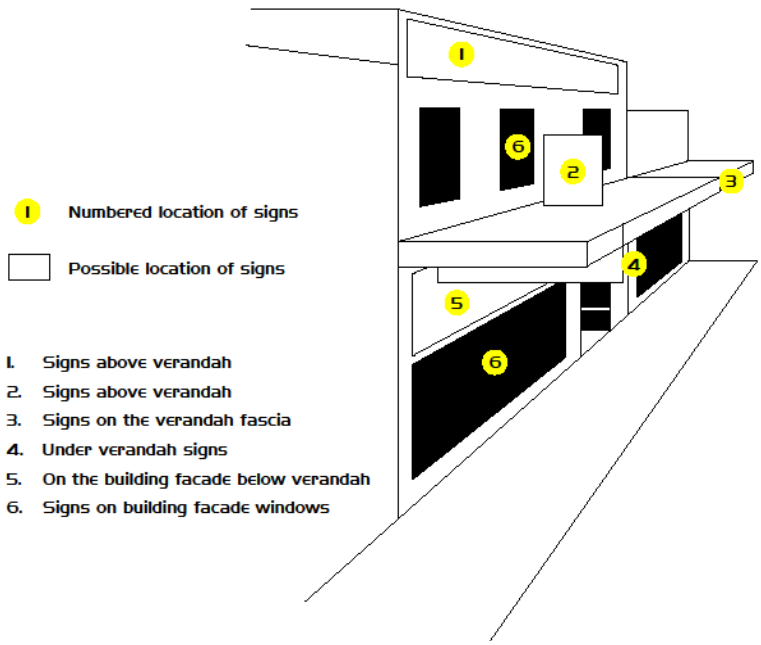

Figure SIGN-1

SIGN-S2 Zone specific sign performance standards

1. Residential Zones:

[A8.3(1)]

a. No more than one sign per site up to a maximum area of $1m^2$.

b. Signs attached to an external wall or fence must be parallel to the face of the wall or fence and shall not project at an angle.

c. No sign shall be located on a roof.

d. No free standing sign shall exceed 1.5m in height.

e. Signs shall be located so they do not restrict visibility to and from intersections and property access.

f. Signs shall not contain any moving or flashing parts, be illuminated, or use electronic screens for displaying digital media.

g. Freestanding signs that comply with the performance standards in this paragraph shall be exempt from the yard and daylighting performance standards.

2. City Centre 1 Zone and City Centre 3 Zone:

[A8.3(2)(1)]

a. Attached signs on a building above the verandah:

i. No more than 20% of the building façade located above the verandah for each tenancy shall consist of signs.

ii. Attached signs shall not project past the building on which the sign is located.

iii. No restrictions apply to building façades that are not visible from a public road or public space.

iv. No signs on buildings listed in the schedules for Historical and Cultural Values.

b. Attached signs on a building under the verandah:

i. No more than 20% of each window on the building façade visible from a pedestrian focussed street shall consist of signs.

ii. Under verandah signs shall be set back at least 0.15m from the verandah fascia, shall be at least 2.5m above the footpath at any measured point, and shall not exceed 1.8m in length and 0.3m in-depth.

iii. No restrictions apply to building façades that are not visible from a public road or public space.

iv. For buildings listed in the schedules for Historical and Cultural Values., the following performance standards shall apply in addition to the above:

1. The sign shall be located at ground floor level and shall not protrude beyond the body of the building.

2. The sign shall not be placed over any building names, plaster detailing, fretwork or cover the doors. This will also apply to freestanding signs.

3. The sign shall be attached by means of Ramset Ankascrews, Chemset anchors or similar product for concrete or brick buildings or by support system for a

wooden building.

4. The height of any freestanding sign shall not exceed 2m.

c. Signs located on the verandah fascia:

i. The external dimensions of verandah fascia signs shall be no more than 740mm in height, or the height of the verandah fascia whichever is the greater.

ii. Verandah fascia signs shall not be illuminated or contain any moving or flashing parts, or utilise electronic screens for displaying digital media.

d. Signs for buildings with no verandah:

i. No more than 20% of each window on the building façade visible from a public place shall consist of signs.

ii. No more than 20% of the building façade visible from a public place shall consist of signs.

iii. No restrictions apply to building façades that are not visible from a public road or public space.

iv. For buildings listed in the schedules for Historical and Cultural Values., the following performance standards shall apply in addition to the above:

1. The sign shall be located at ground floor level and shall not protrude beyond the body of the building.

2. The sign shall not be placed over any building names, plaster detailing, fretwork or cover the doors. This will also apply to freestanding signs.

3. The sign shall be attached by means of Ramset Ankascrews, Chemset anchors or similar product for concrete or brick buildings or by support system for a wooden building.

4. The height of any freestanding sign shall not exceed 2m.

3. City Centre 2 Zone:

[A8.3(2)(2)]

a. Attached signs on a building above the verandah:

i. The area of any signs on façades of buildings located within 50m of Victoria Street or Ranolf Street and directly facing those streets shall comprise no more than 5% of the area of that façade.

ii. For all other building surfaces, signs shall not exceed 20% of each face of the building façade.

iii. Attached signs shall not project past the building on which the sign is located.

b. Freestanding signs:

i. One freestanding sign per public (pedestrian or vehicle) entrance to the Rotorua Central site shall be permitted. These signs shall provide for the advertising of the Rotorua Central commercial centre as a whole.

ii. Freestanding signs at the public thoroughfare entrances at Amohau and Fenton Streets shall comply with the maximum height provision for the zone. The maximum area of each sign shall not exceed 40m².

iii. Freestanding signs at the public thoroughfare entrances at Victoria Street and Ranolf Street shall not exceed 9m in height. The maximum area of each sign shall not exceed 20m².

iv. For sites located outside of Precincts Area A and B as shown on Figure CCZ-2, one freestanding sign shall be permitted per lot provided it does not exceed 9m height and 20m² in area.

v. For sites located outside of Precincts Area A and B as shown on Figure CCZ-2, one Illuminated directional sign per vehicle crossing shall be permitted provided it does not exceed maximum height 2.7m in height or 0.7m in width.

4. Commercial Zones:

a. Signs on buildings with verandahs in Commercial 1, 2 and 3 Zones:

[A8.3(3)(1), A8.3(3)(2), A8.3(3)(3)]

i. Attached signs on a building above the verandah:

1. No more than 20% of the building façade above the verandah shall consist of signs;

2. Attached signs shall not project beyond the external walls, verandah fascia on which the sign is located; and

3. No restrictions apply to building façades that are not visible from a public road or public place.

ii. Attached signs on a building under the verandah:

1. No more than 20% of each window of the building façade visible from a public road or public space shall consist of signs.

2. Under verandah signs shall be set back 0.15m from the verandah fascia, shall be at least 2.5m above the footpath at any measured point, and shall not exceed 1.8m in length and 0.3m in depth.

3. No restrictions apply to building façades that are not visible from a public road or public space.

iii. Signs located on the verandah fascia:

1. The external dimensions of verandah fascia signs shall be within the area of the verandah fascia.

2. Verandah fascia signs shall not be illuminated or contain any moving or flashing parts, or utilise electronic screens for displaying digital media.

b. Signs on buildings in Commercial 4, 5 and 6 Zones and on buildings in Commercial 1, 2 and 3 Zones without verandahs:

i. No more than 20% of each window on the building façade visible from a public road or public space shall consist of signs.

ii. No more than 20% of the building façade visible from a public road or public space shall consist of signs.

iii. No restrictions apply to building façades not visible from a public road or public space.

iv. In addition to the above, for buildings in listed in the schedules of schedules for Historical and Cultural Values (Commercial 4 and 5 Zones), the following performance standards shall apply:

1. The sign shall be located at ground floor level and shall not protrude beyond the body of the building.

2. The sign shall not be placed over any building names, plaster detailing, fretwork or cover the doors. This will also apply to freestanding signs.

3. The sign shall be attached by Ramset Ankascrews, Chemset anchors or similar product for concrete or brick buildings or by support system for a wooden building.

4. The height of any freestanding sign shall not exceed 2m.

c. Commercial freestanding signs not otherwise provided for:

i. Freestanding signs are not permitted within the Commercial 1 and 3 Zones.

ii. One freestanding sign is permitted per lot or tenancy within the Commercial 2, 4 and 6 Zones provided it does not exceed 8m height and 10m² in area.

iii. One free-standing sign is permitted per lot or tenancy or one per 500m of road frontage within the Commercial 5 Zone provided it does not exceed 8m height and 10m² in area.

iv. Within the Commercial 2 Zone one freestanding sign is permitted at each entrance to any supermarket provided that this does not exceed 9m height and 20m² in area.

v. Freestanding signs that comply with the performance standards shall be exempt from the yard and daylighting performance standards, except where the site adjoins a Residential zone.

5. Industrial Zones:

[A8.3(4)]

a. Attached signs per tenancy:

i. No more than 25% of the building façade that is visible from a public road or public space shall consist of signs.

b. Freestanding signs:

i. One freestanding sign is permitted at each entrance to the site. This shall not exceed 8m in height and shall have a maximum area of 20m².

6. Business and Innovation 1 Zone - Scion Innovation Park:

[A8.3(5)(1)]

Freestanding and attached signs:

a. No more than one freestanding sign per tenancy within Precinct B shall be permitted up to a maximum area of 25m².

b. No more than one freestanding sign shall be permitted at the main access point to Precinct A up to a maximum area of 40m².

c. No sign other than the freestanding sign located at the Entry point to Precincts A and B shall be visible from the road reserve or adjoining properties not zoned as Business and

Innovation.

7. Business and Innovation 2 Zone - Waipa Business Park:

[A8.3(5)(2)]

Freestanding and attached signs shall comply with the following:

a. No more than two freestanding signs shall be constructed within the front yard adjoining State Highway 30. Each sign shall not exceed 10m² in area.

b. No other restrictions on signs apply.

8. Business and Innovation 3 Zone - Eastgate Business Park:

[A8.3(5)(3)]

Freestanding and attached signs:

a. Signs shall not exceed a total area of 25m² per site.

b. Attached signs shall not project beyond the external walls or roof on which the sign is located.

c. Any one freestanding sign shall not exceed 8m in height and 2m in width and shall have a maximum area of 4m².

9. Rural Zones:

[A8.3(6)]

All signs for Permitted and Controlled activities within the Rural Zones shall comply with the following standards:

a. The maximum area of signs per site shall not exceed 1m² and shall consist of either an attached or freestanding sign.

b. Signs attached to an external wall or fence must be parallel to the plane of the wall or fence and not project at an angle.

c. No signs shall be erected on a roof.

d. Any free standing sign shall not exceed 1.5m in height.

e. Signs shall not contain any moving or flashing parts, be illuminated or use electronic screens for displaying digital media.

f. In the Parklands Estate Precinct, signage shall be restricted to the provision of up to a maximum of one sign at the entrance to the zone, specifying the name of the estate and other relevant details, of no more than a total area of 5m².

10. Reserves and Designated Reserves Zones:

[A8.3(7)]

a. Signs shall not contain any moving or flashing parts, or use electronic screens for displaying digital media.

b. Freestanding and attached signs:

i. The maximum area of any freestanding sign shall not exceed 1m^2.

ii. Any freestanding sign shall not exceed 1.5m in height.

iii. Attached signs shall not project beyond the external walls on which the sign is

located and shall be no more than 20% of the building façade visible from a public road or public space.

iv. Roof signs shall not be permitted.

v. Freestanding signs that comply with the specified performance standards shall be exempt from the yard and daylighting performance standards.

vi. Where multiple tenants are located on a site, a multi sign signboard shall be used, complying with the following:

1. No more than one sign per reserve entrance;
2. The maximum area of each activity being advertised on the signboard shall not exceed $1m^2$ and the signboard shall not exceed $3m^2$;
3. Any freestanding sign shall not exceed 2m in height.

11. Taheke 8C Precinct:

[A5.9(3)(2)(3)]

a. The sign standards for the Industrial 2 Zone shall apply to activities associated with geothermal electricity generation activities in in Areas A, C, D, E and G of Taheke 8C Development Area.

Advice Note:

1. Signs located within Government Gardens shall comply with the Council Government Gardens Signage Strategy.
2. Signs relating to public works on designated reserves are managed by the provisions in Designations, which are also subject to the relevant management plan for that reserve.

SIGN-S3 Temporary signs

[A8.2(2)]

1. Construction signs:

a. Signs displayed on construction sites may denote the owner, professional and construction firms associated with an active building project on that site.

b. A maximum sign area of $10m^2$ shall be attached to the site frontage for the duration of the construction phase.

c. The total sign area may be reached through a single sign or a combination of smaller signs.

d. All signs shall relate to the activity located onsite.

2. Real estate signs:

a. The maximum area for each real estate sign shall not exceed $1.5m^2$ in area.

b. A maximum of three real estate signs shall be permitted per site at any one time, with these located within the boundary of the site a maximum of 150mm from the relevant site boundary and, where practicable, parallel to the boundary of the site being advertised.

c. Real estate signs may be displayed for the duration that the property or building is for sale or lease but must be removed within 10 days of the property being sold (going unconditional), leased or withdrawn from the market.

d. All signs shall relate to the activity located on site.

3. All other temporary signs (including community information signs):

a. Any sign for temporary activities, events or information shall relate to the activity located on site.

b. It shall be displayed for not more than six weeks before an event begins and removed within two days after the event finishes.

c. Temporary signs that are displayed for more than 18 weeks (such as, at three separate times each for a six week period) in any calendar year, will be considered to be a permanent sign.

d. The sign shall not exceed an area of 3m² or a height of 2m.

e. The number of the organisation or individual responsible for the sign shall be provided on the sign (front or back).

f. No sign that uses reflective material or is illuminated shall be visible from a road.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

SIGN-MD1 Non-compliance matters

1. Residential Zones:

[4.8(2)(1)]

a. The reason for the non-compliance with the performance standard and the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the relevant performance standard and objectives and policies.

2. City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, and Reserves, Community Assets and Water Zones:

[5.8(2)(1), 6.8(2)(1), 7.8(2)(1), 8.8(2)(1), 10.8(2)(1)]

a. The extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the performance standard and the relevant objectives and policies.

b. How the aspect of non-compliance will reduce the amenity of the zone and affect adjacent sites.

c. How the activity provides more efficient and practical use of the remainder of the site.

d. Within the Transitional Industrial Zone, how the aspect of non-compliance will reduce the amenity of neighbouring residents.

3. Rural Zones:

[9.8(2)(1)]

a. The extent of the effects of the non-compliance on achieving the purpose of the relevant performance standard and the Objectives and Polices relevant to the particular standard; and

b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated.

SIGN-MD2 Signs specific matters

[A8.4(1)]

1. The extent to which the size, scale, design, character and location of a sign is compatible with the surrounding environment.
2. The extent to which any sign or the increase in the number of signs in any location have an adverse effect on the amenity values and character of zone or adjoining land.
3. The extent to which a sign is consistent with the scale, style and character of identified historic heritage buildings and features.
4. The extent to which the performance standards for signs relating to signs on buildings listed in the schedules for Historical and Cultural Values, are complied with.
5. The effect of the sign on the character, value and features of the historic structure or site identified in the schedules for Historical and Cultural Values,.
6. The extent to which a sign adversely affects the character and amenity of local purpose and recreational reserves.
7. The extent to which the sign is designed and located in a manner to avoid, remedy or mitigate adverse effects on public safety and the safe and efficient operation of the transport network.
8. Take into account the potential need to increase the size of a sign to accommodate the inclusion of both te reo Māori and English.
9. The cumulative adverse effects of signs, including:
    a. The extent to which non-site related signs contribute to visual clutter and detract from the tourist focussed amenity and character of the district, especially along the entranceways, major strategic and collector roads.
    b. The extent to which non-site related signs detract from the purpose and character of the zone.
    c. The number, duration and visual effects of signs.
    d. The time period that non-site related signs are intended to be displayed, including whether the sign(s) will be displayed over a recurring period.
    e. The extent to which a multiple sign signboard reduces visual clutter and improves the amenity of the zone.
    f. The extent that site-related signs align with the city entranceway objectives to maintain or enhance amenity.
    g. The effects of any illuminated signs on visual clutter and amenity of the City Centre zone streetscape and neighbouring properties, especially residential and tourist accommodation in terms of light spill.

SIGN-MD3 Zone specific matters

1. Residential and Rural Zones:

[4.8(1)(2), 9.8(1)(2)]

a. The extent to which the activity adversely affects the character and amenity values of the zone.

2. Industrial Zones:

[7.8(1)(3)]

a. The extent to which the proposal will enhance the character and amenity of the city entranceways.

3. Reserves, Community Assets and Water Zones:

[10.8(1)(1)]

a. Building Design, Site Layout and Amenity:

i. The amenity of the streetscape is maintained and enhanced.

ii. The extent to which the activity would affect ecological values of the area or the quality of the water.

iii. The extent to which the activity maintains the passage of flood flows and the maintenance and enhancement of riparian habitat.

iv. The extent to which the activity would maintain or enhance indigenous biodiversity vegetation and natural character.

v. The extent to which the activity would maintain or enhance heritage features, cultural sites, identified natural and cultural landscapes, or archaeological sites.

vi. The extent to which the activity adversely affects the natural character, cultural, amenity and landscape values.

vii. The extent to which the activity produces glare or any other nuisance effects.

viii. The extent to which the activity adversely affects adjoining sites or land-based activities.

ix. The extent to which the activity adversely affects the public access to the lake or waterway.

x. The extent to which the activity adversely affects the recreational values of the lakes and waterways.

xi. The extent to which the activity conflicts with other users of the surface of waters of the lake or river, including recreational and commercial activities.

xii. Implementation of the principles of CPTED and sustainable building design.

xiii. The extent to which the activity will avoid, remedy, or mitigate reverse sensitivity effects on lawfully established activities or existing infrastructure.

Assessment Criteria

Whilst not limiting the exercise of its discretion, Council may consider the particular matters below where indicated in the table above.

SIGN-AC1 Sign assessment criteria

[A8.4(1)]

1. The extent to which the size, scale, design, character and location of a sign is compatible with the surrounding environment.

2. The extent to which any sign or the increase in the number of signs in any location have an adverse effect on the amenity values and character of zone or adjoining land.

3. The extent to which a sign is consistent with the scale, style and character of identified historic heritage buildings and features.

4. The extent to which the performance standards for signs relating to signs on buildings listed in the schedules for Historical and Cultural Values, are complied with.

5. The effect of the sign on the character, value and features of the historic structure or site identified in the schedules for Historical and Cultural Values.

6. The extent to which a sign adversely affects the character and amenity of local purpose and recreational reserves.

7. The extent to which the sign is designed and located in a manner to avoid, remedy or mitigate adverse effects on public safety and the safe and efficient operation of the transport network.

8. Take into account the potential need to increase the size of a sign to accommodate the inclusion of both te reo Māori and English.

9. The cumulative adverse effects of signs, including:

    a. The extent to which non-site related signs contribute to visual clutter and detract from the tourist focussed amenity and character of the district, especially along the entranceways, major strategic and collector roads.

    b. The extent to which non-site related signs detract from the purpose and character of the zone.

    c. The number, duration and visual effects of signs.

    d. The time period that non-site related signs are intended to be displayed, including whether the sign(s) will be displayed over a recurring period.

    e. The extent to which a multiple sign signboard reduces visual clutter and improves the amenity of the zone.

    f. The extent that site-related signs align with the city entranceway objectives to maintain or enhance amenity.

    g. The effects of any illuminated signs on visual clutter and amenity of the City Centre zone streetscape and neighbouring properties, especially residential and tourist accommodation in terms of light spill.

ANTICIPATED ENVIRONMENTAL RESULTS

The efficiency and effectiveness of the policy framework of this part will be the focus of on-going monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:

Residential Zones

SIGN-AER1	An improved perception of Rotorua as a safe attractive place to live.
SIGN-AER2	Retained character of each of the five residential zones according to their attributes
SIGN-AER3	A low number of applications for activities that seek changes to the performance standards.

Commercial Zones

SIGN-AER4	An increase in activities in commercial centres that support surrounding residential communities.
SIGN-AER5	An increase in amenity and safety of commercial centres.

Industrial Zones

SIGN-AER6	Improved amenity where industrial zones interface with other zones, particularly residential zones.

Rural Zones

SIGN-AER7	Rural character and amenity of the rural zone is maintained.

Reserves, Community Assets and Water Zones

SIGN-AER8	No loss of natural character, amenity or biodiversity as it relates to the conservation values attributed to the conservation and destination reserves.

TEMP

TEMPORARY ACTIVITES

Status: TEMP is Operative

OBJECTIVES

Activities on Conservation Reserves (Reserve 1 Zone) and Destination Reserves (Reserve 2 Zone)

TEMP-O1 *[10.3(2)]*	Temporary events that by their short term nature do not have adverse effects on the values of the reserve or adjoining zone. *Policy TEMP-P1*

Refer also to provisions relating to other matters such as amenity in the Zone chapters.

POLICIES

Activities on Conservation Reserves (Reserve 1 Zone) and Destination Reserves (Reserve 2 Zone)

Objective CNSZ-O2

TEMP-P1 *[10.3(2)(1)]*	Enable temporary events held on the conservation and destination reserves that contribute to the community's social, cultural and economic wellbeing, and have no more than a temporary adverse effect on the defined values of the reserve.

Refer also to provisions relating to other matters such as amenity in the zone chapters

RULES

The rules in the table below apply in addition to:

- the rules in Part 3 – Area Specific Matters (zone chapters and development area chapters); and
- the rules in the other chapters of Part 2 – District Wide Matters.

However, these rules override the rules for the zone with respect to the activities addressed.

For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated that a rule overrides another rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, How the Plan Works.

TEMP-R1	**Temporary activities and events, including associated buildings and structures**		*[4.5(40), 5.5(30), 7.5(97), 8.5(26), 9.5(53), 10.5(18), 10.5(20), 6.5(43) 5.5(31), 6.5(45), 7.5(98), 8.5(28), 8.5(35), 10.5(19)]*
Applicable Spatial Layers All Residential Zones City Centre 1and 2 Zones Commercial Zones Industrial 1E Zone Business and Innovation Zones Rural Zones Community Asset Zone Reserve Zones	**1. Activity Status:** Permitted **Where:** a. The event is not a concert involving amplified music in the following zones: i. All Residential Zones ii. City Centre 2 Zone iii. Business & Innovation 1 and 3 iv. All Rural Zones; or v. Reserves 2 Zone. **Performance standards:** a. Any amplification system shall not be used earlier than 8:00am and shall finish no later than 10:30pm (Sunday to Thursday) or 11:00pm (Fridays and Saturdays). Testing shall not last more than six hours between 9:00am and 7:00pm; and b. Reserves Zones: any buildings and structures meet the performance standards for the zone.	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for TEMP-R1(1). **Matters of Discretion:** a. Non-compliance TEMP-MD1; b. Zone specific TEMP-MD2; c. Natural hazards TEMP-MD3; and d. Financial contributions TEMP-MD4.	
Applicable Spatial Layers Rural 1 Zone Reserves 2 Zone	**3. Activity Status:** Controlled **Where:** The event is a concert involving amplified music. **Matters of Control:** a. Zone Specific TEMP-MC2; b. Natural hazards TEMP-MC3; and c. Financial contributions TEMP-MC4		
Applicable Spatial Layers City Centre 2 Zone Rural 2 Zone	**4. Activity Status:** Discretionary **Where:** The event is a concert involving amplified music. **Assessment Criteria:** a. The general assessment criteria set out in the relevant zone.		
Applicable Spatial Layers	**5. Activity Status:** Discretionary **Assessment Criteria:**		

City Centre 3 Zone Industrial 1 Zone Water Zone	a. The general assessment criteria set out in the relevant zone.	
Applicable Spatial Layers Residential Zones Business and Innovation 1 and 3 Zones Rural 3 Zone	**6. Activity Status:** Non-Complying **Where:** The event is a concert involving amplified music.	
Applicable Spatial Layers Industrial 2 and T Zones	**7. Activity Status:** Non-Complying	
TEMP-R2	**Temporary military training**	*[4.5(41), 6.5(46) 7.5(99), 8.5(27) 9.5(54), 10.5(99)]*
Applicable Spatial Layers All Zones except: City Centre Zones Reserves 2 Zone Community Asset Zone Water Zone	**1. Activity Status:** Permitted	
TEMP-R3	**Temporary stockpiling**	*[4.5(43), 9.5(57)(a)]*
Applicable Spatial Layers Residential Zones Rural Zones	**1. Activity Status:** Permitted **Performance Standards:** a. The materials are not stored for more than three months in any 12 month period and is entirely removed within 3 months, or for stockpiling associated with general farming practices, no time limit applies; b. The materials to be stored on site shall not include refuse or hazardous substances; c. Measures shall be put in place to control any dust from cleanfill; d. The stockpile shall be located outside an ephemeral watercourse	**2. Activity Status:** Restricted Discretionary **Where:** Compliance is not achieved with the performance standards for TEMP-R3(1) **Matters of Discretion:** a. The materials or cleanfill to be stored on site; b. The location, size, scale and duration over which the site will be used; c. The extent to which the stockpiling affects ephemeral watercourses, lake flood levels, water bodies and geothermal surface features or bores;

	or the 2% AEP lake flood level, water bodies and geothermal surface features or bores; e. The stockpile shall be clear of the front yard setback; f. Re-usable or recyclable material shall not exceed an area greater than 15m²; g. Cleanfill shall not exceed volume greater than 100m³; the stockpile shall be stored in a manner to ensure it remains stationary; h. It shall not disturb any features scheduled in the Historical and Cultural Values or Natural Environmental Values schedules; and i. for stockpiling associated with general farming practices, the quantity of stockpiling material must align with the quantity required for which it is stored.	d. Points of access and numbers and timing of any heavy vehicles accessing the site; e. Control of dust; f. The visual impact of the stockpile on neighboring properties and the amenity of the zone; g. Any measures to mitigate the visual impact e.g. erection or use of existing fences, screening, gates and warning signs; h. Effects on water quality; i. Site management; j. Rehabilitation and restoration of the site on completion; k. Any assessment criteria applicable to the activity within the zones; l. the extent to which any features scheduled in the Historical and Cultural Values or Natural Environmental Values schedules; and m. Non-compliance TEMP-MD1; n. Zone specific TEMP-MD2; o. Natural hazards TEMP-MD3; and p. Financial contributions TEMP-MD4.
TEMP-R4	**Expo stalls and markets**	*[6.5(44)]*
Applicable Spatial Layers Commercial 1, 2 and 6 Zones	**1. Activity Status:** Permitted	
Applicable Spatial Layers Commercial 3, 4 and 5 Zones	**2. Activity Status:** Discretionary **Assessment Criteria:** The general assessment criteria set out in the relevant zone.	
TEMP-R5	**Motorised sporting events on roads**	*[9.5(56)]*
Applicable Spatial Layers Rural Zones	**1. Activity Status:** Permitted	
TEMP-R6	**Motorised sporting events on private land**	*[9.5(55)]*
Applicable Spatial Layers Rural 1 Zone	**1. Activity Status:** Controlled **Matters of Control:** a. Zone Specific TEMP-MC2; b. Natural hazards TEMP-MC3; and c. Financial contributions TEMP-MC4.	

Applicable Spatial Layers Rural 2 Zone	**2. Activity Status:** Discretionary **Assessment Criteria:** The general assessment criteria set out in the relevant zone.
Applicable Spatial Layers Rural 3 Zone	**3. Activity Status:** Non-Complying

Matters of Control

The following matters of control apply if listed in the rule table for the relevant activity.

TEMP-MC1 Zone Specific Matters

1. **Rural Zones:**

   a. Building design, site layout and amenity

      i. The extent to which:

         1. The privacy and outlook for neighbouring occupiers is maintained;
         2. The principles of CPTED are implemented, including provision for the passive surveillance of any adjoining road or reserve;
         3. The amenity of the adjoining properties and of the zone is maintained and enhanced;
         4. The character and environmental quality of the adjoining properties, the street scene and the zone is maintained and enhanced;
         5. The principles of sustainable building design are implemented to make use of solar gain; and
         6. Building design and site layout does not compromise the future subdivision by demonstrating subdivision can be undertaken in a complying manner.

   b. Parking, access and turning

      i. The extent to which:

         1. On site design, location and surfacing of access, parking and turning areas provides for practical use and maintains the amenity of neighbouring occupiers;
         2. Adequate sight distances to prevent adverse effects on traffic flow and safety is provided;
         3. The requirements of an integrated transport assessment carried out in accordance with Appendix APP1 – Parking, Turning and Access can be implemented; and
         4. How the activities will avoid, remedy or mitigate any adverse effects on the function and safe and efficient operation of the transport network.

   c. Measures to secure water quality improvement

      i. The revegetation, retirement and legal protection of land, gullies, wetlands and riparian areas; and

ii. The management and maintenance of revegetation and retirement areas.

2. Reserve Zone and Water Zone:

a. Building Design, Site Layout and Amenity

i. The design and orientation of buildings and structures and location of outdoor activities to mitigate potential adverse cumulative effects on adjoining sites and the streetscape.

ii. Ensuring landscaping is provided to enhance streetscape amenity whilst promoting the safety of pedestrians.

iii. Ensuring soil retention and mitigation measures are provided where earthworks are necessary.

iv. The extent to which the amenity of the adjoining properties and of the properties within the zone is maintained and enhanced.

b. Character of the Zone

i. The extent to which the character and environmental quality of the adjoining properties, the street scape and the properties within the zone is maintained and enhanced.

c. Parking, Access and Turning

i. The provision of adequate sight distances to prevent on-street congestion caused by the ingress and egress of vehicles to and from sites.

ii. Access, on-site parking, queuing and turning areas are suitably designed and located to provide efficient circulation on-site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network.

iii. Where access is gained onto or within the vicinity of a State Highway ensuring that the proposal is consistent with the standards of the Road Controlling Authority.

TEMP-MC2 Natural Hazards

1. Adverse effects from natural hazards or the worsening of any hazard identified on the planning maps are managed.
2. A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood and consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.

TEMP-MC3 Financial Contributions

1. Whether the proposal requires a financial contribution under the provisions of FC– Financial Contributions.

Matters of Discretion

The following matters of discretion apply where listed in the rule table for the relevant activity.

TEMP-MD1 Non-compliance matters

1. Residential Zones:

[4.8(2)(1)]

a. The reason for the non-compliance with the performance standard and the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance on achieving the purpose of the relevant performance standard and objectives and policies.

2. City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, Reserves, Community Assets and Water Zones:

[5.8(2)(1), 6.8(2)(1), 7.8(2)(1), 8.8(2)(1), 10.8(2)(1)]

a. The effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies;

b. How the aspect of non-compliance will reduce the amenity of the zone and affect adjacent sites;

c. How the activity provides more efficient and practical use of the remainder of the site; and

d. Within the Transitional Industrial Zone, how the aspect of non-compliance will reduce the amenity of neighbouring residents.

3. Rural Zones:

[9.8(2)(1)]

a. The extent of which the effects of the non-compliance on achieving the purpose of the relevant performance standard and the relevant objectives and policies; and

b. The extent to which not meeting the performance standard will have reverse sensitivity effects on existing lawful activity or existing infrastructure can be avoided, remedied or mitigated.

TEMP-MD2 Zone specific matters

1. Residential and Rural Zones:

a. The extent to which the activity adversely effects the character and amenity values of the zone.

2. Industrial Zones:

b. The extent to which the proposal will enhance the character and amenity of the city entranceways.

3. Reserves, Community Assets and Water Zones:

a. Building Design, Site Layout and Amenity:

i. The amenity of the streetscape is maintained and enhanced;

ii. The extent to which the activity would affect ecological values of the area or the quality of water;

iii. The extent to which the activity maintains the passage of food flows and the maintenance and enhancement of riparian habitat;

iv. The extent to which the activity would maintain or enhance heritage features, cultural sites, identified natural and cultural landscapes or archaeological sites;

v. The extent to which the activity adversely affects the natural character, cultural amenity and landscape values;

vi. The extent to which the activity produces smoke, odour, fumes, dust, noise, glare, or any other nuisance effects;

vii. The extent to which the activity adversely affects adjoining sites or land-based activities;

viii. The extent to which the activity adversely affects the public access to the lake or water way;

ix. The extent to which the activity adversely affects the recreational values of the lakes and waterways;

x. The extent to which the activity conflicts with other users of the surface of waters of the lake or river, including recreational and commercial activities;

xi. The extent to which the hours of operation of an activity causes adverse effects on adjoining sites; and

xii. The extent to which the activity will avoid, remedy, or mitigate reverse sensitivity effects on lawfully established activities or existing infrastructure.

TEMP-MD3 Natural Hazards

1. Adverse effects from natural hazards or the worsening of any hazard identified on the special Interest Series maps 208 and 213 are managed.
2. A flood risk assessment by a suitably qualified person, that includes an evaluation of the likelihood of consequences of an appropriate range of events to establish the maximum risk, may be required for activities subject to flooding. This applies primarily for significant developments.

TEMP-MD4 Financial Contributions

1. Whether the proposal requires a financial contribution under the provisions of FC – Financial Contributions.