

PART 9

AIRPORT

9.1 INTRODUCTION AND SIGNIFICANT RESOURCE MANAGEMENT ISSUES

- 9.1.1 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, but the proximity of the urban edge presents a number of amenity and safety issues that require management.
- 9.1.2 Measures are required to ensure the potential adverse effects of the airport on surrounding activities are correctly managed and that other activities, in turn, do not affect safe and efficient airport operations. The environmental planning measures include designations, Obstacle Limitation Surface, and Noise Contours.
- 9.1.3 Two separate designations apply to the Rotorua Airport, one held by the Rotorua District Council and the other by Rotorua Regional Airport Limited (RRAL). These designations cover the entire airport site and allows for the safe operation of aircraft and future development of the airport and all activities associated with its operation. The Council designation provides for and protects the continued operation and future development of the airport and all activities associated with its operation. The RRAL designation covers two parts, the first allows the continued operation of the airport, any extensions, and all activities associated with its operation. The second part relates to the airspace contained within the Airport Operation and Airport Approach and Take off Obstacle Limitation Surface. This designation protects the airspace to ensure the safe and efficient operation of the airport as an important physical infrastructure resource to the Rotorua community and wider regional and national community.
- 9.1.4 Obstacle Limitation Surfaces are required to protect the airspace above and surrounding the Airport and specifies height restrictions based on Civil Aviation Authority requirements. Height restrictions apply to objects including buildings, structures, masts, poles and trees under the Obstacle Limitation Surface (OLS). An additional level of safety implemented by the District Plan is the 'Z-Differential Buffer, which is a calculated contingency safety layer between the Obstacle Limitation Surface and buildings, vegetation or structures. The purpose of the buffer is to protect the integrity of the OLS.
- 9.1.5 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 of effects of, and from, the airport operations on activities sensitive to aircraft noise.
- 9.1.6 The Airport zone is described further below:

Zone	Code	Description
Airport 1 Airport Zone	AR1	Provides for the efficient and safe operation of the Airport,. Activities directly related to the functioning of the Airport Such as visitor terminals, aircraft hangars, recreational aircraft ventures and airport activities like aircraft maintenance, testing and bird scaring devices are located within this zone. Features that contribute to the amenity of this zone include high levels of sealed areas, noise and high vehicle and aircraft movement.

9.1.7 The issues detailed below have shaped the policy framework for the Airport Zone. While many issues have required consideration, and the objectives and policies are comprehensive, most are related to achieving one of the following major outcomes:

- The ongoing safety of aircraft operations from activities outside of the airport boundaries, and the ongoing safety of adjacent residents from airport activities.
- The management of environmental effects associated with airport operations on the nearby community, with noise the most prominent.
- The ongoing operation of Rotorua airport as a key component of the district's and region's infrastructure.

Each issue is discussed in turn below.

9.1.8 **PROVISION FOR FUTURE GROWTH OF ROTORUA AIRPORT AS A SIGNIFICANT PHYSICAL RESOURCE**

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 are required. Rotorua Airport is a significant physical resource contributing to the district's economic wealth, providing for managed expansion that enables growth cognisant of the airport's surroundings is crucial.

9.1.9 **PROTECTION OF AIRSPACE**

Safe operation of aircraft and certainty for future airport development are key components of land use planning for the airport. Managing the height of structures and buildings to ensure safe operation of aircraft, to and from the airport, is paramount. The potential for buildings and structures to compromise aircraft approach and take-off paths needs to be minimised in order to support safe airport activity. The designation for the Obstacle Limitation Surfaces, and the Z-Diff buffer provides this required level of protection.

9.1.10 Activities that have the potential to attract birds, generate direct or reflected light or glare, emit large amounts of smoke or dust, or that create radio or electrical interference all require control in order to provide safe air travel and airport operation.

9.1.11 **MAINTENANCE OF AIRPORT CHARACTER AND AMENITY VALUES**

The emission of noise from the airport requires control so that activities nearby enjoy a reasonable quality of amenity. A balance of managing noise effects and enabling effective operation of the airport is necessary. It is accepted that the airport is a noisy environment, however mechanisms can be employed to ensure the most sensitive times of the day and night are kept free from unnecessary noise incursions.

9.1.12 **IMPACTS OF SENSITIVE LAND USES WITHIN OR ADJACENT TO THE ROTORUA AIRPORT**

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.

9.1.13 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.

9.1.14 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 district plan maps.

- 9.1.15 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 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.

DRAFT POLICY FRAMEWORK – FEEDBACK SOUGHT

1. The District Plan has placed higher importance on the efficient functioning and operation of the Airport recognising the Airport as being regionally significant infrastructure. Feedback is sought on whether this level of importance is appropriate.
2. There is one major aspect where feedback is sought and that relates to the removal of the Airport Protection Zone, causing more reliance to be had on the Air Noise Contours in determining the resource consent status of activities around the airport. Essentially the combination of the Air Noise contours and the Obstacle Limitation Surface replaces the need for the Airport Protection Zone.
The main question is whether this is an appropriate way to manage land use activities around the airport, or whether the preference is for a zone with well defined boundaries.
3. Activities around the Airport are currently in part controlled by the Obstacle Limitation Surface (OLS). This will continue to exist, however as part of this review the Z-Diff buffer is also included this being a lower secondary buffer to the OLS intending to reduce the reverse sensitivity between airport operations and surrounding development. Is this secondary buffer required? Or is the current OLS enough?
4. The last question refers to the establishment of activities within and around the Airport and if the chapter provides enough control for activities adjoining the Airport and for activities operating within the Airport. Alternatively is the chapter too stringent in this regard, and if so, what level of control would be suitable.

9.2 OBJECTIVES AND POLICIES

Provision for future growth of Rotorua Airport as a significant physical resource

Objective 9.2.1

Rotorua Airport recognised as:

- An important district asset;
- A key transportation node for the district and regions residents and visitors; and
- A critical component of the regions infrastructure;

by promoting the efficient operation of the airport and a planned approach to its future development.

Policy 9.2.1.1

Ensure landscape treatment of the airport's boundaries and approaches to produce an appropriate gateway into the city and airport, and to help improve the appearance of the airport and associated activities.

Policy 9.2.1.2

Provide for future growth of the Rotorua Airport through the protection of the operational capability of the Airport for aircraft activities for the planning period to 2033.

Policy 9.2.1.3

Provide for the operational needs of the airport whilst managing the adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise.

Policy 9.2.1.4

Provide for the potential future development of Rotorua Airport by managing activities which have the potential to adversely affect present and future Airport operations.

Safe operation of the Rotorua Airport

Objective 9.2.2

Ongoing operation, maintenance and upgrade of the Rotorua Airport, through complementary management of adjoining activities.

Policy 9.2.2.1

Control new buildings and structures that occur in the vicinity of the airport to ensure that Obstacle Limitation Surfaces will not be compromised.

Policy 9.2.2.2

Restrict land use activities that produce effects which could negatively impact the safe operation of aircraft activity, where the effects of most concern relate to:

- Emissions of smoke or dust
- Radio or electrical interference
- Glare and reflectivity
- Intermittent, flashing, or strobing light generation
- An attractant or place of bird congregation.

Maintenance of airport character and amenity values

Objective 9.2.3

Maintenance of the character of the Rotorua Airport, where airport character is defined by:

- High levels of managed noise and vibration;
- High levels of managed glare and light spill;
- High visitation of the airport site by private vehicles and service vehicles;
- Central aviation activity area for the district and region;
- High amount of on-site vehicle parking and turning areas;
- Signage that is consistent with airport use

Policy 9.2.3.1

Provide for the efficient operation of the Rotorua Airport within the parameter of appropriate noise limits to protect adjoining activities from airport operations.

Policy 9.2.3.2

Manage the noise effects generated by activities within or associated within Airport operations to ensure that surrounding residential amenity is safeguarded.

Maintenance of airport character and amenity values

and does not detract from the amenity of adjoining zones;

- Storage and use of large quantities of hazardous substances;
- Diversity in design and style of buildings that are related to aviation activities.

Policy 9.2.3.3

Manage the effects of activities within the airport so that the character of the area as a aviation transport facility is reinforced and enhanced.

Policy 9.2.3.4

Manage the design and location of buildings, structures, signage and onsite parking areas to ensure the amenity of adjoining zones and the efficient operation of the State Highway are not reduced.

Impacts of sensitive land uses within or adjacent to the Rotorua Airport

Objective 9.2.5

Future activities sensitive to aircraft noise provided for in the vicinity of the airport where additional requirements to mitigate airport noise have been incorporated into building design.

Policy 9.2.5.1

Require the provision of acoustic noise treatment and insulation from airport operations for those qualifying existing activities sensitive to aircraft noise located within the annual noise contour plan that on-site amenity is maintained.

Policy 9.2.5.2

Require all new activities sensitive to aircraft noise that will be located in the Inner Noise Control Area be designed and built to achieve an appropriate internal noise environment and ventilation standard.

Policy 9.2.5.3

Require acoustic insulation and mechanical ventilation of buildings which are being altered or added to, where the activity contained is sensitive to aircraft noise on within the Inner Control and Air Noise Area.

Policy 9.2.5.4

Avoid activities sensitive to aircraft noise from locating close to the airport which have the potential to result in reverse sensitivity effects.

Policy 9.2.5.5

Prohibit all new activities sensitive to aircraft noise within the Air Noise Area adjoining Rotorua Airport.

9.3 RULES FOR ACTIVITIES IN THE AIRPORT ZONES, AND AIRPORT NOISE CONTOURS

The Airport chapter differs in process than those found within other chapters of the District Plan. The Airport only has one zone, but the Noise Contours cover a number of zones outside of Airport 1. This chapter provides assessment criteria for the activities impacted by these noise contours.

To determine if resource consent is required the first step is referring to Planning Maps 362, 363, 364, 365, 367, 368 and 369 to determine if the site is located within either the Air Noise or Inner Noise Control Area.

To further clarify this where a proposed or existing building containing an activity sensitive to aircraft noise is located:

1. On the outer control boundary (Ldn 55dBA contour) then it is deemed to be outside the Outer Control Area;
2. Astride the boundary between the Inner and Outer Control Area (Ldn 60dBA contour) then the Outer Control Area provisions in relation to the land use controls shall apply;
3. Astride the boundary between the Air Noise Area and the Inner Control Area then the Air Noise Area provisions in relation to the land use controls shall apply.

If the site is located within either of these two contours the type of activity proposed to be undertaken then becomes important. If the activity is defined in Part 1 as an activity sensitive to aircraft noise resource consent will be required as outlined under the rules for activities within the relevant Zone.

If the activity is not an activity sensitive to aircraft noise then refer to the relevant Zone chapter and the rules for activities within that Zone to determine if consent is required.

9.3.1 Activities undertaken within each Airport Zone of the District are classified in Table 9.3. The Airport Zone in Table 9.3 is:

AR1 Airport

9.3.2 The activity types in Table 9.3 are explained below:

P = Permitted activities

Where activities in 9.3 are stated as Permitted Activities, **AND** where they comply in all respects with the Performance Standards in 9.4, resource consents will not be required.

C = Controlled activities

Where activities are expressly stated in 9.3 as Controlled Activities they shall comply with the Performance Standards of the relevant Zone. The matters over which Council shall reserve its control are stated in Rule 9.5. Council cannot refuse resource consent for a controlled activity but can grant the resource consent subject to conditions relating to those matters over which Council has reserved control.

RD = Restricted discretionary

Where activities are expressly in 9.3 as Restricted Discretionary Activities, or are classed as Restricted Discretionary Activities in accordance with 9.3(8), the Performance Standards stated in 9.4 may be modified by means of resource consent. The matters over which Council shall restrict its discretion are stated in Rule 9.6. Council can choose to grant or refuse a resource consent for a Restricted Discretionary Activity. If Council grants a resource consent for a Restricted Discretionary Activity it can be granted subject to conditions relating only to those matters over which Council has restricted the exercise of its discretion.

D = Discretionary activities

Where activities are expressly stated in 9.3 as Discretionary Activities, or are Discretionary Activities in accordance with Rule 9.3(2), 9.3(3), 9.3(4), the activity shall be assessed against those

matters in Rule 9.7. Council can choose to grant or refuse a resource consent for a discretionary activity. If Council grants a resource consent it can be granted subject to conditions.

NC = Non-complying activities

Where activities are expressly stated in 9.3 as Non-complying Activities, they shall be assessed against those matters in Rule 9.8. Council can choose to grant or refuse a resource consent for a non-complying activity. If Council grants a resource consent it can be granted subject to conditions.

Pro = Prohibited activities

Where activities are expressly stated as being prohibited and are described in the District Plan no resource consent shall be applied for. Consent to undertake such activities will require a Plan Change to be approved by Council.

NA = Not Applicable

Where an activity is stated as being not applicable it indicates that these activities are not likely to occur within that particular zone.

Meanings for the terms used below can be found in **Part 1 Definitions**.

9.3.3 **Table 9.3 Activities in the Airport Zones**

ACTIVITIES	AIRPORT ZONES
General rules and activity classifications	1
1. Any activity in accordance with the designation of the land and approved Development Plan unless otherwise stated.	P
2. Any activity stated as a permitted activity that does not meet one of the performance standards for permitted activities stated in 10.4.	RD
3. Any activity stated as a permitted activity that does not meet more than one of the performance standards for permitted activities stated in 9.4	D
4. Any activity stated as a controlled activity that does not meet the performance standards for permitted activities stated in 9.4.	D
5. Where an activity is not expressly stated in 9.3 then the activity shall be a Non-Complying Activity.	NC
6. Any activity not in accordance with the designation of the land unless otherwise stated.	NC
District wide matters	1
7. Activities involving the drainage or infilling of wetlands listed in Appendix 2	Please see part 3
8. New buildings or structures within the Lake Rotorua flood level as shown on Special Map 109	Please see part 14
Additions to existing and new activities sensitive to aircraft noise	1
9. Notwithstanding any other activity listed in 9.3, any addition to an activity that is identified as being a Activity Sensitive to Aircraft Noise within the Inner Noise Control Area.	Pro
10. Notwithstanding any other activity listed in 9.3, any new activity that is identified as being a Activity Sensitive to Aircraft Noise within the Inner Noise Control Area.	Pro
11. Notwithstanding any other activity listed in 9.3, any addition to an activity that is identified as being a Activity Sensitive to Aircraft Noise within the Air Noise Area.	Pro
12. Notwithstanding any other activity listed in 9.3, any new activity that is identified as being a Activity Sensitive to Aircraft Noise within the Air Noise Area.	Pro
Airport operations	1
13. The landing and taking off of aircraft, their refuelling, and maintenance, runways, taxiways, airport terminals, and freight forwarding operations associated with airport activities.	P

14.	Activities associated with the operational needs of the Airport, including passenger and visitor terminal, airport employee facilities, car rental agencies, transport and courier depots, terminal restaurants and souvenir shops, and associated administrative and professional offices	P
15.	Aircraft noise and aircraft engine testing noise in accordance with Rules 9.4.1.1.7(b) to 9.4.1.1.7(d)	P
16.	Helicopter landing areas	P
17.	Illuminated signage in accordance with 9.4.1.1.6	C
18.	Notwithstanding any other activity listed in 9.3 , any vegetation, new buildings or structures intruding into the Z- Diff Buffer (excluding the remnant stand of kahikatea known as White Pine Bush on Planning Maps 362 and 365).	NC
19.	Notwithstanding any other activity listed in 9.3 , any new or additions to existing buildings or structures, and any vegetation intruding the Obstacle Limitation Surface (excluding the remnant stand of kahikatea known as White Pine Bush on Planning Maps 362 and 365).	Pro
20.	Any activity that may produce radio or electrical interference which may adversely affect aircraft communications or navigational equipment	Pro
21.	Any activity or use or material which produced direct light beams or reflective glare which may interfere with the vision of pilots	Pro
22.	Any activity that emits smoke or dirt, other than domestic heating fires	Pro
23.	Any activity that causes bird aggregation or other like effects in a manner that would prejudice the safe conduct of airport and aircraft operations	Pro
Community infrastructure		1
24.	Marae	See Part 2
25.	Hospital and medical centres	Pro
26.	Retirement homes and villages	Pro
27.	Daycare centres	Pro
28.	Educational facilities	Pro
29.	Community facilities	Pro
30.	Funeral homes	Pro
Tourism and recreation		1
31.	Bed and Breakfast within an existing household unit	Pro
32.	Tourist accommodation other than bed and breakfast	Pro
33.	Holiday Parks	Pro
Retail and commercial		1
34.	Offices in associated with aviation activity and operation of aircraft	P
35.	Any industrial or trade process, vehicle transport or storage facility in in accordance with the approved Development Plan.	D
36.	Retail Shop	Pro
37.	Offices	Pro
38.	Offensive Trades	Pro

Temporary events, buildings, structures and signs		1
39.	Temporary signage meeting the performance standards and required for permitted temporary events as defined in Part 1.	P
40.	Temporary buildings, structures meeting the performance standards and required for permitted temporary events as defined in Part 1.	P
41.	Running/walking sports events	P
42.	Non motorised sporting events	P
43.	Motorised sporting events	P
Other activities		1
44.	Remediation of contaminated sites	C
45.	Activities undertaken on a site of potential contamination without remediation	D

9.4 AIRPORT ZONE PERFORMANCE STANDARDS

The specific performance standards for each of the Airport Zones are described in turn below.

9.4.1 AIRPORT 1 ROTORUA AIRPORT ZONE PERFORMANCE STANDARDS

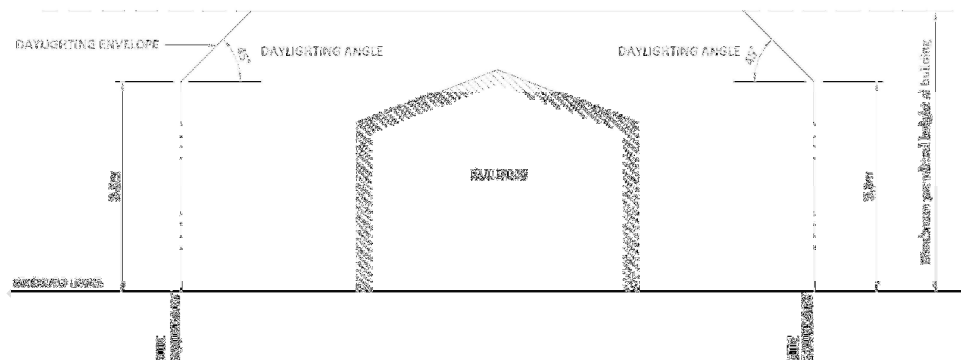
Activities undertaken within the Airport 1 Zone shall comply with all of the permitted activity standards stated below.

Permitted activity standards

9.4.1.1 1. Maximum height and daylighting

Any building located in the zone shall comply with the standards specified below, excluding any structure required to the safe operation of the airport;

- a. The building shall not exceed 15.0 metres above the natural ground level at that point, provided the height in relation to the boundary standard outlined below is complied with at all times,
- b. The height in relation to the boundary standard is the maximum height on the boundary of 3.0 metres plus 1.0 metre for every 1.0 metre from that boundary.
- c. Where the structure or building is located within the Rotorua Airport Limited Obstacle Limitation Surface Designation, the maximum height of 15.0m may be impacted and further analysis in accordance with **Rule 9.3.18 and 9.3.19** will be required.



2. Yard requirements

a. Front yards

- i. The minimum front yard for buildings adjacent to State Highway 30 and a different zone in the Airport Zone shall be: 5.0metres

- ii. The minimum front yard for buildings within 75 metres of either side of the runway centre-line or within 75 metres of the Runway Safety End Areas shall be: 5.0metres

b. Side and rear yards

- i. The minimum side or rear yards for buildings adjacent to State Highway 30 or any internal road in the Airport zone shall be: 5.0metres

- ii. The minimum side or rear yards for buildings within 75 metres of either side of the runway centre-line or within 75metres of the Runway Safety End Areas shall be: 5.0metres

- c. The yard requirements for the zone exclude any structure required to the safe operation of the airport

3. Yards where the site adjoins a water body

- a. The minimum yard for buildings, adjoining a lake, river, or stream not identified for esplanade reserve acquisition the minimum yard shall be the yard specified for the zone

plus 10 metres. The yard requirements for the zone exclude any structure required to the safe operation of the airport

- b. Where there exists a reserve between the water body and the site the distance of the yard required in **9.4.1.1.3(a)** above will be less the width of the reserve area.

4. **Parking and turning**

The following requirements in relation to parking and turning in the airport zone shall be met:

- a. Parking and on-site turning of vehicles shall be provided in accordance with the Development Plan within **Appendix 5** and with the provisions of **Appendix 4**.

5. **Site coverage**

- a. The extent of development shall be in accordance with the approved Airport Development Plan.
- b. Siting of building shall continue to be in accordance with the performance standards of the Zone in regard to boundary setbacks and parking.

6. **Glare and light**

Activities shall be managed so that direct or indirect illumination measures not more than 10 lux on any residential site boundary.

7. **Financial contribution for reserves and heritage purposes**

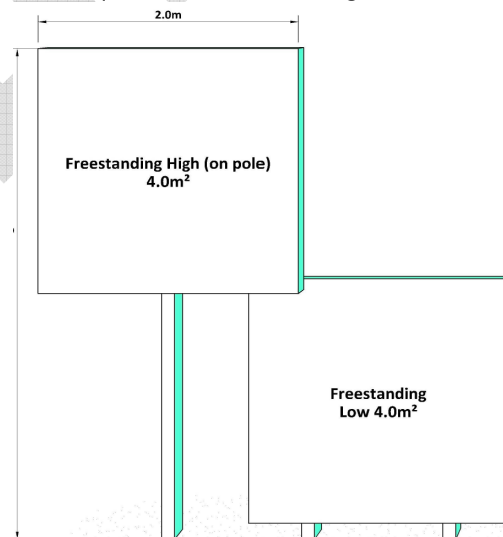
A financial contribution for reserves and heritage purposes shall be taken for those activities specified in **Part 15**. The contribution shall be taken in accordance with the provisions of **Part 15**, as if the activity was subject to an application for a resource consent.

Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services. To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works.

8. **Signs**

a. **Permitted signage in Airport 1 Zone**

- i. Any sign advertising intention to sell, let or lease the land or premises on which it is situated,
- ii. Any sign displayed on construction sites denoting owner and professional and construction firms associated with an active building project on that site.
- iii. Signs required for or established by official statute, rule or regulation.
- iv. Signs displayed for the direction or convenience of the public not exceeding 0.5 square metres and relating to the site on which it is situated.



- b. **Sign area**
 - i. No more than 3 Freestanding signs shall be located on site, with each being no more than 4m² in area
 - ii. Attached signs shall not exceed 2m² per building.
- c. **Sign Design and Location**
 - i. Freestanding shall not exceed the maximum height for buildings within the zone and shall be no more than 2m wide.
 - ii. Free standing signs shall not intrude the Obstacle Limitation Surface or Z-Diff buffer.
 - iii. Attached signs shall not project beyond the confines of the external walls or roof on which the sign is located.
 - iv. Additional provisions relating to signs located on City Gateways and State Highways, as shown on Planning Map 108 are listed in Part 12 Infrastructure.
 - v. All signs must directly relate to activities undertaken or services offered on the site.
 - vi. All signs shall be sited such that they do not restrict visibility to and from intersections and property access.
 - vii. All signs shall not be contain any moving or flashing parts, or use electronic screens for displaying digital media.
- d. **Signage Calculation**
 - i. All single sided and two dimensional signs whether painted, attached to a structure or freestanding shall be included.
 - ii. The area of a double sided sign shall only be calculated once. Any 'V' shaped sign shall have both sign faces included in the calculation.
 - iii. Flags and banners will be included in the calculation of signage.
 - iv. Any three dimension devices shall be calculated at 150% of the area of a two dimensional cross section of the largest part of the device.
 - v. Support structures including poles shall not be included in the area calculation.

9. **General noise and aircraft engine testing noise**

a. **Noise within the Airport Zones**

Any use of land in the Airport Zone for any purpose other than:

- i. Aircraft Operations (see Rule **9.4.1.1.7(d)** below);
 - ii. Aircraft engine testing (see Rule **9.4.1.1.7(b)** and **(c)** below); or
 - iii. The use of audible bird scaring devices;
- shall not exceed the noise limits specified below.

b. **Aircraft testing at Rotorua Airport**

- i. All engine testing related to airport activities shall take place between the hours of 7.00am and 11.00pm
- ii. Subject to the provision relating to essential unscheduled engine testing in **9.4.1.1.7(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 zoned Airport Zone or Airport Protection Zone:

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

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 11.00pm and 7.00am, or where the testing cannot comply with the noise limit for scheduled engine testing stated in **9.4.1.1.7(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 7.00am and midnight

- iii. The total duration of engine testing shall not exceed 1 hour in any 11.00pm to 7.00am 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.
- 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 zoned Airport Zone or Airport Protection Zone:

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

d. **Noise from aircraft operation at Rotorua Airport**

The Airport shall be managed so that noise from Aircraft Operations, as defined in **Part 1**, 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:
 - aircraft landing or taking off in an emergency; and
 - emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency, and
 - aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at another scheduled airport, and
 - flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983, and
 - flights certified by the Minister of Defence as necessary for reasons of National Security in accordance with Section 4 of the Act; and
 - aircraft undertaking fire fighting duties.
- ii. Except for those aircraft movements provided for in 9.4.1.1.7(d)(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 11.00pm and 7.00am.
- 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

10. **Acoustic standards for additions and new activities located within the Inner Noise Control area**

Acoustic Standards for additions to Existing Activities Sensitive to Aircraft Noise (except for Educational activities and Kohanga Reo) and any New Activities Sensitive to Aircraft Noise,(except for Educational activities and Kohanga Reo) in the Inner Control Area, including Papakainga.

- a. Prior to the issue by the Council of a resource consent and/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/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 / or 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/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 / supplier for the installation.
- b. The ventilation performance standard shall be:
Either:
- i. A mechanical ventilation system or mechanical ventilation systems capable of:
 - 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;
 - 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;
 - limiting internal air pressure to not more than 30 Pascals above ambient air pressure;
 - being individually switched on and off by the building occupants, in the case of each system; and
 - creating no more than L_{eq} 40dBA in the principal living room, no more than L_{eq} 30dBA in the other habitable rooms, and no more than L_{eq} 40dBA in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.

OR

 - ii. Air conditioning plus mechanical outdoor air ventilation capable of:
 - 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 & 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;
 - providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;
 - each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and
 - creating no more than L_{eq} 40dBA in the principal living room, no more than more than L_{eq} 30dBA in the other habitable rooms, and no more than L_{eq} 40dBA in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre 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. There shall be no exemptions to this rule and 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.

11. **Acoustic Standards for additions to existing Educational activities and any new Educational Activities in the Inner Control Area**

- a. Prior to the issue by the Council of a resource consent and/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/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/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 / 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:
 - 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";
 - 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");
 - 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;
 - Otherwise complying with the New Zealand Standard NZS 4303:1990 "Ventilation for Acceptable Indoor Air Quality"; and
 - Capable of creating no more than Leq 35dBA in each classroom and no more than Leq 40dBA in each library or any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
 - ii. In the case of halls, a mechanical ventilation system or mechanical ventilation systems that are capable of:
 - Providing at least 12 litres of outdoor air per second per square metre with all external doors and windows of the hall closed;
 - 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;
 - Otherwise complying with the New Zealand Standard NZS 4303:1990 "Ventilation for Acceptable Indoor Air Quality"; and
 - Creating no more than Leq 35dBA in each hall and no more than Leq 40dBA in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.

12. **Rotorua airport noise mitigation programme**

Aircraft Operations and the development and use of any runway at the Airport shall be subject to compliance with the requirements of Rule **9.4.1.1.10(a) to (c)**.

a. **Annual Noise Report**

The Airport Operator shall prepare and forward to the Council at the same time as the annual report required by Rule **9.4.1.1.7(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 Rule **9.4.1.1.7(iii)** and based on calculations undertaken in accordance with Rule **9.4.1.1.7(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 Activity or Kohanga Reo) which was established before 17 December 2005 ("the Qualifying Date"); or for which a resource consent or building consent was granted before the Qualifying Date; and where the site which contains that building is predicted to fall within or partly within either the 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:
 - a mechanical ventilation system or mechanical ventilation systems capable of meeting the performance standards specified in Rule **9.4.1.1.8(b)** and
 - Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
 - 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:
 - 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;
 - 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 **9.11**.
 - 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
 - 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
 - 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 Activity or Kohanga Reo buildings**

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

- 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 Activities 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:
 - 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 9.4.1.1.9(a); and
 - 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 9.4.1.1.9(b); and
 - 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:
 - 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;
 - 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 9.11 of the District Plan.
 - 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
 - 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
 - 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 Activity or Kohanga 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 Activity or Kohanga Reo which was established on land within the Inner Control area before the Qualifying Date; then the Airport Operator, upon receiving notice of the proposed works, shall make an offer to the owners of the relevant Educational Activity or Kohanga Reo to provide funding (and if the offer is accepted, provide funding) for the Treatment Measures set out in clause **9.4.1.1.8** above on the basis set out in that clause **provided that** this offer shall be conditional on the owner agreeing to contribute 25% of the costs of the Treatment Measures **and further provided that** the Airport Operator's obligations in this regard shall only extend, in the case of additional classrooms, libraries and halls, to those which the Regional Manager of the Ministry of Education (or the successor of that office) certifies are required as a result of roll growth caused by underlying increases in population in the catchment in the immediate vicinity of the Educational Activity or Kohanga Reo.

11. **Temporary Activities and Events**

In addition to the above performance standards temporary activities shall be in accordance with the following criteria;

- a. Temporary activities of more than 3 consecutive days of duration unless otherwise specified.
- b. Individual carnivals, fairs, etc shall not remain on site for longer than a period of 7 days in a calendar year.
- c. Any temporary military training activity shall be permitted.
- d. Only 6 events per year using amplified sound in the same location are allowed
- e. Any noise from an amplification system shall not be used earlier than 10:00am and shall finish no later than 22:30pm (Sun to Thurs) or 23:00pm (Fridays and Sat). Testing shall not last more than 6 hrs between 9am and 7pm.
- f. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing;
- g. If the activity is located adjoining a State Highway or has access to the State Highway then New Zealand Transport Agency must be consulted with.
- h. The extent to which the proposal triggers the need for a traffic impact assessment as outlined under **Appendix 4**.

9.5 CONTROLLED ACTIVITIES

9.5.1 For those activities stated as Controlled Activities in 9.3 specific criteria will be applied. The matters over which Council shall reserve its control are stated in **Rule 9.5.4**

9.5.2 Activities in 9.3 that are stated as Controlled Activities comprise:

ACTIVITY NUMBER	NAME	CRITERIA
9.3.17	Illuminated signs	9.5.5
9.3.45	Remediation of contaminated sites	9.5.6.1

9.5.3 Controlled Activities shall comply with the Performance Standards for Permitted Activities in the Zone. Controlled activities shall be assessed in accordance with **9.5.4**.

9.5.4 GENERAL MATTERS OVER WHICH CONTROL IS RESERVED

In order to ensure that buildings and structures retain and contribute to industrial character, and to mitigate the effects of an activity on adjoining sites, the matters over which Council shall reserve control, and therefore are able to impose conditions, relate to:

Building design and site layout

9.5.4.1 Council reserves its control and may impose conditions on the following matters;

1. The specific design and orientation of buildings and structures to mitigate potential adverse cumulative effects on adjoining sites.
2. Incorporations of any windows and/or architectural features to break up blank walls
3. The location of activities, where practicable, away from abutting or adjoining activities so as to internalise potential adverse effects and maintain amenity values of adjoining sites.
4. The restriction of hours of operation in order to reduce and avoid conflicts with surrounding residential activities.
5. The site layout, orientation and design of buildings and structures
6. The extent of vegetative screening, landscaping or hard screening within the site or with the yards to maintain amenity.
7. The control of earthworks, landfilling and other soil retention or removal methods.
8. The visual impact on the streetscape and the amenity values of the City Gateway
9. The extent of reverse sensitivity of the proposal on adjoining zones.
10. Any adverse effects associated with lighting and glare levels on surrounding properties and the State Highway.

Parking, turning and on-site circulation

9.5.4.2 The provisions of **Appendix 4** apply, however other conditions may be imposed to ensure amenity and character is maintained and includes such following measures;

1. The design, location and surfacing of parking and turning areas to ensure safe and efficient vehicle circulation on the site.
2. The provision of adequate sight distances to prevent on-street congestion caused by the ingress and egress of vehicles to and from sites.
3. The extent to which onsite parking and access is suitably located to avoid potential adverse effects on privacy of adjoining parties.
4. If the proposal is deemed to adversely impact the State Highway the proposal will need to be consistent with the standards of the Road Controlling Authority.
5. The extent to which the proposal triggers the need for a traffic impact assessment as outlined under **Appendix 4**.

Noise and hours of operation

9.5.4.3 Council reserves its control and may impose conditions on the following matters;

1. The extent of noise mitigation measures proposed to reduce noise to a level compliant with the performance standards of the zone.
2. The extent of noise impacts from traffic, and operations from the activity on the surrounding environment.

3. Location of buildings containing activities in a location on the site to ensure reduced impact of noise on adjoining activities.
4. Methods employed to mitigate the adverse effects of noise and vibration.

Servicing

9.5.4.4 Council reserves its control and may impose conditions on the following matters;

1. The ability to adequately service the proposal and connect to Council reticulation where available.
2. Any odour emitted and discharges to the environment including exhaust fumes, and dust from the activity and its potential effects on the surrounding environment.

Financial contribution for services

9.5.4.5 Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate that the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services. To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works.

9.5.5 ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

The following assessment criteria shall apply to specific activities;

Remediation of contaminated sites

9.5.5.1 Conditions may be imposed to avoid, remedy or mitigate adverse effects on the environment and the intended future residential use, and in particular in respect of the following matters;

1. Restrictions on the future use that the land is able to be put to
2. Duration, timing, and management of potential noise and dust effects arising from the remediation
3. Control and management of the transportation and disposal of contaminated material from the site
4. Re-contouring, re-vegetation, or impermeable surfacing of the site once remediation has occurred

9.6 RESTRICTED DISCRETIONARY ACTIVITIES

9.6.1 Where activities in 9.3 are stated as Restricted Discretionary Activities the matters over which Council shall restrict discretion are stated in Rule 9.6.2, 9.6.3, and 9.6.4.

9.6.2 Activities in 9.3 that are stated as Restricted Discretionary Activities comprise:

ACTIVITY NUMBER	NAME	CRITERIA
9.3.2	Any activity stated as a permitted activity that does not meet one of the performance standards for permitted activities stated in 9.4	9.6.4

9.6.3 The assessment criteria for permitted activities that do not meet one performance standard are provided in 9.6.4. Specific assessment criteria for activities listed in 9.6.1 are provided in 9.6.5.

9.6.4 MATTERS OVER WHICH DISCRETION IS RESTRICTED

Activities that do not meet one of the Performance Standards

- 9.6.4.1 1. Where a Permitted Activity does not meet one of the Performance Standards for permitted activities in 9.4, and in accordance with Rule 9.3.2 the activity shall be a Restricted Discretionary Activity, where Council shall restrict the exercise of its discretion to the following matters:
- a. The degree, scale, or character of non-compliance and its effect on the surrounding environment,
 - b. The degree of non-compliance and its impact on the privacy and amenity of adjoining sites
 - c. The measures undertaken to mitigate the effects of the activity on adjoining sites, and the measures taken to mitigate the impacts of adverse cumulative effects on the amenity of the area
 - d. The design, location and surfacing of parking and turning areas to ensure safe and efficient vehicle circulation on the site.
 - e. The provision of adequate sight distances to prevent on-street congestion caused by the ingress and egress of vehicles to and from sites.
 - f. The extent to which the proposal triggers the need for a traffic impact assessment as outlined under **Appendix 4**.
2. **Noise**
- a. The sensitivity of the receiving environment to the effects of the noise and the effects on the receiver, especially where the affected activity has a component where people need to sleep or concentrate.
 - b. The nature of the locality or zone and the activities within it (including traffic and pedestrian activity) and level of background noise.
 - c. The location of the activity in relation to any nearby non- industrial zones and the extent to which the noise generated will affect the amenity values of the surrounding activities.
3. **Temporary Events**
- a. The extent to which the proposed hours of operation for the event would detrimentally affect the amenity of surrounding areas.
 - b. The extent to which an extension of the permitted duration of the event will have an adverse effect on the amenity of the surrounding area.
 - c. Whether the scheduling of events and the time elapsed between them adequately avoids or mitigates possible cumulative adverse effects on amenity of the surrounding area.
 - d. The extent to which vehicular traffic and related parking generated by the activity is accommodated without loss of amenity, safety or causing traffic congestion.
 - e. The extent to which the sitting of structures would result in adverse effects on adjoining properties.

4. Financial contribution for reserves and heritage purpose

A financial contribution for reserves and heritage purposes shall be taken for those activities specified in **Part 13** and **Part 15**. The contribution shall be taken in accordance with the provisions of **Part 15**, as if the activity was subject to an application for a resource consent.

Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services. To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works

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9.7 DISCRETIONARY ACTIVITIES

9.7.1 Where activities within the Airport 1 Zone in Table 9.3 are stated as Discretionary Activities, the activity shall be assessed against the relevant specific assessment criteria listed under 9.7.6 and 9.7.7. Council can choose to grant or refuse a consent for a discretionary activity. If Council grants a consent it can be granted subject to conditions.

9.7.2 Activities in 9.3 that are stated as Discretionary Activities in the Airport 1 zone comprise:

ACTIVITY NUMBER	NAME	CRITERIA
9.3.3	Any activity stated as a permitted activity that does not meet more than one of the performance standards for permitted activities stated in 9.4	9.7.6, 9.7.7.1
9.3.4	Any activity stated as a controlled activity that does not meet the performance standards for permitted activities stated in 9.4	9.7.6, 9.7.7.1
9.3.35	Industrial trade, vehicle transport and storage facility	9.7.6
9.3.46	Activities undertaken on a site of potential contamination	9.7.7.2

9.7.3 The general assessment criteria for Discretionary Activities are provided in 9.7.6. In addition to the criteria listed in 9.7.6 specific criteria for the relevant activities listed above in 9.7.2 is provided in 9.7.7.1 and 9.7.7.2.

9.7.6 GENERAL ASSESSMENT CRITERIA WHEN ASSESSING DISCRETIONARY ACTIVITIES

For activities within the Airport 1 Zone Council may decline the application, or grant it subject to conditions in consideration of the matters stated below;

Amenity and Building Design criteria

9.7.6.1 The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.

1. The extent of which the bulk or repetitive nature of the building form will detract from the visual amenity of the environment
2. The extent of the cumulative effects created by the proposal in the considered location. Consideration of existing activities located in the wider environment and the level of impact on the environment will be assessed.
3. The extent to which the development of the proposal will detract from the efficient use or development of any other Zone or site

Streetscape and compatibility

- 9.7.6.2.
1. Vehicular access, parking and manoeuvring space should not dominate the public frontage and should be set further back than the front face of the building.
 2. Solid fences and walls along any street or reserve boundary and between the street and the front face of the closest building should be generally avoided or limited in height.

Vehicle access and parking

- 9.7.6.3
1. The extent to which the development will result in street congestion and levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.
 2. The proposal shall be in accordance with the provisions of Appendix 4
 3. The location of the access way in relation to adjoining and adjacent land uses and the extent of mitigation undertaken to reduce adverse effects on these parties.
 4. The extent of which car parking is safe and convenient whilst still maintaining aesthetic qualities from the Road
 5. If access is gained onto or within vicinity of a State Highway that the proposal is consistent with the standards of the Road Controlling Authority.
 6. The extent to which the proposal triggers the need for a traffic impact assessment as outlined under Appendix 4.

Noise

- 9.7.6.4
1. The proximity to and impact on noise sensitive activities or facilities.

2. The extent of noise impacts from traffic, and operations from the activity on the surrounding environment.
3. The extent of noise mitigation measures proposed to reduce noise levels to a level compliant with Rule 9.4.6.2
4. Any required acoustic treatment listed under 9.4.3.5 and 9.4.3.6 if the activity is sensitive to aircraft noise.
5. Any noise effects generated from the congregation of people on site and traffic associated with the facilities use.

Servicing

- 9.7.6.5 1 The ability to adequately service the proposal and connect to Council reticulation where available.

Airport efficiency

- 9.7.6.6 1. The extent to which the proposed land use will have adverse effects on the safe and efficient operations including landings and take offs of the Rotorua Airport.

Financial contribution for services

- 9.7.6.7 1. A financial contribution for reserves and heritage purposes shall be taken for those activities specified in **Part 13** and **Part 15**. The contribution shall be taken in accordance with the provisions of **Part 15**, as if the activity was subject to an application for a resource consent.

Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services. To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works

9.7.7 ADDITIONAL ASSESSMENT CRITERIA FOR SPECIFIC ACTIVITIES

The following assessment criteria shall apply to specific activities;

Permitted and controlled activities that do not meet one or more of the performance standards

- 9.7.7.1 Council may decline the application, or grant it subject to conditions in regard to the matters stated below;
1. The degree, scale, or character of non-compliance and its effect on the natural environment,
 2. The extent of measures taken to mitigate the impacts of adverse cumulative effects on the amenity of the area
 3. The extent to which alternative practical locations are available on the site for the location any intruding building
 4. The extent of which the intrusion is required to provide more efficient and practical use of the remainder of the site
 5. The extent to which the proposed land use will have adverse effects on the safe and efficient operations including landings and take offs of the Rotorua Airport.

Activities undertaken on sites of potential contamination without remediation

- 9.7.7.2 Council may decline the application, or grant it subject to conditions in regard to the matters stated below;
1. The extent of immediate and long term potential damage to property and the health of occupiers and users of the site
 2. The nature and suitability of the activity onsite in relation to the levels of contamination present.
 3. The proposed mitigation and remediation measures to be undertaken to ensure level of contamination are consistent with those recommended within national legalisation for each land use.
 4. The proposed mitigation to internalise any adverse effects of contamination and halt any further discharge to the environment.

9.8 NON-COMPLYING ACTIVITIES

9.8.1 Where activities in 9.3 are stated as Non-complying Activities they shall be assessed against those matters in Rule 9.7.6 and the relevant objectives and policies of the district plan, including those included in 9.2. Council can choose to grant or refuse a consent for a non-complying activity. If Council grants a consent it can be granted subject to conditions.

9.8.2 Activities in 9.3 that are stated as Non Complying Activities comprise:

ACTIVITY NUMBER	NAME	CRITERIA
9.3.5	Where an activity is not expressly stated in 9.3	All activities to be assessed under the Resource Management Act 1991 and 9.8.4 of this Plan.
9.3.6	Any activity not in accordance with the designation of the land unless otherwise stated.	
9.3.18	Notwithstanding any other activity listed in 9.3, any vegetation, new buildings or structures intruding into the Z- Diff Buffer (excluding the remnant stand of kahikatea known as White Pine Bush on Planning Maps 362 and 365).	

9.8.3 Activities that are not listed in Table 9.3 are activities that are not expressly provided for within the Zone and are considered to create excessive adverse effects that are more than minor and will impact the amenity and character of the zone. Such activities should be located in a different, more suitable zone.

9.8.4 GENERAL ASSESSMENT CRITERIA WHEN ASSESSING NON COMPLYING ACTIVITIES

Council may decline the application, or grant it subject to conditions in consideration of the matters stated in 9.7.6, and also the matters stated below;

1. The extent to which the proposal promotes the Matters of National Importance held within Part 3 of this plan.
2. The extent to which the proposal will detract from the character and amenity of the environment.
3. The extent to which the adverse effects generated by the proposal can be reduced to a level consistent with the amenity and character of the environment.
4. The extent to which the proposal enforces the objectives and policies of the District Plan
5. The extent to which the activity is provided for within an alternative Zone, and its detraction from the amenity of this Zone.
6. The extent of cumulative effects generated by the proposal.
7. The extent of adverse effects generated by odour, noise, traffic, lighting and glare on the surrounding amenity and character.
8. The extent of reverse sensitivity impacts generated by the proposal on the surrounding residential environment.
9. The extent to which the proposal triggers the need for a traffic impact assessment as outlined under **Appendix 4**.

9.9 SUBDIVISION

- 9.9.1 Subdivisions complying with the provisions stated in **9.5** and with the provisions of **Part Thirteen** shall be a Controlled Activity. The criteria on which a subdivision application will be assessed, and any conditions that Council may impose, are included in **Part Thirteen**.

9.10 OTHER DISTRICT PLAN PROVISIONS

- 9.10.1 Reference should also be made the following sections of the plan for other matters that may determine the classification of an activity within the residential areas of the district:

Part 1	Definitions
Part 2	Issues of Importance to Maori
Part 3	Matters of National Importance
Part 4	Residential
Part 11	Reserves and recreation
Part 12	Infrastructure
Part 13	Site suitability and subdivision
Part 14	Natural hazards
Part 15	Financial contributions
Part 16	Hazardous substances
Appendix 1.	Cultural Heritage Inventory
Appendix 2.	Natural Heritage Inventory
Appendix 3.	Designations
Appendix 4.	Transport
Appendix 5.	Approved Development Plans

9.11 DEED OF LAND COVENANT

DEED dated the..... day of 200...

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 Ldn 60dBA or the Ldn 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 [Ldn 60dBA] [Ldn 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, enure 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)

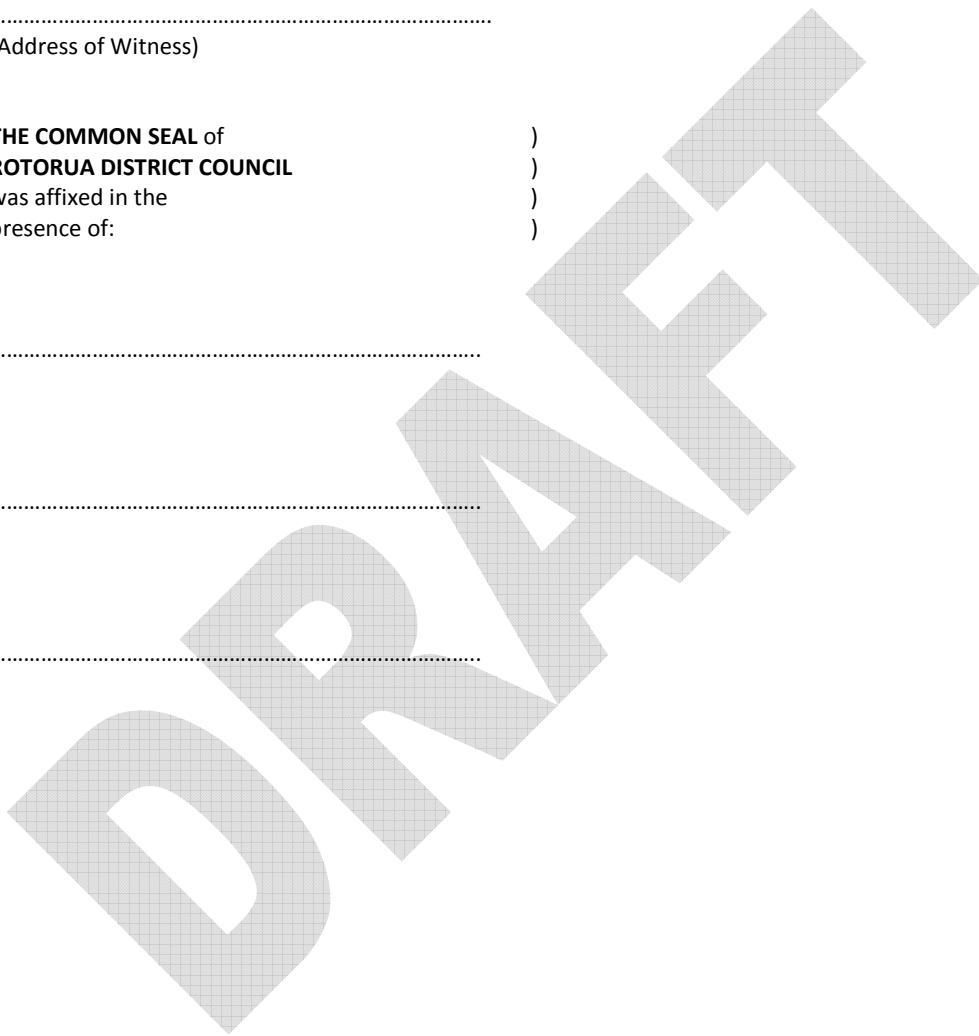
.....
(Address of Witness)

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 [Ldn 60dBA] [Ldn 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