

PART 3

MATTERS OF NATIONAL IMPORTANCE

3.1 INTRODUCTION AND SIGNIFICANT RESOURCE MANAGEMENT ISSUES

- 3.1.1 The landscapes and natural features of a district define what it is that makes that area distinct and different. In the Rotorua district those key distinctive landscape attributes are derived from the many lakes, volcanic landscapes and active geothermal features. The geothermal features of the district are highly accessible and known around the world. The geothermal resource was a core reason for the establishment of the Ohinemutu, Whakarewarewa, Ngapuna kainga, and latterly the Rotorua township.
- 3.1.2 The many lakes of the district complement the volcanic landscape and provide not only spectacular views but an abundance of passive and active recreation opportunities, and also support a number of commercial operations. The beds of lakes Ngahewa, Ngapouri, Okareka, Okataina, Rerewhakaaitu, Rotorua, Rotoiti, Rotoehu, Rotoma, Rotomahana, Tarawera, Tikitapu, Tutaeinanga, have been vested in Te Arawa. The bed of Lake Okaro remains vested in the Rotorua District Council. Lake Rotokakahi is a private lake managed by the Rotokakahi Board of Control. The Te Arawa Lakes Trust, Rotorua District Council, and the Bay of Plenty Regional Council are working collaboratively to ensure the ongoing management, restoration, and rehabilitation of the health of the Rotorua lakes. The Rotorua lakes are well known for some of the best freshwater trout fishing in the world. Rotorua has a rich history centred around the trout fishing industry which has been developed over time. Significant trout hatcheries are located within the district, meaning a wealth of information is held on the habitats of trout within the district's many lakes, rivers, and streams.
- 3.1.3 Section 6 of the Resource Management Act 1991 sets out the matters of national importance that Council is required to protect from inappropriate land use, subdivision and development. The unique natural character of the Rotorua district is defined by its natural features and landscapes. The intent of this chapter is to recognise and provide for those features, landscapes, and characteristics that are of importance within the district, without unduly restricting the property rights of landowners. It is important that the district plan balances the ability to make use of land and resources, whilst at the same time ensuring that those special qualities and characteristics of the feature are retained, or, if opportunities are presented, enhanced. This chapter also seeks to improve and enhance public access within the district and promote the usability of buildings and sites that are of historical and cultural importance.
- 3.1.4 In developing the policy framework for the management of nationally important features extensive research has been undertaken. There is a need to objectively assess attributes of features and determine whether these attributes mean that the feature is of such significance to warrant additional planning provisions. Those landscapes, features, areas, sites, buildings and trees that are important, and that contribute to the Rotorua identity, have been identified and are included in Appendix 1 and 2. The provisions of this part of the plan focus on the management of the features identified in the appendices, and provide guidance to ensure activities are mindful of the qualities and attributes that require special consideration.
- 3.1.5 The issues detailed below have shaped the matters of national importance policy framework. While many issues have required consideration, and the objectives and policies are comprehensive, most are related to achieving one of the following major outcomes:

- To effectively manage important natural features and landscapes without placing too many restrictions on the rights of property owners to use their land
- To ensure that the natural character of the riparian margins of the district's lakes, rivers, streams, and wetlands is maintained and where possible, improved
- Clear identification of important sites
- To protect the district's heritage and ensure the appropriate location of buildings, structures and sites
- To increase public access to the district's important features and landscapes

PRESERVATION OF THE NATURAL CHARACTER OF WETLANDS, LAKES, RIVERS, STREAMS, WETLANDS AND THEIR MARGINS

3.1.6 There are 16 lakes, over 120 wetlands and three major rivers in the district. Each have varying degrees of man made structures and influences impacting on the natural character of these areas. Of key concern is the degradation and loss of wetlands in the district which perform important functions in improving water quality. Similarly, retiring lake margins to protect the natural character and ecological functions will enhance the water quality of the lakes within the district.

PUBLIC ACCESS TO LAKES, RIVERS, STREAMS

3.1.7 The Rotorua district contains an array of natural features, landscapes and indigenous flora and fauna that support the variety of recreational opportunities that the district is renowned for. Public access to some of these features has been hindered due to a lack of formal public access within the district, and a proactive approach to maintaining and enhancing public access is required to enhance public access throughout the district. The creation of esplanade reserves and strips is the most secure and effective way to provide public access to lakes, rivers, streams and wetlands. Their purpose under the Act is to provide public access to water bodies, to contribute to the protection of the natural character of lakes, rivers, streams, and wetlands and enable recreational use of esplanade reserve or strip. They also help improve water quality by providing a buffer area between the land and water edge and maintain ecological values of these ecosystems. The district plan identifies those priority lakes, rivers, and streams where esplanade provisions will be implemented. Further, the objectives and policies of the plan identify where the preference is for the vesting of land with Council as an esplanade reserves, and where the preference is for an esplanade strip where public access can occur over land that remains in private ownership.

GEOHERMAL SURFACE FEATURES

3.1.8 The presence of significant geothermal features throughout the entire district is key to the district iconic status. Geothermal features themselves do not exist in isolation, commonly the feature is part of a landscape, or group of features, or part of a vegetative habitat. A sizeable proportion of the district's geothermal features in the urban area are located on publicly administered land.

3.1.9 The district plan does not separately identify geothermal features in the Appendices of the plan. However, all geothermal features are recognised as either being a part of an identified significant natural area, historical area, or outstanding natural feature or landscape. There are also a number of streams within the district that are of a geothermal nature, and as such are an intricately balanced component of the overall Rotorua natural environment. The Regional Policy Statements of Environment Waikato and the Bay of Plenty Regional Council provide the overall direction for the management of geothermal systems, with the function of the district plan focussing on maintaining the integrity of the geothermal surface feature. The geothermal resource will continue to have a significant influence in the future of the Rotorua economy, particularly in regard to renewable energy generation. The challenge for the district plan will be to enable infrastructure associated with renewable energy to occur in such a way that is both economically and environmentally sustainable. Part 13 Subdivision and Part 14 Natural Hazards include the provisions for managing activities adjoining geothermal features where the safety of people and structures may be compromised.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES (IMPORTANT LANDSCAPES AND FEATURES)

3.1.10 There are several outstanding features and landscapes within the district, with most occurring in the rural areas, but a small number are located in, or near, the Rotorua urban area, including for example Whakarewarewa, Mt Ngongotaha and Mokoia Island. Most of important landscapes and features are located on private land, and the challenge is to ensure the values are managed in a way

that reflects their significance but does not prejudice the landowner's ability to provide for their economic wellbeing.

AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA

3.1.11 The district's volcanic origin has created a wide range of indigenous biodiversity, some of which is unique to Rotorua. Areas of indigenous vegetation and habitat have depleted due to clearing of forests, draining of wetlands, clearing of geothermal areas, and modification of ecosystems. A large proportion of nationally significant indigenous vegetation and habitats is located on public land administered by the Department of Conservation; however there is also areas identified as unprotected significant natural areas (SNAs) that occur on privately owned land, some of which are considered to be nationally significant. A balance needs to be struck to protect these features without compromising the productivity of land.

MAORI CULTURAL AND TRADITIONAL RELATIONSHIPS

3.1.12 A key consideration of this plan is to recognise and provide for the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga. To enable this to occur these areas of the district that are of importance to Maori are to be identified. When it is not possible to identify these, Council must ensure appropriate consultation procedures are in place before land use decisions are made. Part 2 of the district plan focuses in more detail on the relationship between Maori with their ancestral lands, water, sites, waahi tapu and other taonga. It is important that Part 2 of the district plan is not seen in isolation of this section. The nationally important landscapes, features, sites, areas, and buildings have an intricate relationship with Maori culture and traditions that needs to be recognised and provided for.

HISTORIC HERITAGE

3.1.13 Historic heritage covers a broad range of features of both Maori and European origin that contribute to an understanding and appreciation of New Zealand's history and culture. Historic heritage refers to archaeological sites, historic sites and areas, built heritage, and notable trees. Each of these heritage components combine to tell the overall story of the Rotorua community. Many are well known and visible, others less so. The heritage items include identifiable features such as archaeological and built heritage, and those less visible such as battlefields or fishing grounds where often there is no visible feature or evidence. Notable trees are also included under historic heritage. The challenge is to implement an appropriate level of control over heritage features to ensure that they are appropriately managed and protected whilst providing enough flexibility so that these features or sites can be used for activities that complement the values of the site or feature.

DRAFT POLICY FRAMEWORK – FEEDBACK SOUGHT

Does the policy framework strike a balance - does it provide sufficient protection to features that are of national importance and recognise the need to have a working environment for landowners?

Is the framework easy to understand and link well with other relevant policies in the district plan, without unnecessary repetition?

Are you able to understand why the matters of national importance are so key to the district?

Are there issues have qualities and characteristics that should have more prominence in the framework?

Does the policy framework provide sufficient direction on matters of national importance or is it too prescriptive?

SPECIAL CONSIDERATION FOR THE RURAL, SUBDIVISION AND MATTERS OF NATIONAL IMPORTANCE CHAPTERS OF THE DRAFT DISTRICT PLAN

Specific feedback is sought on a proposal that could incentivise land use change, natural heritage protection and lake water quality improvements in the Rotorua district.

We all know Activity Rules can be used to stop something from happening in a certain area.

But activity rules can also be used to incentivise and enable actions. Activity rules can be used to Target land use change

This concept is based on a public-private sector approach to the development of sustainable land use options for “strategic properties”, those properties where there is willingness, or where substantial gains can be made for water quality or broader environmental objectives.

What this entails is the development of concept plans, sponsored by Rotorua District Council or BOP regional council, for key properties. The development plans would be based on ecological, groundwater, landscape and sustainable infrastructure principles. The landowner would need to agree to the development plans and their outcomes. Concept plans could cover a range of land-use change options beyond common lifestyle lots such as forestry, tourist lodges, golf courses, industry and farm parks for example.

The concept plans would be incorporated into the district plan that is to be publicly notified. If a landowner then wishes to develop in accordance with the concept plan the activity would be a controlled activity – meaning that Council must approve the application subject to conditions, where one of the conditions would be to demonstrate a decrease in nutrients.

If a landowner wished to deviate from the concept plan then consent for a restricted discretionary/discretionary activity would be required, which Council can choose to approve or decline. Where a development that did not fit with the concept plan was suggested, where there would be an increase of nutrients discharged or where no benefit resulted, then the activity would be a discretionary or non-complying activity, which may or may not be approved.

A number of discussions are currently underway to see if at least one test-case can be formulated and reflected in the proposed, rather than the draft version of the district plan. Council would go as far as funding part of the ecological or landscape assessments during the scoping phase. In addition, landowners will be encouraged to provide the concept plans as submissions to the district plan.

Please tell us what you think.

3.2 OBJECTIVES AND POLICIES

The following objectives and policies provide the framework for managing the effects of land use and subdivision on Matters of national importance. The objectives and policies provide a platform for the assessment of applications, with the objectives stating the outcomes that the district plan seeks to achieve in regard to Matters of National Importance. The objectives and policies of this chapter need to be read in conjunction with relevant zone chapters

The following objectives and policies recognise and provide for:

- The preservation of the natural character of wetlands, lakes, rivers, and their margins, and the protection of them from inappropriate subdivision, use, and development
- The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- The maintenance and enhancement of public access to and along lakes and rivers
- The protection of historic heritage from inappropriate subdivision, use, and development.

Preservation of the natural character of lakes, rivers, streams, wetlands and their margins

Objective 3.2.1

The districts lakes, rivers, streams, and wetlands retaining their natural character, and the natural character or their margins improved if opportunities are available.

Policy 3.2.1.1

Ensure that the effects of land use activities and subdivision contribute in a positive manner to the preservation of the natural character of lakes, rivers, streams, and wetlands.

Policy 3.2.1.2

Recognise when assessing consent applications that the natural character of lakes, rivers, streams, and wetlands are sensitive ecological systems and will require particular management to ensure the effects of the land use or subdivision activity are mitigated. The mitigation measures may include:

- The use of a buffer to ensure separation distance from the activity and the water body margin
- Revegetation and planting to ensure protection of the water body margin
- Fencing and ongoing management of the fenced area to provide for the exclusion of stock and grazing
- Rehabilitation and restoration of riparian habitats

Policy 3.2.1.3

Provide for the maintenance of the natural character of lakes, rivers, streams, and wetlands, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network.

Policy 3.2.1.4

Manage the effects of structures on the natural character of lakes, rivers, streams, and wetlands, and in particular ensuring:

- The structure is in keeping with the scale and characteristics of the surrounding land and water environment
- Lake structures do not dominate the landscape in which they are located

- That there is not a proliferation of structures in and around the margins such that natural character will be degraded
- That the co-location of structures occurs in order to mitigate effects on natural character

Policy 3.2.1.5

Restrict the location of some activities within the margins of lakes, rivers, streams, and wetlands that may impact the ability to generate a positive contribution to improving lake quality.

Public access to lakes, rivers, and streams

Objective 3.2.2

A comprehensive esplanade network adjoining the districts lakes, rivers, streams, and wetlands that has the purposes of:

- Maintenance or enhancement of the natural functioning of the adjacent lake, river, stream or wetland
- Preservation of the natural character of the water body
- Provision of public access to and along the adjacent water body
- Providing for public recreational use of the esplanade reserve or strips and adjacent water body
- Protection and enhancement of ecosystems and significant indigenous vegetation
- Maintenance and enhancement of water quality
- Enhancement of recreational activity, and public access or ecological linkages
- A means to mitigate natural hazards and achieve a positive environmental effect.

Policy 3.2.2.1

Require esplanade reserves adjoining identified lakes, rivers, streams, and wetlands of the district that are considered of primary importance from a public access, margin protection, or water quality improvement perspective.

Policy 3.2.2.2

Require esplanade strips adjoining lakes, rivers, streams, and wetlands of the district that are considered necessary to achieve a purpose stated in the objective.

Policy 3.2.2.3

Require esplanade reserves or strips where linkages and connectivity between existing esplanade areas will achieve enhanced public access along the margins of lakes, rivers, streams, and wetlands of the district.

Policy 3.2.2.4

Consider the waiving of esplanade reserves in favour of esplanade strips where it can be demonstrated that the esplanade strip mechanism would be more beneficial; and where the purposes for which an esplanade reserve would have been taken are still achieved.

Policy 3.2.2.6

Consider the reduction in the width of esplanade mechanisms where:

- The reduced width still provides for the use and enjoyment of the area, and
- Where the purpose for which the esplanade area was required is able to be achieved.

Policy 3.2.2.5

Consider the waiving of esplanade requirements where:

- Exemplary circumstances exist that would negate the need to provide an esplanade area; and

- Where the purposes for which the esplanade area would have been required is being achieved by other elements of the proposal; and
- Where the positive effects of the proposal offset the need for an esplanade area to be set aside.

Policy 3.2.2.7

Consider the use of financial contributions to purchase land for esplanade reserves when land has been identified as highly valuable or provides a valuable linkage between two reserves and this land cannot be acquired through subdivision.

Geothermal surface features

Objective 3.2.3

Geothermal surface features protected from inappropriate subdivision, use, and development so that a unique element of Rotorua history, culture, and identity is available for future generations.

Policy 3.2.3.1

Recognise the special cultural connection with geothermal surface features in the Ohinemutu and Whakarewarewa villages, and provide for this in the management of the features and associated land use activities in these villages.

Policy 3.2.3.2

Recognise and provide for tangata whenua as *Kaitiaki* when assessing land use and subdivision proposals that may impact geothermal surface features.

Policy 3.2.3.3

Require rehabilitation, revegetation, and enhancement of geothermal surface features where these are located on a site subject to land use or subdivision activity.

Policy 3.2.3.4

Control the effects of subdivision and land use activities that have the potential to modify the qualities and characteristics that contribute to the uniqueness and importance of geothermal surface feature.

Policy 3.2.3.5

Control the effect of subdivision and land use activities where the geothermal surface feature is located with within an important landscape or feature, or within an area of vegetation or habitat significance, and the feature may be adversely affected by the proposed activity.

Activities undertaken within or adjoining important landscapes and features

Objective 3.2.4

The landscapes and natural features of the Rotorua district providing a backdrop to a working urban and rural environment, where activities undertaken complement the attributes that make our landscapes so unique.

Policy 3.2.4.1

Enable land use activities to occur within the important landscapes where:

- The activities are complementary or enhance the important landscape or feature; and
- Where the activity will not result in

modification that will lead to the unique qualities or characteristics of the important landscape or feature being compromised.

Policy 3.2.4.2

Provide for the location of structures and buildings within important landscapes and features where the location is sympathetic to the qualities and characteristics that make the landscape or feature nationally important. Where the following is achieved:

- The structure or building is not obtrusive when viewed from a lake or river
- The qualities and characteristics of the important landscape or feature are enhanced rather than adversely impacted
- The adverse cumulative effect of activities undertaken on or near the important landscape or feature are not further exacerbated
- The structure or building is not sited on a prominent ridgeline or landscape promontory such that it is visible on the skyline
- Measures such as broken form, reflectivity of exterior finishes, design themes, separation distances, landscaping, and revegetation of the site, are implemented as part of building design.

Policy 3.2.4.3

Enable development on the terraces of the Rotorua Caldera rim, where the subdivision, use, and development complements the function that the caldera plays as an important rural backdrop to the city.

Policy 3.2.4.4

Restrict activities that have the potential to adversely effect the Rotorua caldera landscapes, such as tracking, mining, quarrying, and the location of buildings that will have a high degree of prominence.

Objective 3.2.5

Protecting important landscapes and features from inappropriate subdivision, use, and development taking into account the unique characteristics and values.

Policy 3.2.5.1

Control land use and subdivision activity on identified nationally important landscapes and features where the following landscape qualities and characteristics may be impacted:

- Natural science factors such as representativeness, research and education, and rarity
- Aesthetic values such as coherence, vividness, naturalness, and intactness
- Expressiveness and legibility
- Transient values
- Shared and recognised values
- Maori values
- Historical associations

(An explanation of these qualities and characteristics can be found in Appendix 2)

Policy 3.2.5.2

Restrict activities that may locate in, or adjoining, an important landscape or feature that will adversely affect the qualities and characteristics of the landscape or feature either by:

- Re-contouring
- Quarrying or mining
- Road construction
- Or modification through other means, where the attributes that have led to the identification of the important landscape are compromised or lost.

Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas)

Objective 3.2.6

A network of healthy functioning areas of significant indigenous vegetation and habitats with a high degree of ecological integrity, intactness, connectivity, and cohesiveness, that are:

- Recognised, protected and enhanced for the ecological, intrinsic, scientific, and educational values the area possesses
- Representative of the ecological districts and units of the wider Rotorua district
- Presently under threat from incompatible land use practices that may risk the continued existence of the feature

Policy 3.2.6.1

Enable land use activities to occur where they adjoin significant natural areas where:

- The activities are complementary or enhance the significant natural area; and
- Where the activity will not result in modification that will lead to the unique qualities or characteristics of the significant natural area being compromised.

Policy 3.2.6.2

Recognise when assessing consent applications that significant natural areas will require particular management to ensure the effects of the land use or subdivision activity are mitigated. The mitigation measures may include:

- The use of a buffer to ensure separation distance from the activity and the significant natural area
- Revegetation and planting to ensure protection of the significant natural area
- Legal protection of the significant natural area and fencing and ongoing management of the fenced area to provide for the exclusion of stock and grazing
- Rehabilitation and restoration of the significant natural area, and the surrounding lands.

Policy 3.2.6.3

Encourage as part of subdivision and land use applications the incorporation of design features that will assist in improving the ecological integrity, intactness, connectivity, and cohesiveness of the significant natural area such as:

- Placement of buildings, structures, and on-site access in a manner that limits the

- disturbance of indigenous vegetation
- Undertaking of complementary revegetation adjoining the area and on-site that will reduce pest plant dispersal
- Increasing the cohesion and intactness and robustness through additional adjoining revegetation
- Taking up opportunities for additional planting on-site that would encourage connections with other areas and habitats

Policy 3.2.6.4

Encourage re-vegetation of areas between significant natural areas or esplanade areas, through the use of locally sourced indigenous plants species, to achieve increased connectivity and function of ecological corridors.

Policy 3.2.6.5

Encourage the ongoing legal protection and management of significant natural areas by using an additional subdivision right as an incentive, where the following can be met:

- The area of vegetation is identified as a significant natural area of importance in Appendix 2 of the plan
- The protection of the significant natural area is ongoing and provides for the maintenance and enhancement of the important feature
- The additional lot that may be subdivided meets the requirements for subdivision as detailed in the plan
- That the protection and ongoing maintenance of the significant natural area results in a positive effect on the environment.

Objective 3.2.7

Protecting significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use, and development taking into account the characteristics and values that make the areas significant.

Policy 3.2.7.1

Require at time of subdivision or land use the enhancement or protection of significant natural areas that are of national or regional importance.

Policy 3.2.7.2

Require rehabilitation, revegetation, and enhancement of geothermal surface features where these are located on a site subject to land use or subdivision activity.

Policy 3.2.7.3

Control the effects of subdivision and land use activities that have the potential to adversely affect the ecological integrity, intactness, connectivity, and cohesiveness, or the significant natural area.

Policy 3.2.7.4

Restrict the location of structures and buildings within significant natural areas so that the integrity, intactness, and ecological value of the area is not compromised.

Historic heritage

Objective 3.2.8

Continued existence of historic heritage from different eras and themes that contribute to, and that are representative, of Rotorua's evolving history.

Policy 3.2.8.1

Enable land use activities to occur within an area, site, building, or structure identified in **Appendix 1** as being of heritage importance where:

- The activities are complementary or enhance the heritage site or area; and
- Where the activity will not result in modification that will lead to the heritage values of the site or area being compromised.

Policy 3.2.8.2

Recognise when assessing consent applications where heritage features are present require particular management to ensure the effects of the land use or subdivision activity are mitigated. The mitigation measures may include:

- The use of a buffer to ensure separation distance from the activity and the heritage area, site, building, or structure
- Revegetation and planting to ensure protection of the heritage area, site, building, or structure
- Managing access to ensure intactness and maintenance of heritage values
- Restriction of certain activities that may be permissible within the immediate vicinity of the heritage area, site, building, or structure.

Policy 3.2.8.3

Encourage as part of subdivision and land use applications the incorporation of design features that will assist in improving the integrity, intactness, and cohesiveness of the heritage area, site, building, or structure such as:

- Placement of buildings, structures, and on-site access in a manner that limits the disturbance of the heritage feature
- Undertaking renovation or restoration in keeping with promoting the era or theme that the heritage values of the feature highlight
- Taking up opportunities for additional enhancement that would encourage understanding and appreciation of the heritage feature

Policy 3.2.8.4

Encourage the use of heritage buildings in a

manner that does not compromise or detract from those features for which the heritage item is valued.

Objective 3.2.9

Protecting heritage areas, sites, buildings, or structures from inappropriate subdivision, use, and development taking into account the distinctive values of each heritage item.

Policy 3.2.9.1

Manage the effects of activities undertaken in heritage buildings where the heritage values of the feature may be adversely affected.

Policy 3.2.9.2

Require rehabilitation, restoration, and enhancement of heritage areas, sites, buildings, or structures, where these are located on a site subject to land use or subdivision activity.

Policy 3.2.9.3

Control the effects of subdivision and land use activities that have the potential to adversely affect the integrity, intactness, and cohesiveness of the heritage area, site, building, or structure.

Policy 3.2.9.4

Control the effects of subdivision and land use activities that have the potential to adversely affect the integrity, intactness, and cohesiveness of archaeological sites.

Policy 3.2.9.5

Restrict the location of new structures and buildings within heritage sites and areas so that the integrity, intactness, cohesiveness, and heritage values of the site or area are not compromised.

Policy 3.2.9.5

Restrict the location of new structures and buildings within the vicinity of identified archaeological sites to ensure that the site is not lost.

Notable trees

Objective 3.2.10

Identified notable trees recognised and protected as living components of Rotorua history.

Policy 3.2.10.1

Permit appropriate maintenance of notable trees to ensure that continued health, vigour and function of the tree is facilitated.

Policy 3.2.10.2

Recognise that in some instances that the location of a notable trees is integral in determining its importance, and to consider this when assessing land use and subdivision activities in the surrounding environment.

Policy 3.2.10.3

Manage effects of land use and subdivision on sites that have, or adjoin, notable trees listed in **Appendix 1**.

Policy 3.2.10.4

Restrict the removal or destruction of notable trees listed in **Appendix 1**, unless the health of the tree is such that it is diseased or unsafe and should be removed.

3.3 RULES FOR ACTIVITIES

The following Rules classify the activities undertaken within district. The activity tables in the zone in which the activity is to be undertaken must also be referenced in **Table 3.3**:

3.3.1 For ease of cross-reference, the activity types are explained below:

- P = Permitted activities** Where activities in **3.3** are stated as Permitted Activities, **AND** where they comply in all respects with the Performance Standards in **the relevant zone** resource consents will not be required.
- C = Controlled activities** Where activities are expressly stated in **3.3** 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 3.5**. 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.
- D = Discretionary activities** Where activities are expressly stated as Discretionary Activities the activity shall be assessed against those matters in **Rule 3.6**. 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 as Non-complying Activities they shall be assessed against those matters in **Rule 3.7**. 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.

All features and sites that are referred to in **Table 3.3** are shown on **300 and 500 series planning maps**, and are scheduled in **Appendix 1 or 2**.

This part, Matters of National Importance is applicable to all zones and is district wide. All activities stated in **Table 3.3** are also subject to the rules of the zone in which the activity is located. Where a more stringent activity class for an activity is specified in another zone or part, then this shall be the activity class for the activity.

The subdivision provisions of **Part 13** must also be referenced in respect to esplanade reserves and additional subdivision entitlement for protection of features where set out in **Table 3.3**.

3.3.2 **Table 3.3 Activities related to Matters of National Importance**

Activities	Status
General rules and activity classifications	
1. Any activity stated as a permitted activity in Table 3.3 that does not meet the performance standards stated in 3.4 .	D
Natural character of the margins of lakes, rivers and wetlands	
2. Restoration and re-vegetation of riparian margins, including enhancement of lake, river, stream or wetland margins.	P
3. Disturbance or removal of vegetation along the riparian margins of rivers or lakes	D
4. Disturbance, modification, or drainage of wetlands as shown on the Planning Maps, and as identified in Appendix 2.4	D
5. Buildings, structures, and earthworks located within 25m from the margin of a lake, or from a river or stream identified on the Planning Maps as being an area identified for esplanade reserve acquisition	D
6. Lake structures	D
Maintenance and enhancement of public access	
7. The construction of walking tracks to provide for public access, except as stated in Rule 3.3.37	P
8. Structures located within 25m from the margin of a lake, or from a river or stream identified on the Planning Maps as being an area identified for esplanade reserve acquisition	D
Esplanade reserve and esplanade strip provisions	
<i>The provisions for esplanade reserves and esplanade strips shall be read in conjunction with the subdivision provisions of Part 13. Where there is a more stringent activity class for the subdivision activity in accordance with the provisions of Part 13, then this shall be the activity class of the subdivision activity.</i>	
9. Creation of access strips across land	P
10. Subdivision of land where new sites created are less than 4ha where an esplanade reserve of 20m in width is required.	Please see Part 13
11. Subdivision of land where new sites created are less than 4ha where an esplanade reserve of more than 20m in width is required.	Please see Part 13
12. Subdivision of land where new lots created are more than 4ha.	Please see Part 13
13. Reduction of the 20m width for esplanade reserves or esplanade strips	D
14. Waiver of esplanade reserve requirements in favour of an esplanade strip	D
15. Waiver of a requirement for an esplanade reserve or esplanade strip	NC
Geothermal features located in important landscapes and significant natural areas	
16. Restoration, re-vegetation, or protection of geothermal features	P
17. Geothermal exploration that does not disturb, modify or destroy the geothermal surface feature	P

18.	Notwithstanding any other rule in Table 3.3 disturbance or removal of geothermal vegetation	D
19.	Notwithstanding any other rule in the plan, geothermal exploration and energy generation that disturbs, modifies, or destroys the geothermal surface feature	D
20.	Notwithstanding any other rule in Table 3.3 the destruction of a geothermal surface feature	NC

Activities undertaken within, or adjoining, important landscapes		
21.	Unless otherwise stated in Table 3.3 farm tracks associated with standard farming practices	P
22.	Earthworks and recontouring of land associated with standard farming practices, and for the purposes of providing suitable building platforms and site access	P
23.	Plantation forestry and standard forestry silvicultural activities, excluding harvesting activities.	P
24.	Buildings and structures located within an area of an important landscape feature identified in Appendix 2.2 , that comply with the performance standards stated in 3.4	P
25.	Harvesting activity undertaken as part of plantation forestry within, or adjoining, an important landscape identified in Appendix 2.2 .	C
26.	Quarrying associated with plantation forestry and harvesting activities within, or adjoining an important landscape identified in Appendix 2.2 .	C
27.	Earthworks and recontouring of land associated with standard farming practices, that may result in the modification of a Mamaku Tor feature	D
28.	Earthworks, recontouring, and modification of important landscapes identified in Appendix 2.2	D
29.	Lake structures.	D
30.	Buildings and structures located within an area of an important landscape feature identified in Appendix 2.2 , that do not comply with the performance standards stated in 3.4 .	D
31.	Mining and Quarrying where the extent of the ground and material to be mined or quarried adjoins an important landscape as shown in the Planning Maps and identified in Appendix 2.2	D
32.	Construction of roads within and through an important landscape identified in Appendix 2.2 .	NC
33.	Mining and Quarrying within an important landscape as identified in Appendix 2.2	NC
34.	Buildings and structures located on the skyline of an important landscape identified in Appendix 2 , or located on the skyline of the Rotorua caldera.	NC

Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Area's SNA's)		
35.	Restoration, re-vegetation, fencing, and enhancement of significant natural areas.	P
36.	Harvesting activity undertaken as part of plantation forestry within, or adjoining a significant natural area identified in Appendix 2.3 .	C
37.	Disturbance, removal, or modification of a significant natural area as shown on the Planning Maps, and as scheduled in Appendix 2.3 .	D
38.	Buildings, structures, and earthworks for the purpose of access located within or adjoining a significant natural area identified in Appendix 2.3 , and as shown on the Planning Maps .	NC

Heritage importance		
39.	Restoration, re-vegetation, fencing, and enhancement of an archaeological site, or a site of heritage importance in Appendix 1 .	P

40.	Internal alterations to heritage buildings or structures listed in Appendix 1.3 and Appendix 1.4 , except where the internal structure or parts thereof is specifically identified as significant in Appendix 1.4 .	P
41.	Maintenance and repair of heritage buildings, structures, and sites listed in Appendix 1.3 and Appendix 1.4 .	P
42.	External alterations to a heritage structure or building listed in Appendix 1.3 and Appendix 1.4	D
43.	Disturbance, modification, or recontouring within 50 metres of an archaeological site listed in Appendix 1.2 or any heritage site listed in Appendix 1.4 .	D
44.	Internal alterations to buildings or structures listed in Appendix 1.3 , where the internal structure or parts thereof is specifically identified as having heritage importance in Appendix 1.3	D
45.	Internal alterations to buildings and structures listed in Appendix 1.3 where the alterations will impact on the external features for which the heritage item is prized.	D
46.	Disturbance, modification, re-siting, or demolition of a heritage structure or building listed in Appendix 1.3 and Appendix 1.4 .	NC
47.	Location of new buildings or structures, or the undertaking of earthworks within or adjoining heritage sites identified in Appendix 1.4 .	NC
48.	Buildings, structures, and earthworks for the purpose of access located within 50m of an archaeological site identified in Appendix 1.2 .	NC

Notable trees		
49.	Arboricultural maintenance undertaken in order to ensure that the integrity of the notable tree identified in Appendix 1.6 is maintained	P
50.	Removal or destruction of a notable tree identified in Appendix 1.6 where the tree has become diseased or is dying and public safety is an issue.	C
51.	Activities undertaken within the dripline of a notable tree identified in Appendix 6 , and as shown in the Planning Maps , that would impact on the integrity and health of the tree	D
52.	Removal, destruction, or felling of a notable tree identified in Appendix 1.6 .	D

Additional subdivision entitlement for protection of features		
53.	Subdivision of land where a significant natural area identified in Appendix 2.3 is to be legally protected in accordance with rule 13.4.7.4(2) and where an additional site entitlement over and above that stated in Part 13 will be permitted	C

3.4 MATTERS OF NATIONAL IMPORTANCE PERFORMANCE STANDARDS

PERMITTED ACTIVITY STANDARDS

3.4.1 Activities stated as Permitted Activities within all zones shall comply with the performance standards below where they are located within an important landscape or within 20 metres of an important feature as shown on the 300 and 500 series planning maps, and scheduled in Appendix 1 or 2.

RESTORATION AND REVEGETATION OF RIPARIAN MARGINS

3.4.1.2 Restoration and revegetation of riparian margins shall comply with the following:

1. **Species selection**
 - a. Local species and local seed sources shall be used for the purposes of revegetation.
2. **Diversity and selection of species**
 - a. Species should be utilised that are suitable for riparian landform and site conditions.
 - b. Species shall be the same or similar to those Indigenous species that remain on the site, or previously occupied the site before clearance.
 - c. Selection of species shall re-establish the functional ecosystems and enhance the natural character of sites that have been cleared.
3. **Plant density**
 - a. One plant every 1.2m for shrubs, toetoe and flax; smaller plants (sedges, rushes, ferns) at 0.5m to 0.7m spacings.
 - b. Small-growing trees (kanuka, tree ferns) at 1m to 3m spacings; and
 - c. Large growing trees (pohutukawa, totara) at 5m to 10m spacings, with shrubs planted in between at the above spacings.
 - d. Non-indigenous species can be used for the purposes of assisting plantings achieve the densities stated above and to assist in the management of pest plants, provided that once the density has been established the non-indigenous species are removed in a manner that does not disturb the established plantings.
4. **Weed and animal pest control**
 - a. A weed control plan must be developed that includes the following:
 - i. The identification of weed infestations on the site and adjoining sites and methods undertake a weed control programme to target these threats.
 - ii. Removal of weeds shall continue for at least three years after planting.

CONSTRUCTION OF WALKING TRACKS TO PROVIDE FOR PUBLIC ACCESS

- 3.4.1.3
1. The establishment, maintenance and enhancement of walking tracks to provide pedestrian access to lakes, rivers, and streams, and for the appreciation of important landscapes, shall comply with the following:
 - a. The track formation shall be no more than 1.5m wide
 - b. Recorded heritage features including historic places, archaeological sites, and waahi tapu are not disturbed
 - c. Track spill and debris is not placed in a water body
 - d. The natural character of the lake, river, stream, or important feature is not adversely impacted

REVEGETATION OF GEOTHERMAL FEATURES

3.4.1.4 Restoration and revegetation of riparian margins shall comply with the following:

1. **Species selection**
 - a. Local species and local seed sources shall be used for the purposes of revegetation.
2. **Diversity and selection of species**
 - a. Species should be utilised that are suitable for geothermal landform and site conditions.
 - b. Species shall be the same or similar to those geothermal species that remain on the site, or previously occupied the site before clearance.
 - c. Selection of species shall re-establish the functional ecosystems and enhance the natural character of sites that have been cleared.

3. **Connectivity of surface features**
 - a. Plantings should encourage connectivity between surface features where they exist within a significant natural feature

BUILDINGS AND STRUCTURES LOCATED WITHIN IMPORTANT LANDSCAPE FEATURES

3.4.1.5 The establishment, renovation and addition to buildings and structures located with important landscape features shall comply with the following:

1. **Placement on site**
 - a. Except for marae buildings, the building or structure is not located on a skyline.
2. **Design**
 - a. Except for Marae buildings, any building or structure shall not exceed 6 metres in height above ground level, provided that chimneys may exceed the maximum height by up to 0.5 metres.
 - b. Any building where the exterior surfaces are finished, including the roof have a reflectivity value of between 0 and 37%.
3.
 - c. That single buildings or structures individually do not exceed a total ground floor area of 450m²
 - d. Where a building or structure has a total ground floor area of 250m² or greater, the building or structure must be broken into smaller, yet connected blocks or wings.

ESPLANADE RESERVE AND ESPLANADE STRIP PROVISIONS

Subdivision of land where new sites created are less than 4 hectares where an esplanade reserve of 20 metres in width is required

3.4.1.6 Where the subdivision of land occurs where new sites created are less than 4 hectares where an esplanade reserve of 20 metres in width is required, the following shall apply:

1. An esplanade reserve of 20m in width along the margins of the waterbodies stated in a, b, or c below shall be vested in Council where the site to be created is less than 4 hectares :
 - a. Lakes over 8 hectares; or
 - b. Rivers over 3metres wide as shown on the Planning Maps and within the Rotorua basin, and also those rivers adjoining Residential 4 zoned areas; or
 - c. The following rivers and tributaries):
 - i. Awahou
 - ii. Waiteti
 - iii. Ngongotaha
 - iv. Utuhina
 - v. Waiohewa
 - vi. Waiowhiro
 - vii. Waingaehe
 - viii. Puarenga
 - ix. Ohau
 - x. Wairoa
 - xi. Kaituna
 - xii. Waikato
 - xiii. Waiotapu
 - xiv. Tahunaatara
2. An esplanade strip of 20metres in width shall be created where sites created by subdivision are less than 4hectares, and are not along the margins of the water bodies stated in 1 a, b, or c, above

Subdivision of land where new sites created are less than 4 hectares and where an esplanade reserve of more than 20 metres in width is required

3.4.1.7 Where the subdivision of land occurs where new sites created are less than 4hectares and where an esplanade reserve of more than 20m width is required the following shall apply:

1. To consider esplanade instruments wider than 20 metres, as either esplanade reserves alone or in conjunction with other reserves or easements, in the following circumstances:
 - a. Where an existing retired area is being converted to a reserve to be vested as public land;

- b. Where topography, cultural values or ecological values makes access impracticable or undesirable within 20metres of the waterbody;
- c. Where facilities will be required in conjunction with the esplanade reserve, such as car parking, picnic, or recreation areas;
- d. Where an area is required for the avoidance, remediation or mitigation of adverse effects arising from the expected or likely use of the new sites where those adverse effects can not be avoided, remedied or mitigated onsite;
- e. Other situations where the subdividing owner offers a wider reserve and particular features of the site make this desirable.

Subdivision of land where new sites created are more than 4ha

3.4.1.8 Where the subdivision of land occurs where new sites created are more than 4hectares the following shall apply:

- 1. An esplanade strip of 20metres in width along the margins of the waterbodies stated in a, b, or c below shall be vested in Council where the site to be created is more than 4 hectares:
 - a. Lakes over 8 hectares; or
 - b. Rivers over 3metres wide as shown on the Planning Maps and within the Rotorua basin, and also those rivers adjoining Residential 4 zoned areas; or
 - c. The following rivers and tributaries):
 - i. Awahou
 - ii. Waiteti
 - iii. Ngongotaha
 - iv. Utuhina
 - v. Waiohewa
 - vi. Waiowhiro
 - vii. Waingaehe
 - viii. Puarenga
 - ix. Ohau
 - x. Wairoa
 - xi. Kaituna
 - xii. Waikato
 - xiii. Waiotapu
 - xiv. Tahunaatara

3.5 CONTROLLED ACTIVITIES

3.5.1 Where activities in 3.3 are stated as Controlled Activities the matters over which Council shall reserve its control are stated in 3.5.3.1, 3.5.3.2, 3.5.3.3, and 3.5.3.4.

3.5.2 Activities in Table 3.3 that are stated as Controlled Activities comprise:

ACTIVITY NUMBER	ACTIVITY	CRITERIA
Activities undertaken within, or adjoining, important landscapes		
3.3.25	Harvesting activity undertaken as part of plantation forestry within, or adjoining, an important landscape identified in Appendix 2.2 .	3.5.3.1
3.3.26	Quarrying associated with plantation forestry and harvesting activities within, or adjoining an important landscape identified in Appendix 2.2 .	3.5.3.2
Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Area's SNA's)		
3.3.36	Harvesting activity undertaken as part of plantation forestry within, or adjoining a significant natural area identified in Appendix 2.3	3.5.3.1
Notable trees		
3.3.50	Removal or destruction of a notable tree identified in Appendix 1.6 where the tree has become diseased or is dying and public safety is an issue.	3.5.3.3
Additional subdivision entitlement for protection of important features		
3.3.53	Subdivision of land where a significant natural area identified in Appendix 2.3 is to be legally protected in accordance with Rule 13.4.7.4(2) and where the additional site entitlement over and above that stated in Part 12 will be permitted.	3.5.3.4

HARVESTING ACTIVITY UNDERTAKEN AS PART OF PLANTATION FORESTRY WITHIN, OR ADJOINING AN IMPORTANT LANDSCAPE OR SIGNIFICANT NATURAL AREA

- 3.5.3.1 1. Council reserves its control and may impose conditions on the following matters;
- The replanting of areas of harvested forest in species and patterns that maintain the landscape values of the area and that are capable of being selectively managed.
 - Specifying requirements for stabilising landform which may include retaining walls, water control or the retention of vegetation
 - Specifying sediment controls during harvesting
 - Requiring the location of tracks and skid sites in location that will minimise effects on the landform characteristics
 - Requiring that skid material is not placed on important landscapes, nor in areas where it could be washed into a lake
 - Requiring more sympathetic practices and mitigation measures where the harvesting adjoins an important landscape
 - Specifying the extent to which any archaeological or historic site or waahi tapu is to be protected from the harvesting activity

QUARRYING ASSOCIATED WITH PLANTATION FORESTRY AND HARVESTING ACTIVITIES

- 3.5.3.2 1. Council reserves its control and may impose conditions on the following matters;
- That the quarry cannot be seen from a lake or public reserve; and
 - The establishment of the quarry does not impact the qualities and characteristics for which the important landscape was identified; and
 - Mitigation measure that will ensure that the quarry and its operation are not visually obtrusive, including the use of buffer areas between the quarry and the important feature to ensure that the adverse effects of the quarry activity are mitigated

REMOVAL OR DESTRUCTION OF A NOTABLE TREE WHERE THE TREE HAS BECOME DISEASED OR IS DYING

- 3.5.3.3 The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:
1. A statement of the significance of the listed tree;
 2. The condition of the listed tree;
 3. The effects on the significance of the tree of the work or activity to be carried out;
 4. Measures proposed to provide for replanting and compensating for the loss of the tree;
 5. The expert advice that has been received regarding the proposal.

SUBDIVISION OF LAND WHERE A FEATURE IS TO BE LEGALLY PROTECTED IN ACCORDANCE WITH RULE 13.4.7.4(4), AND WHERE THE ADDITIONAL SITE ENTITLEMENT IS OVER AND ABOVE THAT STATED IN PART 13.4.7.2 WILL BE PERMITTED.

- 3.5.3.4
1. An additional lifestyle lot may be created where a significant natural area listed in **Appendix 2.3** is to be legally protected, and its ongoing management provided for
 - a. Where a significant natural area identified in **Appendix 2.3** is to be legally protected as part of the subdivision application, and the ongoing management of the area, an additional lifestyle lot over and above that allowed by the table in **13.4.7.2** may be created. The additional lot shall comply with all other requirements of **13.4.7.4.(2)**.
 - b. For those sites that are not eligible for a lifestyle lot entitlement in accordance with Rule **13.4.7.4 (2)**, or have previously exhausted all lifestyle lot entitlements allowed, an additional lifestyle lot may be created where a significant natural area identified in **Appendix 2.3** is proposed to be legally protected as part of the subdivision application, and the ongoing management of the feature is provided for
 - c. As part of the subdivision application to enable the triggering of this rule the following matters will be addressed in the subdivision consent application:
 - i. Ongoing programme of implementation and management to ensure that the activity continues over time to contribute to improving lake water quality.
 - ii. Annual report of land use activities undertaken on site and the contribution these have to improving lake water quality, where such matters as nutrient discharge are monitored and reported on.
 - iii. Restrictions on the type of future activities that are likely to occur on the site.
 2. The matters over which Council will reserve its control are:
 - a. Legal mechanisms that provide for the ongoing protection and management of the feature, and that address matters (i) to (iv) above.
 - b. Measures to require the maintenance of rural character.
 - c. Appropriateness of location for the additional lifestyle lot entitlement taking into account the following:
 - i. Mitigation measures to ensure positive effects on the qualities and characteristics of the landscape and natural character of lakes, rivers, streams, and wetlands,
 - ii. Measures employed to ensure mitigation of adverse effects on impacts on rural character, including the effects of the intensification of lifestyle lots and separation distances of residential dwellings
 - iii. Measures employed to ensure the cumulative effect of the additional lifestyle lot entitlement
 - iv. Location of the lifestyle lot taking into account impacts on safety of the road network
 - v. Proximity to make use of existing infrastructure and services provided.
 - d. The size of the lifestyle lot where a size not complying with the provisions of **13.4.7.4.(2)** can be demonstrated to have a positive environmental effect.

3.6 RESTRICTED DISCRETIONARY ACTIVITIES

- 3.6.1 There are no Restricted Discretionary Activities for Matters of National Importance in this Chapter of the Plan.

3.7 DISCRETIONARY ACTIVITIES

3.7.1 Where activities in **Table 3.3** are stated as Discretionary Activities, or are Discretionary Activities in accordance with Rule **3.3.1**, the activity shall be assessed against those matters stated below. Council can choose to grant or refuse a consent for a discretionary activity. If Council grants consent it can be granted subject to conditions.

3.7.2 Activities stated in **Table 3.3** that are stated as Discretionary Activities comprise:

ACTIVITY NUMBER	ACTIVITY	CRITERIA
General rules and activity classifications		
3.3.1	Any activity stated as a permitted or controlled activity that does not meet the performance standards stated in 3.4 .	As relevant below
Natural character of the margins or lakes, rivers, wetlands		
3.3.3	Disturbance or removal of vegetation along the riparian margins or rivers or lakes	3.7.4.1
3.3.4	Disturbance, modification, or drainage of wetlands as shown on the Planning Maps, and as identified in Appendix 2.4	3.7.4.2
3.3.5	Buildings, structures, and earthworks located within 25m from the margin of a lake, or from a river or stream identified on the Planning Maps as being an area identified for esplanade reserve acquisition	3.7.4.3
3.3.6	Lake structures	Please see Part 11.7.4
Maintenance and enhancement of public access		
3.3.8	Structures located within 25m from the margin of a lake, or from a river or stream identified on the Planning Maps as being an area identified for esplanade reserve acquisition	3.7.4.5
Esplanade reserve and esplanade strip provisions		
3.3.13	Reduction of the 20m width for esplanade reserves or esplanade strips	3.7.4.6
3.3.14	Waiver or esplanade reserve requirements in favour of a esplanade strip	3.7.4.7
Geothermal features located in important landscapes and significant natural areas		
3.3.18	Notwithstanding any other rule in Table 3.3 disturbance or removal of geothermal vegetation	3.7.4.8
3.3.19	Notwithstanding any other rule in the plan, geothermal exploration and energy generation that disturbs, modifies, or destroys the geothermal surface feature	3.7.4.8
Activities undertaken within, or adjoining, important landscapes		
3.3.27	Earthworks and recontouring of land associated with standing farming practices, that may result in the modification of a Mamaku Tor feature	3.7.4.9
3.3.28	Earthworks, recontouring and modification of important landscapes identified in Appendix 2.2	3.7.4.9
3.3.29	Lake structures	Please see Part 11.7.4
3.3.30	Buildings and structures located within an area of an important landscape identified in Appendix 2.2 , that do not comply with the performance standards stated in 3.4 .	3.7.4.10
Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Area's SNA's)		
3.3.37	Disturbance, removal, or modification of a significant natural area as shown on the Planning Maps, and as scheduled in Appendix 2.3 .	3.7.4.12
Heritage importance		
3.3.42	External alterations to a heritage structure of building listed in Appendix 1.3 .	3.7.4.13

3.3.43	Disturbance, modification, or recontouring within 50metres of an archaeological site listed in Appendix 1.2 or any heritage site listed in Appendix 1.4	
3.3.44	Internal alterations to buildings and structures listed in Appendix 1.3 where the internal structure, or parts thereof, is specifically identified as having heritage importance in Appendix 1.3 .	3.7.4.13
3.3.45	Internal alterations to buildings and structures listed in Appendix 1.3 where the alterations will impact on the external features for which the heritage item is prized.	3.7.4.13
Notable trees		
3.3.51	Activities undertaken within the dripline of a notable tree identified in Appendix 6 , and as shown in the Planning Maps , that would impact on the integrity and health of the tree	3.7.4.14
3.3.52	Removal, destruction, or felling of a notable tree identified in Appendix 1.6 .	3.7.4.14

3.7.3 The general assessment criteria for Discretionary activities are provided in **3.7.4**. Specific criteria for the each of the activities listed above in **3.7.2** is provided from **3.7.4.1** to **3.7.4.14**.

GENERAL ASSESSMENT CRITERIA WHEN ASSESSING DISCRETIONARY ACTIVITIES

3.7.4 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below.

NATURAL CHARACTER OF THE MARGINS OF LAKES, RIVERS, AND WETLANDS

Disturbance, or removal of vegetation along riparian margins

3.7.4.1 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The matters referred to in **3.7.4.12**, where the unique character and qualities of the margins of lakes, rivers, and wetlands impacted, and those adjoining, are taken into account.

Disturbance, modification, or drainage of wetlands

3.7.4.2 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The matters referred to in **3.7.4.12**, where the unique character and qualities of the wetland, and those adjoining, are taken into account.

Buildings, structures, or earthworks located with 25m from the margin of a lake, river, stream, or wetland

3.7.4.3 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The matters referred to in **3.7.4.10**, where the unique character and qualities of the riparian area are taken into account.
2. The matters referred to in **3.7.4.12**, where the unique character and qualities of the riparian vegetation are taken into account.

Lake structures

3.7.4.4 The assessment criteria for Lake Structures can be found in **Part 11.7.7**.

MAINTENANCE AND ENHANCEMENT OF PUBLIC ACCESS

Structures located with 25m from the margin of a lake, river, stream, or wetland

3.7.4.5 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The matters referred to in **3.7.4.3**, where the unique character and qualities of the geothermal surface feature impacted, and those adjoining, are taken into account.

ESPLANADE RESERVE AND ESPLANADE STRIP PROVISIONS

Reduction of the 20 metres width for esplanade instruments

3.7.4.6 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

The width requirements for esplanade instruments as stated in **3.5** may be reduced to a width of no less than 5 metres if the following instances apply

1. Topographical constraints on, or adjacent to, the area in question are such that the full 20 metres width will lead to conflict with no practical resolution;
 2. Existing permanent buildings such as dwellings (but excluding boat sheds, garages and garden sheds) are sited within 25 metres of the waterbody;
 3. Existing access to adjacent allotments is sited within 20m of the waterbody and cannot be readily resited;
 4. Topography adjacent to or within the proposed reserve requires that services such as a road or access must be placed within 20 metres of the waterbody;
 5. Identified Maori heritage sites are within 20 metres of the waterbody.
6. Provided that the 5 metres width may be reduced where a tapering of the esplanade instrument aligns with the lake margin or geographic feature.

Waiver of esplanade reserve requirements in favour of an esplanade strip

3.7.4.7 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

Where it is stated in Rules **3.4.1.6**, **3.4.1.7**, and **3.4.1.8** that an esplanade reserve is the favoured instrument, this requirement may be waived in favour of an esplanade strip if the following instances apply:

1. The ongoing management of the water body margin can be maintained through the use of an esplanade strip
2. The location and use of adjoining esplanade instruments in the vicinity of the subject site are also esplanade strips
3. There is a need to manage more securely public access to, and across, the land as a result of issues related to safety, security, and animal welfare
4. Access to the water body is able to be provided at only certain times of the year
5. The need for the access instrument to be more flexible in providing for water body fluctuations and adjustments in operating levels
6. Council believes that the ownership of the land would be more beneficial to remain with the owner of the land than to vest in Council

GEOHERMAL FEATURES LOCATED IN IMPORTANT LANDSCAPES AND SIGNIFICANT NATURAL AREAS

Disturbance or removal of geothermal vegetation

3.7.4.8 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The matters referred to in **3.7.4.12**, where the unique character and qualities of the geothermal surface feature impacted, and those adjoining, are taken into account.

ACTIVITIES UNDERTAKEN WITHIN OR ADJOINING IMPORTANT LANDSCAPES

Earthworks and recontouring in or adjoining important landscapes

3.7.4.9 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The extent to which the proposed earthworks are likely to exacerbate or contribute to flooding, erosion or instability of land, or the potential for flooding, sedimentation, erosion or instability of land due to the physical attributes of the site such as slope and soil composition and measures to mitigate or remedy these effects.
2. The extent to which the earthworks have the potential to adversely affect human safety.
3. The extent to which the earthworks may adversely affect the ecological integrity, viability, species and terrestrial habitat diversity including links and corridors within the Ecological District.
4. The extent to which the earthworks may adversely affect a geothermal feature or riparian area including indigenous vegetation associated with a geothermal feature or riparian area.
5. The extent to which the earthworks have the potential to adversely affect water quality and aquatic habitat in adjoining streams and lakes and the recreational values of the streams and lakes.

6. The extent to which the earthworks may adversely affect the naturalness or natural character of the landscape.
7. The extent to which the earthworks may adversely affect the integrity of the landscape views or detract from the naturalness of the view obtained from a viewpoint.
8. The extent to which the earthworks may adversely affect any heritage feature including historic places, archaeological sites and waahi tapu, both recorded and unrecorded. Where any recorded site will be disturbed, and where there is potential to disturb any unrecorded site, an assessment shall be obtained from a suitably qualified person recognised by the Historic Places Trust. Where earthworks may adversely affect the historical, cultural or spiritual significance of any recorded or unrecorded site or waahi tapu, Council shall require documentation from the applicant that consultation has been entered into with the Tangata Whenua and that necessary authority has been obtained from the Historic Places Trust.
9. The extent to which there is no practical alternative other than the proposed earthwork:
 - a. To ensure safety or the integrity of existing development on the site.
 - b. The extent and type of vehicular traffic generated and the effects on the site, roading network and on the neighbouring properties in terms of noise and traffic and pedestrian safety during the proposed earthwork.
 - c. The extent to which the earthworks are subject to or have the potential to increase hazards, including erosion.
 - d. The extent to which the earthwork is visible against a skyline.
10. Where the recontouring applies to the Mamaku Tors important landscape, the matters over which Council will exercise discretion in regard to the effects of the earthworks and recontouring will be limited to the modification of the Tor feature and immediately surrounding area, this will not apply to the farmed areas between the Tor features.

Buildings and structures located within important landscape

- 3.7.4.10 1. Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:
- a. The extent to which the external design and location of the building or structure detracts from or promotes natural character, or is visually prominent
 - b. The extent to which the building or structure are of a scale compatible with the attributes of the important landscape in which the building or structure is located
 - c. The cumulative effect of the situation of the building or structure in the important feature
 - d. Whether the location of the building affects the qualities and characteristics of the landscape as stated in Appendix 2.2
 - e. The extent to which the adverse effects created by the location of the building or structure can be mitigated on-site by measures such as landscaping, retention of vegetation, or through revegetation
 - f. Whether an alternative design or location on-site is able to address any adverse effects from the placement of the buildings or structure in the important landscape
 - g. The extent to which the proposed building will avoid adverse effects on the important landscape and/or features.
 - h. The extent of which the bulk or repetitive nature of the building form will detract from the landscape values.
 - i. The extent of the cumulative effects created by the proposal in the considered location.
 - j. Consideration of existing activities located in the wider environment and the level of impact on the environment will be assessed.

Activities undertaken in or adjoining an important landscape or feature

- 3.7.4.11 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

In determining whether subdivision, use and development within an outstanding natural feature or landscape is appropriate Council will have regard to:

1. The matters and characteristics that contribute to the outstanding status of the particular landscape or feature
2. The nature and degree of modification, damage, loss or destruction that will result from the activity
3. The duration and frequency of the effect, and whether this be long-term or a recurring effect

4. The magnitude or scale of effects, such as the number of sites affected, spatial distribution, or landscape context
5. The irreversibility of the effect, such as the loss of rare features, limited opportunity for remediation, the costs and technical feasibility of remediation or mitigation
6. The resilience of the landscape or feature to change, such as the ability to assimilate the change, or vulnerability of the landscape or feature to external effects
7. The opportunities to remedy or mitigate pre-existing or potential adverse effects, such as restoration or enhancement, and avoidance of effect is not practicable
8. The probability of effect occurring, taking into consideration the likelihood or unforeseen effects, and the ability to exercise the precautionary approach
9. The potential for cumulative effect and the loss of multiple features in the vicinity and over time
10. Whether the site includes any indigenous ecosystems, wildlife habitats, wetlands, significant geological or geomorphological features
11. Whether the proposed activity will give rise to a land use pattern that conflicts the natural line and pattern of the landscape and does not integrate visually with the surrounding landscape
12. The impact that the activity will have on the adjacent land surround the particular important landscape or feature
13. Further and more detailed site specific landscape assessment of the identified important landscape and natural feature that may confirm in more detail that boundaries of the landscape and feature, and that may proffer alternative mitigation measure that what is signalled in this section of the plan

AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA (SIGNIFICANT NATURAL AREAS)

Disturbance, removal, or modification of a significant natural area

3.7.4.12 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

The extent to which the disturbance of indigenous vegetation adversely affects identified:

1. The extent to which indigenous vegetation disturbance will adversely affect the integrity of eco-units and the viability, integrity and sustainability of indigenous vegetation, habitats and species in the Ecological District.
2. The extent to which the disturbance of indigenous vegetation will adversely affects ecological corridors within the Rotorua Ecological District.
3. The extent to which the disturbance of indigenous vegetation will adversely affect a geothermal feature or riparian area including indigenous vegetation associated with a geothermal feature.
4. The extent to which the disturbance of the indigenous vegetation will adversely affect the naturalness or natural character of the landscape.
5. The extent to which the disturbance of indigenous vegetation will create edge effects from wind or light on the remaining indigenous vegetation.
6. The extent to which there is no practical alternative other than the proposed disturbance of indigenous vegetation:
7. To ensure safety or the integrity of existing development on the site;
8. For the purpose of providing daylight.
9. The extent to which remaining indigenous vegetation will be at threat from pest animal and pest plants and grazing animals.
10. The extent to which the more than minor adverse effects of the disturbance of indigenous vegetation can be remedied or mitigated on-site.
11. The extent to which the disturbance of indigenous vegetation adversely affects any heritage feature including historic places, archaeological sites and waahi tapu, both recorded and unrecorded. Where any recorded site will be disturbed, and where there is potential to disturb any unrecorded site, an assessment shall be obtained from a suitably qualified person recognised by the Historic Places Trust. Where the disturbance of indigenous vegetation may also require earthworks which may adversely affect the historical, cultural or spiritual significance of any recorded or unrecorded site or waahi tapu, Council shall require

documentation from the applicant that consultation has been entered into with the Tangata Whenua and that necessary authority has been obtained from the Historic Places Trust.

12. The extent to which the disturbance of indigenous vegetation is visible against a skyline that is covered by indigenous vegetation.
13. The extent to which the vegetation is subject to, or protects other land from, natural hazards (including erosion).
14. The extent to which the non-removal of indigenous vegetation affects the safe functioning of roads.
15. The extent to which vegetation disturbance will adversely affect aquatic and wetland ecosystems and their buffers, including trout and waterbird habitats.
16. The extent to which the disturbance of the indigenous vegetation includes disturbance of threatened indigenous plant species.

HERITAGE IMPORTANCE

Alterations to a heritage structure or building, or disturbance, modification, or recontouring within 50m of an archaeological site

3.7.4.13 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. The extent to which the design of the proposal and the assessment of effects take into consideration the following:
 - a. The conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
 - b. Any New Zealand Historic Places Trust registration and the reasons for this registration of the heritage item under the Historic Places Act 1993;
 - c. The policies of any Conservation Plan and/or heritage survey field sheet relating to the heritage item;
 - d. The associated significance (if any) of the land surrounding the heritage item;
 - e. Any recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues, where relating to Category 1 NZHPT items or others, which, in Council's opinion might benefit from the recommendations.
2. A Conservation Plan is to be submitted for any applications involving changes to any Category 1 NZHPT item (or where in Council's opinion the application involves significant work or alterations to any heritage item). The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:
 - a. A statement of the significance of the heritage item;
 - b. The physical condition and structural integrity of the heritage item;
 - c. The physical conservation, action and care necessary for returning or revealing the heritage significance (this may include maintenance, reconstruction or restoration);
 - d. Activities which may be compatible with the protection of
 - e. The heritage item, and those which might be constrained by them;
 - f. Measures to enable the cultural significance of a place to be retained.
3. The extent to which alterations and additions are to be carried out in a way that is in keeping with and does not detract from those features for which the heritage item has been listed.
4. The extent to which alterations and additions to the exterior of any heritage item are to be carried out in a way that takes account of, is sympathetic to and protects the following elements:
 - a. Heritage value and neighborhood character;
 - b. Style and character of the building;
 - c. Scale, form and detailing, including roof form, roof angle and eaves;
 - d. Minimum loss of historic fabric, significant materials and original craftsmanship;
 - e. Original materials, including cladding profiles, colour and texture;
 - f. Original setting, including protection and maintenance of surrounding trees and gardens.
5. The extent to which alterations and additions to the interior of any heritage item are to be carried out in a way that takes account of, is sympathetic to and retains those features

specifically noted in any Conservation Plan for the heritage item and protects the following elements:

- a. Original floor plan;
 - b. Scale, form and volume of internal spaces;(c) Detailing of joinery and decorative features;
 - c. Significant architectural elements;
 - d. Significant finishes.
6. The extent to which, where part or total demolition or removal of the heritage item is proposed, consideration has been given to the following factors:
- a. The heritage significance of the building and whether there is any change in circumstances that has resulted in a reduction of significance since the item was listed;
 - b. Whether the building can be economically adapted for reuse;
 - c. Whether any object can be relocated on or off the site and the impact that relocation would have on the heritage significance of that object;
 - d. Whether any alteration to the area can be made that retains the heritage significance of the item while accommodating the objective of the applicant.
 - e. The extent to which new development or activities affecting heritage items detract from the appearance and integrity of the heritage item with particular regard to the:
 - i. Visual impact of signs, and exterior lighting;
 - ii. Location of driveways and carparking;
 - iii. Need for landscape treatment including paths, fencing and gates.
 - f. The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigates or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.

NOTABLE TREES

Activities undertaken within the dripline of a tree, and the removal, destruction or felling of a notable tree

3.7.4.14 Council may decline the application, or grant it subject to conditions in consideration of the matters stated below:

1. A Conservation Plan may be required for any work or activity affecting a listed tree.
2. The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:
 - a. A statement of the significance of the listed tree;
 - b. The condition of the listed tree;
 - c. The effects on the significance of the tree of the work or activity to be carried out;
 - d. Measures proposed for retaining the health and significance of the listed tree;
 - e. The expert advice that has been received regarding the proposal.
3. The extent to which activities within the dripline of any listed tree:
 - a. Alter the soil levels or watertable by addition or excavation or compaction;
 - b. May discharge or disperse any toxic substance;
 - c. Place any weed membrane or any other impervious surfacing;
 - d. Carry out any use, excavation or construction work or any other activity which will damage, destroy or detract from the appearance and survival of the tree.

3.8 NON-COMPLYING ACTIVITIES

3.8.1 Where activities in **3.3** are stated as Non-complying Activities they shall be assessed against those matters in Rule **3.7.4** and the relevant objectives and policies of the district plan **3.2**. 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.

3.8.2 Non Complying activities are considered to create adverse effects that are more than minor and will impact upon Matters of National Importance.

3.7.3 Activities stated in **Table 3.3** that are stated as Non-complying Activities comprise:

ACTIVITY NUMBER	ACTIVITY	CRITERIA
Esplanade reserve and esplanade strip provisions		
3.3.15	Waiver of a requirement for an esplanade reserve or esplanade strip	
Geothermal features located in important landscapes and significant natural areas		
3.3.20	Notwithstanding any other rule in Table 3.3 the destruction of a geothermal surface feature	
Activities undertaken within, or adjoining, important landscapes		
3.3.32	Construction of roads within the through an important landscape identified in Appendix 2.2 .	
3.3.33	Mining and Quarrying within an important landscape as identified in Appendix 2.2	
3.3.34	Buildings and structures located on the skyline of an important landscape identified in Appendix 2.2 , or located on the skyline of the Rotorua caldera.	
Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Area's SNA's)		
3.3.38	Buildings, structures, and earthworks for the purpose of access located within or adjoining a significant natural area identified in Appendix 2.3 and as shown on the Planning Maps .	
Heritage importance		
3.3.46	Disturbance, modification, re-siting, or demolition of a heritage structure or building listed in Appendix 1.3 or Appendix 1.4 .	
3.3.47	Location of new buildings or structure, or the undertaking of earthworks within or adjoining heritage site identified in Appendix 1.4	
3.3.48	Buildings, structures, and earthworks for the purpose of access, located with 50m of an archaeological site identified in Appendix 1.2 .	

GENERAL ASSESSMENT CRITERIA WHEN ASSESSING NON COMPLYING ACTIVITIES

3.8.3 Council may decline the application, or grant it subject to conditions in consideration of the matters stated in R4.7.4, 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 detracts or promotes natural character and the visual prominence on the activity when viewed off site.
3. The extent to which the proposal complies with the relevant assessment criteria listed under **3.7**
4. The extent to which the proposal affects a heritage structure or building listed in **Appendix 1.3** or **Appendix 1.4** and the recommendations from the New Zealand Historic Places Trust.
5. The extent to which the proposal protects the site and other sites from natural hazards.
6. The extent to which the proposal will adversely affect aquatic and wetland ecosystems and their buffers.

7. The extent to which the proposal enforces the objectives and policies of the District Plan.
8. The extent of cumulative effects generated by the proposal.
9. The extent to which the viability, integrity and sustainability of indigenous vegetation, geothermal features, habitats and species will be adversely affected by the proposal.
10. The extent to which the proposal will detract from the natural character of the important landscape it is located within.
11. The degree to which minor adverse effects can be remedied or mitigated by on-site measures such as landscaping or revegetation.
12. Whether an alternative design is able to address any adverse effects.
13. The extent to which there is no other practical alternative to the proposal to:
 - a. accommodate development otherwise permitted by this plan
 - b. ensure safety or the integrity of existing development on the site
14. The extent the building, structure, earthworks and removal of vegetation is visible against the skyline.
15. The location of buildings or structures on site in relation to other buildings or structures on site, and the extent to which they visually link with buildings and structures on and off the site to give the effect of one continuous building or structure.

3.9 SUBDIVISION

- 3.9.1 The subdivision provisions of the district plan are located in **Part 13**. This section has limited application to the subdivision of Maori land, however **Part 13** does include provisions for the subdivision of sites that have, or that adjoin, sites of importance to Maori. The criteria upon which a subdivision application will be assessed, and any conditions that Council may impose, are included in **Part 13**.

3.10 OTHER DISTRICT PLAN PROVISIONS

- 3.10.1 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 4	Residential
Part 5	City Centre
Part 6	Commercial
Part 7	Industrial
Part 8	Innovation and Enterprise
Part 9	Airport
Part 10	Rural
Part 11	Reserves and Recreation
Part 12	Infrastructure
Part 13	Subdivision
Part 14	Natural Hazards
Part 15	Financial contributions

Appendix 1. Cultural Heritage

Appendix 2. Natural Heritage