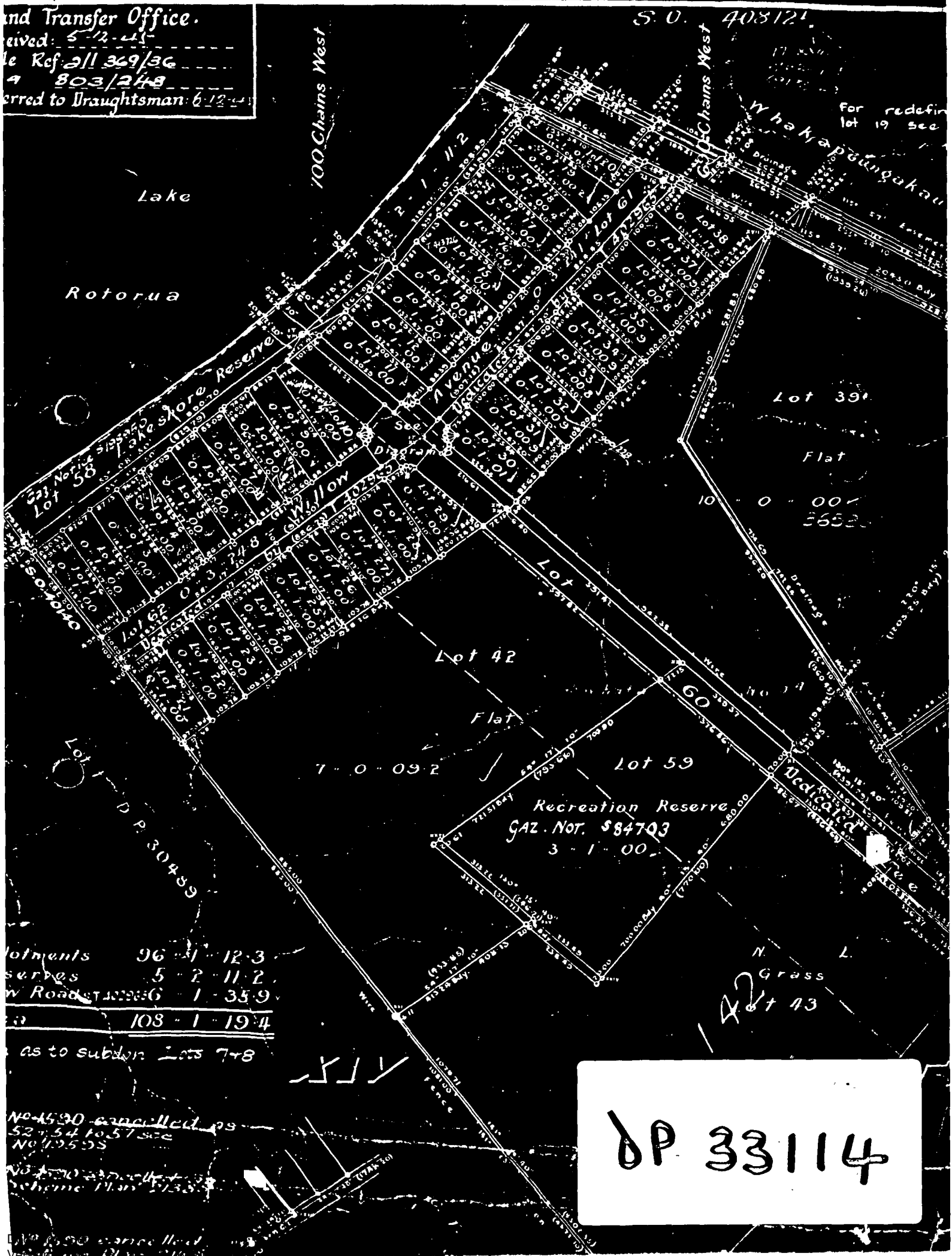


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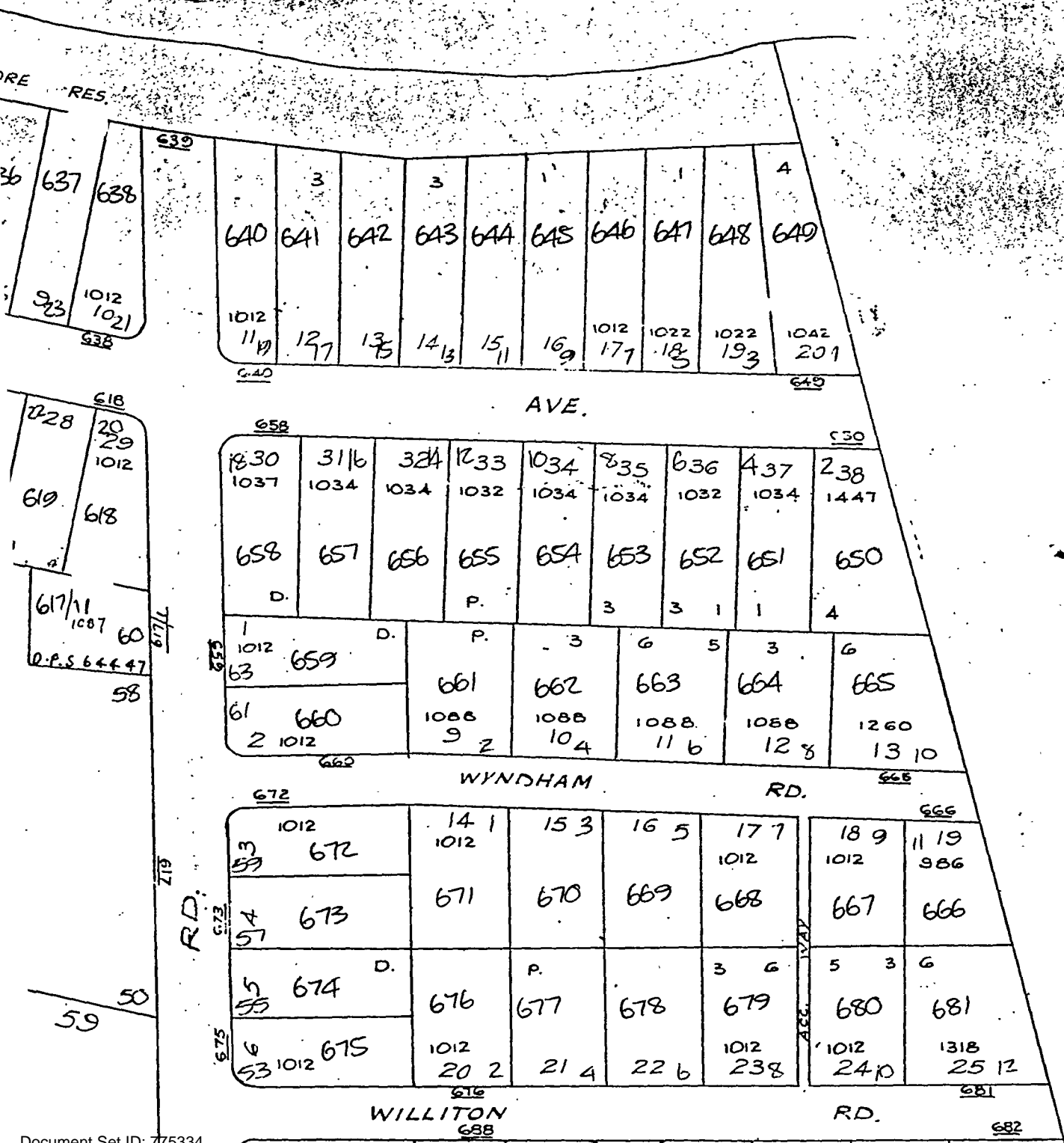
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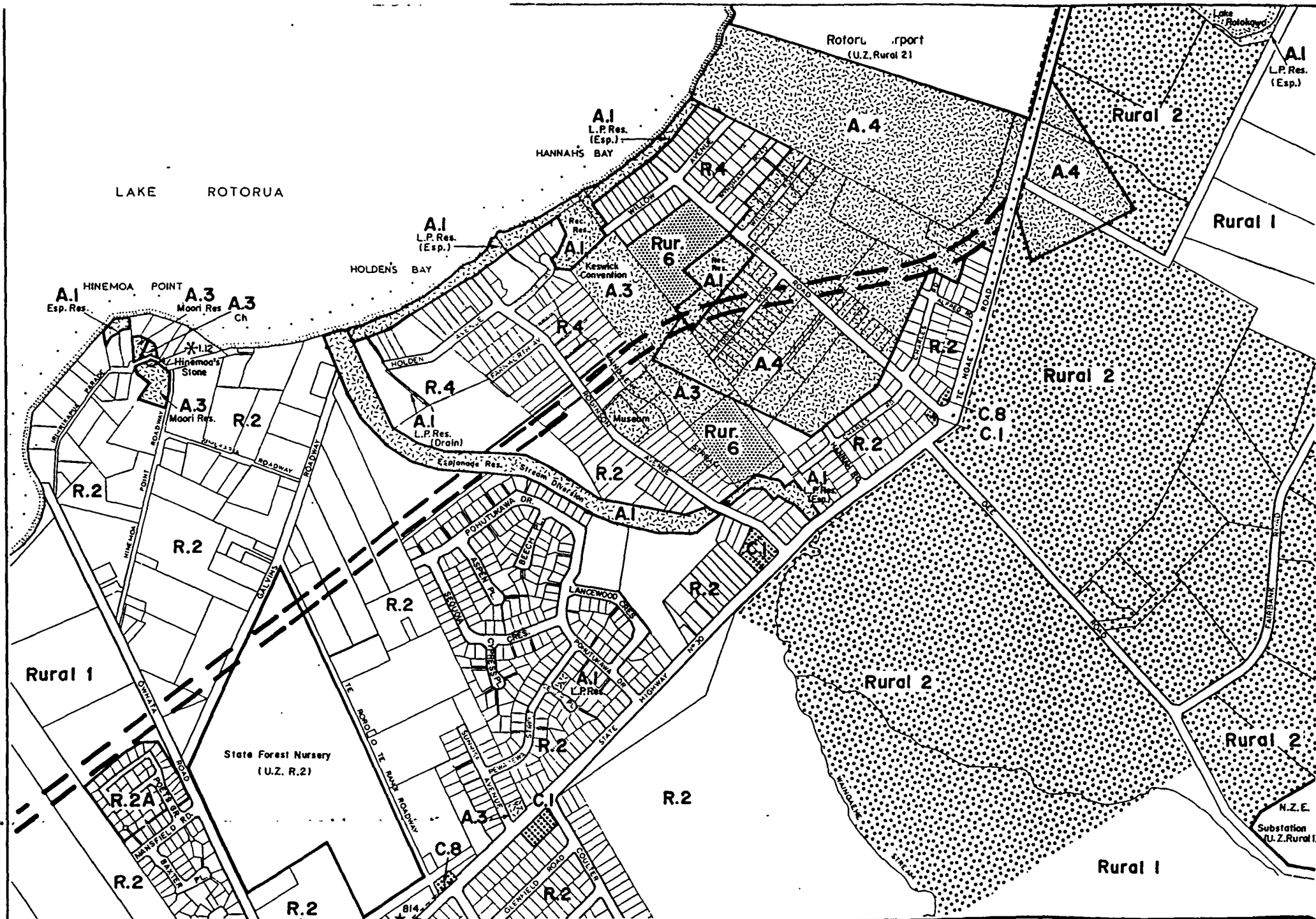
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# ROTORUA





# RULES

7.

## ACTIVITIES IN THE RESIDENTIAL ZONES

The following table specifies the activities allowed and prohibited in the specified Zones.

For the following table:

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

Residential A	= Kainga Maori Zone
Residential B	= Low Density Zone
Residential C	= High Density Zone
Residential D	= Residential Office Zone
TD	= Transitional Development Zone

Where an activity is not identified below this activity shall be a Non-Complying Activity.

The users of this District Plan are advised that, notwithstanding any provision in this Plan, no activity shall contravene any rule in any relevant regional plan, or proposed regional plan. The administration of these regional plans is the responsibility of the Bay of Plenty Regional Council and Waikato Regional Council.

7.1

### ACTIVITIES IN THE RESIDENTIAL A, B, C, D AND TRANSITIONAL DEVELOPMENT ZONES

ACTIVITIES	RESIDENTIAL ZONES				
	A	B	C	D	TD
Scientific, historic, recreation, nature conservation on water and soil conservation activities in accordance with the <i>Wildlife Act 1943</i> , the <i>Maori Land Act 1993</i> or the <i>Ture Whenua Maori Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> or the <i>Reserves Act 1977</i>	P	P	P	P	P
Household units - one per lot	P	P	P	P	P
Marae - including kaumatua flats	P	D	D	D	NC
Community housing with a maximum of eight overnight residents per lot, provided that no community housing activity takes place or is proposed to take place on any adjoining lot	P	P	P	P	P

ACTIVITIES	RESIDENTIAL ZONES				
	A	B	C	D	TD
Community housing with a maximum of eight overnight residents per lot on any lot adjoining a lot where community housing activities take place or are proposed to take place	D	D	D	D	D
Buildings and activities accessory to any Permitted Activity	P	P	P	P	P
Additional household units	C	C	C	C	NC
Home based business enterprises	P	P	P	P	P
Homestay tourism activities	P	P	P	P	P
Tourist accommodation on sites in the Residential C Zone fronting Lake Road, Fairy Springs Road or Ranolf Street and sites within the block bound by Malfroy Road and Victoria, Ranolf and Fenton Streets	NA	NA	C	NA	NA
Tourist accommodation on sites in the Residential D Zone fronting Pukuatua, Ranolf and Amohau Streets.	NA	NA	NA	C	NA
Additions to and upgrading of facilities of existing camping grounds and holiday parks	NC	C	NC	NC	NC
Office activities other than home based business enterprises	NC	NC	NC	C	NC
Buildings and activities accessory to any Controlled Activity	C	C	C	C	C
Any activity that would otherwise be a Permitted Activity if it complied with the Performance Standards in 8, provided that it meets the criteria for reduction or waiving of Performance Standards in 10.2	C	C	C	C	C
Hospitals and medical centres	D	D	D	D	NC
Funeral parlours	D	D	D	D	NC
Childcare centres	D	D	D	D	NC
Retirement homes, retirement villages and rest homes	D	D	D	D	NC
Community facilities and churches	D	D	D	D	NC

ACTIVITIES	RESIDENTIAL ZONES				
	A	B	C	D	TD
Educational activities	D	D	D	D	NC
Works for water and soil conservation and works for the avoidance of flooding	D	D	D	D	D
Sale of prepared traditional Maori foods, souvenirs and traditional Maori crafts.	D	NC	NC	NC	NC
Activities otherwise permitted or controlled in the Zone located on any site identified in or containing any building, tree or object identified in Appendix A	D	D	D	D	D
Activities otherwise permitted or controlled in the Zone involving the construction of structures in areas identified in the Hazard Register as being subject to natural hazards	D	D	D	D	D
Comprehensive residential developments	D	D	D	D	NC
Any industrial or trade process, vehicle transport or storage activity, other than an approved home based enterprise	NC	NC	NC	NC	C
Decontamination of identified contaminated sites	C	C	C	C	C
Activities on sites that are or have been contaminated	D	D	D	D	D
Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to Appendix I to determine the activity status of the activity				
Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen for appropriate activity status				
Utility services	Refer to Part Fifteen to determine the activity status of any proposed utility service activity				
Motor vehicle repair garages	Prohibited				



ACTIVITIES	RESIDENTIAL ZONES
Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i>	Prohibited
Heliports and helicopter landing sites	Prohibited

8.

## PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

The Permitted Activities listed in 7 are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to all Residential Zones unless otherwise stated.

The Performance Standards may be varied by means of a resource consent to a Discretionary Activity in accordance with the provisions of 6.5 in Part Two.

### 8.1 HEIGHT AND DAYLIGHTING

Maximum height  
and daylighting

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

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

In addition to the height standards above, all buildings and structures, where appropriate, will be required to comply with the height provisions as shown on Appendix E.

**NOTE:** A special maximum height of 5 metres applies to those areas of Whakarewarewa, Ngapuna and Ohinemutu that are indicated on the Planning Maps.

### 8.2 BUFFERS

Minimum front yard	3.0 metres
Minimum side yard	2.5 metres
Minimum rear yard	2.5 metres
Minimum rear site yard	2.5 metres

In the Transitional Development Zone the above yards may be reduced to 0 metres (except for the front yard) provided the written consent of adjacent landowner/s is obtained.

### 8.3 SITE COVERAGE

The maximum site coverage shall be as follows:

Residential A Zone	50%
Residential B, C, D and Transitional Development Zones	40%

#### 8.4 PARKING AND ON-SITE MANOEUVRING OF VEHICLES

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

#### 8.5 NOISE

Noise levels shall comply with the provisions of Appendix K.

Note: The "best practicable option" provision of Section 16 and the "excessive noise" provisions of Section 326 of the *Resource Management Act 1991* also apply.

#### 8.6 GLARE AND LIGHT

Activities shall be managed so that direct or indirect illumination measures not more than 8 lux on any residential property boundary including property boundaries in the Transitional Development Zone.

#### 8.7 ARCHAEOLOGICAL SITES

Consent of the New Zealand Historic Places Trust in accordance with the provisions of the *Historic Places Act 1993* shall be obtained before any destruction or modification of any archaeological site (recorded and unrecorded), including those identified on the Planning Maps, takes place.

#### 8.8 SIGNS

Any sign that does not comply with the *Rotorua District Signs Bylaw 1993* shall be a Non-Complying Activity and require an application for a resource consent under the *Resource Management Act 1991*.

### 9. **CONTROLLED ACTIVITIES**

#### 9.1 ASSESSMENT CRITERIA AND CONDITIONS THAT MAY BE IMPOSED ON CONTROLLED ACTIVITIES

Controlled Activities are activities that may in certain circumstances cause adverse effects on the environment in which they are located. Controlled activities shall comply with the Performance Standards for Permitted Activities in the Zone unless otherwise provided for in the rules of this Part.

The general criteria for assessing applications for Controlled Activities are set out in 9.2 below.

For a number of activities identified in 7, specific additional criteria will also be applied. These are set out in 10.

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

#### 9.2 GENERAL CRITERIA FOR ASSESSING APPLICATIONS FOR CONTROLLED ACTIVITIES

##### 9.2.1 Design and external appearance of buildings and structures

Particular concerns relate to ensuring that buildings and structures in the Residential Zones retain a residential appearance and character.

Conditions may be imposed requiring buildings and structures to be of a similar or complementary design and appearance to existing buildings and structures in the surrounding area.

#### 9.2.2 **Landscape design and site layout**

Conditions may be imposed to ensure that the effects of an activity are internalised on the site and do not unduly affect activities beyond the site boundary. In particular, conditions may be imposed requiring:

- a) buffers in the form of yards, screening or landscaping or a combination of these; and/or
- b) specific requirements in terms of site layout, buildings, parking and vehicle circulation areas.

#### 9.2.3 **The location and design of vehicular and pedestrian access to and from the site**

Generally the provisions of Appendix F shall apply, however, other conditions may be imposed to:

- a) ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from sites; and/or
- b) require the activity to be located, where practicable away from abutting or adjoining activities so as to protect the privacy of those activities.

#### 9.2.4 **Parking**

Generally parking shall be provided in accordance with the provisions of Appendix F, however, conditions may be imposed requiring the following:

- a) additional parking where the Council considers that the nature of the proposed activity is likely to generate a need for parking beyond the requirements of Appendix F; and/or
- b) on-site parking areas to be set back from property boundaries or where this is impractical adequate screening is provided in the form of fencing or landscaping, in order to avoid adverse noise or visual effects on neighbouring properties; and/or
- c) the internal circulation of the parking areas is designed to the satisfaction of the Council so that the particular requirements of individual proposals for safe and efficient vehicle circulation on-site are attended to.

#### 9.2.5 **Management of minor adverse effects on the environment**

Conditions may be imposed to avoid, remedy or mitigate adverse effects on the environment as is appropriate in the circumstances, and in particular in respect of the following matters:

- a) noise, arising from the congregation of people, and their vehicles, must be controlled. To that end the hours of operation may be restricted during the hours of darkness; and
- b) with respect to earthworks, the control of earthworks, landfilling and other soil retention or removal methods will be of a particular concern. To ensure that any potential adverse effects on the site and surrounding sites is avoided, remedied or mitigated as is appropriate, conditions may be imposed as part of the resource consent.

### 9.2.6 Anticipated environmental results for the Zones

Conditions may be imposed to promote the anticipated environmental results for the Zones.

10.

## ADDITIONAL ASSESSMENT CRITERIA FOR IDENTIFIED CONTROLLED ACTIVITIES

### 10.1 INTRODUCTION

All Controlled Activities identified in 7 are to be assessed against the Performance Standards outlined in 8 and the criteria outlined in 9. In addition some specific activities will also be assessed in terms of additional criteria as outlined below, and conditions to ensure compliance with these criteria may be imposed.

### 10.2 ACTIVITIES THAT WOULD OTHERWISE BE PERMITTED PROVIDED THAT THEY MEET THE FOLLOWING CRITERIA FOR REDUCTION OR WAIVING OF PERFORMING STANDARDS

The Performance Standards in 8.1 and 8.2 may be reduced or waived to the maximum amount stated below subject to compliance with the criteria listed below. In addition, the assessment criteria outlined in 9.1 and 9.2 apply.

#### 10.2.1 Height and Daylighting

The maximum height provided for in 8.1 may be exceeded by a maximum of 1.5 metres subject to:

- a) obtaining the written consent of property owners and occupiers that the Council considers may be affected; and
- b) one of the following specific situations where the Council considers the siting of buildings in a conforming manner would be impractical applies:
  - i) where sections have an unusual or irregular shape or topography;
  - ii) where in the case of gable ended buildings the top of the proposed gable end encroaches the height and daylighting standard;
  - iii) where the proposed block boundary wall requires a parapet for fire rating purposes;
  - iv) the existence of a non-conforming building;
  - v) the existence of rights-of-way, easements or similar land use restrictions; or
  - vi) proposed extensions cannot be located in a manner conforming with the Plan due to the existence of a building, tree, object or site listed in Appendix A; and
- c) no building, structure or tree penetrate any of the approach slopes, transitional slopes, horizontal surface or conical surface as defined and illustrated in Appendix E.

#### 10.2.2 Buffers

The buffer standards in 8.2 may be reduced or waived subject to:

- a) obtaining the written consent of property owners and occupiers that the Council considers may be affected; and /or
- b) one of the following specific situations where the siting of buildings in a conforming manner would be impractical applies:
  - i) where section or sections have an unusual or irregular shape or topography;
  - ii) the existence of rights-of-way, easements or similar land use restrictions;
  - iii) the existence of a non-conforming building;
  - iv) proposed extensions cannot be located in a manner conforming to the Plan because of the existence of a building, tree, object or site listed in Appendix A; or
  - v) the yard is to be used for the display of signs in the Transitional Development Zone.

The buffer standards in 8.2 may also be reduced where a vehicle can park in front of a garage or carport without blocking the footpath or carriageway in which case the minimum front yard for the garage or carport may be reduced to 1.5 metres.

### 10.3 OFFICE ACTIVITIES

Council is concerned that office activities in the Residential D Zone take place in buildings that outwardly resemble dwellinghouses in their design and appearance.

The Council may impose such conditions as it considers appropriate in the circumstances to ensure that the above matters are given effect to.

### 10.4 INDUSTRIAL ACTIVITIES IN THE TRANSITIONAL DEVELOPMENT ZONE

Council is concerned that industrial activities in the Transitional Development Zone will assessed in terms of whether they compromise the residential amenity and character of the surrounding area.

The Council may impose such conditions as it considers appropriate in the circumstances to ensure that the above matters are given effect to.

### 10.5 ADDITIONS TO EXISTING CAMPING GROUNDS AND HOLIDAY PARKS

Council is concerned that additions and alterations to existing camping grounds and holiday parks within the Residential Zones do not unduly compromise the residential amenity and character of the surrounding area.

The Council may impose such conditions as it considers appropriate in the circumstances to ensure that the above matter is given effect to.

### 10.6 TOURIST ACCOMMODATION

Council is concerned that tourist accommodation developments on sites fronting Lake Road, Fairy Springs Road and Ranolf Street that are zoned Residential C and the block bound by Malfroy Road, Victoria, Ranolf and Fenton Streets do not unduly compromise the residential amenity and character of the surrounding area.

The Council may impose such conditions as it considers appropriate in the circumstances to ensure that the above matter is given effect to.

## 10.7 DECONTAMINATION OF CONTAMINATED SITES

Because decontamination measures can, in some instances, do further damage to the environment, the Council wishes to examine all proposals for such activities to ensure that the decontamination of such sites is undertaken in accordance with the following stated guidelines and in such a way as to achieve an appropriately high level of environmental quality and environmental safety.

Council will also assess applications for Controlled Activities involving the decontamination of contaminated sites against the the following criteria in order to avoid, remedy or mitigate any adverse effects on the environment:

- a) the characteristics of the site, including its geological and hydrological and hydro-geological characteristics;
- b) the location of the site in relation to water bodies;
- c) the degree of contamination of the site;
- d) the neighbouring activities and zoning of the neighbouring sites; and
- e) the effectiveness of the decontamination and restoration measures proposed.

Conditions may be imposed on consents for Controlled Activities involving the decontamination of contaminated sites in respect of the above and may also include requirements that:

- a) no hazardous substances and/or contaminants are allowed to leak into soil or groundwater, run into surface or subsurface waterways, or enter the air;
- b) heavy rainfall events do not render the decontamination mechanisms ineffective;
- c) the requirements of any relevant regional council are complied with; and
- d) any discharges of trade wastes to the District Council's sanitary sewerage system are made in accordance with the *Rotorua District Council Trade Waste Bylaw 1979*.

In general, applications will also be required to comply with the *Australia and New Zealand Guidelines for Assessment of Contaminated Sites 1992*.

## 10.8 ADDITIONAL HOUSEHOLD UNITS

Additional household units will generally be allowed on allotments in the Residential A, B, C and D Zones provided the following criteria are met:

- a) in the Residential A Zone, at least 250m<sup>2</sup> net site area is provide exclusive to each household unit;
- b) in the Residential B Zone, at least 350m<sup>2</sup> net site area is provided exclusive to each household unit, provided that the average net site area for each household unit on the lot is 450m<sup>2</sup>;
- c) in the Residential C and D Zones at least 150m<sup>2</sup> net site area is provided exclusive to each household unit;
- d) permanently surfaced driveways and vehicle manoeuvring areas shall be provided for all developments involving additional household units;
- e) permanent definition of site boundaries shall be required (generally fencing or vegetation) unless by written consent the adjoining site owner has agreed that this requirement is not necessary;

- f) a bond may be required to ensure compliance with criteria (d) and (e) above.

11.

## **DISCRETIONARY ACTIVITIES**

11.1

### **INTRODUCTION**

The activities listed as Discretionary Activities in the Residential Zones are those which may be appropriate on some sites in those Zones. These activities can, however, have effects which require particular assessment. Council may decline an application for such an activity or grant a resource consent subject to particular conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the anticipated environmental results for the Zone are not compromised.

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

11.2

### **CRITERIA FOR ASSESSING DISCRETIONARY ACTIVITIES**

The general criteria for assessing applications for Discretionary Activities are set out below.

For a number of activities identified in 7, specific additional assessment criteria apply. These are set out in 11.3 below.

11.2.1

#### **Performance Standards for Permitted Activities**

In general, Discretionary Activities will be required to comply with the Performance Standards for Permitted Activities in the Zone unless it is not appropriate to do so because of particular site characteristics, development considerations or unusual environmental factors. Where adverse effects are anticipated from a proposed activity, conditions may be imposed to avoid, remedy or mitigate the adverse effects on the environment, as is appropriate in the circumstances.

11.2.2

#### **Buildings**

In general buildings should be of a similar or complementary scale and appearance to that of other residential buildings within the surrounding area unless those buildings are dilapidated. Where this is not practicable, buildings should not become overly dominant. Methods to mitigate any adverse effects of the building may include conditions requiring separation distances between the proposed activity and adjacent sites and the provision of screening.

11.2.3

#### **Traffic generation**

No inappropriate reduction in the capacity of the roading network to service the requirements of the community that it was intended to service will be accepted. Any such adverse effects on the roading network may be required to be avoided, remedied or mitigated by upgrading the roading network, by making alterations to the roading design. To enable this to occur a financial contribution up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

11.2.4

#### **Parking**

In general Discretionary Activities should comply with parking Performance Standards for the Zone as set out in Appendix F unless it is not appropriate to do so because of inherent site characteristics and extraordinary vehicle or pedestrian movements. The parking Performance Standards may be partly or wholly waived, where the sharing of parking between activities is practicable, or where the provision of sufficient alternative parking is available.

### 11.2.5 **Access**

Sites for large scale activities may need to be accessible from the major roading network to avoid heavy traffic volumes on residential roads. Particular consideration shall be given to the location of entry and exit points to the site and their relationship with existing intersections, land constraints and adjacent activities. Adverse effects may be avoided, remedied or mitigated by controlling access to the road, by redesign of the road or by installing traffic signals and other traffic management measures. To enable this to occur, financial contributions up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

### 11.2.6 **Noise**

Activities shall be generally managed so that the noise generated shall not exceed the maximum levels specified in Appendix K. Detailed measures for the elimination of objectionable noises may be required.

In particular conditions may be imposed in respect of the following matters to mitigate the adverse noise effects of activities.

- a) requiring the provision of sufficient separation distances between the noise generator and affected areas;
- b) requiring sound proofing of buildings and screening of the noise generator; and/or
- c) restricting the hours of operation of the activity.

### 11.2.7 **Natural environment and water quality**

Conditions may be imposed on activities to avoid, remedy or mitigate any effects of the activity on the natural environment and water quality as are appropriate in the circumstances.

Significant reductions in water quality as a direct result of the development or as a result of the cumulative effect of an activity or activities will not be permitted.

### 11.2.8 **Servicing**

Where the existing Council services cannot sustain a proposed new development, the applicant must demonstrate that the new development has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade the Council services or roads.

To enable this to occur, a contribution may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works.

### 11.2.9 **Cumulative effect**

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



**11.2.10 Zone interfaces**

Of particular concern is the protection and maintenance of the amenity values of adjoining Zones along the the Zone interfaces, and in particular, visual and aural privacy. Various methods can be used to ensure this, including imposing conditions requiring the provision of buffer areas, separation distances and/or screening.

**11.2.11 Public safety**

Any Discretionary Activity should not adversely affect public safety in a significant manner. Conditions may be imposed on any consent for a Discretionary Activity to avoid any adverse effects on public safety.

**11.2.12 Residential character**

Discretionary Activities and subdivisions in the residential areas of the District may be declined if they cause significant adverse effects on the residential character. In this Plan, it is considered that residential character may contain:

- a) low density and height of buildings;
- b) low traffic volumes;
- c) low levels of noise;
- d) areas of open space between buildings used for residential purposes.

**11.2.13 Anticipated environmental results for the Zones**

Any Discretionary Activity should not unduly affect the anticipated environmental results for the Zones. Conditions may be imposed on any consent for a Discretionary Activity to avoid, remedy or mitigate any effect from a proposed activity that would compromise the anticipated environmental result.

**11.3 CRITERIA FOR THE ASSESSMENT OF LISTED DISCRETIONARY ACTIVITIES**

The Discretionary Activities listed below have the potential to generate particular adverse effects which require additional assessment against the criteria listed below and may require the imposition of specific conditions in addition to those listed in 11.2 in order to avoid, remedy or mitigate any adverse effects on the environment.

**11.3.1 Activities otherwise permitted or controlled in the Zone located on any site identified in or containing any building, tree or object identified in Appendix A**

Applications for activities affecting items or sites identified in Appendix A will also be assessed in terms of:

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

Depending on the nature of feature and the impacts of the proposed activity, Council may decline the application or grant it subject to conditions which will promote the protection of the feature. To this end, Council may partly or wholly waive any rule in this Plan.

### 11.3.2 **Activities otherwise permitted or controlled in the Zone involving the construction of structures in areas identified in the Hazard Register as being subject to natural hazards**

Activities involving the construction of structures in areas subject to natural hazards can potentially be destroyed or severely disrupted as a result of extreme natural events such as earthquakes, geothermal and hydrothermal activity, and floods. The amount and duration of disruption varies according to factors such as the magnitude of the event, the degree to which the possibility of extreme natural events has been taken into account in the design and management of the activity, and the way in which people respond during and after an extreme natural event.

Depending on the potential magnitude and frequency of the extreme natural event, and the way in which the activity has been designed to take into account the possibility of such events occurring, conditions may be imposed in respect of matters such as the siting and design of buildings and other structures, works such as drains and culverts, and the preparation of effective emergency response plans.

### 11.3.3 **Comprehensive residential development(s)**

Applications for comprehensive residential developments will also be assessed in terms of their effects on the character and amenity of the surrounding residential area. These effects can include loss of privacy due to reduction in yards and possible increase in height of buildings, increased traffic congestion and noise.

Applications for comprehensive residential developments must include plans showing details of subdivision, layout, design and the external appearance of buildings, landscaping and any modified street design.

Council may decline the application or grant it subject to additional conditions in order to avoid, remedy or mitigate such effects on the environment.

### 11.3.4 **Sale of prepared traditional Maori foods, souvenirs and traditional Maori crafts**

Applications for the sale of traditional Maori foods, souvenirs and traditional Maori crafts in the Residential A Zone will also be assessed in terms of their effects on character and amenity of the surrounding residential area. These effects can include loss of privacy, odours, noise and the potential for littering.

Council may decline the application or grant it subject to additional conditions in order to avoid, remedy or mitigate such effects on the environment. This may include restrictions on the range of goods allowed to be sold.

### 11.3.5 **Activities on sites that are or that have been contaminated**

Applications for these activities shall also be assessed in terms of their potential to affect or be affected by the past or present contamination of the sites, and in terms of the following additional criteria:

- a) the characteristics of the site, including geological and hydrological and hydrogeological characteristics;
- b) the location of the site in relation to water bodies;
- c) the degree of past and/or present contamination of the site;
- d) whether or not the proposed activity can operate safely on the site; and
- e) whether or not the proposed activity is likely to exacerbate the adverse effects of the past and/or present contamination of the site.

Council may decline the application or grant it subject to the imposition of conditions in respect of the following matters:

- a) that mechanisms be put in place to ensure that the activity does not result in the exacerbation of adverse effects related to the past and/or present contamination of the site;
- b) that mechanisms be put in place to ensure that the past and/or present contamination of the site does not adversely affect the proposed activity;
- c) that no hazardous substances and/or contaminants are allowed to leak into soil or groundwater, run into surface or subsurface waterways, or enter the air;
- d) that heavy rainfall events do not render any mechanisms related to the uncontrolled release of hazardous substances and/or contaminants ineffective;
- e) that any relevant regional council requirements are complied with; and
- f) that any discharges of trade wastes to the District Council's sanitary sewerage system are made in accordance with the *Rotorua District Council Trade Waste Bylaw*.

12.

## SUBDIVISION AND DEVELOPMENTS

12.1

### SUBDIVISION

12.1.1

#### Subdivision standards

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

12.1.2

#### Financial contributions for reserves purposes

A reserves contribution on subdivision applications shall be levied in accordance with the provisions of Appendix U.

12.2

### DEVELOPMENTS

12.2.1

#### Development standards and conditions

Developments (as defined in Part Nineteen) will be subject to standards and conditions outlined in Part Sixteen.

13.

## NON-COMPLYING ACTIVITIES

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

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

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

404 RESIDENTIAL 4

404 RESIDENTIAL 4 ZONE - MIXED MULTI-UNIT

404-1 PURPOSE OF ZONE

The primary purpose of this zone is to provide for medium intensity multi-unit accommodation for both travellers and permanent residents.

Development shall be so designed as to ensure:

- (i) the creation of a well landscaped residential environment,
- (ii) the avoidance of long uninterrupted building facades,
- (iii) the provision of a high degree of privacy between individual units and the provision of adequate private open space, living and service areas to which there is convenient access, adjacent to and generally at the same level as each unit, commensurate with the character and intensity of the zone,
- (iv) where landscaping is required on discretionary and conditional uses such landscaping shall be of a minimum standard in quantity and quality to properly reflect the appropriate environmental standards relative to the particular character of the zone.

In pursuance of this policy the consultation and advice of the Director of Parks and Reserves would be sought.

The area covered by this zone includes most of the apartment housing and medium density tourist accommodation development.

With regard to Geothermal Utilisation and in exercising its powers under the Rotorua City Geothermal Empowering Act 1967 and Bylaws, Council will have regard to the wise utilisation of the geothermal resource in terms of the objectives of the District Scheme.

Further, Council will make submissions to the Regional Water Board under the statutory provisions of the Water and Soil Conservation Act 1967 and its Amendments in any situation where Council considers there is a need to ensure the wise utilisation of the geothermal resource in terms of the objectives of this District Scheme.

404-2 PREDOMINANT USES

- .1 Household units (one per site).
- .2 Buildings and uses accessory to the use of the site for the foregoing predominant use.
- .3 Home professional occupations.

404-3 DISCRETIONARY USES (CONTROLLED ACTIVITIES)

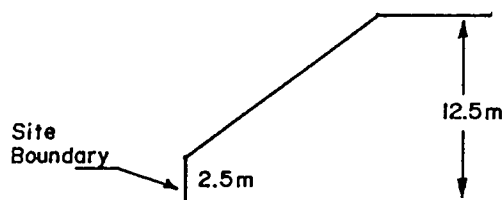
- .1 Two or more household units per site provided that there are at least 150 square metres site area per unit.
- .2 Motels.
- .3 Private hotels
- .4 Tourist house licensed premises
- .5 Accommodation associated with existing licensed hotels.
- .6 Boarding houses.
- .7 Hostels.
- .8 Chartered clubs.
- .9 Home arts and crafts, including facilities for the display and sale of such home arts and crafts, provided the premises occupied by these arts and crafts are limited to those having frontage to Fenton Street, and further provided these premises do not exceed 50 square metres in area or 5% of the site area, whichever is the lesser, with regard to the workshop or studio area, with an additional 20 square metres or 2% of the site area, whichever is the lesser, with regard to the display and sales area.
- .10 Buildings and uses accessory to the use of the site for any of the foregoing discretionary uses.

404-4 CONDITIONAL USES

- .1 Churches and buildings used for religious purposes.
- .2 Private hospitals.
- .3 Medical centres.
- .4 Paramedical care facilities.
- .5 Child care centres.
- .6 Facilities used for arts and crafts, recreation, community and cultural purposes including facilities for the display and sale of such arts and crafts provided the premises occupied by these arts and crafts are limited to those having frontage to Fenton Street.
- .7 Restaurants, licensed and unlicensed.
- .8 Taverns and licensed hotels, or bar space of existing licensed hotels.
- .9 Buildings and uses accessory to the use of the site for any of the foregoing conditional uses.

404-5 STANDARDS

.1 Height (maximum)



2.5 metres plus 1.0 metre for every metre from the nearest site boundary provided that no part of any building shall be higher than 12.5 metres from the natural ground level at that point.

EXPLANATION: The purpose of this height control is to maintain a low profile development so as to facilitate a high standard of visual amenity through landscaping and design.

.2 Yards (minimum)

Front:

5 metres

Side:

2.5 metres except that this may be varied in relation to a specified development and for a specified purpose or purposes, subject to the written consent of the adjacent owner, provided that there remains a strip at least 2.5 metres wide which could provide vehicular access to the rear of the site.

EXPLANATION: The requirements for possible access to the rear yard is designed to ensure flexibility for the future use and development of each site.

Rear:

5 metres except that this may be varied in relation to a specified development and for a specified purpose or purposes, subject to the written consent of the adjacent owner.

Rear Site:

As for side yard.

Accessory Buildings:

Side and rear boundary requirements reduced to 1.5 metres without requiring neighbour's consent.

In the case where a lot abuts an existing or proposed lakeshore reserve, no residential building shall be erected closer than 5 metres to the reserve.

.3 Signs (maximum area)

5 square metres per site or per 1000 square metres of site area up to a maximum of 10 square metres.

Signs relating to "home professional occupations" and "home arts and crafts" shall not exceed an area of 0.5 square metres and shall contain only the name of the business and the service offered.

Note that with the exception of temporary signs, no sign shall be erected except as it relates to the site on which it is situated.

If at any time the Council, having regard to consideration of traffic safety or the requirements of traffic control or the amenities of the neighbourhood, is of the opinion that the erection, construction or display of any sign ought not to be permitted, the Council shall by resolution prohibit the erection, construction or display of any such sign or may in a like manner require the removal of an existing sign where it could be shown to be a hazard to traffic safety.

.4 Lot Ratio (maximum)

1.0

(This is the ratio of the total floor space of all floors of all buildings related to the area of the site on which they are situated).

.5 Noise

The L95 noise level as measured on the boundary of any site in a residential zone shall not exceed the following limits on any day:

7.00 a.m. to 10.00 p.m.	45 dBA
10.00 p.m. to 7.00 a.m.	40 dBA

Note that in the event of the above levels being exceeded, all contributing noise sources may be subject to control measures in order to achieve an acceptable standard of environmental amenity.

.6 Parking

Every site in this zone shall be provided by the owner or occupier with adequate off-street parking areas for vehicles used in conjunction with the site.

Off-street car parking shall be provided in respect of the various permitted uses as follows:

<u>Use of Site</u>	<u>Number of Spaces</u>
Household Units	1 for each unit
Home Professional Occupations	1 plus 1 for the staff member living away from the premises
Motels	1 for each unit
Tourist House Licensed Premises	1 for each unit of accommodation or such proportion (being not less than 50 percent) of such units as Council shall determine plus bus parking areas for the remainder of the units, <u>plus</u> 1 for every eight persons the restaurant is designed to accommodate, <u>plus</u> 1 for every two staff employed on the site at any one time.
Taverns	30 for every 100 persons bar space capacity plus 1 for every two staff employed on the site at any one time.
Licensed Hotels	30 for every 100 persons bar space capacity plus 1 for each unit of accommodation or such proportion (being not less than 50 percent) of such units as Council shall determine, plus bus parking areas for the remainder of the units, <u>plus</u> 1 for every two staff employed on the site at any one time.
Churches	1 for every 10 persons the building is designed to accommodate
Private Hospitals	1 for every two staff members plus 1 for every 10 bed spaces the building is designed to accommodate
Child Care Centres	1 for each staff member
Other Uses	To be determined on the basis of the particular proposal bearing in mind its extent, location and likely traffic generation



404 RESIDENTIAL 4

Proviso: Where a standard is specified elsewhere in the Code then that provision shall apply.

Note that the provision of off-street parking and manoeuvre areas shall be in accordance with the specifications set out in Appendix K to this code. Overall parking and manoeuvre areas including access to roads, shall be designed, formed, drained, landscaped and maintained to the satisfaction of Council. In particular off-street parking and associated areas shall be designed to facilitate -

- (i) the free flow of traffic and the safe and convenient movement of pedestrians; and
- (ii) the preservation and enhancement of the amenities of the area.

404-6- LAND-SUBDIVISION

.1 Site Area

Minimum area 800 square metres

Minimum frontage 10 metres

.2 Access to Roads

Minimum frontage 6 metres

.3 Design

The design of any subdivision shall be such as to facilitate the development of a safe, convenient and pleasant residential environment.

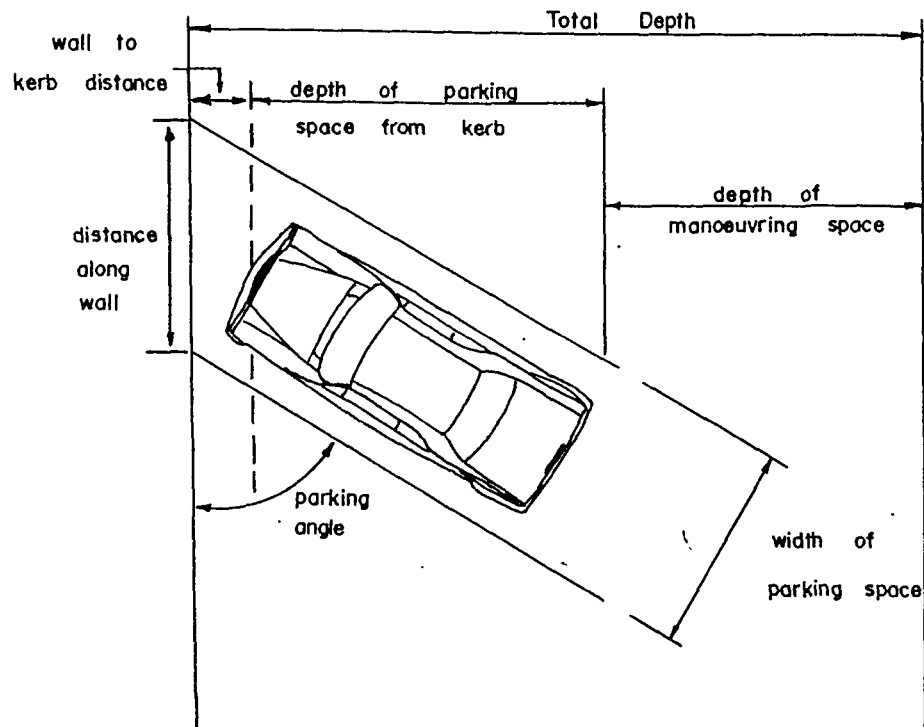
Individual sections shall be so designed as to be able to accommodate a square measuring 15 metres by 15 metres within the site boundaries.

**APPENDIX K**  
**PARKING AND MANOEUVRE SPACES (IN METRES)**

Parking Angle to Kerb	Type	Width of Parking Space	Depth of Parking Space from the wall	Depth of Parking Space from the kerb	Kerb to Wall Distance	Depth of Manoeuvre Space	Distance along wall	Total Depth
90°	Nose in with a Left turn	2.5	4.9	3.9	1.0	7.7	2.5	12.6
		2.6	4.9	3.9	1.0	7.0	2.6	11.9
		2.8	4.9	3.9	1.0	6.6	2.8	11.5
90°	Nose in with a Right turn in a blind bay	2.5	4.9	3.9	1.0	8.4	2.5	13.3
		2.6	4.9	3.9	1.0	7.9	2.6	12.8
		2.8	4.9	3.9	1.0	7.5	2.8	12.4
90°	Back in	2.6	4.9	3.5	1.4	4.7	2.6	9.6
		2.8	4.9	3.5	1.4	4.4	2.8	9.3
75°	Nose in	2.5	5.2	4.2	1.0	6.3	2.6	11.5
		2.6	5.2	4.2	1.0	5.2	2.7	10.4
		2.8	5.2	4.2	1.0	4.1	2.9	9.3
75°	Back in	2.5	5.2	3.9	1.3	4.4	2.6	9.6
		2.6	5.2	3.9	1.3	4.0	2.7	9.2
		2.8	5.2	3.9	1.3	3.8	2.9	9.0
60°	Nose in	2.5	5.2	4.2	1.0	4.1	2.9	9.3
		2.6	5.2	4.2	1.0	3.5	3.0	8.7
		2.8	5.2	4.2	1.0	3.2	3.2	8.4
60°	Back in	2.5	5.2	4.0	1.2	3.7	2.9	8.9
		2.6	5.2	4.0	1.2	3.5	3.0	8.7
		2.8	5.2	4.0	1.2	3.2	3.2	8.4
45°	Nose in	2.5	4.9	4.1	0.8	2.6	3.5	7.5
		2.6	4.9	4.1	0.8	2.4	3.7	7.3
		2.8	4.9	4.1	0.8	2.3	3.9	7.2
45°	Back in	2.5	4.9	3.9	1.0	3.2	3.5	8.1
		2.6	4.9	3.9	1.0	3.2	3.7	8.1
		2.8	4.9	3.9	1.0	3.2	3.9	8.1
30°	Nose in	2.5	4.0	3.4	0.6	2.4	5.0	6.4
		2.6	4.0	3.4	0.6	2.4	5.2	6.4
		2.8	4.0	3.4	0.6	2.3	5.6	6.3
30°	Back in	2.5	4.0	3.2	0.8	3.2	5.0	7.2
		2.6	4.0	3.2	0.8	3.2	5.2	7.2
		2.8	4.0	3.2	0.8	3.2	5.6	7.2
0°	Parallel Parking	-	2.5	2.1	0.4	3.7 for one way aisle	6.1	-

APPENDIX K

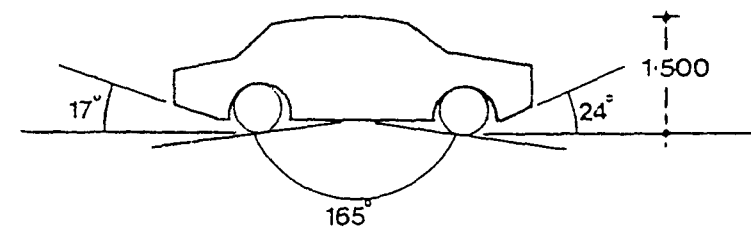
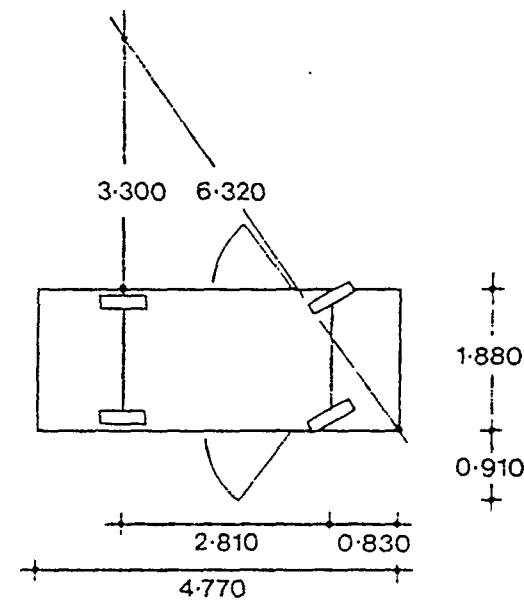
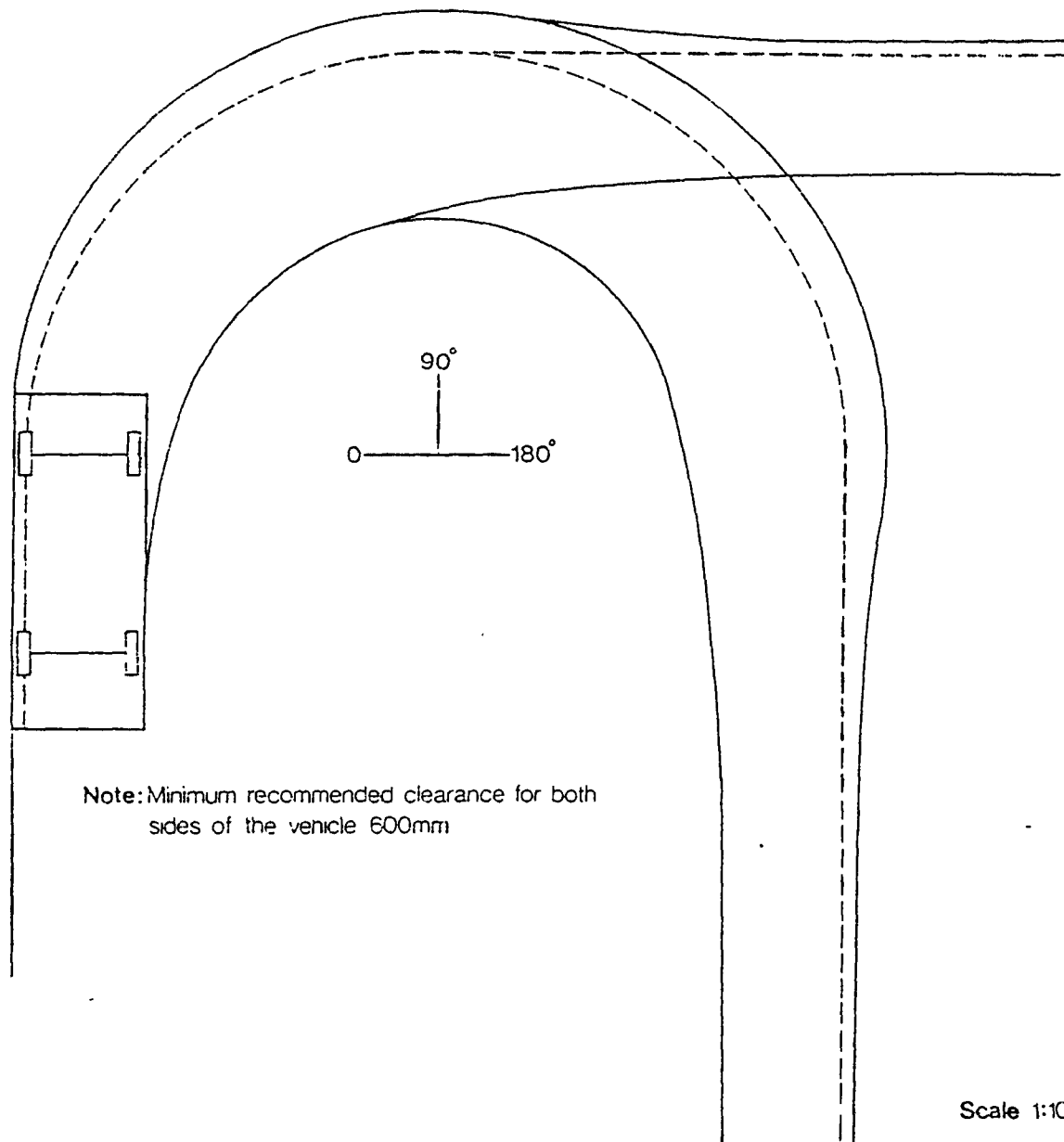
**MANOEUVRING & PARKING DIMENSIONS**



AREA OF PARKING SPACE BY TYPE OF PARKING

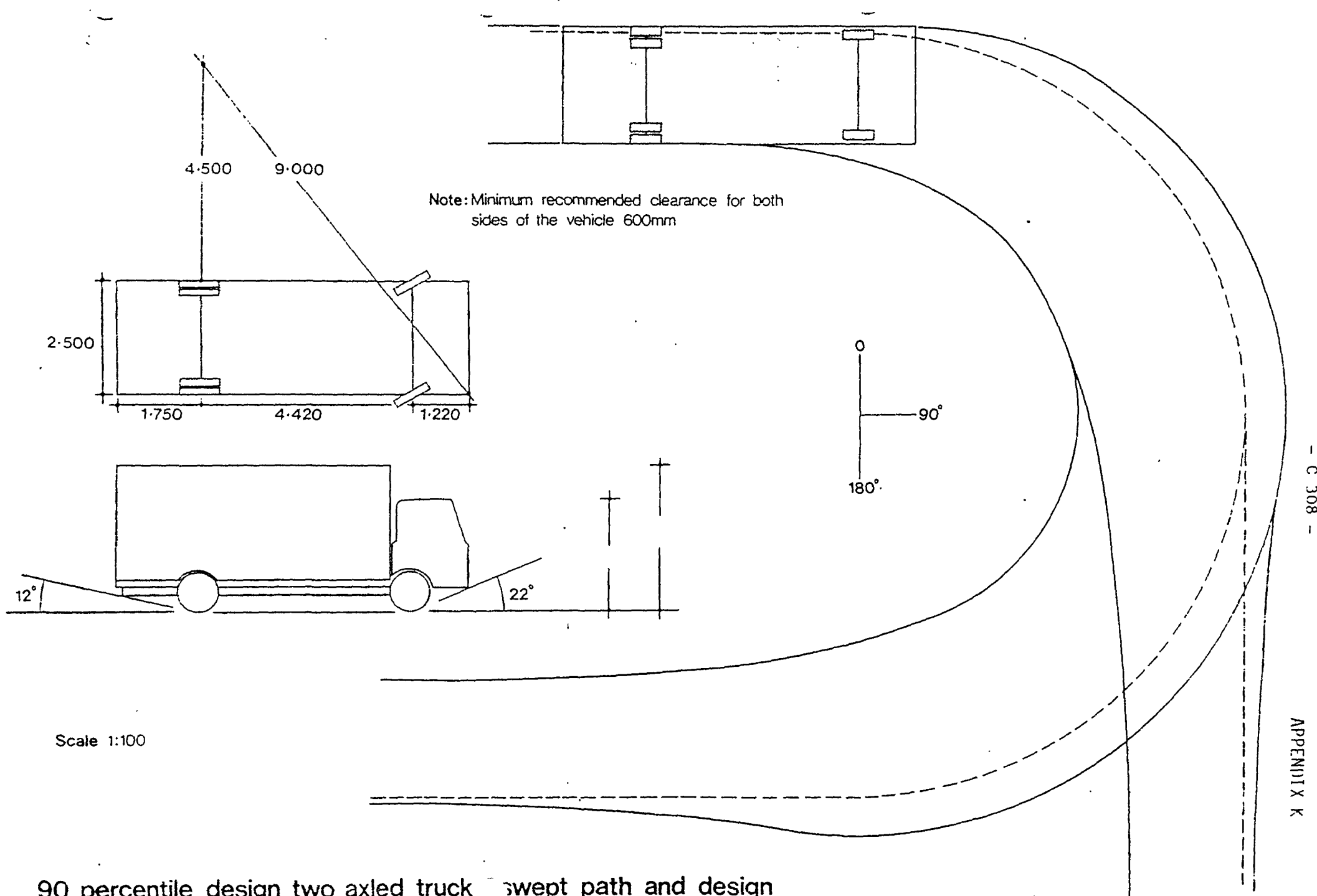
Type of Parking	Stall Width	Square m/car
90° nose in with a left turn	2.6m	21.8
90° nose in with a right turn	2.6m	23.0
90° back in	2.6m	18.9
75° nose in	2.6m	19.6
75° back in	2.6m	21.0
60° nose in and back in	2.6m	21.6
45° nose in and back in	2.6m	22.8
30° nose in and back in	2.6m	30.4
Parallel	2.5m	26.5

The variation in area per car is relatively small and, because in each area there will be space which cannot be used with the different types of parking, it is necessary to study each proposed parking area separately to determine which form of parking is the most practical and efficient.



Scale 1:100

90 percentile design motor car-swept path and design



90 percentile design two axled truck swept path and design