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PART ONE - INTRODUCTION TO RESOURCE MANAGEMENT (WITHIN THE LAKES A ZONE)

1. INTRODUCTION

This Part sets out the statutory framework provided by the *Resource Management Act 1991* and discusses some key concepts central to the development of Rotorua District Council's District Plan.

Rotorua District Council must operate within its functions, powers and duties as contained in the *Resource Management Act 1991*. One of these requirements is the preparation of a District Plan to assist Council to carry out its functions.

2. RESOURCE MANAGEMENT ACT 1991

2.1 BACKGROUND AND PURPOSE

The *Resource Management Act 1991* came into effect on 1 October 1991. Its enactment was the result of a comprehensive process of resource management law reform which occurred in the few years previous. The process of resource management law reform was related to the concurrent reform of local government. The *Resource Management Act 1991* was designed to integrate many pieces of legislation relating to resource management, including the *Town and Country Planning Act 1977*, the *Water and Soil Conservation Act 1967*, some provisions of the *Local Government Act 1974*, the *Clean Air Act 1972* and the *Noise Control Act 1982*.

2.2 PREVIOUS RESOURCE MANAGEMENT SYSTEM

Prior to the local government and resource management law reform processes, a system of environmental administration had developed in an incremental fashion over time. It included various government departments, local authorities (such as city and county councils), united councils, regional water boards and catchment authorities. A number of related statutes and their amendments had also developed. Development of the legislation had been a piecemeal process and the environmental outcomes were often confused.

The explanatory notes attached to the Resource Management Bill (forerunner of the *Resource Management Act 1991*) identified the following problems in the previous resource management system which the *Resource Management Act 1991* is designed to overcome:

- “(a) *there was no consistent set of resource management objectives;*
- (b) *there were arbitrary differences in management of land, air and water;*
- (c) *there were too many agencies involved in resource management with overlapping responsibilities and insufficient accountability;*
- (d) *consent procedures were unnecessarily complicated and costly, and there were undue delays;*
- (e) *pollution laws were ad hoc and did not recognise the physical connections between land, air and water;*
- (f) *in some aspects of resource management there was insufficient flexibility and too much prescription, with a focus on activities rather than end results;*
- (g) *Maori interests and the Treaty of Waitangi were frequently overlooked;*
- (h) *monitoring of the law was uneven; and*
- (i) *enforcement was difficult.”*

2.3 PURPOSE

The purpose and principles of the *Resource Management Act 1991* are shown in **Figure 1** of this Part. The purpose of the Act (Section 5 (1)) is “*to promote the sustainable management of natural and physical resources*”. Sustainable management is defined in Section 5(2).

The *Resource Management Act 1991* also places a duty on Council to recognise and provide for a range of matters of national importance which are set out in Section 6 of the Act (see **Figure 1**).

Other important matters including maintaining and enhancing amenity values and the quality of the environment and also the recognition and protection of heritage values are set out in Section 7 of the *Resource Management Act 1991* (see **Figure 1**). Section 8 of the Act requires Council to take into account the principles of the Treaty of Waitangi (see **Appendix X**).

The *Resource Management Act 1991* provides a new framework for resource management in New Zealand. It places emphasis on effects and outcomes rather than on the control of specific activities. There has been a movement away from planning controls which, in the past, sought to direct development. The principle now is that regulations must be focused on ensuring that any adverse effects
on

the environment are avoided, remedied or mitigated where appropriate. The Act places an obligation on councils to anticipate, assess and monitor the impacts of their policies, and on resource users to assess the impacts of their activities.

3. INSTITUTIONAL ARRANGEMENTS

The *Resource Management Act 1991* specifies the roles, rights and responsibilities of individuals, territorial and regional councils and central government. It sets up a system of policy and plan preparation and administration which is designed to allow for the balancing of a wide range of interests and values.

Under the *Resource Management Act 1991*, “central government” includes the Ministry for the Environment and the Department of Conservation.

The Department of Conservation is responsible for administering and managing the predominantly natural lands of the Crown, protecting indigenous wildlife and managing indigenous freshwater fish and in general advocating the protection of natural and historic resources is another Department function.

The role of the Ministry for the Environment is to monitor the effect and implementation of the *Resource Management Act 1991*. There are some methods which the Ministry may use to influence resource management, including the ability to issue national policy statements to guide local (regional and territorial) government decisions, and to set national environmental standards through regulations for noise, contaminants, water, soil and air quality.

The Regional Councils, Environment Waikato and Environment BOP have been given the primary responsibility for the management of water, soil, geothermal resources, air quality and pollution control (excluding noise) in their regions. They also have responsibility for regional aspects of natural hazard avoidance or mitigation, and the prevention or mitigation of adverse effects associated with hazardous substances.

Each regional council must prepare a regional policy statement which provides an overview of the resource management issues of the region, and policies and methods to achieve integrated management of resources. Regional plans may also be prepared, where specific resources or issues require more detailed management than can be achieved through regional policy statements.

Territorial authorities such as Rotorua District Council have primary responsibility for land use management. They should also complement the role of regional councils for some issues, such as natural hazard avoidance or mitigation and the prevention or mitigation of adverse effects associated with hazardous substances. Each territorial authority is required to prepare and implement a district plan.

PART II PURPOSE AND PRINCIPLES

- 5. Purpose** – (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 6. Matters of national importance** – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, uses and development:
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
 - (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:
 - (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- 7. Other matters** – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –
- (a) Kaitiakitanga:
 - (b) The efficient use and development of natural and physical resources:
 - (c) The maintenance and enhancement of amenity values:
 - (d) Intrinsic values of ecosystems:
 - (e) Recognition and protection of the heritage values of sites, buildings, places, or areas:
 - (f) Maintenance and enhancement of the quality of the environment:
 - (g) Any finite characteristics of natural and physical resources:
 - (h) The protection of the habitat of trout and salmon.
- 8. Treaty of Waitangi** – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Figure 1: Purpose and Principles of the Resource Management Act 1991

4. TERRITORIAL AUTHORITIES

As outlined in 3 of this Part the *Resource Management Act 1991* specifies the roles, rights and responsibilities of individuals and different levels of government. The nature of territorial authorities, their basis in legislation and their means of functioning are discussed further in 3 of this Part.

4.1 MAIN FUNCTIONS

In the *Resource Management Act 1991* the main functions for territorial authorities such as the Rotorua District Council are contained in Section 31:

- “(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:*
- (c) The control of subdivision of land:*
- (d) The control of the emission of noise and the mitigation of the effects of noise:*
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) Any other functions specified in this Act”*

4.2 PLANNING PRACTICE

As well as clearly outlining the functions of territorial authorities, the *Resource Management Act 1991* also includes other provisions which require changes in territorial authority planning practice.

Territorial authorities must now select an approach most suitable to their communities' needs and aspirations from a range of implementation methods. It is those councils' obligation to have regard to alternative methods of resource management and their costs and benefits (Section 32).

Section 35 states that territorial authorities have responsibilities for monitoring the state of the environment, as well as the suitability and effectiveness of various planning mechanisms that are in place (such as district plans and resource

consents). They must also gather and keep available relevant information so that the public may be informed and able to participate under the *Resource Management Act 1991*.

Under the *Resource Management Act 1991*, there are stronger enforcement provisions than under the previous legislation. This includes stronger penalties against persons convicted of offences against the Act (Part XII).

District plans are potentially more flexible than previous district schemes were, as members of the public are able to seek changes to district plan provisions (Section 73 (2)).

The territorial authority must include specific criteria in the district plan relating to the imposition of conditions and standards (Sections 108, 220). This was previously covered by discretionary powers under the *Town and Country Planning Act 1977*, *Reserves Act 1977* and *Local Government Act 1974*.

Specified criteria for development levies, reserve contributions, subdivision standards and the consideration of resource consents are to be included within district plans. Councils have the obligation to formulate such standards specifically for their districts and to rely less on general legislative guidance than was the case before.

5. DISTRICT PLANS

5.1 STATUTORY BASIS

Under the *Resource Management Act 1991*, district plans are mandatory. They are to be prepared by territorial authorities in the manner set out in the First Schedule to the Act.

Section 72 defines the purpose of district plans, which is "*to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act*".

The requirement for the preparation and change of district plans is given by Section 73, which states:

"(1) There shall at all times be one district plan for each district prepared by the territorial authority in the manner set out in the First Schedule.

(1A) A district plan may be changed by a territorial authority in a manner set out in the First Schedule.

(2) Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in the First Schedule.

(3) *A district plan may be prepared in territorial sections”*

5.2 CONTENTS

Section 75 (1) states that a plan shall:

"make provision for such of the matters set out in Part II of the Second Schedule as are appropriate to the circumstances of the district, and shall state -

- (a) The significant resource management issues of the district; and*
- (b) The objectives sought to be achieved by the plan; and*
- (c) The policies in regard to the issues and objectives, and an explanation of those policies; and*
- (d) The methods being or to be used to implement the policies, including any rules; and*
- (e) The principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
- (f) The information to be submitted with an application for a resource consent, including the circumstances in which the powers under Section 92 may be used; and*
- (g) The environmental results anticipated from the implementation of these policies and methods; and*
- (h) The processes to be used to deal with issues which cross territorial boundaries; and*
- (i) The procedures to be used to review the matters set out in paragraphs (a) to (h) and to monitor the effectiveness of the plan as a means of achieving its objectives and policies; and*
- (j) Any other information that the territorial authority considers appropriate; and*
- (k) Such additional matters as may be appropriate for the purpose of fulfilling the territorial authority's functions, powers, and duties under this Act."*

District plans may include district rules (Section 76). Councils may use rules in order to carry out their functions under the *Resource Management Act 1991* and to achieve the Objectives and Policies of their Plans. Rules may prohibit, regulate or allow activities. Certain activities may be identified as permitted, controlled, discretionary, non-complying or prohibited activities so that councils have a measure of control over the actual or potential effects of these activities on the environment. Rules may apply throughout a whole district or part of a district,

they may apply all the time or only for stated periods or seasons, and they may be specific or general in their application.

It is clear from the *Resource Management Act 1991* that when developing sustainable resource management Objectives and Policies, councils must now focus on environmental effects and outcomes rather than on specific activities. This approach to resource management means that Council must first determine several important points and issues. These include: resource management issues that are significant in the District; anticipated environmental results; and the types of adverse environmental effects which should be avoided, remedied or mitigated.

In this Plan, Council has developed Objectives, Policies and Rules which set minimum environmental standards for achieving the anticipated environmental results that the community has identified. In some cases, existing procedures and methods will be suitable for achieving such results. In other cases, the community will have a certain degree of flexibility to develop their own methods of achieving the anticipated environmental results.

5.3 LINKS WITH REGULATIONS AND OTHER POLICIES AND PLANS

District plans are not meant to be developed in isolation with only the *Resource Management Act 1991* as a guide. District plans should not be inconsistent with national policy statements, water conservation orders and regional policy statements or regional plans (where a matter has regional significance) (see Section 75(2)).

Methods that will ensure links are maintained are consultation, liaison and advocacy.

In addition Section 74(2) states that:

"In addition to the requirements of Section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to -

- (a) Any proposed regional policy statement or regional plan on a matter of regional significance in respect of its district; and*
- (b) Any -*
 - (i) Management plans and strategies prepared under other Acts; and*
 - (ii) Relevant planning document recognised by an iwi authority affected by the district plan; and*
 - (ii) (a) Relevant entry in the Historic Places Register; and*

- (iii) *Regulations relating to the conservation or management of taiapure or fisheries, - to the extent that their content has a bearing on resource management issues of the district; and*
- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities."*

5.4 RELATIONSHIP WITH OTHER PLANNING DOCUMENTS

As noted in **5.3** of this Part, Sections 74 and 75 of the *Resource Management Act 1991* state that when preparing or changing a district plan, regard should be given to a number of other documents. These include national and regional policy statements, management plans and strategies prepared under other Acts, and relevant planning documents recognised by iwi authorities.

In the preparation of this District Plan, the contents of many other existing and planned documents and strategies have been taken into account.

Given that some relevant planning documents have not been prepared at the time of developing this plan, and in order to ensure compatibility and acceptability, it has been necessary to liaise closely with national and regional authorities. This Plan has therefore been prepared so as not to be at variance with future national and regional policy statements.

Of particular interest are the planning documents and strategies pursued by the two regional councils that have jurisdiction in the Rotorua District. By liaising closely with both these councils, the Rotorua District Council will endeavour to ensure there is consistency of approach in relation to relevant regional council policy statements and plans for comparable regional council resource management functions.

Because of the relatively low level of development and activity in the areas near Council's boundaries there are unlikely to be major cross boundary issues between Rotorua District and neighbouring authorities. However, when issues arise, consultation with the relevant authorities will take place.

5.5 RELATIONSHIPS WITH OTHER AGENCIES

The District Plan is designed to be a resource management policy contract between the District Council, other levels of government, private agencies and the public.

In order to achieve a Plan of high quality and general acceptability by the community, participation in the planning process has been encouraged. Council has taken steps, in the process of preparing this District Plan, to liaise with other agencies and levels of government. The *Resource Management Act 1991* also sets out detailed requirements for public participation and Council has ensured

that these requirements have been met. The Rotorua District Council's consultation requirements and procedures for this District Plan are outlined in 7 of this Part.

Council is committed to ongoing consultation and liaison with resource management agencies and interested parties to ensure full participation in resource management policy development and implementation.

6. SUSTAINABLE MANAGEMENT

6.1 SUSTAINABLE MANAGEMENT - GLOBAL AND NATIONAL RESPONSES

Central to the *Resource Management Act 1991* is the promotion of the sustainable management of natural and physical resources. The concept of sustainability is not new. It has been traced back to early Greek times. The term has been in political use internationally for approximately 20 years since the first United Nations Conference on the Human Environment held in Stockholm in 1972. This forum drew global attention to the need for ecologically sustainable development. It questioned the continued exploitation of natural and physical resources without regard for their sustainability.

The World Conservation Strategy (1980) was a further step in linking environmental sustainability with development. In 1983 the United Nations established the World Commission on Environment and Development with a global agenda for change and recommended various key principles which included:

- a revival and change in the quality of growth;
- conservation and enhancement of the resource base;
- integration of the environment and economics in decision making; and
- reform of international economic relations and strengthening of international co-operation.

In New Zealand, the Nature Conservation Council published a discussion document *Integrating Conservation and Development*; a proposal for a New Zealand Conservation Strategy (1981), which emphasised the sustainability of natural resources as a central concept.

New Zealand has continued to take an active interest in the development of means for achieving sustainable management of the environment in recent years. In 1992, New Zealand was represented at the Earth Summit in Rio de Janeiro, Brazil. A national report, the New Zealand National Report to the United

Nations Conference on Environment and Development: Forging the Links, was developed to be presented at the Summit.

The outcomes of the Earth Summit have been produced and are known as "Agenda 21". This document includes a number of general principles, Objectives and Methods of Implementation which should be followed by individual countries and their local authorities.

The concept of sustainable management of natural and physical resources forms the basis of both Agenda 21 and the *Resource Management Act 1991*. This being the case, it is anticipated that the management of New Zealand's natural and physical resources at all levels will increasingly be carried out in a sustainable manner which ensures that those resources will be able to meet the reasonably foreseeable needs of future generations.

6.2 SUSTAINABLE MANAGEMENT AND THE RESOURCE MANAGEMENT ACT 1991

The concept of sustainable management can have a range of meanings, according to the characteristics of the resources being referred to, time scale and changing human needs and wants.

The *Resource Management Act 1991* recognises that sustainable management (as defined in Section 5) is a long-term goal; and is seen more in terms of a **process** than an **end state**. The primary purpose of the Act is to **promote** sustainable management of natural and physical resources; not necessarily to require that it is achieved immediately or in the short term.

The requirement for sustainable management will have a major effect on our patterns of resource use. Such use will have to now take account of whether or not present patterns can be sustained into the future. As an example, in the Rotorua District we must address how much land can continue to be used for urban development before:

- utility services (eg. road networks, sewage reticulation) are unable to cope;
- unacceptable levels of pollution occur;
- fertile farming land is irreversibly lost; and
- the attractive natural and physical characteristics of the District disappear.

7. CONSULTATION

7.1 CONSULTATION REQUIREMENTS

Section 73(1) of the *Resource Management Act 1991* requires that district plans be prepared in the manner set out in the First Schedule to the Act.

Clause 3(1) of Part I of the First Schedule states that during the preparation of a proposed policy statement or plan, the local authority shall consult -

- "(a) The Minister for the Environment; and*
- (b) Those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- (c) Local authorities who may be so affected; and*
- (d) The tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga."*

Clause 3(2) of Part I of the First Schedule states that a local authority may also consult anyone else during the preparation of a proposed policy statement or plan.

7.2 CONSULTATION PROCEDURE - ROTORUA DISTRICT PLAN

7.2.1 ROTORUA TOMORROW

The first consultation stage that the Rotorua District Council followed in the development of this District Plan was the public notification of a document entitled *Rotorua Tomorrow - Rotorua Te Ao Hou* in August 1990.

In addition to the bodies and persons that Council was obliged to provide with a copy of *Rotorua Tomorrow*, the document was also distributed to community and interest groups, schools, marae, business organisations, political parties and individuals.

A Council display at the Rotary Expo was set up in October 1990 to attract the public's attention to *Rotorua Tomorrow*, and to stimulate people to make submissions. Newspaper features on the report were also published.

Eighteen public meetings were held in various venues including the Civic Centre, in rural communities and eight meetings on marae.

Some 130 submissions were considered by Council and taken into account in the development of the District Plan. Although Rotorua Tomorrow was prepared during the time that the *Town and Country Planning Act 1977* was still operative, account was taken of the contents of the discussion documents on resource management law reform and, later, the *Resource Management Bill*.

The *Resource Management Act 1991* does not specifically require the public notification of a pre-review statement such as Rotorua Tomorrow and the Draft Rotorua District Plan. However, the consultation process certainly assisted Council in determining the major resource management issues of the District, and the problems experienced with the old District Scheme.

7.2.2 DRAFT DISTRICT PLAN

The Draft Rotorua District Plan was a further step in Council's consultation procedure. Under the *Resource Management Act 1991* Council is not strictly required to publish such a draft. In order to fulfil the requirements of Section 73(1) of the Act, Council believed that it was useful to prepare a detailed draft before publicly notifying a proposed district plan.

The Draft Rotorua District Plan invited submissions which were dealt with in an informal and more flexible manner than is possible with this District Plan. The Draft Rotorua District Plan was adopted by Council in October 1992 and publicly notified shortly after. Again, Council embarked on a public information and consultation phase, distributing copies of the plan to various groups and individuals. A series of public meetings throughout November 1992 were held in various venues, including the Civic Centre, marae and rural communities.

In all 96 submissions were received to the Draft Rotorua District Plan. An extensive process of assessing these submissions and making appropriate changes was then followed, including changes brought about by amendments to the *Resource Management Act 1991*.

7.3 FUTURE MONITORING AND CONSULTATION

Once the Rotorua District Plan becomes fully operative, the District Council will, in consultation with interested parties, continue to monitor the effectiveness of the Plan. This may lead to changes to the District Plan being promulgated from time to time.

Consultation with adjacent districts, regional councils and other agencies in respect of cross boundary issues will be required as part of an ongoing process necessary to achieve integrated and sustainable resource management, thus avoiding inconsistencies.

In addition, any person or body may request a territorial authority to change a district plan, subject to the provisions of Section 73(2) of the *Resource Management Act 1991*.

8. RESOURCE MANAGEMENT METHODS

Section 32 of the *Resource Management Act 1991* outlines what territorial authorities should do before adopting any objective, policy, Rule or other method. Council must, amongst other things, have regard for any other means which could be used in addition to, or in place of the proposed method. It must also have regard to the reasons for and against the adoption of the proposed method and the principal alternative means available. Evaluations of the likely benefits, costs and expected effectiveness of the principal alternatives should be carried out. The method chosen to be necessary for the achievement of the purpose of the Act and the most appropriate means, having regard to its efficiency and effectiveness relative to other means. Rotorua District Council has carried out such an assessment.

District councils have a wide range of alternative methods available to them for promoting the purpose of the *Resource Management Act 1991*, for example, consultation, advocacy, information provision, education, monitoring, regulation, economic instruments, service delivery, incentives, liaison, or a combination of these. In the past there has been a tendency to rely on a limited number of means such as land use zoning and regulation.

It is recognised that in the past, planning methods may have had important economic repercussions. Intervention in the market place restricts the use of private property, therefore any intervention must be justified by Council as a regulation authority in terms of the extent to which this is necessary in order to achieve the purpose of the *Resource Management Act 1991*.

Some of the many methods Council has available to assist it to promote the sustainable management of natural and physical resources of the District are highlighted in Sections 8.1 to 8.3 that follow.

8.1 ZONING AND REGULATION

Zoning is intended to group land use activities with “like” anticipated environmental effects together. Rules within each Zone provide standards to regulate the establishment and operation of activities within these zones according to the anticipated scale and intensity of their effects.

As a method it provides a degree of certainty and security for landowners, residents and developers as to the environment expected within each different Zone.

Zoning has been chosen by Council as the main method to be used to avoid, remedy or mitigate anticipated adverse effects on the environment.

8.2 LIAISON, ADVOCACY AND CONSULTATION

In order to achieve a Plan of high quality and general acceptability by the community, participation in the planning process has been encouraged. Council has taken steps, in the process of preparing this District Plan, to liaise and consult with the public, Environment Waikato, Environment BOP, Department of Conservation and with other agencies and levels of government.

Council is committed to ongoing consultation and liaison with resource management agencies and interested parties to ensure full participation in resource management policy development and implementation.

8.3 EDUCATION

The *Resource Management Act 1991* interprets the sustainability concept in a number of ways, one of which is that resources are to be used in a manner that does not compromise the needs of future generations. Local Authorities therefore have a role in education, particularly educating resource users about ways of using resources in a sustainable manner. The policies and plan instruments in this plan try to meet this objective. An important group to consult with when developing education policy in the future is resource users.

It is also the aim of this Council to provide a plan that educates the population of the District on how the consent and planning process operates. One way in which Council will achieve this objective is by the publication of a "user-friendly" guide to the plan. By doing this the awareness of the District Plan and the policies contained within it will be enhanced.

9. INFORMATION GATHERING AND MONITORING

Local authorities have various responsibilities for gathering information, keeping records and monitoring. These responsibilities are specified in Section 35 of the *Resource Management Act 1991*. Every local authority is required to gather such information and complete such research as is necessary to effectively carry out its functions.

A wide range of resource management related matters should be monitored by councils. These include: the state of the environment; the suitability and effectiveness of any policy statements or plans and compliance with resource consents.

Monitoring should be carried out to ensure that people comply with the regulations and other methods that are chosen by Council. It is also important, however, as a check to see that the anticipated environmental results sought are

actually being realised by the methods chosen. It is important, too, to confirm whether the desired anticipated environmental results are still relevant.

The requirements of Section 35 provide, also, for ongoing research and monitoring of the effectiveness of Council's functions. This should result in the development of policies and practices which are suitable for existing and future situations as they incorporate a facility for change.

As well as monitoring, local authorities are also required to make information available to the public so that they can participate effectively under the *Resource Management Act 1991* and be better informed about Councils' functions and powers.

A programme of information gathering, record keeping and information provision will be implemented for the Rotorua District in order for the requirements of Section 35 of the *Resource Management Act 1991* to be fulfilled.

10. CONCLUSION

The Parts that follow build on the ideas and concepts developed here. In **Part Three**, the way in which Council will meet its monitoring obligations, is discussed more fully.

PART TWO - RESOURCE CONSENTS (WITHIN THE LAKES A ZONE)

1. INTRODUCTION

This Part explains how to go about making an application for a resource consent. It explains what types of consents can be applied for, what information is required to be supplied by the applicant, how the application will be assessed and the conditions which may be imposed on any consent.

2. RESOURCE CONSENTS

Under the *Resource Management Act 1991* there are a range of resource consents for which district and regional councils are responsible. These consents are:

- | | | |
|-----------------------|---|--------------------------|
| - Land use consent |) | Applications are made to |
| - Subdivision consent |) | district councils |
| - Coastal permit |) | Applications are made to |
| - Water permit |) | regional councils |
| - Discharge permit |) | |

A resource consent from the Rotorua District Council is required where either the *Resource Management Act 1991* or a Rule in this Plan specifies that a resource consent is necessary.

The *Resource Management Act 1991* provides for activities to be classified into several categories. This classification is based on the likely effects that the proposed activity may have on the environment. The categories are as follows:

(a) **Permitted Activities**

are activities that come within the range of Permitted Activities specified for the Zone and can proceed as of right but must comply in all respects with the Performance Standards for the Zone they are proposed to be located in.

A Certificate of Compliance may be obtained from Council for any Permitted Activity. This certifies that a proposed activity was permitted at the time of applying for the Certificate. This will ensure that, if the Plan

changes, a person may continue to undertake an activity which was previously permitted.

(b) **Controlled Activities**

are activities for which a resource consent will be granted if the activity comes within the range of Controlled Activities specified for the Zone and complies in all respects with the Performance Standards for the applicable Zone. In the following cases the written consents of property owner(s) and occupier(s), that Council considers may be affected, are to be obtained:

- (i) Where the performance standards are to be reduced or waived; or
- (ii) Where the application relates to the activity of stockpiling, earthworks involving cleanfill and disposal of materials other than cleanfill, where it is defined as a Controlled Activity.

Where the written consents of affected property owner(s) and occupier(s) cannot be obtained, the activity shall become a Discretionary Activity, unless otherwise provided for in the *Resource Management Act 1991* or this Plan.

Conditions may also be imposed in accordance with the provisions of the *Resource Management Act 1991* in order to avoid, remedy or mitigate adverse effects on the environment. Additional assessment criteria are specified in this Plan for particular activities in order to manage identified adverse effects.

(c) **Discretionary Activities**

are activities where the Plan stipulates that an application for a resource consent for a Discretionary Activity is required. Applications will be considered by Council, whose discretion will be exercised in accordance with the criteria specified in the Plan and the provisions of the *Resource Management Act 1991*. Council may grant consent, subject to conditions, or decline an application.

(d) **Restricted Discretionary Activities**

are activities or the effects of activities that are specified as Restricted Discretionary Activities in the Lakes A Zone. Council will consider the Restricted Discretionary Applications without the need for the written approval of affected persons unless in Council's opinion special circumstances exist that warrant the notification of the application. Notwithstanding the above, where approval is sought for Restricted Discretionary Activities relating to solar access and building platforms, affected parties consent is required. The Restricted Discretionary Activities relate to provisions concerning:

- earthworks
- building platforms
- second hand buildings
- structures
- lake structures
- hard surfaces
- outdoor storage
- helicopter landing areas
- site coverage of buildings

- solar access
- floor levels
- traffic generation
- vehicle crossings
- private roads and private ways
- roads
- collection and disposal of stormwater
- sewage collection and disposal
- electricity and telecommunication lines
- subdivision rules
- consultation with the tangata whenua
- tangata whenua structure plans

Applications will be considered by Council whose discretion will be limited to that defined in the rules and the provisions of the *Resource Management Act 1991*. Council may grant consent subject to conditions or decline the application.

(e) **Non-Complying Activities**

are activities that do not comply with the provisions of the District Plan but are not specifically prohibited. An application for a Non-Complying Activity shall be considered in terms of Section 105(2)(b) of the *Resource Management Act 1991*.

(f) **Prohibited Activities;**

are activities which the District Plan expressly prohibits and for which no consent may be sought.

Council may grant a resource consent on the basis that the activity is a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity whether or not the application was expressed to be for an activity of that kind.

3. RESOURCE CONSENT PROCESS

The *Resource Management Act 1991* sets out a standard process for applying for resource consents. This process is shown in **Figure 1** of this Part. Specified time constraints apply to the processing of all types of applications for resource consents under the *Resource Management Act 1991*.

Council can waive or extend these time limits, although the extension cannot have the effect of more than doubling the maximum time limits specified.

The *Resource Management Act 1991* requires that certain information is provided with every application for a resource consent. The nature of information required is set out in 4 of this Part. Information shall accompany every application, before it is formally accepted.

Council is also able to request further information relating to an application to enable it to better understand the nature of the proposed activity. Where significant adverse effects are expected, Council may require an explanation of available alternatives and the consultation that has been undertaken by the applicant. Council may commission a review of the information which has been submitted with the application.

The *Resource Management Act 1991* requires that an assessment of the impacts of the proposal on the environment be provided with every application for a resource consent. The assessment is to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment.

4. REQUIREMENTS FOR RESOURCE CONSENT APPLICATIONS

4.1 APPLICATION FEES

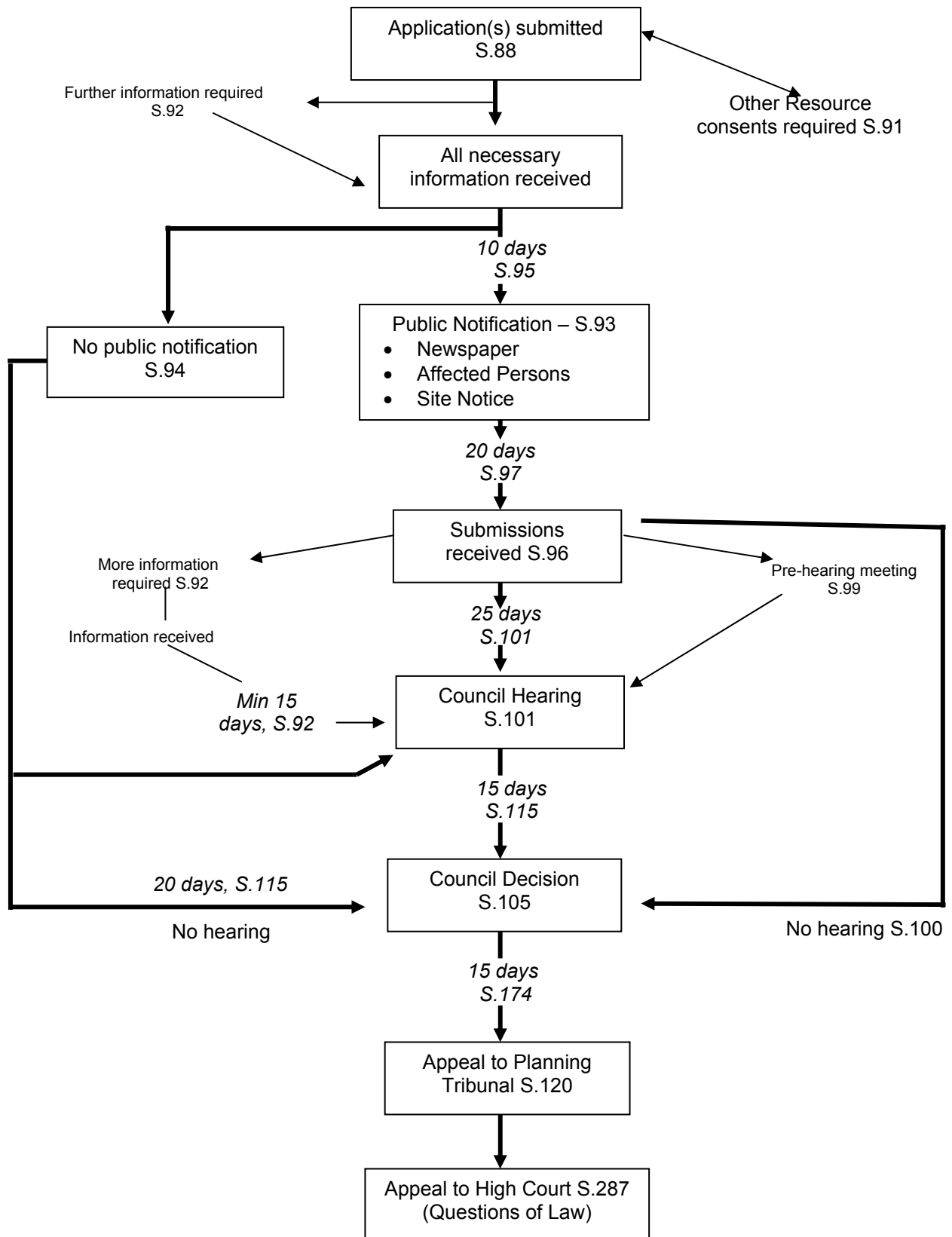
Under Section 36(1) of the *Resource Management Act 1991* Councils can fix charges for the processing of resource consent applications and Certificates of Compliance.

Every application to Council will require that a fee is payable to cover the costs of processing the application unless the Plan states otherwise. This is to ensure that the costs associated with processing applications are borne by the applicant and not by the ratepayers generally.

A schedule of fees payable for applications is set as part of the Annual Plan process and the current schedule is available from Council. These fees are based on the actual and reasonable costs of processing applications.

FIGURE 1: RESOURCE CONSENT PROCEDURE

(Days = working days S.2)



Source: **Modified from Data Services Ltd 1991**

4.2 INFORMATION

Where applicable the following information shall be submitted with any application for a resource consent:

- (a) a description of the site including existing uses, buildings, topography and vegetation, including information on the extent and nature of any fill on the site, an indication of areas subject to erosion or landslips and a description of any outstanding natural heritage values (eg. bush areas, wetlands, areas of indigenous vegetation, lakes and rivers [including their margins], geothermal features and wildlife habitats) that may be affected by the proposed activity;
- (b) a description of the activity for which consent is sought;
- (c) a statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;
- (d) an analysis of the suitability of the site for the proposed activity, having regard to topography, physical features, access, services and natural hazards.
- (e) an assessment of any actual or potential adverse effects that the activity may have on the environment (including the natural heritage values specified under (a)) and the ways in which those adverse effects may be avoided, remedied or mitigated. (See also 4.4 and 4.5 of this Part). In the case of a resource consent application for a Discretionary or a Non-Complying Activity, the assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment. While Council has a statutory responsibility to consult as a consent authority with tangata whenua, the applicant shall provide Council with information on consultation, if any, that he/she has undertaken with tangata whenua, who may be affected by the application.
- (f) the legal description of the site that the application relates to; and
- (g) plans illustrating the proposal as set out in 4.3 of this Part.

4.3 PLANS

The information requirements for subdivisions and developments are set out in Appendix U of this Plan. Subdivision applications will also be required to include information as set out in Section 219 of the *Resource Management Act 1991*.

Any application for a resource consent shall include a set of plans illustrating the proposal. Two original scale copies of each plan are required, and one copy reduced to A4 size.

The plans must include the details set out in paragraphs (a), (b), (c) and (d) below, as applicable:

- (a) a plan showing the location of the site, with road name, street number, north point and scale;
- (b) a site plan of the property (at a scale of not less than 1:200) showing:
 - (i) site boundary lengths and other dimensions in metres;
 - (ii) location with distances to site boundaries, of all existing buildings which are to remain on the site, and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandahs);
 - (iii) proposed use of each building;
 - (iv) position of any easement over the site;
 - (v) position, location and dimensions of every parking and loading space (headroom dimensions are also required where parking or loading is within or under a building) and the proposed access and manoeuvring areas including the location and width of footpath crossings necessary to serve such space;
 - (vi) kerb lines adjacent to the site and the position of any street trees;
 - (vii) proposed retaining walls, excavations and landfill;
 - (viii) levels on the site boundaries and around any buildings, contours of the site unless the site is less than 100m², or has a uniform grade of less than 1 in 10;
 - (ix) existing trees and proposed landscaping. Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - (x) water courses and drainage and sewerage pipes and other utility services within and adjacent to the site; and
 - (xi) the means proposed to deal with all stormwater and sanitary drainage.
- (c) a floor plan of each building (at a scale of not less than 1:100) showing:
 - (i) use of all parts of the building, including basements,
 - (ii) parking, lift towers, storage or service areas; and

Note: Where several floors are of the same area and are intended for the same use, a standard floor plan may be shown.

- (d) elevations of each building (at a scale of not less than 1:100) showing:
 - (i) external appearance of the building including doors and windows;
 - (ii) number of floors and their proposed use;
 - (iii) building heights and height in relation to any boundary;
 - (iv) relative height of new buildings fixed in terms of the natural ground level;
 - (v) maximum permitted height for the Zone;
 - (vi) any additional height requested; and
 - (vii) natural ground levels along boundaries at 1 metre intervals.

Plans submitted under paragraphs (a), (b) and (c) above will be made available by Council for public inspection in the case of an application which is notified.

4.4 FURTHER INFORMATION

Further information may be required from an applicant where Council considers it to be necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be avoided, remedied or mitigated. Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application or on any environmental assessment of effects. Such a report may be commissioned where the activity, which is the subject of the application may, in the opinion of Council, give rise to significant adverse environmental effects which are not adequately remedied or mitigated.

4.5 INFORMATION ON ENVIRONMENTAL EFFECTS

Under Sections 88 and 92 of the *Resource Management Act 1991*, Council is able to request information from applicants as to the anticipated effects from the proposed activity. The detail of the assessment of effects on the environment will depend upon the scale and significance of the effects that the activity may have on the environment. Details of this are provided in the Fourth Schedule of the *Resource Management Act 1991*. In order to fulfil the requirements of the *Resource Management Act 1991*, all resource consent applications will be required to submit an assessment of effects on the environment of the proposed activity. Applications for subdivision shall also include such assessments.

In order to assist applicants to assess the effect of their proposed activity on the environment, Council will use an assessment of environmental effects checklist. Examples relating to land use and subdivision consents are shown in **4.6** of this Part. The detail of the checklist may be amended from time to time as

appropriate. This checklist will aid in producing a consistent approach to all applications and will help ensure that adequate information is provided. Council will then audit this information. Because of the strict timeframe for considering resource consents, applications will not be accepted unless all relevant information requirements are met.

4.6 ENVIRONMENTAL EFFECTS CHECKLISTS (see next page)

RESOURCE MANAGEMENT ACT 1991

ENVIRONMENTAL EFFECT CHECKLIST FOR LAND USE CONSENTS

The effects of your proposed activity will be one of the key considerations when your application is assessed. This checklist has been compiled to assist you to prepare an application which will meet the requirements of the *Resource Management Act 1991*. Your application must be accompanied by this completed checklist.

Through consultation with Council staff and with affected parties, you should be able to identify the significant environmental effects which should be addressed in your application. We strongly recommend that you consult at an early stage. The formal process of the statutory application will be much smoother if you have done so.

Should you answer YES to any of the following questions, you may be required to provide an assessment of the effects from a professional person experienced in assessing the effects of your proposed activity, eg soil engineer, or environmental health expert. This assessment should also accompany the application. If there is any doubt, discussions with Council staff may assist.

Note: Unless the question is clearly not applicable to the application, it is unacceptable to claim without any reason that the proposed activity will have no effect on the environment. Applications with such incomplete assessments will not be processed until the relevant information is provided.

The assessment should include but not be limited to:

- (a) the type of effect (positive/negative/cumulative);
- (b) the extent of the effect (geographic spread/duration/volume); and
- (c) possible actions to reduce (avoid, remedy or mitigate) adverse effects.

1. Are any of the following natural constraints or hazards present on the site?

Is there any stormwater or flood-flow path?	YES/NO
Is the land unstable or on a slope greater than 20°?	YES/NO
Is the site in or adjacent to a gully?	YES/NO
Is the site within 20 metres of a permanent watercourse?	YES/NO
Are there any geothermal features on the site?	YES/NO
Are there any geothermal bores on the site?	YES/NO
Has the site been subject to landfill?	YES/NO
Are there any other natural constraints to the site?	YES/NO
(If YES, what are they?)	SHOW ON PLAN

2. Is there any waahi tapu or archaeological site present which may be affected by the proposed development? YES/NO

Is there any historic or significant building, tree, object or site affected by the proposed development? YES/NO

Note 1: The District Plan contains registers of the above features for reference, see Appendix A.

Note 2: If the above feature is registered under the *Historic Places Act 1993* the consent of the Historic Places Trust will be required. In addition a survey of archaeological sites, including registered, non-registered and NZAA listed and previously unlisted sites may be required to be undertaken.

DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ABOVE FEATURE.

Has the value of any of the above items been assessed and relevant parties consulted?
YES/NO

Does the proposed development affect tangata whenua?
YES/NO

If YES outline how you have taken account of the principles of the Treaty of Waitangi. See Part Five of the District Plan for an explanation of these principles.

SHOW ON PLAN

3. Does the site or neighbouring site contain:

Any wildlife habitat, wetland or area of indigenous vegetation that could be affected by the proposed activity?
YES/NO

Any trees that will be affected by the proposed activity?
YES/NO
SHOW ON PLAN

4. Will the proposed development generate:

any additional utility service requirements? YES/NO

any additional vehicular traffic? YES/NO

any additional noise? YES/NO

any dust that can drift beyond the site? YES/NO

any odour beyond the site? YES/NO

will the above be during the construction period? YES/NO

will the above be when the development is completed? YES/NO

5. Will the property have direct access to a State Highway? YES/NO

If YES, the following provisions will apply:

(a) An applicant will serve a copy of the application on Transit New Zealand (as an affected party) and Transit New Zealand will have the opportunity of supplying its comments in writing to both the applicant and Council within 20 working days of service (the notice period);

(b) In the event of Transit New Zealand requesting further information from the applicant within 7 working days following service of the application, the notice period will be extended to enable the supply of the further information by the applicant and its evaluation and consideration by Transit New Zealand. Such extension shall be to a date 15 working days after the further information has been served upon Transit New Zealand.

- (c) If written comments from Transit New Zealand are not received by Council within the notice period, Council shall forthwith determine whether or not the application will be notified. If, however, Transit New Zealand's comments are received within the notice period, Council shall advise the applicant of such comments and if Transit New Zealand does not consent to the application or indicates consent only in terms unacceptable to the applicant, the application shall be notified.

6. Will the development produce any waste materials? YES/NO
7. Will you be applying for a liquor licence in relation to this activity? YES/NO
8. Will you be storing, using, transporting or disposing of any hazardous substance or contaminant? YES/NO
9. Will the scale/size/use of your development have any adverse effect on the environment or the amenities of the neighbourhood and the resources and services already provided to support such a use? YES/NO
10. Describe the visual effects of the proposed development.

To the best of my knowledge the answers on this form are correct. Where the answer is "YES" I have included an assessment from a recognised professional or addressed the issue in consultation with Council staff and have shown on a plan of the site those particular features.

Signature of applicant or agent for applicant

DATE

RESOURCE MANAGEMENT ACT 1991

ENVIRONMENTAL EFFECT CHECKLIST FOR SUBDIVISION CONSENTS

The effects of your proposed activity will be one of the key considerations when your application is assessed. This checklist has been compiled to assist you to prepare an application which will meet the requirements of the *Resource Management Act 1991*. Your application must be accompanied by this completed checklist.

Through consultation with Council staff and with affected parties, you should be able to identify the significant environmental effects which should be addressed in your application. We strongly recommend that you consult at an early stage. The formal process of the statutory application will be much smoother if you have done so.

Should you answer YES to any of the following questions, you may be required to provide an assessment of the effects from a professional person experienced in assessing the effects of your proposed activity, eg. soil engineer. This assessment should also accompany the application. If there is any doubt, discussions with Council staff may assist.

Note: Unless the question is clearly not applicable to the application, it is unacceptable to claim without any reason that the proposed activity will have no effect on the environment. Applications with such incomplete assessments will not be processed until the relevant information is provided.

The assessment should include but not be limited to:

- (a) the type of effect (positive/negative/cumulative);
- (b) the extent of the effect (geographic spread/duration/volume); and
- (c) possible actions to reduce (avoid, remedy or mitigate) adverse effects.

1. Are any of the following natural constraints or hazards present on the site?

Is there any stormwater or flood-flow path?	YES/NO
Is the land unstable or on a slope greater than 20°?	YES/NO
Are any sites in or adjacent to a gully?	YES/NO
Are any sites within 20 metres of a permanent watercourse?	YES/NO
Are there any geothermal features on any of the sites?	YES/NO
Are there any geothermal bores on any of the sites?	YES/NO
Have any of the sites been subject to landfill?	YES/NO
Are there any other natural constraints relating to any of the sites?	YES/NO
(If YES, what are they?)	SHOW ON PLAN

2. Is there any waahi tapu or archaeological site present which may be affected by the proposed subdivision? YES/NO

Is there any historic or significant building, tree, object or site affected by the proposed subdivision? YES/NO

Note 1: The District Plan contains registers of the above features for reference, see Appendix A.

Note 2: If the above feature is registered under the *Historic Places Act 1993* the consent of the Historic Places Trust will be required. In addition a survey of archaeological sites, including registered, non-registered and NZAA listed and previously unlisted sites may be required to be undertaken.

DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ABOVE FEATURE.

Has the value of any of the above items been assessed and relevant parties consulted?

YES/NO

Does the proposed subdivision affect tangata whenua?

YES/NO

If YES outline how you have taken account of the principles of the Treaty of Waitangi. See Part Five of the District Plan for an explanation of these principles.

SHOW ON PLAN

3. Do the sites in the proposed subdivision or the neighbouring sites contain:

Any wildlife habitat, wetland or area of indigenous vegetation that could be affected by the proposed activity?

YES/NO

Any trees that will be affected by the proposed activity?

YES/NO

SHOW ON PLAN

4. Will the proposed subdivision generate the need for any additional utility service requirements?

YES/NO

5. Do the sites in the proposed subdivision have direct access to a State Highway?

YES/NO

If YES, the following provisions will apply:

- (a) An applicant will serve a copy of the application on Transit New Zealand (as an affected party) and Transit New Zealand will have the opportunity of supplying its comments in writing to both the applicant and Council within 20 working days of service (the notice period);
- (b) In the event of Transit New Zealand requesting further information from the applicant within 7 working days following service of the application, the notice period will be extended to enable the supply of the further information by the applicant and its evaluation and consideration by Transit New Zealand. Such extension shall be to a date 15 working days after the further information has been served upon Transit New Zealand.
- (c) If written comments from Transit New Zealand are not received by Council within the notice period, Council shall forthwith determine whether or not the application will be notified. If, however, Transit New Zealand's comments are received within the notice period, Council shall advise the applicant of such comments and if Transit New Zealand does not consent to the application or

indicates consent only in terms unacceptable to the applicant, the application shall be notified.

6. Describe the visual effects of the proposed subdivision.

To the best of my knowledge the answers on this form are correct. Where the answer is "YES" I have included an assessment from a recognised professional or addressed the issue in consultation with Council staff and have shown on a plan of the site those particular features.

Signature of applicant or agent for applicant

DATE

5. NOTIFICATION

In accordance with Section 94(5) of the *Resource Management Act 1991*, if Council considers special circumstances exist in relation to any application, it may require that application to be notified even if the Plan expressly provides that it need not be notified.

An application for a resource consent is not required to be notified if:

- (a) the application is for a Controlled Activity and written approval has been obtained from every person who in the opinion of Council may be adversely affected by the granting of the resource consent, unless in the opinion of Council it is unreasonable, in the circumstances to require the obtaining of every such approval; or
- (b) the activity to which the application relates is a Discretionary or Non-Complying Activity and Council is satisfied that the adverse effect(s) on the environment from the activity will be minor; and written approval has been obtained from every person whom Council is satisfied may be adversely affected by the granting of the resource consent, unless Council considers it is unreasonable in the circumstances to require the obtaining of every such approval.

5.1 NOTIFICATION PROCEDURE

The notification process is set out in Section 93 of the *Resource Management Act 1991*. This procedure involves preparing a notice relating to the application and serving copies of it on the following persons as appropriate:

- owner(s) and occupier(s) of the subject land;
- the Minister of Conservation;
- the New Zealand Historic Places Trust;
- persons likely to be directly affected;
- iwi authorities; and
- other persons and authorities who are likely to be directly affected.

The notice is required to be published in the local newspaper and must also be fixed to a conspicuous place on the subject site.

The notice shall give details of the application and give the closing date for submissions to be received by Council. Submissions at the actual hearing may be made in writing or orally by any persons.

The costs involved with the notification process will be included as part of the administrative charge to be paid to Council by the applicant.

6. DECISIONS

Section 104 of the *Resource Management Act 1991* sets out the matters to be considered when making a decision about a consent. Section 104 emphasises the priority given to Part II matters when considering a resource consent application. Most of these matters are explained throughout the Plan, particularly in the Rules for each Part. In addition, the following is also relevant.

Council shall not have regard to the effects of trade competition on trade competitors when considering an application for a resource consent. Where agreement has been reached between the applicant and any affected person, Council shall not have regard to any actual or potential effect of the activity on that person.

The *Resource Management Act 1991* provides for the possibility of pre-hearing meetings to clarify, mediate or facilitate resolution of any matter or issue. It allows the outcome of the meeting to be reported to Council and circulated to all parties before the hearing. Where the outcome is reported, it shall become part of the information which Council shall have regard to when considering the application.

As part of the resource consent process as outlined in *the Resource Management Act 1991* it is the duty of the District Council to have a working understanding of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). One of these principles is the duty to consult with tangata whenua. This is further discussed in Part Five of the Plan.

Joint hearings may be held where several applications for resource consents, in relation to the same proposal, have been lodged with different authorities. The consent authorities involved shall jointly hear and consider those applications unless these authorities agree that they are sufficiently unrelated and the applicant agrees that a joint hearing need not be held.

A joint hearing shall also be required where several consents relating to the same proposal have been lodged with Council.

Any statement in this Plan is considered to be a policy statement and may be used for the purposes of considering any application for a resource consent.

The following sets out how particular categories of activities shall be assessed.

6.1 PERMITTED ACTIVITIES

Consent for Permitted Activities shall be granted where the proposed development complies in all respects with the range of Permitted Activities specified for the Zone and the Performance Standards specified for the Zone they are located in.

6.2 CONTROLLED ACTIVITIES

Consent for Controlled Activities shall be granted where the proposed development complies in all respects with the range of Controlled Activities specified in the Zone and the Performance Standards specified for the Zone they are located in. Conditions may also be imposed in respect of matters specified as assessment criteria for Controlled Activities. These are set out in each Part.

6.3 DISCRETIONARY ACTIVITIES

Consent for Discretionary Activities may or may not be granted. The criteria that Council will use to assess applications for Discretionary Activities are specified within each Part. Conditions may be imposed on any consent in terms of criteria specified in the Plan or *Resource Management Act 1991* in order to achieve the Objectives and Policies of the Plan.

6.4 GENERAL PROVISIONS AND PROCEDURES

Council may either grant or decline an application for a resource consent for a Discretionary Activity to modify one or more of the provisions described as Performance Standards in the Plan, when it is satisfied that:

- (a) such modification is minor having regard to the Plan's express explanation of the Performance Standard; and
- (b) unusual circumstances exist in terms of **6.4.1** of this Part; and
- (c) conditions can be imposed to avoid, remedy or mitigate any adverse effects of the proposed modification on the environment which may include those set out in **6.4.2** of this Part.

6.4.1 CIRCUMSTANCES

- (a) Inherent site considerations including unusual size, shape, topography, geology, vegetation, or flood susceptibility.
- (b) Particular site development characteristics including the location of existing buildings or their internal layout, achievement of architectural or visual harmony, compliance with bylaw or engineering standards, the preservation of privacy, enhancement of private open space, outlook improvement, building restoration, or renovation of identifiable merit, temporary buildings, provision of public facilities, the design and arrangement of buildings to facilitate access for the disabled, or legal impediments.
- (c) Unusual environmental circumstances; including adverse topography, unusual use or particular location of buildings on neighbouring sites,

improved amenity for neighbouring sites, or the presence of effective adjacent screening or permanent open space.

- (d) Extraordinary vehicle or pedestrian movement considerations including the achievement of a better relationship between the site and the road, improved operation of parking areas, an adequate alternative supply of parking in the vicinity, the improved safety, convenience or efficiency of pedestrian or traffic movement on the site or adjacent roads, unusual incidence or time of traffic movement, identifiably less than normal use intensity, or the considered need for pedestrian protection.

6.4.2 **CONDITIONS**

Conditions on the following matters may be imposed on any consent given:

- (a) alterations to or removal of existing buildings;
- (b) preservation of waahi tapu;
- (c) changes to the extent of modification initially applied for;
- (d) conformity with the plans submitted;
- (e) consent limited as to duration of hours of operation;
- (f) limiting the consent to carry out the activity to the applicant only;
- (g) waiver of the requirement to comply with other Performance Standards;
- (h) ensuring that any adverse effects on Council services such as stormwater and drainage are avoided, remedied or mitigated;
- (i) provision of landscaping, screening, or fencing;
- (j) location and design of vehicular and pedestrian access to and from the site including service lanes;
- (k) noise;
- (l) obtaining all necessary consents and compliance with bylaws;
- (m) open structures to be maintained as open structures;
- (n) parking;
- (o) particular standards for the design and external appearance of buildings;
- (p) performance bonds or enforcement agreements;
- (q) preservation of parts of a site for particular activities, eg. open space;
- (r) preservation or protection of important habitat areas;

- (s) provision of information to establish a particular fact or compliance;
- (t) restoration or renovation of existing building;
- (u) retention and protection of existing vegetation;
- (v) separation of buildings or activities;
- (w) signs; and
- (x) amalgamation of titles.

The extent of the modification consented to in any particular case will be determined by an assessment of the characteristics of the subject site and the design of the development in relation to the characteristics of surrounding sites and developments.

The extent will be limited so that the effect on adjoining properties in terms of the protection of amenity afforded them by the policies and Rules of the Plan is minor. Where this cannot be established the application will be assessed as a Non-Complying Activity.

6.5 NON-COMPLYING ACTIVITIES

An application for a consent to a Non-Complying Activity shall be considered in terms of Section 105(2)(b) of the *Resource Management Act 1991*. Council, in granting any consent, must be satisfied that any effect on the environment will be minor or, granting consent will not be contrary to the Objectives and Policies of the Plan.

7. CONDITIONS

In granting consent to an application, Council may impose conditions, restrictions and prohibitions as it thinks fit, in order to achieve the purpose of the *Resource Management Act 1991* including conditions which require positive effects on the environment so as to offset any adverse effects associated with the proposed activity. Such conditions may include the following:

- (a) financial contributions including contributions of:
 - (i) cash;
 - (ii) esplanade reserves or strips on development;
 - (iii) land;
 - (iv) services;

- (v) works, including the planting or replanting of any tree or other vegetation or the restoration or enhancement of any natural or physical resource; and
 - (vi) off-site protection and/or rehabilitation works, including fencing, planting or the rehabilitation of any natural or physical resource.
- (b) a requirement that an administrative charge be paid to Council for any specified matter in accordance with Section 36 of the *Resource Management Act 1991* or any Regulations;
 - (c) amalgamation of titles;
 - (d) bonds, in respect of the performance of any one or more conditions of the consent;
 - (e) management procedures including the staging of critical aspects of the activity;
 - (f) modification to or removal of existing building;
 - (g) modifications to the extent of the activity initially applied for;
 - (h) protective covenants on titles of adjacent land to secure parking on that land;
 - (i) restoration of the natural environment;
 - (j) restriction(s) on type of use permitted or the continuation of the particular use;
 - (k) a covenant capable of registration under the *Land Transfer Act 1952*, in respect of the performance of any condition of the resource consent;
 - (l) such other conditions as may be necessary to allow a resource consent to be granted in terms of Objectives, Policies and Rules set down in this Plan;
 - (m) where a condition of approval involves the paying of money to Council to ensure that a condition will be complied with, the maximum amount will be \$1 million;
 - (n) conditions that will be placed on each application will be specific to that application, however, general guidelines are given in each Zone statement; and
 - (o) issues of titles where any parcel of land is to vest or transfer into Council ownership.

7.1 CHANGES TO OR CANCELLATION OF CONDITIONS

Once a resource consent is granted, an application may be made to Council to change or cancel any condition imposed on an activity as part of that consent (other than a condition as to the duration of that consent). A further resource consent application shall be required to change or cancel any condition. The application may be made at any time or on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary.

If the original resource consent application had been notified then the application to change or cancel a condition must also be notified unless:

- (a) Council is satisfied that any adverse effect of an activity will continue to be minor, or remain unchanged or decreased as a result of the proposed change or cancellation to the condition; and
- (b) the written approval of every person who made a submission or who lodged an appeal on the original application or who may be adversely affected by the change is obtained (unless Council considers it unreasonable in the circumstances to obtain every such approval).

PART THREE - MONITORING AND REVIEW (WITHIN THE LAKES A ZONE)

1. INTRODUCTION

Section 35 of the *Resource Management Act 1991* imposes a duty on Council to gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act.

This duty includes monitoring of:

- the state of the environment of its District to the extent appropriate to carry out its functions under this Act;
- the suitability and effectiveness of its District Plan;
- the exercise of any functions, powers or duties delegated or transferred by it;
- the exercise of resource consents.

Section 35 requires Council to take appropriate action where necessary.

Council must also make available to the public relevant information on the administration of the District Plan, the monitoring of resource consents and current issues relating to the environment to enable the public to be better informed and to participate efficiently under the *Resource Management Act 1991*.

The need to monitor the effectiveness of the District Plan is further underlined by the duty set out in Section 27 of the *Resource Management Act 1991* which states:

“Information to be supplied to the Minister for the Environment:

- (1) *Any local authority requested by the Minister for the Environment to supply such information as the Minister reasonably requires relating to the exercise or performance of any of the local authority's functions, powers, or duties under this Act shall be under a duty to supply it as soon as reasonably practicable.*
- (2) *Any network utility operator approved as a requiring authority, or any body corporate approved as a heritage protection authority, requested by the Minister to supply such information as the Minister reasonably*

requires relating to the exercise or performance of any of the authority's functions, powers, or duties under this Act shall be under a duty to supply it as soon as reasonably practicable."

As is indicated above, monitoring is much broader than Council simply checking on compliance with resource consent conditions. Monitoring should assess the suitability and effectiveness of the particular Objectives and Policies of the Plan. The Objectives and Policies of this Plan have been written so that it is possible to determine whether they have been achieved and this may be determined through information collection and analysis. The duty to monitor implies a requirement to state what action will be taken if performance of the Plan does not achieve the specified aims, Objectives and Policies.

The monitoring strategy used for this Plan has three components. These are:

- regulatory compliance monitoring;
- state of the environment monitoring; and
- policy monitoring.

Monitoring needs to be targeted to collecting the information that is necessary to allow Council to achieve its functions under the *Resource Management Act 1991*. Council may be able to combine with other agencies such as regional councils to implement its monitoring strategy and possibly share or co-ordinate responsibilities.

2. REGULATORY COMPLIANCE MONITORING

This part of the monitoring strategy concentrates on how activities are complying with the Rules in the District Plan or any conditions imposed on resource consents. The four main areas that compliance monitoring covers are building consents, resource consents, subdivision consents and complaints regarding non-compliance with the Plan or a consent.

2.1 BUILDING CONSENTS

The checking of building consents for compliance with the District Plan, during processing, is an effective way to monitor how relevant Performance Standards are being complied with for each Zone.

The monitoring of the ability of developments to comply with Performance Standards may also reveal whether those standards are still appropriate or in need of review.

The following Performance Standards are among those which will be monitored on every application for a building consent for the construction or alteration of buildings and structures within each Zone:

- activity status;
- bulk and location;
- coverage - where applicable;
- number of household units - where applicable; and
- financial contributions payable.

It is at this stage of building consent application processing that part of the state of the environment monitoring will also take place. This includes among other things monitoring areas of vacant land in each Zone and monitoring the change in the number of household units in the Urban Area.

Applications for the various activities permitted in each Zone will also be closely monitored. An accurate record of the proportion of applications for each activity or category of activity can therefore be kept. If, for example, the number of applications for resource consents for Non-Complying Activities starts to show an increase, then this will be investigated to determine whether some characteristic of the environment has changed necessitating a review of the policies and Rules of the Plan.

A similar review will take place if there are significant changes in the proportion of applications in any category.

2.2 RESOURCE CONSENTS

The monitoring and enforcement of conditions on resource consents is a cost to the community through Council and is, in some cases, an unpleasant task for Council officers. In an attempt to reduce potential conflict situations, the consent holders will in the first instance be asked to monitor their own consents and supply relevant information as to how the consent conditions have been complied with. This may involve consent holders periodically supplying photographs or certificates as to how they have complied with performance criteria from suitably qualified persons and other proof of compliance.

The role of Council is to then audit the compliance information received to determine whether the conditions have in fact been met. If insufficient information is provided by the resource consent holder, Council will, at a cost to the consent holder, obtain the necessary information itself.

To ensure that the auditing process is being carried out successfully, a random check of a percentage of all consents issued will be undertaken on an annual basis.

2.3 SUBDIVISION CONSENTS

The monitoring of subdivision consents is largely covered by the provisions of the *Resource Management Act 1991*. Sections 223 and 224 require that any conditions placed on a subdivision consent are complied with before any new titles can be issued. Therefore a degree of monitoring is built into these types of consents.

Each subdivision application will also contribute to the state of the environment monitoring. Numbers of new lots created, levels of subdivision in each Zone, and average new lot size will also be monitored.

2.4 COMPLAINTS

Complaints regarding non-compliance with the provisions of the Plan or conditions of any consent are an additional means of monitoring. By carefully identifying and recording the cause of a complaint, an accurate assessment may be made of how appropriate a particular condition or performance standard may be. Depending on the number and frequency of complaints this assessment may indicate the need for a review of:

- the types of conditions placed on resource consents;
- the anticipated environmental results; or
- the policies and Rules of the Plan.

The monitoring may indicate that the Performance Standard is not achieving the anticipated environmental result or it may indicate that the policy needs reviewing.

For subdivision consents which include conditions that require ongoing monitoring (eg fencing, planting, retention of indigenous forest) there will be a similar monitoring strategy as that developed for resource consents under 2.2 of this Part.

3. STATE OF THE ENVIRONMENT MONITORING

State of the environment monitoring involves obtaining a measure of the state of a particular environment or elements of that environment at a given point in time. Similar measurements need to be made over a period of time in order to identify changes and trends in the particular environment or element being measured. The particular elements of the Rotorua District's environment that will be measured include:

- (a) **Areas of land in the Urban Area used and available for:**
- residential activities;
 - industrial activities;
 - commercial activities; and
 - recreational activities.
- (b) **The number of household units in the Urban Area**
Monitoring the number of household units will give some indication of the utility services required for servicing the Urban Area.
- (c) **The range and extent of land use activities that are occurring in the rural area (eg dairy farming, forestry, horticulture)**
This will give some indication as to what land use trends are occurring in the rural areas.
- (d) **Capacity for subdivision in each of the Rural Zones**
This may lead to the review of policies and Rules once subdivision capacity falls below threshold levels.
- (e) **Average lot size of each subdivision in each Zone**
Trends in lot size are an indication of the rate at which the capacity for subdivision in an area is changing.
- (f) **Vacant buildings in the Commercial and Industrial Zones**
Trends in the levels of vacant buildings in each Zone will provide an indication of the level of business activity and the capacity for further activity within each Zone.
- (g) **Noise**
The ambient noise levels in certain areas of the District are regularly monitored in order to determine any change. Point sources are also monitored as a result of complaints to Council.
- (h) **Traffic**
Vehicular and pedestrian traffic counts are recorded by Council at various locations within the District. These counts may be used to determine the effects of some activities on the environment.

Other elements of the environment that may be monitored in consultation with other authorities and agencies:

- (a) **Water**
Monitoring of lakewater and potable water supplies may be necessary in order to identify potential adverse effects that may impact on water quality. Also, monitoring the quality and quantity of stormwater and sewage discharges can quantify the effect that Council's drainage system has on the environment. This may be useful for determining Rules on such matters as residential density. As Council is the owner of the discharge points it is Council's responsibility to monitor them.

- (b) **Ecosystems**
Monitoring of streams in particular will be carried out to determine the generated effects of stormwater, sewage and leachate discharges and the influence of non-point sources of contamination upon natural waters.
- (c) **Land**
In order to protect environmental quality, contaminated and potentially contaminated sites will be identified.
- (d) **Natural hazards**
To ensure the protection of resident safety and effective resource consent processing Council will record information concerning flooding, unstable land and other natural hazards and make it available to members of the public.
- (e) **Consultation with tangata whenua**
Through the Te Arawa Committee, Council will periodically establish whether the aspirations of the tangata whenua are being met through the provisions of the District Plan.
- (f) **People and communities**
Council will monitor the District's changing demographic structure in association with financial and works programming. This is so that the local implications of population change upon the environment can be assessed.
- (g) **Social, economic and cultural conditions**
Monitoring of the effects of social, economic and cultural developments on the environment will take place to determine the relevance of Objectives and Policies of the Plan.
- (h) **Aesthetic qualities**
Information will be gathered periodically to ensure that the landscape assessment information in the Plan remains relevant.

4. POLICY MONITORING

Many of the policies in the District Plan will be monitored through compliance monitoring and state of the environment monitoring. This is possible because many Rules in the Plan can be directly linked back to specific policies. If the anticipated environmental results are being achieved, it is an indication that the policies are working. If the anticipated environmental results are not being achieved, this will be a trigger for the review of policies.

The anticipated environmental results specified in this Plan are Council's interpretation of the community's perception of the environmental outcomes they want to see achieved in the District. Over time peoples' perceptions change and in the future the Plan's anticipated environmental results may no longer adequately express community feeling.

To ensure that the Plan reflects the changing perceptions of the District's communities, the anticipated environmental results will need to be periodically reviewed. To achieve this, perception surveys will be carried out throughout the life of the Plan. The nature and level of complaints relating to environmental issues are also an indication of changing community views.

5. FUNDING

Funds for the monitoring strategy/programme will be allocated through the Annual Plan process. The level of funding will direct the degree of monitoring that takes place.

6. REVIEW

This Plan is dynamic and must meet changing circumstances. An outdated plan with policies which are no longer relevant cannot meet the requirements of the *Resource Management Act 1991*. Section 79 of the Act and the aspirations of the District's communities requires the District Plan to be reviewed at maximum intervals of 10 years however re-evaluation and fine-tuning will be a continuous on-going process.

It is important to consistently monitor the Plan's effectiveness to determine whether the Objectives are being achieved and to refine them where necessary. The provisions enabling any person to request changes to the Plan will also affect the review process as any proposed change could affect the integration of other policies.

7. DEVELOPING A MONITORING REGIME

In view of the importance of monitoring to Council's ability to carry out its resource management functions, Council will be developing a monitoring strategy. This will ensure that Council meets its monitoring responsibilities under the *Resource Management Act 1991*, particularly Sections 35 and 75. The strategy will identify policies for monitoring the state of the environment, impacts of resource use, conditions on consents, and the effectiveness of this plan.

Council will review the provisions of the Plan relating to monitoring by way of a Plan Change as soon as practicable after the plan becomes operative, and to consult with those who made submissions and further submissions to this part during that review.

PART FIVE - MAORI DEVELOPMENT (WITHIN THE LAKES A ZONE)

1. INTRODUCTION

1.1 BACKGROUND

The central pieces of resource management legislation comprising the *Environment Act 1986*, *Conservation Act 1987*, *Crown Minerals Act 1991*, *State Owned Enterprises Act 1986*, and the *Resource Management Act 1991* contain provisions relating to the Treaty of Waitangi or its principles which must be taken into account or provided for in their administration.

The principles are general statements on a national scale which aim to reflect the partnership which is implicit in the Treaty of Waitangi. Section 8 of the *Resource Management Act 1991* requires that:

"In achieving the purpose of this Act, all persons exercising functions and powers under it in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

Five principles of the Treaty of Waitangi have to date been identified by the Waitangi Tribunal and the courts based on individual claims and cases that have come before them. The five principles are summarised in **Appendix X of Part Eighteen**. The Courts and Tribunal have emphasised the evolving nature of Treaty interpretation, which new considerations may further modify or enlarge.

Two strong themes have emerged in the expression of Treaty principles; partnership and active protection of resources of importance to Maori in accord with Maori cultural and spiritual values. In relation to the second element, Section 6(e) of the *Resource Management Act 1991* states that:

"In achieving the purpose of this Act, all persons exercising functions and powers under it in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for [as a matter of national importance] the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga."

The *Resource Management Act 1991* itself also makes kaitiakitanga a matter to which all persons exercising powers and functions under the Act must have particular regard to under Section 7(a). Kaitiakitanga is defined in the Act as:

“the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.”

Kaitiakitanga supports the sustainable management of the natural and physical resources which is the purpose of the *Resource Management Act 1991*. In fact it is the responsibility of all agencies in the District to exercise the principle of kaitiakitanga in managing any natural or physical resource. This includes the operations of the District Council, regional councils and iwi authorities in preparing and implementing their plans.

Part Four identifies the following significant resource management issues which are of particular concern to the tangata whenua of the District:

- Resource management practices do not always adequately recognise the principles of the Treaty of Waitangi; and
- Some activities have the potential to adversely affect Maori cultural and spiritual values.

In addition, **Part Four** identifies certain unsustainable land management practices, and the adverse environmental effects associated with certain activities on amenity values, natural heritage and water bodies, as significant resource management issues. Certainly the principle of kaitiakitanga is important in these cases, which may include development proposals on behalf of the tangata whenua.

These issues are very much interrelated. However, in order to clearly illustrate the links between them and the means for dealing with them, each issue is described in turn in the sections that follow, along with a related Objective, Policy or Policies, a summary of Methods of Implementation and the Anticipated Environmental Results. This arrangement also assists in making the rationale for the provisions of **Part Five** more transparent. Generally, the Methods of Implementation summarised in **Part Five** are contained in **Parts Seven, Ten and Eleven**.

2. RESOURCE MANAGEMENT ISSUES

2.1 ISSUE ONE

RESOURCE MANAGEMENT PRACTICES DO NOT ALWAYS ADEQUATELY RECOGNISE THE PRINCIPLES OF THE TREATY OF WAITANGI

The use, development and protection of resources has sometimes in the past been carried out without adequate recognition of the responsibilities presented by the Treaty of Waitangi. Some Maori still believe this is the case. Practices such as

discharging effluent into water and allowing housing over urupa and other waahi tapu, were often undertaken because of a lack of appreciation by developers and authorities of the significance of water or sites to the tangata whenua. Planning provisions and consenting procedures did not always take sufficient account of multiple Maori land ownership and the Maori tribal decision-making processes which rely on consensus.

When tangata whenua interests are not given adequate recognition in the planning process, this may lead to poor decisions, alienation (and thus to not accepting or having a stake in decisions), and feelings of grievance. This could be in conflict with both the principles of the Treaty and Section 6(e) of the *Resource Management Act 1991*.

Because of the long history of resource management that has taken inadequate cognisance of Treaty principles there is often a history of grievance felt by tangata whenua which affects relationships between them and authorities such as Council.

The second principle of the Treaty of Waitangi is that of self management or rangatiratanga. This principle arises from the second article of the Treaty which guarantees to Maori the control and enjoyment of those resources which they wish to retain. Maori retain a number of resources within Rotorua District, and there are others over which iwi currently have claims to the Waitangi Tribunal.

The second principle should be considered in conjunction with the fourth, which establishes the principle of reasonable co-operation between two peoples.

An important resource which Maori retain around Rotorua is land. Land has always been seen as important to the mana of iwi, and is increasingly being recognised as an important economic resource. Although Maori land, especially the larger blocks, has been used for pastoral farming and forestry for some time, iwi are beginning to look to using their land for more intensive uses. One example of such a more intensive use is papakainga development. Papakainga development usually centres around the establishment of housing and communal facilities, but it may also include the development of employment initiatives. This development may be agriculturally based but it need not be: it can include tourist ventures, workshops, packing sheds or, potentially, light industrial plants.

These developments have the potential to adversely affect the environment in the same way as similar developments elsewhere. Effects such as visual and landscape impacts, water supply and waste disposal, noise, and vehicle access problems may be generated. If the development includes light industry then hazardous substances or wastes may be involved.

Iwi see the rangatiratanga principle as enabling them to undertake these developments without, or with the minimum of, outside control. Nevertheless, Council has the legal responsibility to ensure that significant adverse effects are adequately avoided, remedied or mitigated. There is also a desire by at least some iwi authorities for them to undertake rangatiratanga and kaitiakitanga in accordance with Iwi Management Plans. Section 74 of the *Resource Management Act 1991* requires Council to have regard to such plans when preparing its District Plan. However, the law at present does not give Iwi Management Plans statutory standing in terms of consents or performance

standards for permitted activities. There are thus issues about enabling iwi to exercise rangatiratanga, and about their expectations of doing so in accordance with management plans, whilst ensuring Council fulfils its resource management responsibilities within the law, and in accordance with its resource management Objectives and Policies .

Kaitiakitanga, to which Council must have particular regard, is closely related to both culture and traditions, and to rangatiratanga. Rangatiratanga enables iwi to exercise kaitiakitanga in accordance with their traditions.

2.1.1 RESOURCE MANAGEMENT OBJECTIVES

- (a) ***The principles of the Treaty of Waitangi be taken into account in Council's resource management practice.***
- (b) ***Recognition of the importance of rangatiratanga to iwi.***

2.1.2 POLICY

In order to give practical effect to Section 8 of the *Resource Management Act 1991*, the District Council must have a working understanding of the principles of the Treaty of Waitangi. Consultation is one of the principles.

The term “consultation” is being defined by a developing body of case law. The main elements are that:

- It occurs as early as possible in the decision-making process, and sufficient time is made available;
- Sufficient information is provided to enable informed responses to be made;
- Council has an open mind and a willingness to change.

A key principle which has been stressed is the need to exercise good faith in the development and exercise of partnership between tangata whenua and the Crown and its agents such as government departments and local authorities. It is a joint responsibility, recognised in the fourth principle of the Treaty, for both Council and the tangata whenua to actively promote partnership in interpreting, implementing and giving effect to the meaning of all the principles of the Treaty within the Rotorua District. Patience, generosity of spirit, and a desire to cooperate will be required by all parties concerned.

2.1.2.1 **Policy:**
To actively continue the development of partnership relationships between Council and iwi authorities.

2.1.2.2 **Policy:**
To recognise the importance of the rangatiratanga principle when dealing with the management of Maori resources.

2.1.2.3

Policy:

To effectively consult with tangata whenua when making decisions that affect them.

2.1.3

METHODS OF IMPLEMENTATION

The policies will be implemented through the promotion of regular contact between Council and iwi at both Councillor level (for instance the Te Arawa Standing Committee) and at staff level. More specific Methods of Implementation, that are relevant to promoting general contact, are detailed below.

Council is unable to give full rangatiratanga to iwi: that can be done only by the Crown. Nevertheless, there are avenues open to Council to explore with iwi that may lead to particular recognition of particular aspects of rangatiratanga.

One way is to make activities such as papakainga development as permissible as possible. In **Part Ten**, this activity is classified as a Discretionary Activity, with a number of assessment criteria designed to ensure environmental concerns are satisfactorily addressed. It could be possible to make papakainga development a Controlled or even a Permitted Activity with sufficiently comprehensive Performance Standards designed to ensure that adverse effects are avoided, remedied or mitigated and that the Objectives and Policies of the Plan are met.

However, this can only be done satisfactorily when Council has finalised some studies aimed at identifying a number of resource management matters that are important to the wider community. Many of these studies are identified elsewhere in this Plan. These include the Lakes Strategy, the Natural Heritage Inventory, and the Landscape Study. These studies should identify critical elements for protection and effective methods for doing so, including relevant performance standards, and criteria to be used in the assessment of resource consent applications. Once these are completed or well under way, Council could develop, with tangata whenua, acceptable provisions to allow developments such as papakainga to proceed with a minimum of control.

Another method is the use of Section 33 of the *Resource Management Act 1991*, which allows Council to transfer functions, powers or duties to an iwi authority. It needs to be noted, however, that this transfer cannot be complete: although functions, powers or duties can be transferred, the Act specifically requires Council to retain its responsibility for those matters, including approval of any Plan that may be developed under that transfer by the authority. In addition, Section 35 requires Council to monitor the exercise of those transferred powers, duties or functions.

Transfers must be done by way of a special consultative procedure, and would need to be negotiated separately with each iwi authority that wishes to accept transfer. If an iwi authority indicates its desire to accept a transfer from Council under Section 33 of the *Resource Management Act 1991*, Council will consider such a request, and if terms, acceptable to both parties are negotiated, Council will initiate proceedings under Section 33(4).

Another method is for Te Arawa, or a particular iwi, and Council to jointly develop Plans or Strategies. In this way, the interests and concerns of both parties can be addressed together in ways that are mutually agreed and mutually supporting. Both jointly developed documents and transfers under Section 33 of the *Resource Management Act 1991* could provide for iwi to formally exercise kaitiakitanga.

2.1.4 ANTICIPATED ENVIRONMENTAL RESULT

- Increased mutual understanding and improved relationships between tangata whenua and Council;
- More effect given to the principles of the Treaty of Waitangi;
- Consideration of possibilities for tangata whenua to exercise rangatiratanga and kaitiakitanga;
- Innovative solutions for resource management according to the principles of the Treaty of Waitangi.

2.2 ISSUE TWO

SOME ACTIVITIES HAVE THE POTENTIAL TO ADVERSELY AFFECT MAORI CULTURAL AND SPIRITUAL VALUES.

Because destruction of sites can adversely affect Maori cultural and spiritual values, there is a need for more knowledge and information on those values.

Section 93(1)(f) of the *Resource Management Act 1991* requires Council to notify iwi authorities of proposed developments that may affect them. Although this provision can ensure that tangata whenua concerns can be included in the consideration of applications, it can lead to conflicts. The conflicts are between the consenting processes set out in the Act and the expectations of applicants for expedient consideration of their applications on the one hand, and the ability of the iwi authorities to handle the notifications, because of the work load and their style of consensus decision-making, on the other.

In certain cases where consultation with tangata whenua is necessary, Council or the applicant may have difficulty in correctly identifying Maori owners and/or trustees. This may result in tangata whenua not being informed of proposed resource consents for activities which might adversely affect them until the public notification stage or until they are notified. Again, the fourth principle of the Treaty is important in this regard. When tangata whenua are given adequate information, it is reasonable to expect them to provide a timely response when their views are sought in resource consent applications, or Plan Change procedures.

Council acknowledges that the traditional Maori villages of Ohinemutu, Whakarewarewa and Ngapuna in the Urban Area have historical and cultural significance to the tangata whenua. Although all three retain a primarily residential function, the villages of Ohinemutu and Whakarewarewa have become significant destinations for tourists as well.

In **2.3** of **Part Seven** it is recognised that increasing tourist activities within the villages can have an adverse effect on amenity values enjoyed by their residents, and could result in a degradation of their distinctive character and heritage values. In a more fundamental sense, the cultural and spiritual significance which these places have to their residents could be seriously affected. In addition, the amenity of Ngapuna is under pressure from nearby industrial activities.

2.2.1 RESOURCE MANAGEMENT OBJECTIVE

District Plan provisions and consent processes that recognise and effectively provide for the relationship of Maori people and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

2.2.2 POLICIES

There are many buildings, trees, objects and sites of significance to tangata whenua within the Rotorua District. A large number of these have been incorporated into Maori Reserves as defined in the *Te Ture Whenua Maori Act 1993/Maori Land Act 1993*. These Maori Reserves provide for a wide range of activities such as marae and ancillary buildings, urupa, landing places, bath houses, farmland, forestry and plantation reserves. Many other sites, however, are not formally identified, and there are some sites of value to tangata whenua which they do not want to be widely known.

Thus the Objective will be achieved primarily by consulting with the relevant iwi or other recognised authority where an application for a resource consent will adversely affect them. However, Council recognises that in some cases it may be inappropriate to expressly identify certain sites of particular sensitivity to tangata whenua, such as the location of burial caves and other urupa.

Council also recognises the important role which Maori Reserves have in preserving the spiritual and cultural heritage of tangata whenua within the District. The approach to preserving the character, heritage and amenity of the Maori villages of Ohinemutu, Whakarewarewa and Ngapuna is outlined in **Parts Seven** and **Nine**.

2.2.2.1 Policy:

To consult with tangata whenua, where an application for a resource consent may adversely affect the relationship of Maori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga, unless the tangata whenua indicate that adequate consultation has already taken place.

2.2.2.2 Policy:

To recognise that some information held by tangata whenua which may be necessary for informed decision-making may be considered by tangata whenua to be privileged.

2.2.2.3 Policy:

To recognise the important role of Maori Reserves including identified waahi tapu in preserving the spiritual and cultural heritage of tangata whenua within the District.

2.2.3 METHODS OF IMPLEMENTATION

The *Resource Management Act 1991* requires Council to consult with iwi, including consultation over consent applications. This requirement cannot be delegated or transferred to applicants, however desirable that may be. However, in their own interests applicants should also consult with iwi, preferably when their applications are being prepared. This allows iwi more time to consider the effects, and it gives opportunities for constructive debate between the parties. Council will encourage applicants to consult with iwi where appropriate prior to lodging applications for resource consents.

The requirement to notify iwi authorities in Section 93 of the *Resource Management Act 1991* can be overruled by Section 94. However, this ability is circumscribed and usually requires the written approval of affected persons unless Council considers this unreasonable in the circumstances. Tangata whenua are affected persons if any of the matters referred to in the Objective will be affected by a proposed activity.

To facilitate both the consideration of consents and the consultation workload of iwi authorities, Council will consult with iwi in the District to develop protocols that identify their rohe (areas of interest), the types of application they want to have referred, contact persons, and ways the processes can be streamlined. Council recognises that the protocols may differ from iwi to iwi.

When an application for resource consent is submitted that affects resources regarded as taonga by tangata whenua, Council will:

- (a) Ask the tangata whenua whether the applicant has adequately consulted and whether their concerns have been accommodated in the consent application. Where necessary, Council will delay notification of applications under Section 92 of the *Resource Management Act 1991*, to allow time for consultation to be undertaken; and
- (b) If required to, under Section 93(1)(f) of the *Resource Management Act 1991*, to ensure that appropriate notice is served on iwi authorities.

Some of the features valued by tangata whenua are identified in **Appendix A** of this Plan. These features are afforded protection by the requirement for a Discretionary Activity application to modify or destroy any of the features concerned. Decisions on these applications require consultation with tangata whenua.

Council recognises that it may be inappropriate to expressly identify certain sites that are of particular sensitivity to tangata whenua and will release specific details of these sites only where this is acceptable to the tangata whenua concerned. Council will consult with tangata whenua to develop protocols, such as silent files, to handle sensitive information in ways that preserve the tangata whenua's mana over it.

2.2.4 **ANTICIPATED ENVIRONMENTAL RESULT**

- The relationship of Maori people and their culture and traditions with taonga is recognised.
- Resources regarded as taonga are accorded adequate protection, and thus their mana is respected by not releasing sensitive information.

PART FOURTEEN - HAZARDOUS SUBSTANCES, FACILITIES AND CONTAMINATED SITES (WITHIN THE LAKES A ZONE)

1 INTRODUCTION

1.1 BACKGROUND

Under Section 31 of the *Resource Management Act 1991*, the Council has a duty to control the actual or potential effects of the use, development or protection of land, including the implementation of methods to avoid, remedy or mitigate any adverse effects from the storage, use, disposal or transportation of hazardous substances.

A hazardous substance is defined in Section 344 of the RMA as:

any substances which may impair human, plant or animal health, or may adversely affect the health or safety of any person or the environment, and whether or not contained in or forming part of any other substance or thing.

This broad definition includes substances that were not covered by previous dangerous goods and toxic substances legislation. The *Hazardous Substances and New Organisms Act 1996* goes further and defines hazardous substances as substances:

- “(a) With one or more of the following intrinsic properties:
- (i) Explosiveness:
 - (ii) Flammability:
 - (iii) A capacity to oxidise:
 - (iv) Corrosiveness:
 - (v) Toxicity (including chronic toxicity):
 - (vi) Ecotoxicity, with or without bioaccumulation; or

- (b) *Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.”*

In order to manage the effects of hazardous substances, the District Plan focuses on those facilities and land use activities which store, use, dispose or transport hazardous substances, rather than on the substances themselves.

2 RESOURCE MANAGEMENT ISSUES

2.1 ISSUE ONE

Adverse effects on the District's natural and physical resources arising from the storage, use, disposal or transportation of hazardous substances

2.1.1 ISSUE STATEMENT

The storage, use, disposal or transportation of hazardous substances is an accepted and essential part of many industrial and rural activities. In Rotorua, the District's rivers and lakes are sensitive to contamination from hazardous substance spillage within their catchments. Most industrial land use activities in the District are located within the water catchment area of Lake Rotorua. In addition, agricultural activities can require the storage and use of substantial amounts of hazardous substances. Several of the lake catchments within the Rotorua District contain farming activities which if there was a spill or accidental release of hazardous substances would impact on sensitive lake and river waters. There are also a number of land use activities which use hazardous substances within some of the District's groundwater recharge areas, which are also used as potable water supplies. Some of these areas are also within a lake catchment.

There is always some risk to the health and safety of the Community and the environment from the storage, use, disposal or transportation of hazardous substances. However, this risk must be balanced against the benefits derived from the use of hazardous substances for the Community, as there is a demand by consumers for goods and services that have a hazardous substances component.

The storage of hazardous substances involves the containment of a substance and/or substances above or below the ground. Occupational Safety and Health legislation controls the health and safety of employees in the workplaces, but a hazardous substance spill or accidental release can adversely affect the wider Community as well as people living and working in close proximity to hazardous facilities. The risk from leakage and spillage from storage facilities and their proximity to sensitive areas, including residential areas and lake catchments within the District, is an issue for the Rotorua District.

Hazardous substances require careful disposal to avoid adverse effects on the environment or on the health and safety of the Community, for example, to avoid creating contaminated sites. Disposal may involve a range of options and technologies such as incineration, reprocessing or disposal in a landfill. It is important therefore that the technologies that present the least risk to the environment or health and safety of the Community are utilised.

The transportation of hazardous substances poses risks similar to those posed by the use and storage of hazardous substances in terms of uncontrolled or accidental releases. However, the transportation of hazardous substances is well regulated by other agencies, specifically the Land Transport Safety Authority under the *Land Transport Act 1993*. Controlling the transport of hazardous substances by identifying appropriate transport routes and requiring a consent holder to use them as part of a condition of a resource consent, poses practical problems for the Council in respect of monitoring and costs associated with administering such controls.

The main issue of the storage, use, disposal or transportation of hazardous substances and the management of hazardous facilities is the risk of adverse effects on the health and safety of the Community and the environment. The risks to the environment or the health and safety of the Community may not always coincide. Community risks concern health, personal and public safety and property protection. Environmental risks concern environmental degradation, habitat destruction and water, soil and air pollution.

2.1.2 RESOURCE MANAGEMENT OBJECTIVE

To avoid, remedy or mitigate any adverse effects from any land use activity involving the storage, use, disposal or transportation of hazardous substances within the District, so as to provide an acceptable level of risk to the natural and physical resources and to the health and safety of the community.

2.1.3 POLICIES

Objective 2.1.2 will be achieved through Policies 2.1.3.1 and 2.1.3.2 which focus on the management of land use activities and facilities storing, using, disposing of or transporting hazardous substances. The policies are directed at avoiding, remedying or mitigating adverse effects of risks posed to the environment and the health and safety of the community rather than on the substances themselves. Policy 2.1.3.3 promotes an education and information approach focusing on the reduction, reuse, recycling, recovery and residual waste management of hazardous substances thereby minimising risks to the environment and the health and safety of the Community.

2.1.3.1 Policy:

To ensure that risks associated with land use activities and facilities storing, using, disposing or transporting hazardous substances are managed to avoid,

remedy, or mitigate any adverse effects on the environment and the health and safety of the Community.

Explanation

The Council recognises the potential risks to natural and physical resources and the health and safety of the Community from land use activities and facilities storing, using, disposing or transporting hazardous substances and therefore will require adverse effects to be avoided, remedied or mitigated

2.1.3.2 Policy:

To ensure that the cumulative effects from land use activities and hazardous facilities storing, using, disposing or transporting hazardous substances on the environment and on the health and safety of the Community are avoided, remedied or mitigated.

Explanation

The Council wishes to ensure that the cumulative effects of land use activities and hazardous facilities storing, using, disposing or transporting hazardous substances are managed to avoid, remedy or mitigate any adverse effects from such activities on the natural and physical environment and the health and safety of the Community.

2.1.3.3 Policy:

To increase the level of public and user knowledge and involvement in minimising the use of hazardous substances, and education in the safe and best practice methods of storing, using, disposing or transporting of hazardous substances.

Explanation

Council recognises that the lack of information and the lack of education of users of hazardous substances (particularly with respect to proper use and disposal) can contribute to the risk of environmental damage and risks to human health and safety. The best way to protect the environment and the health and safety of the community, is to prevent or minimise the risks posed by hazardous substances in the first place. Enforcement of rules after a hazardous substance has been released does little to protect the environment or promote the health and safety of people. Education of the general public and provision of information to users is a method available to Council outside the District Plan to address the risks posed by the storage, use disposal, or transportation of hazardous substances on the environment and on the health and safety of the community. This method is discussed in Section 3.6 – Promotion and Education.

2.1.3.4 **Policy:**

To take a proactive role in encouraging and facilitating the remediation of contaminated sites

Explanation

Council acknowledges the importance of remediating contaminated sites and recognises that its support will assist the planning and implementation of remediation and consequently reduce future environmental risks within then District.

2.2 **ISSUE TWO**

Contaminated sites pose risks to human health and safety and to the environment

2.2.1 **ISSUE STATEMENT**

Within the District there are a number of identified contaminated sites which are known to have become contaminated through the spillage and/or leakage of hazardous substances, or through uncontrolled dumping or disposal. There are also sites within the District where the disposal and/or leakage of waste hazardous substances by activities is unknown. Such sites may still be potentially contaminated. Contaminated sites, both known and unknown, can adversely effect the land, watercourses and underground aquifers. The health and safety of present and future occupiers of a contaminated site may also be at risk, as could the adjoining properties. New technologies and improved operation procedures are reducing the risk of site contamination. Continued technological improvements by activities and facilities storing, using, disposing or transporting hazardous substances and more effective management and operating procedures are important for ongoing risk reduction in respect of contaminated sites.

As contaminated sites in the Rotorua District are identified by the Regional Councils or the District Council, they will be noted by the District Council and where the extent of the contamination is known "Hazard Cautions" will be placed on the Council's property files.

An associated issue in respect of contaminated sites is their cleanup or remediation in ways that are effective and do not exacerbate or transfer the problem to other sites within the District.

There are a number of outstanding matters concerning contaminated sites which need to be resolved before any effective and integrated management regime can be developed to address their cleanup or remediation. These matters include the standards and responsibilities for identification, standards for remediation, and the division of responsibilities between the Council and regional councils. Under s30(1)(f) of the Resource Management Act 1991, regional councils have the function of controlling the discharge of contaminants into or onto land, air or

water. Accordingly, any discharge of a hazardous substance may also be controlled through regional rules and consents.

The controls on remediation and redevelopment of contaminated sites are to be reviewed in conjunction with Bay of Plenty and Waikato Regional Councils, when responsibilities and standards have been resolved.

The prevention of future contamination will be achieved by obtaining effective control of the disposal of waste hazardous substances and by other policies ensuring the proper design and management of hazardous facilities.

2.2.2 RESOURCE MANAGEMENT OBJECTIVE

Minimise the adverse effects of contaminated sites and prevent future site contamination.

2.2.3 POLICIES

Objective 2.2.2 will be achieved by Policies 2.2.3.1 and 2.2.3.2 which recognise that providing and sharing information including active co-operation of Environment BOP and Environment Waikato with the Council along with liaison and increasing awareness of resource users, are ways to minimise adverse effects from the use of contaminated sites and to reduce the potential for future contamination of sites.

2.2.3.1 Policy:

To develop and maintain an inter-agency approach for the gathering and maintenance of accurate information on the location, likely risks, potential for adverse effects on the environment and the health and safety of the community and remediation measures undertaken with respect to contaminated sites.

Explanation

Council has statutory duties imposed on it under the Building Act 1991, the Local Government Official Information and Meetings Act 1987 and the Resource Management Act 1991 to gather, maintain and provide information in respect of contaminated sites. The responsibility for the management of contaminated sites rests with the Rotorua District Council, Environment BOP and Environment Waikato. The development of a contaminated sites database is being undertaken co-operatively by these agencies. The inclusion of database protocols will ensure that information is shared between these agencies and that the identification of contaminated sites is supported by reliable information and that information is securely held.

2.2.3.2 Policy

Ensure that as a consequence of land use change or re-development of contaminated sites, that future uses of the site are not exposed to significant risks as a result of contamination.

Explanation

Council is aware that changes in land use activities or property redevelopment can expose risks that otherwise may not have been exposed. Council proposes to initiate a range of non-regulatory methods to minimise such risks.

2.2.3.3 **Policy:**

To undertake a proactive role in reducing the potential for further contamination of sites.

Explanation

The Council is aware that by taking a proactive role in liaison with resource users, developers or protectors over existing and potential contaminated sites the adverse effects from these land use activities can be mitigated.

3 METHODS OF IMPLEMENTATION

The objectives and policies of this Part are intended to be achieved principally by applying the *Hazardous Facility Screening Procedure* to all new land use activities in all zones that store or use hazardous substances. Other additional methods of implementation focus on the provision of information and the liaison of Council with the regional councils in respect of contaminated sites in the District, the promotion of education methods and increasing Community awareness of risks associated with the use, storage, disposal or transportation of hazardous substances.

3.1 HAZARDOUS FACILITY SCREENING PROCEDURE

3.1.1 NEW FACILITIES

The Council has adopted the *Hazardous Facility Screening Procedure (Land Use Planning Guide for Hazardous Substances, Ministry for the Environment September 1999)* to assess all new land use activities with facilities storing, using or disposing of hazardous substances. The Council will require applicants for land use activities involving facilities using or storing hazardous substances, to identify any threat to the health and safety of the Community and to the environment. The Hazardous Facility Screening Procedure will determine the zone-related activity status and the degree of scrutiny that any application will be subjected to. **Appendix Y** of this District Plan provides detailed information on the Hazardous Facility Screening Procedure.

Council has adopted an approach to managing hazardous facilities that categorises the effects of substances into three groups as follows:

- **Fire/Explosion Effect Type:** - concerned with damage to property, the built environment and safety of people;

- **Human Health Effect Type:** - concerned with the wellbeing, health and safety of people; and
- **Ecosystem Effect Type:** - concerned with damage to ecosystems and natural resources and systems.

The Hazardous Facility Screening Procedure can be used to assess the likely effects of hazardous substances at all stages of a process including raw materials, production and waste.

Possible adverse effects from hazardous substances can be predicted by the particular properties of the hazardous substance and the anticipated consequences of its release into the environment. The adverse effects may include:

- Contamination of water, air and soil;
- Short and long term damage to ecosystems;
- Accumulation of persistent substances in the bodies of humans and animals resulting in chronic short or long term damage to their health;
- Acute damage to human health through exposure to substances affecting skin, mucous membranes, respiratory and digestive systems; and
- Damage to the environment, human health and property through fire and explosion events.

In general, hazardous facilities are permitted in a zone where:

- the Performance Standards for hazardous facilities can effectively control any potential adverse effects; and
- where the potential level of risk is low; and
- the health and safety of the Community or the environment will not be adversely affected. In determining this, the objectives of the particular Zone concerned and the relevant objectives of zones adjoining that Zone, along with the facility's characteristics and location on site will be taken into account.

It is important to distinguish between a **hazard** of a substance and the **risk** it poses. The **hazard** is principally defined by the intrinsic properties of the substance, such as flammability or toxicity. In contrast, the **risk** presented by the substance is defined by the probability of its release into the environment combined with the potential effects caused by that release.

All applications for new facilities for hazardous substances will be assessed by the Hazardous Facility Screening Procedure regardless of the size, substance(s) or processes proposed. Only those applications which exceed specific levels of risk beyond their site boundary as determined in this Part of the District Plan, are to be subjected to more detailed scrutiny or assessment and additional controls may be applied. The further scrutiny or assessment shall take account of both the probability and the effects of potential accidents involving hazardous substances

and the proposed measures to mitigate and manage such risks. The assessment of any application for a hazardous facility will focus on risk mitigation measures and emergency plans. Management and operational practices of the facility will also be assessed to identify where risks may be avoided. The granting of a resource consent will then be considered on the basis that the off-site risks presented by a hazardous facility are adequately managed.

3.1.2 EXISTING FACILITIES

Existing hazardous facilities will not be subject to the *Hazardous Facility Screening Procedure* unless they expand or alter their activities (refer also to R14.2). The Council will monitor these hazardous facilities through other regulatory powers. Where it is considered that an existing hazardous facility is operating at a level of risk which has an adverse effect on the environment, or on the health and safety of the Community, the Council will use its enforcement powers under the *Resource Management Act 1991* to avoid, remedy or mitigate adverse effects on the environment.

3.2 EMERGENCY PLANS

Council will require, where appropriate, the preparation and operation of site management and emergency plans by operators of hazardous facilities. Emergency plans set out containment, clean-up, and notification procedures to be followed in case of accidents. The Council recognises that emergency plans may be required by other legislation or by other organisations such as emergency services. In those cases the Council will be satisfied with a copy of such a plan being submitted provided that it can be demonstrated that such a plan adequately deals with containment, clean-up, and notification procedures for the hazardous facility concerned.

In deciding when an emergency plan is needed, or whether an existing emergency plan required by other legislation or organisations is adequate, the Council will consult with the relevant regional council.

3.3 CONTAMINATED SITES

Known contaminated sites are to be entered on a contaminated sites database which is to be held by the Council. Council in conjunction with Environment Bay of Plenty and Environment Waikato is developing a database of contaminated sites. Protocols to be followed for those accessing the database (use of or maintenance of) are also being developed and this matter is still under discussion between the parties. The joint regional-district database is likely to be adopted as the means of recording base information on contaminated sites. Where remediation of a site occurs, this will be noted on the database. Contaminated sites information will also appear on property files and released on Land Information Memoranda and Project Information Memoranda.

Any activity which seeks to remediate a particular contaminated site is a Permitted Activity. Remediation practices will be undertaken in a manner that will not lead to further degradation of the site or the surrounding area, so that where contaminated material taken from a site is properly treated and/or disposed of.

Council will require, where appropriate, the remediation of contaminated sites as a pre-requisite to the redevelopment of the site. Prior to new land use activities, subdivision or development on these sites, owners may be required to take steps to make the sites safe for its reasonably foreseeable intended use. Generally in such instances compliance with the *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites 1992*; *Australian and New Zealand Environmental and Conservation Council and the National Health and Medical Research Council*; and *Health and Environment Guidelines for Selected Timber Treatment Chemicals, Ministry for the Environment and Ministry of Health 1997*, will be required. A discharge consent from a regional council may also be required. In any event, for sites which exhibit contamination problems, the Council may use its enforcement powers under the *Management Act 1991* to ensure that no adverse effect on the environment occurs.

Refer to Rules relating to contaminated sites in **R14.5** of this Part of the District Plan.

3.4 LAND AND PROJECT INFORMATION MEMORANDA

Land Information Memoranda (LIM) are supplied under Section 44A of the *Local Government Official Information and Meetings Act 1987*. These relate to any land in the District, and will include information relating to each special feature or characteristic of a site, including the presence of hazardous substances which are known to the District Council but which is not apparent from the District Plan.

Project Information Memoranda (PIM) are issued under Section 31 of the *Building Act 1991*. These will include information identifying the characteristics of the land, including the likely presence of hazardous substances known to the District Council but which is not apparent from the District Plan. Such information is likely to be of relevance to the design, construction or alteration of any building on such a site.

Any remediation activities will also be detailed on both the LIM and PIM, but will not result in removal of the contaminated site notation from Council's records in respect of the site concerned for the following reasons:

- suitable standards for remediation have not been developed for particular activities;
- the history of a site's past contamination and remediation may be relevant to future users; and
- Guidelines currently used as standards for remediation of sites may be further developed or reviewed in the future. Retaining a notation in respect of a site's contamination status will facilitate comparison of remediation undertaken in accordance with a previously appropriate Guideline with that required under an equivalent new or amended Guideline.

3.5 MONITORING

Monitoring of hazardous facilities is an essential component of an integrated and proactive response by the Council to the management of hazardous facilities. The following matters in respect of hazardous facilities will be monitored:

- information on the location and layout of the facility;
- the quality and availability of plant documentation, including operating procedures;
- information about the nature and quantity of the hazardous substances stored, used and transported;
- process description and design;
- emergency planning for the facility;
- information on waste management; and
- a review of the hazards and safe guards in place.

Some responsibility for ongoing monitoring of the site rests with the landowner. A coordinated approach to monitoring by both the Council and the landowner will be encouraged.

3.6 PROMOTION AND EDUCATION

Minimising the use of hazardous substances, and ensuring that where hazardous substances are stored, used or disposed of that users understand and employ best practice methods, is one way whereby adverse effects on the environment and health and safety of the community can be avoided, remedied or mitigated.

The range of promotion and education methods include the following:

- Promotion of the *Clean Production* ethic - “reduce, reuse, recycle and recover;”
- Promotion of alternative substances and methods that present less risk to the environment and/or health and safety of the community;
- Promote industrial best practice standards and Codes of Practice;
- Promote on-site education and encouragement to produce Site Management Plans and Spill Containment Procedures.
- Work with other organisations on educational programmes (e.g. Environment BOP, Department of Health, New Zealand Chemical Industry Council, Federated Farmers).
- Provision of information about managing the risks associated with contaminated sites to existing owners and potential purchasers of properties containing contaminated sites.

4 ANTICIPATED ENVIRONMENTAL OUTCOMES

The anticipated environmental outcomes expected through the provisions of this Part include:

- Appropriate siting and management of hazardous facilities.
- Avoidance of unacceptable risk to the environment and health and safety of the Community from the storage, use and transport of hazardous substances.
- Prevention of accidents and the extent of adverse effects on the environment and health and safety of the Community due to the release of hazardous substances stored or used at hazardous facilities.
- Avoidance of environmental contamination by hazardous substances.
- An improved Community and industry awareness of risks posed by activities storing, using or transporting hazardous substances.
- The adoption of better operational practices such as *Cleaner Production* which focuses on the reduction, reuse, recycling, recovery and residual waste management of hazardous substances.

- A reduction in contaminated sites within the District and the progressive remediation of existing ones.
- An environment in which the Community's health and safety is not compromised by an unacceptable risk posed by hazardous facilities and land use activities storing, using, disposing and transporting hazardous substances.

R14 RULES

R14 ACTIVITY STATUS OF ACTIVITIES STORING, USING, DISPOSING OR TRANSPORTING HAZARDOUS SUBSTANCES, OR REMEDIATING CONTAMINATED SITES

The following Rules specify the status in each zone of this District Plan of hazardous facilities and activities under the Hazardous Facility Screening Procedure, and where a contaminated site is to be remediated (decontaminated) and/or subsequently (re)developed.

P	=	Permitted Activity
C	=	Controlled Activity
D	=	Discretionary Activity

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

R14.1 ACTIVITIES EXEMPT FROM THE HAZARDOUS FACILITY SCREENING PROCEDURE

R14.1.1 INTRODUCTION

There are a number of activities for which assessment through the Hazardous Facility Screening Procedure is not appropriate and for which Rule **R14.2** does not apply. Such activities have another status which is indicated below.

For some activities assessment through the Hazardous Facility Screening Procedure is not appropriate because the potential effects they generate are below the trigger levels established in the Activity Status Matrix, or they are managed or controlled by other legislation. Such activities, identified in **R14.1.2**, are exempt from the Hazardous Facility Screening Procedure and are to be Permitted Activities in this Part.

A number of other activities are well managed under voluntary industry Codes of Practice and compliance with such codes has been demonstrated to avoid, remedy or mitigate risks related to the storage and use of hazardous substances on the environment and on the health and safety of the community. Such activities, identified in **R14.1.5**, are to be Controlled Activities in this Part.

There are also a number of identified activities that are of a temporary or short term duration at any one location. The current management practices of these activities present a short term risk on the environment and health and safety of the community. Such activities are to be Permitted Activities in this Part, provided they comply with the Standards for Permitted Activities as identified below in **R14.1.3** and **R14.1.4**.

R14.1.2 PERMITTED ACTIVITIES (EXEMPT)

The following activities are **exempt** from the Hazardous Facility Screening Procedure because the degree of hazard is below the scale of potential effects covered by the HFSP under **Rule R14.2** or are managed or controlled by other legislation. The activities below are deemed to be Permitted Activities:

- Storage or use of hazardous consumer products for domestic purposes.
- Storage and/or use of LPG in quantities not exceeding those listed in Table 2.1 of AS/NZS 1596:1997.
- Pole mounted transformers and street transformers for the transmission of electric power.
- Retail outlets for the sale of hazardous consumer products for domestic purposes (such as supermarkets, hardware shops, pharmacies).
- Dust explosions.
- Up to 60kg of UN Class 1 blasting explosives used as one off operations, as controlled under the Explosives Act 1957, associated regulations and the Health and Safety in Employment Act 1992.
- Facilities using genetically modified or new organisms.
- Fuel in motor vehicles, boats and small engines such as weed eaters, lawnmowers, chainsaws etc.
- Gas and Oil Pipelines.
- Residential Transformers holding under 500 litres of transformer oil.
- Hazardous activities not involving hazardous substances.
- Trade waste sewer facilities.
- On farm milk storage provided any spillage is prevented from entering a watercourse or waterbody, or from seeping into groundwater.
- Milk storage at the Reporoa Dairy Factory, State Highway 5, (located in the Industrial B Zone – see Planning Map 88) provided any spillage is prevented from entering a watercourse or water body, or from seeping into groundwater.

R14.1.3 PERMITTED ACTIVITY (EXEMPT) SUBJECT TO PERFORMANCE CONDITIONS

TEMPORARY MILITARY TRAINING

The use, storage or transportation of hazardous substances by any Temporary Military Training activity shall be **exempt** from the HFSP and is a Permitted Activity subject to compliance with the following performance conditions:

- (a) The use, storage or transportation of hazardous substances shall be restricted to no more than:
 - (i) 25 jerry cans (450 litres) of petrol (not including fuel in motor vehicle tanks); and
 - (ii) 25 jerry cans (450 litres) of diesel (not including fuel in motor vehicle tanks); and
 - (iii) 60kg of UN Class 1.1 Explosives; and
 - (iv) 10kg of UN Class 1.2 Explosives; and
 - (v) 20kg of UN Class 1.3 Explosives.
- (b) The storage, loading, unloading, use, handling and transportation of hazardous substances shall be conducted in a manner that prevents any spill or unintentional release of hazardous substances, from entering the stormwater drainage system or discharging into or onto land and/or water unless permitted by a resource consent.
- (c) The use and/or storage of hazardous substances shall comply with standards for permitted activities under **Rule R14.3** of this Part.

Where the storage, use or transportation of hazardous substances does not comply with the above provisions, Temporary Military Training activities shall be a Discretionary Activity and shall be assessed under **Rule R14.4.2** of this Part.

Conditions as identified in **R14.4.2**, may be imposed by Council to ensure that the adverse effects of Temporary Military Training activities on the environment and health and safety of the community, can be avoided, remedied or mitigated.

R14.1.4 PERMITTED ACTIVITY (EXEMPT) SUBJECT TO STANDARDS FOR PERMITTED ACTIVITIES

BULK EARTHWORKS AND ROAD CONSTRUCTION ACTIVITIES

The storage or use of hazardous substances in conjunction with bulk earthworks and road construction activities (eg road construction and improvement

activities) is a Permitted Activity subject to compliance with the Standards for Permitted Activities under Rule **R14.3** of this Part. Except that R14.3.1(1) shall not apply to vehicles such as mobile trailer fuel tanks, asphalt trucks, bitumen spray trucks and bulk tanker trailers, where best management practices during the operation of these vehicles shall be employed.

If bulk earthworks and road construction activities do not comply with any or one of the Standards for Permitted Activities under Rule **R14.3**, such activities shall be a Restricted Discretionary Activity and shall be assessed under **Rule R14.4.2** of this Part.

Conditions as identified in **R14.4.2**, may be imposed by Council to ensure that the adverse effects of bulk earthworks and road construction activities on the environment or health and safety of the community, can be avoided, remedied or mitigated.

R14.1.5 CONTROLLED ACTIVITY

STORAGE AND/OR RETAILING OF CNG, LPG, PETROLEUM AND DIESEL FACILITIES

The activities listed below are **exempt** from the Hazardous Facility Screening Procedure as there are appropriate Codes of Practice, which if complied with, reduce the risk ratios of these activities to below the risk ratios provided for by applying the HFSP under **Rule R14.2**.

While the effects and risk of storage and/or retail facilities for CNG, LPG, petrol and diesel can be adequately managed by a range of accepted existing codes of practice, these codes of practices are not embedded in legislation and are, therefore, voluntary. It is necessary to ensure that where accepted codes are not complied with, the Council reserves the ability to assess that the risks posed by these activities on people, property and the environment are effectively avoided, remedied or mitigated. Risks can arise from LPG and CNG storage and handling and from the design, installation and operation of underground petroleum and diesel storage facilities.

The following are Controlled Activities and shall be assessed in relation to matters specified in (a) and (b) below:

- Storage and/or dispensing facilities for CNG outlets providing CNG storage up to 1,000m³ storage in cascades (AS/NZS 1596 : 1997 Storage and Handling of LP Gas)
- Storage and/or dispensing facilities for LPG outlets providing LPG storage up to 12,000 litre w/c in a single above ground storage vessel or 48,750 litre w/c in an underground storage vessel (AS/NZS 1596 : 1997 Storage and Handling of LP Gas)
- Storage and/or dispensing (facilities) for petroleum products at an outlet with up to 150,000 litres in underground storage with 50,000 litres

maximum capacity for any individual tank. (Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems, published by the Department of Labour – OSH)

- Storage and /or dispensing (facilities) of diesel fuel outlets in any above ground or underground tank with 50,000 litres maximum capacity. (Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems, published by the Department of Labour – OSH, or Code of Practice for Storage Tanks and Ancillary Equipment, published by the Department of Labour – OSH)
- Storage and/or dispensing facilities for Jet A1 fuel and/or Av Gas up to 200,000 litres in above ground storage tanks with 50,000 litres maximum capacity for any individual tank in the Airport Zone. (Above Ground Bulk Tank Containment Systems - Ministry for the Environment)
- Storage and/or dispensing facilities for Jet A1 fuel and/or Av Gas up to 140,000 litres in underground storage tanks with 50,000 litres maximum capacity for any individual tank in the Airport Zone. (Above Ground Bulk Tank Containment Systems - Ministry for the Environment)
- Storage of up to 12,000 litres w/c of LPG for use in “industrial fuel burning equipment.” (AS/NZS 1596:1997 Storage and Handling of LP Gas)

(Note: Industrial fuel-burning equipment is deemed to be equipment that is used in an industrial or trade premise as defined by Section 2(1) of the Resource Management Act 1991, and by any school, hospital, rest home, institution or other public facility.)

Matters Over Which Council Has Reserved Control:

- (a) The extent to which the application complies with the relevant standard and/or Code of Practice and any replacement of that standard or code (the current relevant standard or code is listed after each controlled activity above). Where applications for storage and/or dispensing facilities for CNG, LPG, petrol and diesel are made without reference to any of the above codes, an applicant shall satisfy the Council that matters addressed in the relevant codes are addressed in the application. The Council may impose conditions setting the requirements of compliance with an appropriate code of practice(s) as conditions of a consent; and
- (b) The extent to which the application complies with the relevant standards for Permitted Activities in Rule R14.3.

R14.1.6 CONTROLLED ACTIVITY

HAZARDOUS SUBSTANCES USED IN TEACHING AND RESEARCH LABORATORIES

The storage and use of hazardous substances by teaching and research laboratories is a Controlled Activity as they may in certain circumstances cause

adverse effects on people, property and the environment in which they are located.

While the effects and risks of the storage and use of hazardous substances by teaching and research laboratories can be adequately managed by a range of accepted existing codes of practice, these Codes of Practices are not embedded in legislation and are, therefore, voluntary. It is necessary to ensure that where accepted codes are not complied with, the Council reserves the ability to assess that the risks posed by these activities on people, property and the environment are effectively avoided, remedied or mitigated.

Compliance with the Codes of Practices as identified below, and with the Standards for Permitted Activities under Rule **R14.3** of this Part for matters not covered by the relevant Codes of Practice, will constitute an acceptable means to satisfy the matters over which the Council reserves its control in relation to the effects and risk of the storage and use of hazardous substances by teaching and research laboratories.

The following is a Controlled Activity and shall be assessed in relation to the matters specified in (a) and (b) below:

- Storage (not including bulk hazardous substance storage facilities), handling, use, transport and disposal of hazardous substances by teaching, research and hospital laboratories.
 - * AS 2982-1987 - Laboratory Construction
 - * AS 2243.1-1990 - Safety in Laboratories Part 1: General
 - * AS 2243.2-1990 - Safety in Laboratories Part 2: Safety in Laboratories
 - * AS 2243.3-1990 - Safety in Laboratories Part 3: Microbiology
 - * AS 2243.5-1990 - Safety in Laboratories Part 5: Non-Ionising Radiation
 - * AS 2243.6-1990 - Safety in Laboratories Part 6: Mechanical Aspects
 - * AS 2243.7 1990 - Safety in Laboratories Part 7: Recirculating Fume Cabinets
 - * AS 2243.10-1990 - Safety in Laboratories Part 10: Storage of Chemicals

Matters Over Which Council Has Reserved Control

- (a) The extent to which an application complies with the relevant standard and/or Code of Practice and any replacement of that standard or code (the current relevant standard or code is listed after the controlled activity above). Where applications for teaching and research laboratories are made without reference to the above codes, an applicant shall satisfy the Council that matters addressed in the relevant codes are addressed in the application. The Council may impose conditions setting the requirements of compliance with the appropriate codes of practices as conditions of a consent; and
- (b) The extent to which an application complies with the relevant standards for Permitted Activities in Rule R14.3.

R14.1.7 CONTROLLED ACTIVITY

STORAGE AND USE OF ON-FARM, IN-FOREST & ON-ORCHARD AGRICHEMICALS

The storage and use of hazardous substances involved in farm, forest and orchard activities (agricultural chemicals) are a Controlled Activity, as they may in certain circumstances cause adverse effects on people, property and the environment in which they are located.

While the effects and risks of the storage and use of agricultural chemicals can be adequately managed by a range of accepted existing codes of practice, these Codes of Practices are not embedded in legislation and are, therefore, voluntary. It is necessary to ensure that where accepted codes are not complied with, the Council reserves the ability to assess that the risks posed by these activities on people, property and the environment are effectively avoided, remedied or mitigated.

Compliance with the Codes of Practices as identified below, and with the Standards for Permitted Activities under Rule **R14.3** of this Part for matters not covered by the relevant Codes of Practice, will constitute an acceptable means to satisfy the matters over which the Council reserves its control in relation to the effects and risk of the storage and use of agricultural chemicals.

The following is a Controlled Activity and shall be assessed in relation to the matters specified in (a) and (b) below:

- Storage, handling and use of agricultural chemicals either on-farm, in-forest or on-orchard (NZ Standard Code of Practice for the Management of Agricultural Chemicals NZS 8409 : 1999 'Growsafe'.)

Matters Over Which Council Has Reserved Control:

- (a) The extent to which an application complies with the relevant standard and/or Code of Practice and any replacement of that standard or code (the current relevant standard or code is listed after the controlled activity above). Where applications for the storage and use of agricultural chemicals are made without reference to the above codes, an applicant shall satisfy the Council that matters addressed in the relevant codes are addressed in the application. The Council may impose conditions setting the requirements of compliance with the appropriate codes of practices as conditions of a consent; and
- (b) The extent to which an application complies with the relevant standards for Permitted Activities in Rule R14.3.

R14.2 DETERMINATION OF ACTIVITY STATUS UNDER THE HAZARDOUS FACILITY SCREENING PROCEDURE

All new applications for hazardous facilities shall be assessed in accordance with the *Hazardous Facility Screening Procedure* in **Appendix Y** to establish its Effects Ratio. The *Activity Status Matrix Table* in **R14.2.1** lists the different Effects Ratio trigger levels for each Zone.

Existing hazardous facilities are not subject to the HFSP where Section 10 or 10A of the *Resource Management Act 1991* apply. As a guide to determining whether any existing hazardous facility which substantially alters its operation has effects that are no longer the same or similar in character, intensity and scale to those that existed previously, the following matters will be considered:

- Any increase in the effects ratio from one activity to a higher one in **R14.2.1**; and
- Whether the activity complies with the standards/conditions for Permitted Activities in **R14.3**.

R14.2.1 EFFECTS RATIO TRIGGERS FOR PERMITTED, AND DISCRETIONARY ACTIVITIES (Refer to Appendix Y of Part Eighteen of Rule 1.1 for the process to determine Activity Status)

ACTIVITY STATUS MATRIX FOR ZONES		
ZONE	PERMITTED ACTIVITY ¹	DISCRETIONARY ACTIVITY
Industrial C	$\leq 1^2$	>1
Industrial B Rural A, B Airport Lakes A Zone <ul style="list-style-type: none"> • Sensitive Rural Management Area • Less Sensitive Rural Management Area 	$\leq 0.75^2$	> 0.75
Industrial A Commercial G	≤ 0.5	> 0.5
Transitional Development Commercial A, B, C, F, H Reserve A, B Airport Protection Road	≤ 0.2	> 0.2
Commercial D Rural D, F	≤ 0.1	> 0.1
Resort A, B, C, D Water A	≤ 0.05	> 0.05
Residential A, B, C, D Rural C, E, G Water B Lakes A Zone <ul style="list-style-type: none"> • Protection Management Area • Settlement Management Area • Bush Settlement Management Area 	≤ 0.02	> 0.02

(NOTE : Refer to notes 1 & 2.)

¹ Any activity specified as a Permitted Activity which does not comply with any one or more of the Standards for Permitted Activities under **R14.3** shall be a Discretionary Activity.

² Where a hazardous facility or sub-facility is located:

- i) on part of a site in the Rural A or B Zone, the Industrial A, B or C Zone, **the Lakes A Zone for the Sensitive Rural and Less Sensitive Rural Management Areas**, or the Airport Zone; and
- ii) is immediately within 20 metres of the boundary of the Residential A, B, C or D Zone, **the Lakes A Zone for the Settlements, Protection and Bush Settlement Management Areas**, or a Rural C, D, E or G Zone;

it is a Discretionary Activity unless the Effects Ratio of the hazardous facility is shown to meet the Permitted Activity level of the immediately adjoining Zone(s).

(Note: This rule does not apply where the adjoining zone is separated by a road or other feature that secures a 20 metre separation.)

R14.3 STANDARDS FOR PERMITTED ACTIVITIES

- Any activity which is determined to be a Permitted Activity under **R14.2** must comply with the Standards set out below in **R14.3**.

Any activity specified as a Permitted Activity which does not comply with any one or more of the Standards for Permitted Activities under **R14.3** shall be a Discretionary Activity with Council restricting the exercise of its discretion to the matter of non-compliance with the relevant standard.

(NOTE : Any activity must also comply with the rules and performance standards elsewhere in the District Plan.)

R14.3.1 SITE DESIGN AND MANAGEMENT

- (1) Other than the storage and dispensing of LPG carried out in accordance with AS/NZ 1596 : 1997, Any site or part(s) of a site dedicated to the manufacturing, mixing, packaging, above ground storage, loading, unloading, using or handling of hazardous substances shall be protected by a spill containment system.

The spill containment system shall include at least the following:

- be constructed from impervious materials that are resistant to the hazardous substances involved; and
- be able to contain 125% of the volume of all containers (e.g. drums, tanks) containing hazardous substances within the spill containment area, or if the containment area is covered then the volume will be 100%, or where drums or other containers are used, the spill containment system shall be able to contain the maximum volume of substances stored; and
- be designed, constructed and managed so that any spill or release of any hazardous substance and any stormwater that may have entered and become contaminated in the spill containment system is:
 - a) prevented from discharging into or onto land or groundwater, any waterbody, or the potable water supply unless permitted by a Regional Plan or regional resource consent; and
 - b) prevented from entering the stormwater drainage system unless permitted by the Network Utility Operator, or by a Regional Plan or regional resource consent.

(Note: Discharge to the Council stormwater drainage system may require a resource consent from the appropriate Regional Council.)

- (2) Other than the storage and dispensing of LPG carried out in accordance with AS/NZ 1596 : 1997, underground storage tanks shall be designed and constructed to contain any leakage. A leak detection system shall be integrated into the design of the tank and backed up with an effective monitoring programme.
- (3) All stormwater grates shall be clearly marked to ensure that hazardous substances are not inadvertently released into the stormwater system.
- (4) The part of the site where vehicles, equipment or containers (that are or may have become contaminated with hazardous substances) are washed, shall be designed and constructed so that any contaminated effluent from the wash-down area or washing facility cannot be discharged into the stormwater system, into a sewer, into or onto land, into groundwater or any waterbody, or to a potable water supply unless a resource consent, Trade Waste Consent or building consent allows otherwise.

Note: *The Site Design and Management Standards are in addition to, and not in substitution for the Site and Zone Standards of the relevant zone, and other legislation that deals with hazardous substances, including the Hazardous Substances and New Organisms Act 1996, Medicines Act 1981, Health and Safety in Employment Act 1992, or any subsequent legislation and any conditions set by the National Radiation Laboratory.*

R14.3.2 WASTE MANAGEMENT

- (1) Any waste including trade wastes or waste containing hazardous substances shall be managed so they are not:
 - (a) discharged on to land or into any stormwater drain or discharged into sewers serviced by the Rotorua Wastewater Treatment Plant unless authorised under Council's *Trade Waste Consent*, or contrary to Part Fifteen of this District Plan; or
 - (b) discharged into or onto land, groundwater, any water body, or potable water supply unless a resource consent from a Regional Council allows otherwise.
- (2) The storage of any waste or waste containing hazardous substances shall comply with **R14.3.1** of this Part of the District Plan at all times.
- (3) The storage of any waste containing hazardous substance shall be in a manner that prevents:
 - (a) the exposure to ignition sources;
 - (b) the corrosion or other alteration of the containers used for the storage of waste;
 - (c) the unintentional release of the waste.

- (4) Wastes containing hazardous substances shall be disposed of within the Rotorua District only in facilities formally approved by the Rotorua District Council, unless covered by a resource consent issued by a Regional Council.

R14.3.3 SIGNAGE

All hazardous facilities shall be sign posted to indicate the nature of the substance stored, used or otherwise handled.

R14.3.4 FIRE SAFETY

All hazardous facilities where flammable hazardous substances are either stored or used shall have adequate fire safety equipment in place.

R14.3.5 EMERGENCY AND EVACUATION PLANS

All hazardous facilities shall have an emergency and evacuation plan in place which deals with possible on-site accidents involving hazardous substances.

R14.3.6 TRANSPORTATION OF HAZARDOUS SUBSTANCES

The transportation of hazardous substances is a Permitted Activity within the District and is controlled by other agencies under other legislation and regulations.

R14.4 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS

R14.4.1 INTRODUCTION

Activities storing or using hazardous substances which under **R14.1**, **R14.2** and **R14.3** do not meet the Permitted Activity standards or are specified as Discretionary Activities are those which may however be appropriate on some sites in the District. These activities can, however, have effects or pose risks which require particular assessment. Council may decline an application for such an activity or grant a resource consent subject to conditions that ensure that the activity does not pose an adverse risk on the environment or the health and safety

of the Community, and that the relevant Objectives and Policies of this Part and the relevant Objectives and Policies of the Zone where the activity is proposed to be located and any adjoining Zones, are promoted.

Where a hazardous facility is proposed to be located within the 20 metre wide buffer as set out in **Note 2** in **R14.2.1**, the relevant objectives and policies of the adjoining zone will be taken into account in resource consent applications for Discretionary Activities to ensure that the objectives of the adjoining zone are promoted.

An application for a resource consent for a Discretionary Activity may be considered, in cases where the exercise of the Council's discretion in respect of non-compliance with the Site Standards under **R14.3** is concerned, without the need to obtain the written approval of affected persons and need not be notified in accordance with Section 93 of the *Resource Management Act 1991*, unless the Council considers that special circumstances exist in relation to such an application.

The criteria for assessing applications for Discretionary Activities are set out in **R14.4.2**.

The provisions of **4, 5, 6 and 7** of **Part Two** of this District Plan will also apply.

R14.4.2 ASSESSMENT CRITERIA AND CONDITIONS FOR DISCRETIONARY ACTIVITIES

An application for a Discretionary Activity under the Hazardous Facility Screening Process or for non compliance with Permitted Activity standards, shall be accompanied by an assessment of the environmental effects pursuant to the Fourth Schedule of the *Resource Management Act 1991*. This assessment of the environmental effects shall provide detail of the scale and significance of the actual or potential adverse effects (particularly risk) of the project.

In considering whether to decline or grant a Discretionary Activity application (with or without conditions), all applications will be assessed by Council in terms of the following matters:

(1) Risk Assessment

- Whether the proposal is acceptable after a risk assessment has been carried out (i.e. the extent to which any risks associated with the proposal are able to be avoided, remedied or mitigated), as described in Section **R14.4.3** of this Part of the District Plan.
- The level of risk associated with the environment in which the facility is proposed to be located (e.g. instability from geothermal activity) and the manner in which those risks have been accommodated.
- Are there cumulative risks presented to the environment as a result of other neighbouring facilities.

(2) **Management Practices**

- Whether proposed site management systems are appropriate. Consideration will be given to spill contingency plans, health and safety systems, emergency procedures, stormwater treatment and disposal procedures for hazardous wastes, fire safety, transportation, monitoring and maintenance procedures.
- Whether monitoring and maintenance schedules are appropriate to identify systems failures in order that action can be taken to avoid, remedy or mitigate any adverse effects.

(3) **Alternatives**

- Whether there are reasonable alternatives to the proposal. A description of any possible alternative locations or methods for undertaking the activity shall be submitted, where it is likely that an activity will have significant adverse effects on the environment.

(4) **District Plan Provisions**

- The extent to which the proposal complies with the objectives, policies and performance standards of:
 - * Part Fourteen;
 - * the zone in which the facility is proposed to be located; and
 - * the adjoining zone to the facility (where this is located within 20 metres of the adjoining zone).

Consent to an application may be granted by Council, with conditions attached, to address the following matters:

- Hazard and exposure pathways; and
- The sensitivity of the surrounding human, natural and physical environment; and
- The sensitivity of the facility in relation to unstable environments (e.g. changes in geothermal activities); and
- Measures to protect the surrounding natural and physical resources (e.g. aquifers, streams, wetlands, habitats, lakes); and
- The separation distances from adjoining land use activities and people potentially at risk from the hazardous facility; and
- Managing risks to adjoining property; and
- Cumulative effects of hazardous facilities in the area; and
- Site drainage and off-site infrastructure (e.g. stormwater and sewer types and capacities); and
- Quantities and uses of hazardous substances; and
- Transfer/transport of hazardous substances on and off the site; and
- Site layout and design; and
- Spill contingency and emergency planning, monitoring and maintenance; and
- Disposal of wastes containing hazardous substances.

R14.4.3 RISK ASSESSMENT

A risk assessment, identifying any risk to the environment or health and safety of the community shall be required. The level of detail required will depend on the scale and intensity of the effects of the proposed land use activity or facility. A risk assessment shall include an assessment of the following matters:

- Separation distances to people sensitive activities, especially land use activities such as schools, rest homes, hospitals, marae and shopping centres; and
- The location of the land use activity or facility in relation to the aquifers, streams or lakes; and
- The nature of the site's subsoil and/or geology; and
- The distance to sensitive habitats in the area or water catchments; and
- The cumulative and/or synergistic effects, biotoxicity, and bioaccumulation of hazardous substances used or stored; and
- Fire safety and fire water management; and
- The extent to which the adherence to health and safety, code of practice or environmental management systems is relevant to the particular circumstances of the application or will lead to improved environmental outcomes. Where appropriate, the Council recommends the use of a national and/or international standard, such as the NZCIC Responsible Care Programme, the ISO 9000 system, the ISO 14000 system, the ISRS system and the BS 7750 system. The Council will give consideration to any other alternative site management system which will achieve the same intent of any of the above systems; and
- Spill contingency and emergency planning, monitoring and maintenance schedules; and
- Site drainage and off-site infrastructure (e.g. stormwater, sewer type and capacity); and
- The level of risk associated with the transportation of hazardous substances, both for the roading network and for the amenity and environment through which the transport route concerned passes.

R14.5 CONTAMINATED SITES

R14.5.1 REMEDIATION OF A CONTAMINATED SITE

Any remediation of a contaminated site that is authorised by a relevant regional rule or regional resource consent is a permitted activity in all zones within the district.

Any remediation of a contaminated site that is not so authorised is a discretionary activity in all zones within the district.

R14.6 RADIOACTIVE MATERIAL CONSENTS

Notwithstanding any other rules in this Part of the District Plan, the following shall apply to radioactive materials:

- Any use or storage of radioactive material with an activity below that specified as an exempt activity in the Radiation Protection Regulations 1982 is a Permitted Activity.
- Any use or storage of radioactive material with an activity in excess of that specified as an exempt activity in the Radiation Protection Regulations 1982 and less than 1,000 terabecquerel is a Discretionary Activity.
- Any facility using radioactive material with an activity in excess of 1,000 terabecquerel (1×10^{15}) is Prohibited Activity.

Radioactive material in smoke detectors is exempt from the requirements of these activities.

Explanation

Radioactivity has been excluded from the preliminary risk assessment procedures for the following reasons:

- *The type and degree of risk posed by radioactive material is different from and additional to that of other chemical compounds; and*
- *The storage, use, or transport of radioactive material is controlled and licensed by the Ministry of Health through the National Radiation Laboratory.*

However, while the licensing of uses is the responsibility of Central Government, the Council will still control the location of these activities in order to ensure the protection of adjoining landowners.

R14.7 TRADE WASTES

Notwithstanding any provisions in this Part, the discharge of liquid and solid Trade Wastes onto land or into a sewer serviced by the Rotorua Wastewater Treatment Plant, or to a stormwater drain must comply with Council's *Trade Waste Consent (liquid waste) or Sanitary Landfill Bylaw (solid waste)*.

R14.8 DEFINITIONS

Technical definitions of relevance in interpreting this Part and **Appendices Y and Z of Part Eighteen** (as part of **Rule 1.1** of the Lakes A Zone) are attached below.

**DEFINITIONS TO BE USED IN RESPECT OF PART
FOURTEEN AND APPENDICES Y AND Z THAT ARE PART OF
RULE 1.1 OF THE LAKES A ZONE**

Accident	:	A sudden event causing harm to people, property or the natural environment
Acute toxicity	:	Adverse effects caused by a substance with toxic properties occurring within a short time following exposure to that substance.
Adjusted Quantity	:	The amount (mass in tonnes or m ³ , at 101.3kPa and 20 ⁰ C for compressed gases) of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area <u>after</u> site-and-substance specific considerations have been taken into account.
Adjustment Factor	:	The product of the individual factors for each Effect Type (<i>Fire/Explosion, Human Health and Environment</i>) that increase or decrease the likelihood and consequences of the release of a hazardous substance.
Base Quantity	:	The amount (mass in tonnes or m ³ , at 101.3kPa and 20 ⁰ C for compressed gases) of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area <u>before</u> site-and-substance specific considerations have been taken into account.
Bioaccumulation	:	Accumulation of a substance within the tissues of living organisms.
BOD₅	:	The biochemical oxygen demand (measured over a five day period) which is the amount of dissolved oxygen in a body of water required for the breakdown of organic material in the water.
Carcinogen	:	Causing a statistically significant increase in the incident of tumors - See HSNO Regulations.
Chronic toxicity	:	Adverse effects caused by a substance with toxic properties which occur either after prolonged exposure or an extended period after initial exposure.
Cleaner Production	:	The use of techniques to reduce the need for raw materials and/or energy and the amount of wastes generated. These techniques may include the use of recyclable materials, the use of less hazardous substances or the reduction in their quantity and the use of renewable resources.

Code of Practice	:	Means any document for the purpose of specifying procedures and practices, or equipment and facilities for the management of hazardous substances, including documents issued and approved in accordance with HSNO.
Consent Status Index	:	Numerical values in the District Plan that are used to determine the consent status of a facility.
Consequence	:	The outcome of an event or situation expressed qualitatively or quantitatively, being a loss, injury, disadvantage or gain (AS/NZS 4360:1999).
Contaminant	:	has the same meaning as in Section 2 of the Act.
Contaminated Site	:	aning as: <ul style="list-style-type: none"> a) Contaminated site as defined in the Waikato Regional Policy Statement. Such definition shall apply to that part of the Rotorua District that is within the Waikato Region; and b) Contaminated site as defined in the Bay of Plenty Regional Policy Statement. Such definition shall apply to that part of the Rotorua District that is within the Bay of Plenty Region.
Corrosive	:	Capability of breaking down metal or human tissue on contact - See HSNO Regulations.
Cumulative Risk	:	The risk posed by a hazardous facility added to or multiplied by risks from other facilities.
Disposal of Hazardous Substances	:	has the same meaning as in Section 2 of the Act.
Ecosystem	:	A biotic community and its abiotic environment, considered together as a unit. Ecosystems are characterised by a flow of energy that leads to trophic status and material recycling.
Ecotoxic	:	Capability for toxic effects on non-human organisms and ecosystems - See HSNO Regulations.

Effect Types	: The effects generated when a hazardous substances is released or reacts: <i>Fire /Explosion effect types</i> - concerned with damage to property, the built environment and people by substances with explosive, flammable or oxidising properties; <i>Human Health effect types</i> - concerned with adverse effects to the well-being and health of people by substances with toxic or corrosive properties; <i>Environmental effect types</i> - concerned with damage to ecosystems or natural resources by substances with eco-toxic or corrosive properties
Emergency Plans :	A regularly updated document serving as an emergency response guide by identifying and cataloguing the elements required to respond to an emergency, and defining responsibilities and specific tasks in an emergency.
Environment	: Includes: (a) Ecosystems and their constituent parts, including people and communities; and (b) All natural and physical resources; and (c) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters. (RMA/HSNO).
Environmental Effect	: Any change to the environment regardless of scale, intensity, duration or frequency, in relation to the use, development, or protection of natural and physical resources (based on the RMA).
Environmental Management: System	Part of the overall management system that includes organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental policy (ISO/IDS 14050).
Environmentally Damaging: Substances	Risks to human health and welfare including ecosystem health, that arise in, or are transmitted by the natural environment (Asian Development Bank, 1990).
Environmentally Sensitive : Areas	Areas that, in the judgement of the local community and/or regulatory authority, should not be subject to more than a specified low risk, or where additional safeguards are required when undertaking activities exceeding the specified low risk. Environmentally sensitive areas may include aquifers, waterways, wetlands, coastal environments, special ecosystems or species habitats.

Explosiveness	:	Capability of sudden expansion due to release of internal energy - See HSNO Regulations.
Flammability	:	Capability to be ignited in the presence of oxygen and to sustain combustion - See HSNO Regulations.
Frequency	:	Measure of likelihood expressed as the number of occurrences of an event in a given time. See also Likelihood and Probability.
Harm	:	Injury or damage to health, property or the environment,
Hazard	:	Actual or potential source of harm or a situation with a potential to cause adverse effect (modified from AS/NZS 4360:1999).
Hazard Rating	:	The level of hazard (high, medium or low) applied to a hazardous substances for the purpose of an HFSP calculation, based on its HSNO classification.
Hazardous Activity	:	An activity which does not include the use, storage or otherwise handling or a hazardous substances but which may pose a risk to the environment or a community (for example, earthworks).
Hazardous Facility	:	Activities involving hazardous substances and sites, including vehicles for their transport, at which these substances are used, stored, handled or disposed of.
Hazardous Sub-Facility	:	A hazardous facility that is separated by more than 30 metres from any other hazardous facility on the same site.
Hazardous Substance	:	Any substance with hazardous properties including those substances defines as hazardous for the purpose of the HSNO Act.
Hazardous Waste:		As defined in "Towards a New Zealand Definition of Hazardous Waste" (October 1999) Mfe Technical Working Paper
HSNO	:	Includes both the Hazardous Substances and New Organisms Act 1996 and HSNO Regulations in relation to hazard classification and life cycle requirements for hazardous substances.
Likelihood	:	Qualitative description of probability or frequency (AS/NZS 4360:1999).
Off-site Effects	:	Effects on people, property and/or the natural environment outside the boundary of the site of a hazardous facility.
Oxidising Capacity	:	Capacity to contribute to fire or explosion due to the release of oxygen - See HSNO Regulations.
Performance Requirements:		Controls which say what is to be achieved (including in measurable terms), without being prescriptive (based on MfE, 1994).

Precautionary Approach	:	The need for caution in managing adverse effects of hazardous substances where there is scientific and technical uncertainty about those effects (based on HSNO).
Probability	:	Likelihood of a specific outcome, measured by the ratio of specific outcomes to the total number of possible outcomes. Probability is expressed as a percentage or number between 0 and 1, with 0 indicating an impossible outcome and 1 indicating an outcome is certain (based on AS/NZS 4360:1999).
Property Performance Requirements	:	Standards relating to the nature of the hazardous properties (e.g. explosive, toxic, corrosive etc) of a given hazardous substance (based on MfE, 1994).
Proposed Quantity	:	The quantity of a hazardous substance proposed to be used or stored on a site.
Quantity Ratio	:	The ratio of the proposed quantity of a substance over the applicable Base Quantity.
Radioactivity	:	means the ability of a substance to spontaneously disintegrate atomic nuclei, usually with the emission of penetrating radiation or particles.
Receptor	:	Ecological entity exposed to the stressor (USEPA Federal Register: Proposed Guidelines for Ecological Risk Assessment 1996).
Residual Risk	:	The risk remaining after risk treatment measures have been taken (modified AS/NZS 4360:1999).
Risk	:	The chance of something happening that will have an impact upon objectives. It may be an event, action, or lack of action. It is measured in terms of consequences and likelihood (AS/NZS 4360:1999). In the context of Part Fourteen of this Plan, risk is the chance of something happening that will have an impact on the environment.
Risk Analysis	:	The systematic use of available information to determine how often specified events may occur and the magnitude of their likely consequences (AS/NZS 4360:1999).
Risk Assessment	:	Overall process of risk identification, risk analysis and risk evaluation. (AS/NZS 4360:1999 & AS/NZS 3931:1998)
Risk Management	:	The systematic application of management policies, procedures and practices to the tasks of identifying, analysing, assessing, treating and monitoring risk (AS/NZS 4360:1999).
Risk Mitigation	:	Steps taken to reduce the probability of occurrence or the magnitude of the consequences (AS/NZS 4360:1999).
Separation Distance	:	The distance from the edge of the area where hazardous substances are used, stored or otherwise handled to the edge of the area exposed to defined adverse effects.

Site Management System	:	The means of ensuring the ongoing safety of a hazardous facility through sound management. A site management system should include safety policy, provides a description of organisational structure and responsibilities, including operating, emergency and monitoring procedures; and carry out regular performance auditing.
Spill Containment System	:	A structure which will contain liquid or solid hazardous substances in the event of a spill, and prevent them from entering the stormwater system or a natural water body.
Storage	:	The containment of a substance, either above ground or underground, which is not being used for the manufacturing or altered to another substance, but does not include use of a substance as a cooling or heating medium. Storage does include the filling and emptying of a container.
Substance	:	Any element, defined mixture of elements, compounds or defined mixtures of compounds, either naturally occurring or produced synthetically, or any mixtures thereof: <ul style="list-style-type: none"> (a) Any isotope, allotrope, isomer, congener, radical, or ion of an element or compound which has been officially declared by the Environmental Risk Management Authority to be a different substance from that element or compound. (b) Any mixtures or combinations of any of the above. (c) Any manufactured article containing, incorporating or including any hazardous substances with explosive properties (HSNO).
Trade Waste	:	is defined as any wastewater or liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process operation, or in the course of any activity or operation of a like nature, but does not include stormwater or domestic sewage.
Unintentional release	:	Unplanned or unwanted release of a hazardous substance or substances that may or may not be detected immediately.
Use	:	The manufacturing, processing or handling of a substance for a particular activity without necessarily changing the physical state or chemical structure of the substance involved. This includes mixing, blending, and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage and does not include loading out and dispensing of petroleum products.

PART EIGHTEEN

APPENDICES THAT FORM PART OF RULE 1.1 AND APPLY WITHIN THE LAKES A ZONE

Appendix A	Natural and Cultural Heritage Inventory	
	Updated Information on features listed in Appendix A and located within the boundaries of the Lakes A Zone, are shown on Lakes A Zone Planning Maps	
Appendix B	Designations	
	Refer to Appendix 4.0 of Volume 2 of the Lakes A Zone. The Designations are also shown on the Lakes A Zone Planning Maps	
Appendix F	Parking and Manoeuvring Standards as at 13 May 2000	
	Note: - The Appendix F provisions for the Lakes A Zone are different to those for the rest of the Rotorua District	
Appendix H	Helicopter Landing Areas	
	Contains provisions for helicopter landing areas within the Lakes A Zone	
Appendix J	Temporary Military Training Activities	
	Contains provisions for temporary military training activities within the Lakes A Zone	
Appendix K	Noise Standards	
	Refer to Appendix 5.0 of Volume 2 of the Lakes A Zone	
Appendix M	Roading Hierarchy Classification	
Appendix U	Financial Contributions for Reserve and Heritage Purposes	
	Refer to Appendix 1.0 of Volume 2 of the Lakes A Zone	
Appendix V	Subdivision and Development Information Requirements	
Appendix X	Principles of the Treaty of Waitangi	
Appendix Y	Hazardous Facilities Screening Procedure	
Appendix Z	HFSP Rating for Hazardous Substances	

APPENDIX A

NATURAL AND CULTURAL HERITAGE INVENTORY WITHIN THE LAKES A ZONE

Note: Lakes A Zone

Updated data was used to plot the location of items listed in Appendix A that are located within the Lakes A Zone, on the Lakes A Zone Planning Maps. Reliance on an item's location should be placed on where its location is shown on the Lakes A Zone Planning Maps and not in relation to its location using the item's co-ordinates as specified in this Appendix.

a1. NATURAL AND CULTURAL HERITAGE INVENTORY

The reason for the inclusion of the following lists is to draw the attention of owners, occupiers and the general public, to the significant buildings, trees, structures and sites in the District. Map references to the Planning Maps are given for easy identification. New Zealand Historic Places Trust (NZHPT) classifications are given where applicable. Every effort has been taken to accurately identify and locate the items listed in the Inventory. However, due to inaccuracies in the source data and the large scale of the Planning Maps it is not always possible to show precise locations. Listings are to be taken as indicative of potential heritage value pending comprehensive review.

a1.1 HISTORIC BUILDINGS

1.1	Bandstand Rotunda (whole structure), Government Gardens, 1902, Map 26, NZHPT '2'.
1.2	Blue Baths (exterior), Government Gardens, 1933, Map 26, NZHPT '1'.
1.3	Carved Storehouse, Model Village, Whakarewarewa, Map 38.
1.4	Ex-Government Tourist Bureau/NZTP Building (exterior), 57-67 Fenton Street, Map 26.
1.5	Gardener's Cottage (exterior), Government Gardens, Map 26, NZHPT '2'.
1.6	"Glenholme" Dwelling Edwardian Villa, (whole building), 63 Miller Street, Map 32, NZHPT '2'.
1.7	Guide Rang'i's House (whole building), cnr Froude and Fenton Streets, Map 38.
1.8	Landmark Restaurant (exterior), 1 Meade Street, 1906, Map 38, NZHPT '2'.

1.9	Te Runanga Tea Pavilion and Storeroom (whole building), Government Gardens, 1903, Map 26, NZHPT '2'.
1.10	The Bath-House, Government Gardens, Map 26, NZHPT '1'.
1.11	Old Post Office, cnr Arawa and Fenton Streets (exterior and clock mechanism), June 1914, Map 26, NZHPT '2'.

1.12	Prince's Gate Tourist House (exterior only), 1-3 Arawa Street, Map 26, NZHPT '2'.
1.13	Pukeroa Cottage (whole building), Hospital Grounds, Rangiuuru Street, Map 26.
1.14	Robertson House (whole building), 70 Pererika Street, Map 31, NZHPT '2'.
1.15	Scout Hall (exterior), 71 Pererika Street, Map 32, NZHPT '2'.
1.16	Westpac Building (exterior), 351 Tutanekai Street, Map 26.
1.17	<p>The Historic Places Trust has identified the Government Gardens Conservation Area as an historic area, in terms of Section 22 of the <i>Historic Places Act 1993</i>. This will help to safeguard the future of significant buildings contributing to the character of this conservation area. The conservation area also includes the gardens, open spaces, planted areas, small lakes, carvings and gateways within the area.</p> <p>A conservation area is defined as an area with two or more buildings which relate closely to each other, but which are not necessarily in close proximity to each other. Thus, any new construction on other sites within the Government Gardens conservation area should be compatible with the special nature of this area, Map 26.</p>
1.18	The Bath-House behind and below the Lake House Hotel, Map 20.
1.19	Graeff's Bakery, Haupapa Street, Map 26.
1.20	Cottage on Pukehangi Road, located approximately 150 metres north of the Blomfield Street/Pukehangi Road intersection on the opposite side of the road, Map 23.

a1.2 HISTORIC CHURCHES

2.1	Rotorua Catholic Immaculate Conception (whole building), Whakarewarewa, Map No. 38.
2.2	St Faith's Anglican (whole building), Ohinemutu, 1914, Map 20.
2.3	St Mary's Anglican (whole building), Mourea, Map 51.
2.4	St Peter's Anglican (whole building), Hinemoa Point, Map 21.
2.5	St Peter's Anglican (whole building), Mamaku, Map 77.
2.6	Te Arawa Anglican (whole building), Whakarewarewa, Map 38.
2.7	The Church of the Good Shepherd (whole building) at Awahou, Map 7.

a1.3 HISTORIC STRUCTURES

3.1	Arawa War Memorial including Maori carvings, Government Gardens, 1927, Map 26.
3.2	Edward Vaile Early Settler Memorial (whole structure), Broadlands, 1956, Map 91.
3.3	Horse Trough, cnr Lake Road/Ranolf Street, Map 26.
3.4	Horse Trough, Old Taupo Road (on Boy's High School frontage), Map 25.
3.5	Prince's Gate Archway (whole structure), Arawa Street/Government Gardens, 1901, Map 26, NZHPT '2'.
3.6	Queen Victoria Monument (whole structure), Ohinemutu, Map 20.
3.7	Remnants of Niu Tireni's baker's oven at Te Ngae sited behind the meeting house of the Wai-o-hewa Marae and the water channel from the Waiohewa Stream, 1856, Map 47.
3.8	Spencer Family Mausoleum, Kariri Point, Lake Tarawera, Map 82.
3.9	Steps down to the former government power works near the carpark, Okere Falls, 1901, Map 59.
3.10	Wylie Memorial, Government Gardens, 1902, Map 26, NZHPT '2'.

a1.4 HISTORIC SITES

4.1	Excavations at Te Wairoa, especially the stone store, Map 83.
4.2	Iri-irikapua, Hinemoa's rock at Hinemoa Point, Map 21.
4.3	Lake Tarawera Maori Rock Paintings, Punaromia, Map 83.
4.4	Makawe (tapustone), Pukeroa Hill, Hospital Grounds, Rangiuuru Street, Map 26.
4.5	Matuatonga, the Kumara God, Mokoia Island, Map 105.
4.6	Pohutu Geyser, Whakarewarewa, Map 38.
4.7	Redwood Memorial Grove, Whakarewarewa Forest, near Forest Research Institute, originally planted 1902, Map 108.
4.8	Te Koutu Battle Site, Taharangi Street, Map 19.
4.9	Malfroy Geyser site in the Government Gardens, Map 26.
4.10	The site of Hinemihi at Te Wairoa, located on Maori land adjacent to the Buried Village, Map 83.
4.11	Wakimihia (Hinemoa's Pool) on Mokoia Island, Map 105.

a1.5 NOTABLE TREES

Three categories of notable trees have been identified as worthy of recognition and protection:

(a) **Cultural Value**

- (i) any tree or trees associated with or commemorating an historic event;
- (ii) any tree or trees associated with or planted by an historic or notable figure;
- (iii) of spiritual or cultural value.

(b) **Ecological Value**

- (i) any naturally occurring remnant tree of a species rare in the region or New Zealand;
- (ii) any tree or group of trees of ecological significance providing an important habitat for wildlife;
- (iii) any tree particularly outstanding for its species in relation to its form, large diameter, height, age or canopy spread.

(c) **Amenity Value**

- (i) any tree or trees that have significant landmark value due to their location;
- (ii) any tree or trees which make a significant contribution to the visual amenity of the immediate neighbourhood;
- (iii) any tree or trees which have outstanding value because of screening or beautification functions;
- (iv) any tree or trees that are important in the avoidance of natural hazards.

In determining whether trees qualify as Notable Trees (by way of a Plan Change) the following evaluation criteria will be used:

(a) **Cultural (Historic, Social, Spiritual)**

The tree may be associated with an historic building, site or event, or the tree may have been planted by or have strong associations with a person(s) of historic importance to the District, or to New Zealand, or the tree may be known to be of spiritual importance.

(b) **Botanical**

This factor is assessed according to the numbers of the species found in the local area. Particular recognition is given to New Zealand's unique indigenous trees, especially those trees that only occur locally or regionally.

(c) **Size**

The height, girth and canopy spread of the tree

(d) **Form and Condition**

This factor assesses whether the tree is well shaped with a balanced branch system, and how well the trunk contributes to its visual appearance and takes

into consideration any factors which may limit the tree's life span such as its state of health, or its position in relation to existing development.

- (e) **Age**
An estimate of the tree's age at the time of evaluation recognising a range from recent plantings to the oldest on record in New Zealand.
- (f) **Functional Value**
The role of the tree in such areas as soil stabilisation, noise amelioration and screening of unsightly views.
- (g) **Importance of Position in Landscape**
Includes the influences of visibility (eg a tree visible from many vantage points would receive a higher rating for this factor than one visible only from its own site and a neighbouring site), viewing audience (how many people would notice the loss of the tree?), accessibility to the public and the visual role or contribution of the tree in the wider landscape.
- (h) **Suitability in Relation to Setting**
Assesses the appropriateness of the tree to its setting within the site (eg causing damage to heritage buildings), its physiological suitability for the health of the tree, the contribution of the tree to a visual grouping.

Council will endeavour to inform all affected parties of the existence of Notable Trees.

a1.5.1 NATIONAL INTEREST - NATIVE TREES

5.1.1	<i>Dacrydium cupressinum</i> (Rimu), Boys High School, Rotorua. Largest of three trees planted in 1934 by Taiporutu Mitchell. Map 25.
5.1.2	<i>Podocarpus dacrydioides</i> (Kahikatea), Lake Rotoiti, just North of Moose Lodge. Planted by Sir Frank and Lady Mappin. Map 63.
5.1.3	<i>Podocarpus spicatus</i> (Matai), Hongi's Track Rotoiti-Rotoehu the "Wishing Tree". The track was founded by Chieftainess Hinehopu, who planted the Matai beside the track. Map 69
5.1.4	<i>Podocarpus totara</i> (Weeping Totara), Boys High School, Rotorua. Planted by Mrs Peter Fraser, the wife of the Prime Minister on 12 September 1944 in honour of Taiporutu Mitchell. Map 25.

a1.5.2

NATIONAL INTEREST - EXOTIC TREES

5.2.1	<i>Cryptomeria japonica elegans</i> (Japanese Cedar), Okere Falls, Okere. The largest and best tree of this species recorded in New Zealand. Map 59.
5.2.2	<i>Cupressus arizonica</i> (Arizona Cypress), Redwood Memorial Grove, Whakarewarewa Forest, Rotorua. Planted in 1901. Map 39.
5.2.3	<i>Keteleeria davidiana</i> (var. China and Formosa), Forest Research Institute, Rotorua. The only tree of this species recorded. Map 39.
5.2.4	<i>Liquidambar styraciflua</i> (Sweet Gum, USA), Government Gardens, Rotorua. Planted c.1887. Map 27.
5.2.5	<i>Pinus echinata</i> (Short Leafed Pine, E. USA), Forest Research Institute, Rotorua. Planted c.1908. Map 39.
5.2.6	<i>Pinus leiophylla</i> (Smooth Leafed Pine, S. USA), Forest Research Institute, Rotorua. Planted c.1903. Map 39.
5.2.7	<i>Pinus montezumae</i> (Mexican Pine), on right of driveway to Whakarewarewa School. Map 39.
5.2.8	<i>Pinus taeda</i> (Loblolly Pine, SE USA), Forest Research Institute, Rotorua. Planted c.1903. Map 39.
5.2.9	<i>Quercus x heterophylla</i> (Bartrams Oak, E. USA), Whakarewarewa School. Rarely seen in New Zealand. Map 39.
5.2.10	<i>Sequoia sempervirens</i> (California Redwood) Redwood Memorial Grove, Whakarewarewa Forest. Planted in 1901. Map 39.
5.2.11	<i>Thuja occidentalis</i> (White Cedar, NE USA), Government Gardens, Rotorua. Planted c.1890. Largest of this species in New Zealand. Map 26.

a1.5.3

LOCAL INTEREST - NATIVE AND EXOTIC TREES

5.3.1	<i>Aesculus hippocastanum</i> (Common Horse Chestnut, Europe), Southside of Uuhina Stream. Map 25.
5.3.2	<i>Albizia julibrissin</i> (Silk tree, "Pink Siris"), 9 Devon Street, Rotorua. Map 38.
5.3.3	<i>Castanospermum australis</i> (Western Bay Chestnut), The Bath-House, Government Gardens, Rotorua. Map 26.
5.3.4	<i>Cryptomeria japonica</i> (Japanese Cedar), Malfroy Road West, Rotorua. Gateway to Ford's farm. Map 31.
5.3.5	<i>Cryptomeria japonica</i> (Japanese Cedar), Forest Research Institute, Rotorua. Largest examples of this species in New Zealand. Map 39.
5.3.6	<i>Cunninghamia lanceolata</i> (Chinese Fir), Riverholm, Old Taupo Road, Rotorua. Planted c.1892. Map 25.

5.3.7	<i>Cupressocyparis leylandii</i> (Leyland cypress, Leighton Green), Forest Research Institute, Rotorua. Propagated from cuttings. Map 39.
5.3.8	<i>Cupressus lusitanica</i> (Mexican Cypress), Forest Research Institute, Rotorua. Planted c.1903. Map 39.
5.3.9	<i>Eucalyptus viminalis</i> (Maana Gum, S. Australia), near bus stop, Whakarewarewa Village, Rotorua. Map 38.
5.3.10	<i>Fraxinus oxycarpa raywoodii</i> (Claret Ash, "Raywood") 46 Rimu Street, Rotorua. Map 32.
5.3.11	<i>Ginkgo biloba</i> (Maidenhair Tree, China). Government Gardens, Rotorua (near totem pole). Planted c.1892. Map 27.
5.3.12	<i>Juglans cordiformis</i> var. <i>ailanthifolia</i> (Japanese Walnut), Valley Road, Ngongotaha. Map 11.
5.3.13	<i>Juglans cordiformis</i> var. <i>ailanthifolia</i> (Japanese walnut), Old Te Mu Mission Station site, near Lake Tarawera. Planted by Rev. Spencer 1860. Map 83.
5.3.14	<i>Koelreuteria paniculata</i> (China Tree, China), Riverholm, Old Taupo Road, Rotorua. Planted c.1892. Map 25.
5.3.15	<i>Liriodendron tulipifera</i> (Tulip Tree), Boys High School, Rotorua. One in a row of trees planted on Arbor Day, 19 July 1933. Map 25.
5.3.16	<i>Nothofagus fusca</i> (Red Beech), Riverholm, Old Taupo Road, Rotorua. Planted 1892. Map 25.
5.3.17	<i>Nothofagus menziesii</i> (Silver Beech), Riverholm, Old Taupo Road, Rotorua. Planted 1892. Map 25.
5.3.18	<i>Pseudotsuga menziesii</i> (Douglas Fir), Old Prison Camp, Waiotapu Forest. Planted in 1901 to symbolise the first plantings of the vast Kaingaroa Forest. Map 111.
5.3.19	<i>Quercus robur</i> (Common English Oak), East Brewster Office, Arawa Street, Rotorua. Planted in the 1880s by the Rev. F. Spencer with an acorn which came from New Zealand's original oak tree which had itself been brought as an acorn from Goat Hill, Dorset, England by the Rev. E. Davis in 1824. Map
5.3.20	<i>Quercus robur</i> (Common English Oak), Lake-side of the large nurses home, Rotorua Hospital. Planted by Jean Michel Camille Malfroy on 20 January 1884. Map 26.
5.3.21	<i>Sequoiadendron giganteum</i> (California Big Tree), Pererika Street Entrance Boy's High School, Rotorua. Planted by H.A. Goldie, Arbor Day 19 July 1933. Map 25
5.3.22	<i>Podocarpus dacrydioides</i> (Kahikatea), Te Ngae. Map 46. Grove of Kahikatea at White Pine Bush.
5.3.23	<i>Podocarpus dacrydioides</i> (Kahikatea), Ngongotaha. Grove of Kahikatea at Caulfield property. Map 12.

a1.6 ARCHAEOLOGICAL SITES

The *Historic Places Act 1993* requires that local authorities record, protect and preserve archaeological sites.

The following archaeological sites have been identified in the Rotorua District by the New Zealand Archaeological Association. The numbers in the following list correspond with the location of the site on the Planning Maps.

Co-ordinates in the following table are in terms of New Zealand Map Grid.

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No.
1	U15/ 94	Kaharoa	Headland Pa	2793400	6352000	102
2	U15/ 104	Kaharoa	Headland Pa	2803900	6357100	102
3	U15/ 95	Kaharoa	Ridge Pa	2801600	6357400	102
4	U15/ 512	Hamurana	Pa	2786300	6340100	3
5	U15/ 49	Tarukenga	Pa	2785900	6341200	104
6	U15/ 27	Ngongotaha	Pa	2789600	6341500	104
7	U15/ 89	Ngongotaha	Pa	2790600	6341800	6
8	U15/ 11	Tarukenga	Pa	2786200	6342200	104
10	U15/ 41	Ngongotaha	Pa	2792100	6343000	7
11	U15/ 17	Tarukenga	Pa	2788200	6343100	104
12	U15/ 88	Waiteti	Pa	2789100	6343600	104
13	U15/ 82	Waiteti	Pa	2788600	6343900	7
14	U15/ 53	Tarukenga	Pa	2786000	6344000	104
15	U15/ 28	Waimehia	Pa	2792200	6344100	104
16	U15/ 22	Waiteti	Pa	2786700	6345200	104
17	U15/ 6	Awahou	Pa	2792000	6345500	8
18	U15/ 90	Awahou	Pa	2790800	6345600	104
19	U15/ 18	Awahou	Pa	2792100	6345500	104
20	U15/ 43	Awahou	Pa	2792400	6345600	9
21	U15/ 92	Awahou	Pa	2793400	6346200	9
22	U15/ 48	Awahou	Pa	2793200	6346200	6
23	U15/ 24	Hamurana	Pa	2796400	6347200	104
24	U15/ 20	Hamurana	Pa	2796100	6347200	104
25	U15/ 40	Te Rangiwhakairo	Pa	2794200	6348100	105
26	U15/ 91	Te Ngae	Pa	2804500	6340900	105
27	U15/ 72	Mokoia Is	Bath	2798500	6341000	105
28	U15/ 74	Mokoia Is	Track	2798500	6341000	105
29	U15/ 50	Mokoia Is	Pa	2798600	6341000	105
30	U15/ 62	Mokoia Is	Pa	2798600	6341100	105
31	U15/ 51	Mokoia Is	Rock Carving	2798800	6341200	105
32	U15/ 86	Te Ngae	Mission Site	2802000	6341200	46

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No.
33	U15/ 56	Te Ngae	Pa	2804200	6341200	105
34	U15/ 68	Mokoia Is	Pa	2798400	6341300	105
35	U15/ 67	Mokoia Is	Pa	2798600	6341400	105
36	U15/ 63	Mokoia Is	Pa	2798800	6341400	105
37	U15/ 75	Te Ngae	Flour Mill	2801500	6341400	46
38	U15/ 69	Mokoia Is	Pa	2798800	6341500	105
39	U15/ 59	Te Ngae	Pa	2803500	6341500	105
40	U15/ 73	Mokoia Is	Trail	2798300	6341600	105
41	U15/ 52	Mokoia Is	Cultivation	2799100	6341600	105
42	U16/ 65	Mokoia Is	Pa	2799000	6341700	105
43	U15/ 71	Mokoia Is	Pa	2798800	6341900	105
44	U15/ 61	Mokoia Is	Pa	2798800	6341900	105
45	U15/ 66	Mokoia Is	Pa	2798400	6342200	105
46	U15/ 64	Mokoia Is	Pa	2798600	6342200	105
47	U15/ 60	Mokoia Is	Pa	2798700	6342200	105
48	U15/ 70	Mokoia Is	Pa	2798700	6342300	105
49	U15/ 57	Tikitere	Pa	2804800	6342200	48
50	U15/ 80	Tikitere	Pa	2804500	6343400	50
51	U15/ 34	Mourea	Pa	2802000	6343700	49
52	U15/ 87	Ruahine Springs	Hut Site	2806700	6344100	105
53	U15/ 5	Okawa Bay	Hill Pa	2802700	6344500	51
54	U15/ 58	Wairau Bay	Pa	2803900	6344500	52
55	U15/ 31	Wairau Bay	Pa	2803300	6344800	52
56	U15/ 38	Mourea	Pa	2802100	6344900	51
57	U15/ 77	Hauparu Bay	Pa	2809700	6345100	63
58	U15/ 15	Motutara Point	Pa	2803000	6345300	52
59	U15/ 42	Te Rei Bay	Pa	2804600	6345300	56
60	U15/ 79	Mourea	Kainga	2802600	6345400	51
61	U15/ 16	Mourea	Pa	2801900	6345600	54
62	U15/ 85	Mourea	Pit	2801700	6345600	54
63	U15/ 47	Wharetata Bay	Pa	2806400	6345600	56
64	U15/ 81	Mourea	Pa	2801400	6345900	54
65	U15/ 7	Mourea	Ridge Peak/Pa	2801500	6345700	54
66	U15/ 83	Tahunaroa	Pa	2805700	6345900	56
67	U15/ 39	Tapaniau Point	Pa	2809200	6345700	105
68	U15/ 8	Mourea	Pa	2801400	6345900	54
69	U15/ 37	Cherry Bay	Pa	2808200	6345800	105
70	U15/ 33	Tumoana Point	Pa	2804800	6345900	56
71	U15/ 45	Potangotango Pt	Pa	2806800	6345900	105

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No.
72	U15/ 76	Lake Ngawhero	Flour Mill	2807500	6346000	105
73	U15/ 46	Mission Bay	Pa	2801100	6346400	1
74	U15/ 35	Hamurana	Pa	2798400	6346600	2
75	U15/ 12	Mourea	Pa	2802100	6346300	54
76	U15/ 78	Kaharua Point	Pa	2804900	6346300	56
77	U15/ 44	Hamurana	Pa	2798800	6346400	2
78	U15/ 26	Hamurana	Pa	2799400	6346400	1
79	U15/ 32	Mission Bay	Pa	2800600	6346500	1
80	U15/ 30	Kahurua Point	Pa	2804400	6346500	55
81	U15/ 13	Te Akau Point	Pa	2804200	6346600	55
82	U15/ 36	Kaharua Point	Pa	2804400	6346800	55
83	U15/ 9	Hamurana	Midden	2796500	6346900	3
84	U15/ 23	Pateko Is	Pa	2809400	6347000	106
85	U15/ 25	Ngarehu Pt	Pa	2808800	6347100	57
86	U15/ 14	Motuhiwa Is	Pa	2804000	6347700	57
87	U15/ 21	Okere Falls	Pa	2804200	6348000	59
88	U15/ 84	Okere Falls	Pit	2803500	6348200	59
89	U15/ 19	Te Arero Bay	Pa	2807300	6348600	105
90	U15/ 10	Okere Falls	Pa	2803900	6348700	59
91	U15/ 54	Te Arero Bay	Pa	2807400	6348700	105
92	U15/ 55	Te Arero Bay	Pa	2807300	6348900	105
94	U16/ 41	Tihiotonga	Pit	2793500	6331100	108
95	U16/ 42	Tihiotonga	Fence Line	2793800	6331100	47
96	U16/ 40	Tihiotonga	Pit	2793500	6331200	41
97	U16/ 43	Tihiotonga	Fence Line	2793600	6331400	43
98	U16/ 39	Hemo Gorge	Pa	2794200	6331400	42
99	U16/ 38	Hemo Gorge	Terraces	2794400	6331400	42
100	U16/ 75	Utuhina Stream	Pa	2791100	6332100	36
101	U16/ 7	Pohaturoa	Pa	2795100	6332100	42
102	U16/ 76	Utuhina Stream	Pa	2798900	6332400	107
103	U16/ 84	Ngatautara	Pa	2791900	6332400	107
104	U16/ 6	Whakarewarewa	Pa	2795000	6332500	42
105	U16/ 77	Utuhina Stream	Pa	2790500	6332600	107
106	U16/ 9	Pukehangi Hill	Pa	2790400	6334100	30
107	U16/ 18	Pukehangi Hill	Pa	2789000	6334300	107
108	U16/ 79	Paradise Valley	Pa	2785200	6334800	107
109	U16/ 21	Utuhina	Flour Mill	2793000	6335600	25
110	U16/ 10	Rotorua Hospital	Pa	2794900	6336000	26

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No.
111	U16/ 74	Paradise Valley	Pa	2789200	6336100	23
112	U16/ 19	Ohinemutu	Pa	2794800	6336500	20
113	U16/ 73	Paradise Valley	Pa	2785300	6336900	104
114	U16/ 81	Koutu	Pa	2793800	6337700	16
115	U16/ 72	Ngongotaha Valley	Pa	2785200	6338200	104
116	U16/ 5	Kawaha Point	Pa	2794500	6338900	17
117	U16/ 80	Fairy Springs	Pa	2792000	6339300	104
118	U16/ 85	Ngongotaha Valley	Pa	2786900	6339500	104
119	U16/ 86	Ngongotaha Valley	Pa	2786800	6339700	104
120	U16/ 1	Fairy Springs	Ridge Pa	2791700	6339700	104
121	U16/ 17	Ngongotaha Valley	Pa	2788400	6339900	104
122	U16/ 60	Waitangi Bay	Pa	2807100	6330500	80
123	U16/ 61	Waitangi Bay	Pa	2807100	6330800	80
124	U16/ 13	Lake Okareka	Pa	2804000	6331200	78
125	U16/ 8	Otumutu Is	Pa	2807900	6331500	79
126	U16/ 37	Tokorangi Pa	Pa	2798700	6332500	108
127	U16/ 87	Lake Okareka	Historic Village	2806000	6332700	108
128	U16/ 58	Owhata	Pa	2801500	6333700	108
129	U16/ 66	Okataina Scen. Res	Urupa	2809000	6333900	108
130	U16/ 35	Okataina Scen. Res	Pa	2809100	6334000	108
131	U16/ 83	Lake Okataina	Pa	2806600	6334400	108
132	U16/ 67	Motuwhetero Is	Pa	2806900	6334400	108
133	U16/ 45	Lake Okataina	Pa	2807400	6334500	108
134	U16/ 70	Lake Okataina	Pa	2807700	6334800	108
135	U16/ 12	Tikitiki Point	Pa	2808100	6334900	108
136	U16/ 68	Tikitiki Point	Pa	2807700	6335000	108
137	U16/ 57	Eastern Suburbs	Pa	2802400	6335400	108
138	U16/ 65	Lake Okataina	Pa	2807800	6335600	108
139	U16/ 49	Ngapuna	Hut Sites	2797900	6335900	28
140	U16/ 53	Ngapuna	Trail	2798100	6336000	28
141	U16/ 50	Ngapuna	Pit	2797900	6336100	28
142	U16/ 47	Ngapuna	Depression	2798000	6336100	28
143	U16/ 48	Ngapuna	Pa	2798000	6336100	28
144	U16/ 46	Ngapuna	Pa	2798100	6336100	28
145	U16/ 51	Ngapuna	Pa	2797800	6336200	27
146	U16/ 52	Ngapuna	Tapu Rocks	2797800	6336200	28
147	U16/ 78	Hannahs Bay	Pa	2802700	6336300	108
148	U16/ 82	Mokoroa Point	Pa	2808700	6336400	108
149	U16/ 69	Parimata Bay	Terraces	2808200	6336600	105
150	U16/ 44	Holdens Bay	Fishing Weirs	2799700	6336800	22

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No
151	U16/ 25	Rotokawa	Pa	2803400	6337100	105
152	U16/ 24	Rotokawa	Pa	2803400	6337500	105
153	U16/ 71	Lake Okataina	Pa	2809100	6337800	105
154	U16/ 63	Rotokawa	Pit	2803300	6338200	105
155	U16/ 62	Rotokawa	Pits	2803200	6338500	105
156	U16/ 56	Rotokawa	Pa	2803500	6338600	105
157	U16/ 14	Lake Okataina	Pa	2809700	6338700	106
158	U16/ 55	Rotokawa	Hut Site	2802800	6338800	105
159	U16/ 54	Pikirangi Marae	Pit	2802600	6338900	105
160	U16/ 64	Rotokawa	Pa	2802700	6339100	105
162	U16/ 33	Te Kahikatea Strm	Pa	2792100	6328200	108
163	U16/ 20	SH 5 Whakarewarewa Forest Park	Rail Road	2795100	6328600	108
164	U16 /93	Tumunui	Kainga	2800500	6322800	111
165	U16/ 92	Tumunui	Tomo	2800900	6323100	111
166	U16/ 34	Tumunui	Kainga	2800000	6323200	111
167	U16/ 27	Lake Tarawera Scenic Reserve	Pa	2809700	6323800	109
168	U16/ 26	Lake Tarawera Scenic Reserve	Kainga	2809600	6323900	109
169	U16/ 3	Lake Tarawera Kaiteriria Bay	Pa	2799600	6324800	109
170	U16/ 28	Oneroa (Lake Tarawera) Kainga	2808900	6324900		108
171	U16/ 30	Te Hirau Bay (Lake Tarawera)	Pa	2808700	6325000	108
172	U16/ 16	Green Lake	Pataka	2801400	6325200	108
173	U16/ 2	Motutawa Is	Pa	2800200	6325600	108
174	U16/ 29	Te Hirau Bay (Lake Tarawera)	Pa	2808000	6325700	108
175	U16/ 36	Punaruku Island	Pa	2799100	6326200	108
176	U16/ 22	Buried Village	Flour Mill	2804600	6326800	83
177	U16/ 23	Buried Village	Stone Store	2804800	6326800	83
178	U16/ 31	Karikaria Point	Pa	2806400	6327000	82
179	U16/ 4	Karikaria Point	Pa	2806100	6327100	82
180	U16/ 89	Green Lake	Camp Site	2803000	6327200	108
181	U16/ 11	Punaromia	Rock Paintings	2805700	6327400	82
182	U16/ 32	Kotukutuku Bay	Kainga	2806300	6327700	82
183	U16/ 88	Green Lake	Gardens/Pits	2803100	6328000	108
184	U16/ 15	Kariri Point	Pa	2807400	6328200	82

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No.
185	U16/ 90	Blue Lake	Village	2801700	6329700	108
186	V15/ 1200	Lake Rotoiti	Pa	2814600	6351700	103
187	V15/ 94	Lake Rotoiti	Tunnel	2813500	6352900	103
188	V15/ 519	Kaiwaka Road	Findspot	2812600	6340500	106
189	V15/ 555	Lake Rotoma	Pits	2821400	6342500	106
190	V15/ 506	Lake Rotoma	Pits	2821500	6342600	106
191	V15/ 507	Lake Rotoma	Pits	2821600	6342800	106
192	V15/ 200	Gisborne Point	Pa	2812100	6343800	65
193	V15/ 1	Ruato	Pa	2810700	6344000	64
194	V15/ 2	Rotoiti	Pa	2811600	6344000	65
195	V15/ 204	Gisborne Point	Pa	2813000	6344200	65
196	V15/ 201	Hinehopu	Pa	2816300	6345100	68
197	V15/ 500	Rotoehu	Kainga	2820600	6345700	71
198	V15/ 509	Hinehopu	Pit	2817300	6345800	69
199	V15/ 499	Te Pohue Bay	Pits	2817900	6345900	69
200	V15/ 420	Te Pohue Bay	Terrace	2817900	6346000	69
201	V15/ 501	Rakaumakere Pt	Terraces	2820500	6346100	71
202	V15/ 169	Matutu Point	Pa	2822400	6346100	71
203	V15/ 387	Te Papatu Point	Pa	2815600	6346200	68
204	V15/ 208	Te Pohue Bay	Pa	2818600	6346300	106
205	V15/ 385	Puketapu Point	Pa	2812000	6346800	106
206	V15/ 515	Matawhaura Bay	Pa	2818800	6346800	106
207	V15/ 386	Puketapu Point	Pa	2811900	6346900	106
208	V15/ 505	Matawhaura Bay	Pits	2818700	6346900	106
209	V15/ 207	Matawhaura Bay	Pa	2819000	6346900	106
210	V15/ 203	Matawhaura Bay	Pa	2818600	6347200	106
211	V15/ 504	Waione Bay	Pa	2819300	6347200	106
212	V15/ 214	Maraua Pa	Pa	2819400	6347600	106
213	V15/ 516	Waipuia Point	Pa	2820400	6347800	62
214	V15/ 3	Te Kerau Bay	Pa	2810200	6348100	106
215	V15/ 215	Wharenareke Bay	Pa	2818800	6348200	106
216	V15/ 510	Omahota Bay	Pa	2818700	6348400	106
217	V15/ 511	Lake Rotoehu	Pa	2819600	6348400	106
218	V15/ 202	Okahu Point	Pa	2820700	6348400	61
219	V15/ 508	Lake Rotoehu	Pa	2819600	6348600	106
220	V15/ 513	Omahota Bay	Pa	2818200	6348700	106
221	V15/ 514	Omarupoto Bay	Pa	2818900	6349100	106
222	V15/ 240	Lake Rotoma	Pa	2824600	6343500	106
223	V15/ 234	Lake Rotoma	Pa	2825600	6343800	106
224	V15/ 163	Lake Rotoma Scenic Reserve	Pits	2825700	6344300	106

No.	NZAA No.	Region	Site	Easting Metric	Northing Metric	Map No.
225	V15/ 415	Pangopangoa Bay	Pa	2824400	6344600	106
226	V15/ 235	Patarata Point	Terrace/Pit	2825600	6345400	106
227	V15/ 236	Otumarekura Pt	Pa	2823900	6346000	106
228	V16/ 73	Ngahereta	Pa	2812700	6330200	109
229	V16/ 258	Te Toitoi Point	Pa	2811700	6331200	109
230	V16/ 19	Okataina	Pa	2810100	6334200	109
231	V16/ 16	Okataina	Pa	2810600	6338100	106
232	V16/ 20	Okataina	Tuahu	2811000	6338300	106
233	V16/ 22	Okataina	Shelters/Rock Art	2811000	6338700	106
234	V16/ 21	Okataina	Obsidian Source	2811000	6338700	106
235	V16/ 68	Tarawera Forest	Mine	2823700	6331900	109
236	V16/ 2	Patiti Is	Pa	2811500	6320400	112
237	V16/ 70	Rupatu Bay	Pa	2812200	6322600	112
238	V16/ 71	Rupatu Bay	Kainga	2812200	6322800	112
239	V16/ 72	Lake Tarawera	Pa	2811100	6322900	112
240	V16/ 69	Lake Tarawera	Pa	2812500	6323800	109
241	V16/ 264	Lake Tarawera	Kainga	2812600	6324300	109
242	V16/ 17	Lake Tarawera	Pa	2811100	6324400	109
243	V16/ 18	Moura Point	Pa	2811100	6326000	109
244	V16/ 58	Te Tapahoro Bay	Pa	2816500	6329000	109
245	U15/ 29	Pukeroa	Pa	2803700	6348000	105

a1.7 MARAE IN THE DISTRICT

LOCATION	MARAE	WHARENUI (Meeting House)	WHAREKAI (Dining Room)	HAPU (Tribe)
Whakarewarewa				
Tryon Street	Te Pakira	Wahiao	Te Rau Aroha	Tuhourangi
Ngapuna				
Hona Road	Hinemihi	Hinemihi	Hinewai	Ngati Tarawhai
Hurunga Ave	Hurunga	Hurungaterangi	Whaingarangi	Ngati Tumatawera
Tarawera Road	Apumoana	Apumoana	Te Aowheoro	Ngati Tumatawera
Rotoiti				
Curtis Rd	Tapuaekura	Rakeiao	Maruahangaroa	Ngati Rongomai

LOCATION	MARAE	WHARENUI (Meeting House)	WHAREKAI (Dining Room)	HAPU (Tribe)
Ruato Bay	Ruato	Ngapumanawa-E- Waru O Te Arawa	Te Awa-i-Takapuhaia	Ngati Rongomai
Opp Emery Park	Punawhaka-reia	Uenukumai-rarotonga	Te Ao Kapurangi	Ngati Rangiuuora
Behind Emery's Store	Taurua	Rangiuuora	Wetengauru	Ngati Rangiuuora
East Wai-iti Stream	Te Waiiti	Hinekura	Niniurangi	Ngati Hinekura
Hinehopu	Tapuaeharuru	Uruika	Kauiarangi	Ngati Tamate-atutahi Kawiti
Okataina Rd	Waikohatu	Tarawhai	Rangimaikuku	Ngati Tarawhai
Tokerau				
Vercoe's Bay	Tokerau	Pikiaorangi	-	Ngati Hinekura
Otaramarae	Pounamunui	Houmaitawhiti	Hinekukuterangi	Ngati Hinekura
Okere Falls				
Taheke Road	Opatia	Rangitihi	Manawakotokoto	Ngati Te Takinga
Mourea				
Mourea	Hohowai	Te Takinga	Hineora	Ngati Te Takinga
Tarewa Road				
Tarewa Road	Taharangi	Taharangi	Te Tiukahapa	Ngati Tuara
Horohoro				
Rongomai Rd	Rongomaipapa	Maruahangaroa	Hineteata	Ngati Kahungunu
Apirana Rd	Kearoa	Kearoa	Te Uira	Ngati Tuara
Ohinemutu				
Ohinemutu	Te Papaiouru	Tamatekapua	Whakaturia	Ngati Whakaue
Tunohopu Street	Paretehoata	Tunohopu	Rukuwai	Ngati Whakaue
Ariariterangi Street	Te Ariariterangi	Te Roro-o-te-Rangi	Kaimatai	Ngati Whakaue
Owhata				
Hinemoa Pt	Owhata	Tutanekai	Hinemoa	Ngati Te Roro-o-te-rangi
Rotokawa	Pikirangi	Ohomairangi	Makuratawhiti	Rangiteaorere-Uenukukopako
End of Airport	Ruamata	Uenukukopako	Taiotekura	Rangiteaorere-Uenukukopako

LOCATION	MARAE	WHARENUI (Meeting House)	WHAREKAI (Dining Room)	HAPU (Tribe)
Te Ngae				
Te Ngae Junction	Mataikotare	Rangiwhakaereau	Uenukuraui	Rangiteaorere- Uenukukopako
Mourea				
Hamurana Rd Ohau Channel	Waiatuhi	Kahumatamomoe	Hinetapoturangi	Ngati Parua
Hamurana Rd	Taupiri	Paruahanui	Waiwaha	Ngati Parua
Awahou				
Gloucester Rd	Tarimano	Tawakeaheimoa	Te Aongahoro	Ngati Rangiwehehi
Ngongotaha				
Waiteti Rd	Waiteti	Ngararanui	Te Urutakiao	Ngati Ngararanui
Tau Street	Parawai	Whatumairangi	Parehina	Ngati Tura Ngati Tuteiti
Tarukenga	Tarukenga	Te Ngakau	Hinetai	Ngati Te Ngakau
Ngongotaha Rd	Waikuta	Rangitunaeke	Hinera	Ngati Tunohopu
Adjacent to Rugby Ground	Matarae	Matarae	Hinewai	Ngati Tahu
Koutu				
Cnr Marae St and Koutu Rd	Koutu	Tumahaurangi	Karenga	Ngati Whakaue
Rotorua				
Old Taupo Road	Mataatua	Mataatua	Hinetai	Tuhoe

a1.8 NATURAL HERITAGE SITES

To be added by way of Plan Change.

APPENDIX B

DESIGNATIONS WITHIN THE LAKES A ZONE

Note:**Lakes A Zone**

Designations within the Lakes A Zone are listed in **Appendix 4.0** of **Volume 2** of the Lakes A Zone and are shown on the Lakes A Zone Planning Maps.

APPENDIX F

PARKING AND MANOEUVRING STANDARDS WITHIN THE LAKES A ZONE

f1 PARKING AND MANOEUVRING STANDARDS WITHIN THE LAKES A ZONE

Note: Where parking is to be provided within a building the provisions of the *Building Act 1991* apply.

f1.1 Where specified in the Performance Standards of the Zones, parking and manoeuvring areas shall be required for specified activities as follows:

ACTIVITY	PARKING PERFORMANCE STANDARD
Household units (includes dwelling houses, subsidiary household units, residential accommodation and all like activities)	2 parking spaces for each unit
Home based business enterprise (includes Home professional occupations and all like activities)	1 for each enterprise or occupation plus 1 for each staff member living away from the premises and employed on the site at any one time
Supermarkets, comprehensive retail developments and retail shops (includes dairies, tourist shops, premises for the sale of liquor for consumption off the premises, retail activities, ancillary retail activities, pharmacies, travel agencies and all like activities)	1 for every 18m ² gross floor area
Offices (includes administrative and professional offices, information centres, medical centres, veterinary hospitals and all like activities)	1 for every 100m ² floor area
Tourist Accommodation including: Motels, and	1 for each unit of accommodation
Hostels, Tourist House Licensed Premises and Hotels,	1 for each unit of accommodation up to 30 units plus bus parking at the rate of 1 bus park per 20 units over and above the initial 30 units, plus 1 carpark for every two staff employed on the site at any one time
Homestays (and all like activities)	2 plus 1 for every 2 persons the building is designed to accommodate

Industrial activities (includes storage facilities and all like activities)	4 spaces plus 1 for every 200m ² gross floor area in excess of 400 m ² and up to 1000 m ² ; plus 1 for every 500 m ² gross floor area in excess of 1000 m ² , plus 1 for every three staff employed on the site at any one time.
Restaurants	1 for every 4 persons the restaurant is designed to accommodate, plus a minimum of five queuing spaces for any drive-in takeaway facilities
Premises for the consumption of liquor (includes taverns, bars, nightclubs, chartered clubs and all like activities)	30 for every 100 persons bar space capacity plus 1 for every 2 staff employed on the site at any one time plus 1 for each unit of accommodation
Indoor and outdoor commercial recreation facilities and places of assembly (includes churches, community facilities, convention centres, marae and all like activities)	1 for every 10 persons the building or activity is designed to cater for
Hospitals	1 for every 5 beds plus 1 for every 2 staff employed on the site at any one time
Childcare centres (includes Kohanga Reo, playcentres, kindergartens and all like activities)	1 plus 1 for every staff member employed on the site at any one time
Banks and Post Offices	1 for every 40 m ² of floor area
Schools (includes primary and intermediate and secondary schools)	2 for every 3 staff members 2 for every 3 staff members plus 1 for every 20 students over the age of 16 years
Motor vehicle repair garage (includes service stations and all like activities)	4 for each service bay plus 1 for every 2 staff employed on the site at any one time, plus 3 queuing spaces for each car wash
Casinos	1 for every 5 persons the casino gambling facility is designed to cater for plus 1 for every 2 staff employed on the site at any one time
Other activities	To be determined on the basis of the particular proposal with a view to avoiding, remedying or mitigating any adverse effects on the environment

f1.2 CARPARKS FOR DISABLED PERSONS

Carparks accessible to persons with disabilities shall be provided on the scale of:

- 1 for 10 total spaces required to be provided.
- 2 for up to 100 total spaces required to be provided.
- plus 1 more for every additional 50 spaces required to be provided.

Parking Angle to Kerb:	90 degree
Type:	Nose in park for disabled persons
Width of Parking Space:	3.6 metres
Depth of Park:	5.0 metres
Depth of Manoeuvring Space	8.0 metres

f1.3. GENERAL CONDITIONS

f1.3.1 Fractional Spaces

Where the assessment of the number of parking spaces required in respect of any activity results in a fractional space being involved, any fraction under one half shall be disregarded and fractions of one half or more shall be counted as one parking space.

f1.3.2 Existing Parking

Where there is existing parking adjacent to a proposed activity and this parking is sufficient to cater for the proposed activity then Council may not require further parking spaces.

f1.3.3 Construction Details

The provision of on-site parking and manoeuvring areas shall be in accordance with the following specifications. All on-site parking and manoeuvring areas, including access to roads shall be designed, formed, drained and constructed as part of the overall activity and shall be surfaced with permanent wearing materials.

This is required in order to reduce the likelihood of any adverse effects on adjoining properties such as dust, gravel, run-off and erosion from unformed driveways and parking areas.

On-site parking and manoeuvring areas shall also be designed to facilitate:

- (a) The free flow of traffic and the safe and convenient movement of pedestrians; and
- (b) The maintenance and enhancement of the visual amenity of the area.

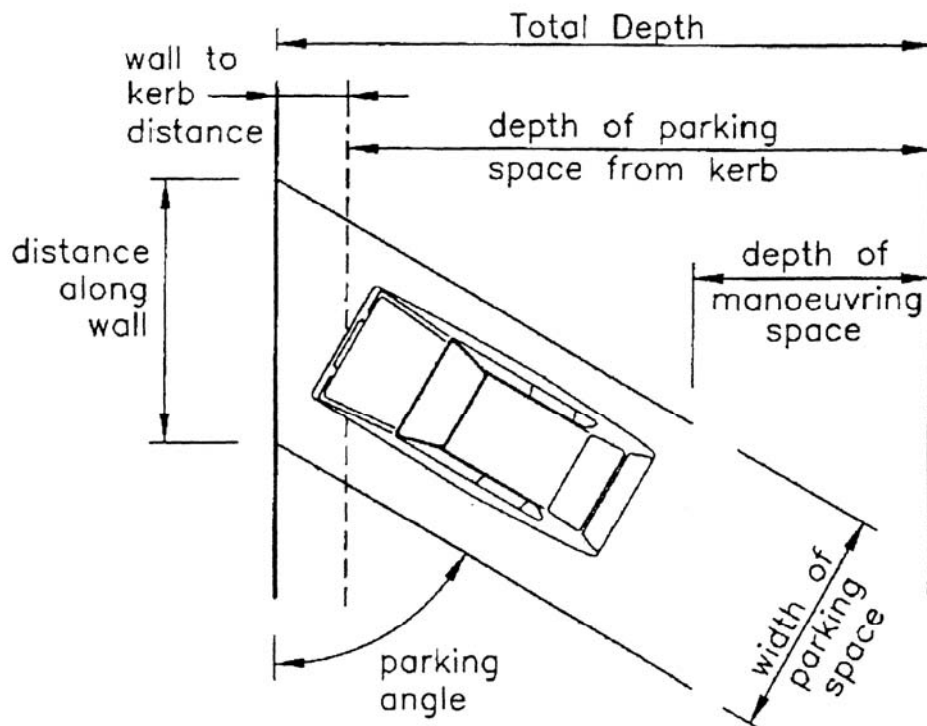
f1.3.4 Parking and Manoeuvring Spaces (in metres)

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 Manoeuvring 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	-

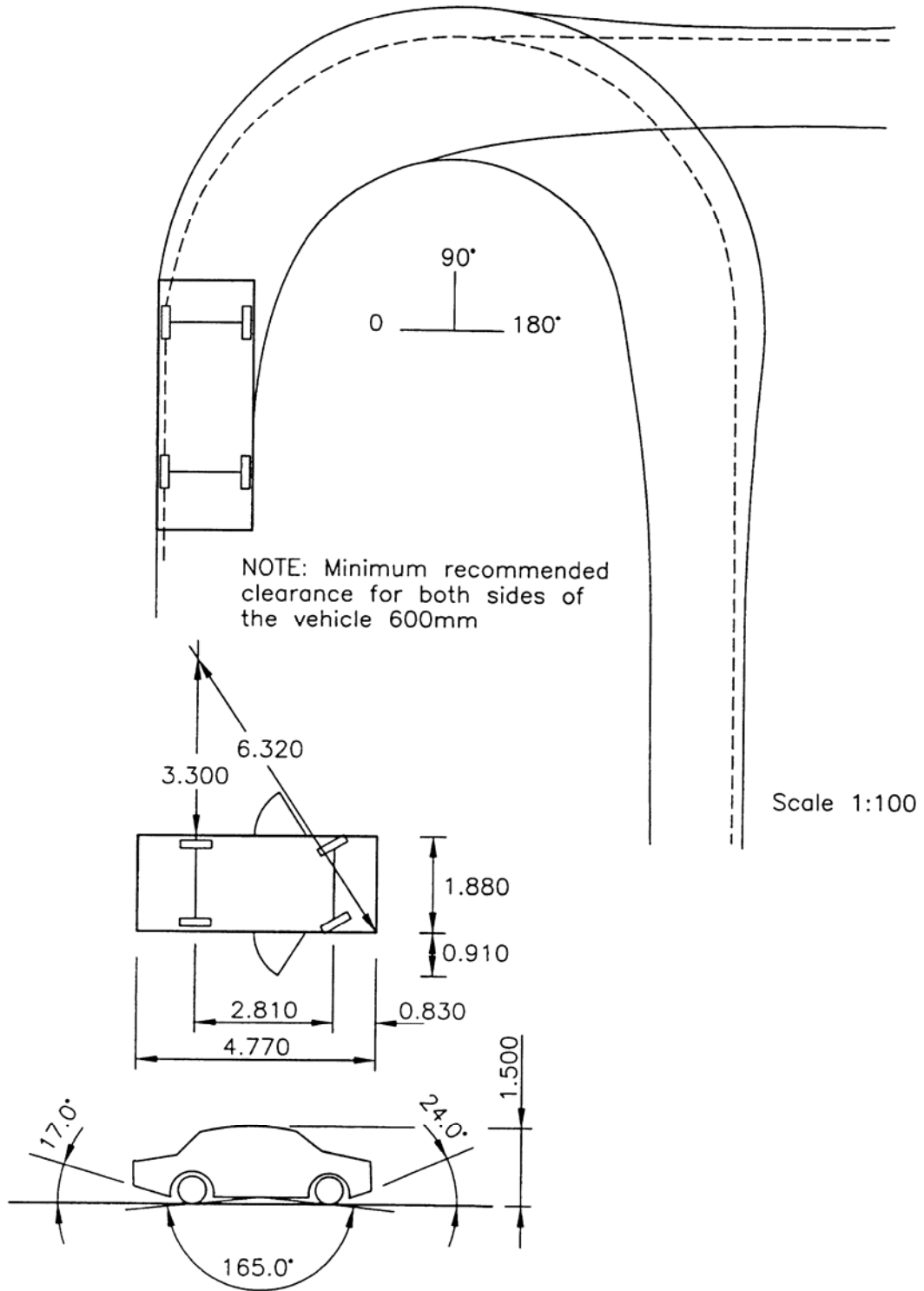
f1.3.5 Manoeuvring and Parking Dimensions

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
97° 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 </td <td>30.4</td>	30.4
Parallel	2.5m	26.5

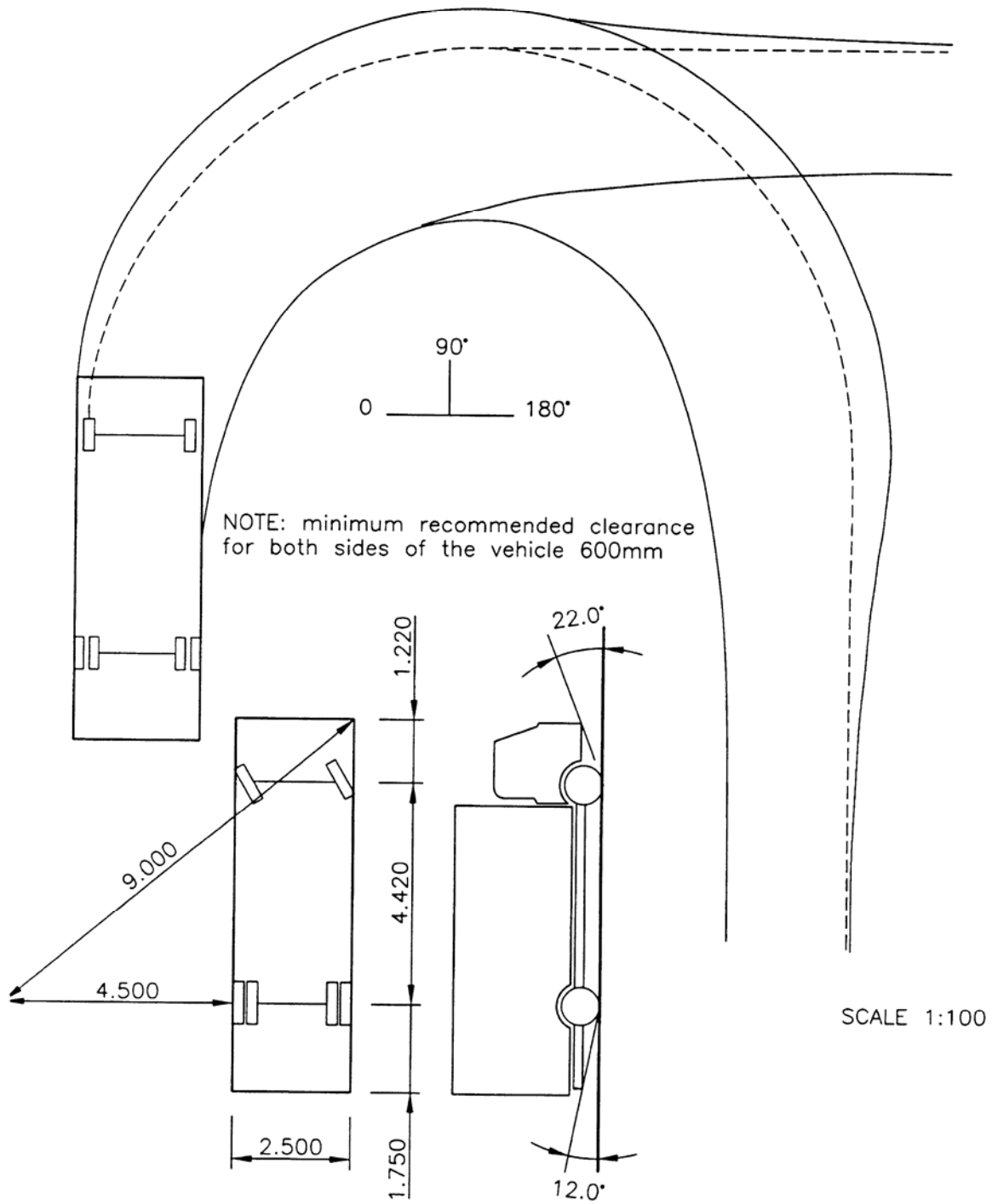
The variation in area per car is relatively small and, because in each area there will be space which cannot be used with the different types of parking, it is necessary to study each proposed parking area separately to determine which form of parking is the most practical and efficient.



f1.3.6 90 PERCENTILE DESIGN VEHICLE - SWEEPED PATH AND DESIGN



F1.3.7 90 PERCENTILE DESIGN TWO-AXLED TRUCK - SWEEP PATH AND DESIGN



APPENDIX H

HELICOPTER LANDING AREAS WITHIN THE LAKES A ZONE

Note:**Lakes A Zone**

This version of Appendix H contains amendments that provide for helicopter landing areas within the Lakes A Zone.

h1 HELICOPTER LANDING AREAS

h1.1 ASSESSMENT CRITERIA

In considering any application for consent to establish a helicopter landing area, Council, in order to ensure that there is adequate amenity separation between the helicopter landing area and any other activity, shall have regard to such things as:

- (a) the height of the helicopter landing area above the natural ground level and adjacent buildings;
- (b) the direction and slope of the flight paths serving the helicopter landing area;
- (c) the nature of the surrounding land uses; and
- (d) whether or not it is proposed to erect barriers to screen the helicopter landing area, particularly when helicopter landing areas are prohibited in adjacent zones.

Council will also include in its assessment criteria the effect of helicopter noise, on any areas affected by a helicopter landing area, including flight paths.

h1.2 HELICOPTER LANDING AREA SEPARATION

No helicopter landing area shall be allowed to establish closer than 600 metres to any Residential Zone, the Rural E Zone **or the Protection, Settlement and Bush Settlement Management Areas in the Lakes A Zone** where a flight path is to extend over that Zone **or Management Area**, or closer than 200 metres to any Residential Zone, the Rural E Zone **or the Protection, Settlement and Bush Settlement Management Areas in the Lakes A Zone** where a flight path is not to extend over that Zone **or Management Area**.

Furthermore, no helicopter landing area shall be allowed to establish closer than 50 metres to the nearest boundary of a State Highway road reserve and the approved flight path plan shall ensure that in the event of the helicopter being required to pass over a State Highway, the horizontal distance measured along the flight path axis, from the helicopter landing area to the nearest boundary of a State Highway road reserve, shall be no less than 200 metres.

h1.3 NOISE MANAGEMENT AND LAND USE PLANNING

Subject to the other provisions of this Plan, helicopter landing areas shall be subject to the noise management and land use planning provisions specified in New Zealand Standard NZS 6807: 1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. Assessment criteria contained in the Standard will be applied when considering applications for resource consents. The provisions of the Standard relating to helicopter noise boundaries and noise management also apply.

The definition of Helicopter Landing Areas contained in the Standard is also adopted for the purposes of this Plan.

APPENDIX J

TEMPORARY MILITARY TRAINING ACTIVITIES WITHIN THE LAKES A ZONE

Note:**Lakes A Zone**

This version of Appendix J contains amendments that provide for temporary military training activities within the Lakes A Zone.

j1 TEMPORARY MILITARY TRAINING

j1.1 INTRODUCTION

Rotorua District is an area which provides opportunities for temporary military training activities. By providing for military training activities and ensuring adverse effects do not materialise, Council is promoting the purpose of the *Resource Management Act 1991* by fostering the management of natural and physical resources in a sustainable manner.

Notwithstanding anything to the contrary in this Plan, this Appendix sets out the activity status for temporary military training activities involving air, sea and road transport in all Rural Zones.

j1.2 PERMITTED ACTIVITIES

Temporary military training is a Permitted Activity in all Zones except the Resort A, B and C, the Commercial E and F, the Reserve B and Water B Zones, **and the Okataina and Rotokakahi Policy Areas within the Lakes A Zone**, provided that:

- (a) The written consent of the owner(s) of the property has been obtained;
- (b) The activity is limited to a period not exceeding 31 days;
- (c) The activity does not require the construction of permanent structures;
- (d) The activity does not require earthworks or excavation (mechanical or permanent) unless carried out in accordance with the provisions for elsewhere in this Plan;
- (e) Flying activity is carried out in compliance with Civil Aviation regulations or in agreement with the local controlling aviation authority;
- (f) Noise emission arising from temporary military training activities in the Rural A and B Zones shall not exceed the following;
 - Noise measured from a line 20 metres from and parallel to the facade of any household unit used for accommodation, or the legal boundary where this is closest to the household unit or building, shall not exceed the following limits:

Time (Any day)	Limits (dBA)		
	L ₁₀	L ₉₅	L _{max}
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85

- The following maximum noise levels shall apply at the boundary with Residential Zones and the Rural C, D and E Zones, **and within the Lakes A Zone the boundaries with the Okareka and Tarawera Settlements and the Tarawera Bush Settlement Management Area** from 2000 hours - 0630 hours on any day:

Time (Any day)	L ₁₀	L _{max}
0000-0630	50	70 or background plus 30 dBA whichever is the lower
2000-2400	50	70 or background plus 30 dBA whichever is the lower

- Noise resulting from the use of explosives shall not exceed 122 dBA.
- (g) Noise emission arising from temporary military training activities in all Zones other than the Rural A and B Zones shall not exceed the standards in Appendix K.
- (h) The performance standards for Permitted Activities in respect of the use, storage or transportation of hazardous substances by any Temporary Military Training Activity set out in Rule 14.1.3 are met.

j1.3 DISCRETIONARY ACTIVITIES

Temporary military training activities which do not meet the provisions of the Permitted Activities outlined above shall require consent as a Discretionary Activity.

APPENDIX K

NOISE STANDARDS WITHIN THE LAKES A ZONE

Note:**Lakes A Zone**

For Noise Standards within the Lakes A Zone refer to **Appendix 5.0** of **Volume 2** of the Lakes A Zone.

APPENDIX M

ROAD HIERARCHY CLASSIFICATION WITHIN THE LAKES A ZONE

m1 ROAD HIERARCHY CLASSIFICATION - URBAN AND RURAL

m1.1 High Density (Urban Area Only)

- Amohau Street
- Amohia Street
- Arawa Street
- Eruera Street
- Fenton Street
- Haupapa Street
- Hinemaru Street
- Hinemoa Street
- Lake Road
- Pukaki Street
- Pukuatua Street
- Ranolf Street
- Tutanekai Street
- Whakaue Street

m1.2 Rural Arterial Routes

- Broadlands Road
- Hamurana Road
- State Highway 30 (Whakatane)
- State Highway 5 (Hamilton and Taupo)
- Tarawera Road
- Te Ngae Road

m1.3 Major Arterial Routes (Urban)

- Jarmey Place and Sunset Road adjacent to the Commercial D Zone
- Clayton Rd and Brookland Rd adjacent to the Commercial D Zone
- Clayton Road
- Devon Street
- Fenton Street
- Ford Rd and Malfroy Rd adjacent to the Commercial D Zone

- Froude St and Tryon St adjacent to the Resort C Zone
- Gibson St and Hilda St adjacent to the Resort B Zone
- Hamuera St and Koutu Rd adjacent to the Commercial D Zone
- Kawaha Point Rd and Koutu Rd adjacent to the Commercial D Zone
- Kea St and Fairy Springs Rd adjacent to the Commercial D Zone
- Lake Road
- Lynmore Road and Lynbert Rd adjacent to the Commercial D Zoning
- Malfroy Road
- Miro St and Old Taupo Rd adjacent to the Commercial C Zone
- Old Taupo Road
- Otonga Rd and Old Taupo Rd adjacent to the Commercial E Zone
- Otonga Rd and Springfield Rd adjacent to the Commercial Zone
- Pererika St and Old Taupo Road adjacent to the Commercial D Zone
- Pukuatua Street
- Ranolf St and Devon St adjacent to the Residential B Zone
- Sala Street
- Springfield Road
- Sunset Road
- Tauir Rd, Hall Rd and Ngongotaha Rd adjacent to the Commercial C Zone
- Vaughan Rd and Te Ngae Rd adjacent to the Commercial D Zone
- Wallace Crescent corner and Ranolf St adjacent to the Commercial D Zone

m1.4 Collector

- Alison Street
- Basley Road
- Edmund Road
- Ford Road
- Gordon Road
- Homedale Street
- Hood Street
- Huia Street
- Iles Road
- Jervis Street
- Kawaha Point Road
- Koutu Road
- Lee Road
- Leonard Road
- McIntyre Avenue
- Mokoia Drive
- Morey Street
- Mountain Road
- Old Quarry Road
- Otonga Road
- Paradise Valley Road
- Porikapa Road
- Robinson Avenue
- Selwyn Road
- Tauir Street
- Te Ngae Road

- Marguerita Street
- Tennyson Drive
- Waiteti Road
- Ward Avenue
- Wharenui Road
- Wīkaraka Street

APPENDIX U

FINANCIAL CONTRIBUTIONS FOR RESERVE AND HERITAGE PURPOSES WITHIN THE LAKES A ZONE

Note: **Lakes A Zone**
For Financial Contributions for Reserves and Heritage Purposes within the Lakes A Zone refer also to **Appendix 1.0** of **Volume 2** of the Lakes A Zone.

u1 **FINANCIAL CONTRIBUTIONS FOR RESERVES AND HERITAGE PURPOSES**

The Objectives and Policies relating to financial contributions for reserves and heritage purposes are set out in Part Eleven. Further reference to the Rules contained in this Appendix can be found in Parts Six, Seven, Eight, Nine, Ten and Sixteen.

u1.1 **GENERAL RULES**

A financial contribution for reserves and heritage purposes will become a condition of a resource consent in accordance with the Rules outlined in **u1.2**, **u1.3**, and **u1.4** below. Unless exceptional circumstances exist, the maximum contribution as specified in the Rules below will be levied.

Engineering requirements as outlined as Performance Standards in Appendix W and landscaping required as a Performance Standard in the Plan are not a financial contribution in terms of Appendix U.

u1.2 **RULES FOR SUBDIVISION CONSENTS**

A financial contribution will be required for all subdivision consents in accordance with the following Rules.

Council may impose a financial contribution for reserves and heritage purposes in cash, land, works, services or a combination of these. Subject to the Rules in **u1.4** below, where the financial contribution is taken as:

- (a) **Cash:** The contribution will not exceed 5% of the land value of the lots or lease areas shown on the approved scheme plan as assessed by Council and to which additional Certificates of Title will be issued.
- (b) **Land:** The contribution will be an area of land to a value not exceeding 5% of the value of the lots or lease areas shown on the proposed scheme plan and to which additional Certificates of Title will be issued.
- (c) **Works and/or services:** The contribution of works and/or services will be to a value not exceeding 5% of the land value, as assessed by Council, of the lots or lease areas shown on the proposed scheme plan and to which additional Certificates of Title will be issued. Council may negotiate with

the applicant the provision of off-site works and services in consultation to partly or wholly satisfy the contribution in this regard.

- (d) **Combination of a, b and/or c:** Council may impose a combination of (a), (b) and (c) as a contribution provided that the value of the total contribution will not exceed 5% of the value as assessed by Council of the lots or lease areas shown on the approved scheme plan and to which additional Certificates of Title are intended to be issued.

u1.3 RULES FOR RESOURCE CONSENTS

A financial contribution for reserves and heritage purposes will be required, subject to **u1.4** for the following land use activities.

u1.3.1 ADDITIONAL HOUSEHOLD UNITS

A financial contribution will be required for all additional household units. Council may impose a financial contribution in cash, land, works, services or a combination of these. Where the financial contribution is taken as:

- (a) **Cash:** The contribution will not exceed 5% of the land value as assessed by Council that the additional household unit has exclusive rights to plus a pro-rata proportion of any common areas on the lot or lease area.
- (b) **Land:** The contribution will be an area of land to a value not exceeding 5% of the land value as assessed by Council that each additional household unit has exclusive rights to plus a pro-rata proportion of any common areas on the lots or lease areas.
- (c) **Works and/or Services:** The contribution of works and/or services will be to a value not exceeding 5% of the land value, as assessed by Council, that each additional household unit has exclusive rights to, plus a pro-rata proportion of any common areas on the lot or lease area. Council may negotiate with the applicant the provision of off-site works and/or services to partly or wholly satisfy the financial contribution in this regard.
- (d) **Combination of a, b and/or c:** Council may impose a combination of (a), (b) and (c) as a contribution provided that the value of the total contribution will not exceed 5% of the land value, as assessed by Council, that each additional household unit has exclusive rights to plus a pro-rata proportion of any common areas on the lots or lease areas.

u1.3.2 TOURIST ACCOMMODATION

A financial contribution will be levied on tourist accommodation activities which provide for additional units of accommodation. This contribution will not exceed 1% of the total value of the costs associated with the construction of the units of

accommodation as assessed by Council. The contribution may be levied as cash, land works on services, or a combination of these.

u1.3.3 SUBSIDIARY HOUSEHOLD UNITS

A financial contribution will be levied on subsidiary household units. The contribution will not exceed 1% of the value as assessed by Council of the lot or lease area on which the subsidiary household unit will be located. The contribution will normally be levied in cash.

u1.3.4 HOUSEHOLD UNITS IN COMMERCIAL AND INDUSTRIAL ZONES

A financial contribution will be levied on additional household units and on household units in addition to any commercial or industrial use on lots and lease areas in Commercial and Industrial Zones. The contribution will not exceed 1% of the value of the household unit as assessed by Council.

u1.3.5 DEVELOPMENTS PROPOSED ON LOTS AND LEASE AREAS ADJOINING A LAKE OR RIVER

A financial contribution in the form of an esplanade reserve or an esplanade strip may be levied on developments proposed on lots or lease areas adjoining a lake or river. The land value of the esplanade reserve or esplanade strip will not exceed 5% of the value of the proposed development as assessed by an independent valuer or alternatively by negotiation between Council and the applicant. In the consideration of any requirement for an esplanade reserve or an esplanade strip Council will refer to the Objectives, Policies and Rules of Part Eleven.

u1.4 INTERPRETATION

u1.4.1 SUBDIVISION IN ALL ZONES

- (a) Subdivision of vacant land or land occupied with non-substantial buildings

The financial contribution will be averaged over all the lots and lease areas shown on the approved scheme plan and to which Certificates of Title will be issued.

- (b) Subdivision of land occupied with substantial buildings

The financial contribution will be levied only on the lots and lease areas to which additional Certificates of Title will be issued and which are not occupied with substantial buildings.

u1.4.2 **SUBDIVISION IN RURAL A, B ZONES AND LAKES A ZONE**

When a financial contribution is levied on lots and lease areas in the Rural A and B Zones and the **Lakes A Zone**, the value of the financial contribution will be calculated on a land area of 2,000 square metres or the area of the site whichever is the lesser. This area will be deemed to be located on the proposed or most suitable location for a house site as assessed by Council.

u1.4.3 **SUBDIVISION IN RESIDENTIAL ZONES**

For the purpose of calculating financial contributions on lots or lease areas shown on an approved scheme plan which may accommodate one or more additional household units in Residential Zones, the following Table will be used to determine the area of land on which the financial contribution will be based.

DETERMINATION OF LAND AREA ON WHICH TO BASE FINANCIAL CONTRIBUTION		
Zone	Size of proposed lot or lease area	Area of land to be used for financial contribution
Residential A	500 m ² or greater	450 m ²
Residential B	900 m ² or greater	850 m ²
Residential C	300 m ² or greater	250 m ²
Residential D	900 m ² or greater	850 m ²
Transitional Development	1000 m ² or greater	950 m ²

u1.4.4 **ADDITIONAL AND SUBSIDIARY HOUSEHOLD UNITS**

- (a) A financial contribution for additional household units will apply to the second and subsequent units proposed on any single Certificate of Title regardless of the number of lots which may exist on that Certificate of Title.
- (b) Except for the Residential B Zone, for Residential Zones, the minimum area which will be used to calculate the financial contribution for an additional household unit will be the minimum net site area specified in the Zone, as listed in Table R16 in Part Sixteen of this Plan. For the Residential B Zone, this area shall be 450m². The maximum area in Residential Zones to be used for the purpose of calculating the financial contribution will be set in accordance with the maximum area for subdivision as listed in the above Table.
- (c) For Rural A and B Zones, a 2,000 m² house site will be used when calculating the financial contribution for additional household units and subsidiary household units.

- (d) The minimum contribution will be \$200.00 for a subsidiary household unit in any Zone.
- (e) The minimum contribution will be \$500.00 for additional household units in the Rural Zones.

u1.4.5 **FINANCIAL CONTRIBUTIONS NOT TO APPLY**

- (a) Subject to Rules **u1.4.6(a)** and **u1.4.6(b)** a financial contribution will not be levied on lots and lease areas to which additional Certificates of Title are intended to be issued, if the lot or lease area is occupied with a substantial building.
- (b) Financial contributions will not be levied on household units which are erected in accordance with a second or subsequent stage of a previously approved cross-lease plan.
- (c) Financial contributions will not be levied on lots where Council is satisfied that the lot or lease area would qualify to gain a separate Certificate of Title under Section 226 of the *Resource Management Act 1991* and the lot is not subject to an amalgamation condition.
- (d) Financial contributions will not be levied for subdivision of vacant land or land occupied with buildings other than substantial buildings within the Commercial H Zone.

Where financial contributions are levied under **u1.3** a contribution of private land permanently set aside as open space or recreation facilities will be taken into account.

u1.4.6 **FINANCIAL CONTRIBUTIONS FOR SUBDIVISION OF LOTS OR LEASE AREAS WITH NEW OR APPROVED HOUSEHOLD UNITS OR SUBSTANTIAL BUILDINGS**

- (a) Council may require a financial contribution for subdivision based on the market value as assessed by Council of a lot or lease area occupied with a substantial building/s if a period of not more than six months has passed from the date that the Code Compliance Certificate for the building is issued; or
- (b) Council may require a financial contribution based on the market value as assessed by Council of a lot or lease area if a building consent has been issued for the lot or lease area and the Code Compliance Certificate has not been issued.

Any financial contribution previously paid within the time frames specified in the above Rules will be credited against any further financial contribution payable under (a) or (b) above.

u1.4.7

DEFINITION OF SUBSTANTIAL BUILDING

“Substantial building” is defined as a household unit in Residential and Rural Zones. In all other Zones, a substantial building is defined as a building including fixed plant and machinery with a value in excess of \$50,000 as assessed by Council.

APPENDIX V

SUBDIVISION AND DEVELOPMENT INFORMATION REQUIREMENTS WITHIN THE LAKES A ZONE

v1 SUBDIVISION AND DEVELOPMENTS INFORMATION REQUIREMENTS

v1.1 INTRODUCTION

Council will not approve any such subdivision or development (as defined in Part Nineteen) unless the following information requirements where applicable are complied with.

v1.2 DEVELOPMENT OF LAND

Prior to development of any land in the District, the proposed developer of the land shall, before any work involving the disturbance of the land surface (other than necessary investigative work) is commenced, notify Council in writing of the proposed development.

Council will, before the issue of any building consent and before the development is commenced, require the proposed developer to submit to Council a Development Plan. The Development Plan shall include the information requirements as set out in v1.4.

v1.3 SUBDIVISION CONCEPT PLANS AND REPORTS

Concept plans may be required by Council where:

- (a) the proposed subdivision will be comprised of more than 50 lots;
- (b) Council is of the opinion that the subdivision will have special or unusual features; or
- (c) the servicing of the subdivision will affect land owned by someone other than the subdivider.

Council may require the subdividing owner to include or attach to the concept plan and report details as necessary to:

- (i) give a general outline of the nature of the proposed subdivision;

- (ii) indicate the location of works and services in compliance with the criteria in Appendix W;
- (iii) indicate the approximate layout and contour of proposed allotments;
- (iv) describe any other land of the subdividing owner adjoining the land in the proposed subdivision which may be subdivided in the future;
- (v) identify any unusual physical aspects which may affect the subdivision; and
- (vi) identify design considerations, compliance with appropriate regional plans, regional land transport strategies and compliance with all aspects of the Minimum Engineering Requirements contained in Part Sixteen.

A subdivision concept plan will be made available for public inspection by any person (free of charge) during normal office hours at Council office for a period of 20 working days. Council will forward any comments made or submitted during this period to the subdivider.

v1.4 SUBDIVISION SCHEME PLANS AND REPORTS

The subdivision scheme plan and reports shall be prepared in accordance with the *Resource Management Act 1991* and, in addition, shall include such detail as is necessary to:

- (a) identify all areas subject to inundation, erosion, subsidence, slippage or filling;
- (b) identify all upgrading of existing road and utility service infrastructure;
- (c) establish that each proposed lot has a suitable and stable building site, including any testing reports and certificates from Soils Engineers identifying that existing filling is suitable for the permitted uses; and
- (d) provide all the information required by **v1.3(i) - (vi)**.
- (e) identify the locality (in a diagram) and the rural number or street number.

v1.5 COPIES OF APPLICATIONS FOR SUBDIVISIONS

With an application for Council's consent, the subdivider must provide seven copies of the scheme plan and reports (this number includes copies for Telecom and Rotorua Electricity).

v1.6 ADJACENT LAND

Concept and scheme plans for subdivision must show the full extent of possible further subdivision of the block in the Title or Titles being dealt with. This is to indicate the number of sections and the limits of roading, drainage and water supply which may be needed in the future and to make it clear that the scheme does not prejudice full development. The extent of possible further subdivision may be shown by inset at a smaller scale. Details of other land, either owned by the subdivider or another party, adjoining the proposed subdivision that is relevant to the proposal may also be required.

v1.7 SUBDIVIDER'S OR DEVELOPER'S REPRESENTATIVE

The subdivider or developer shall identify a suitably qualified and experienced representative, (hereinafter referred to in this Part as the "subdivider's or developer's representative") who has suitable experience in all phases of subdivisional engineering work and the subdivider or developer shall notify Council of the name of the person so employed before any work commences.

The subdivider's or developer's representative shall be responsible for:

- (a) the preparation and submission for approval of engineering plans and specifications in terms of the standards in Appendix W and *Rotorua District Council Engineering Code of Practice*;
- (b) supervision of the works as detailed in the approved plans and specifications; and
- (c) certifying to Council upon completion of the works that the works have been carried out in accordance with the approved documents.

The subdividers or developer's representative shall be available for a meeting on the site of the works within eight ordinary working hours of being so requested by the appropriate Council officer. While each stage of the works must be notified to officers of Council, they will not undertake day to day supervision and the subdivider's or developer's representative shall be responsible for ensuring that the work complies with all aspects of Part Sixteen and Appendix W.

When required by Council, the subdivider or developer shall also appoint a registered engineer experienced in soils engineering (the soils engineer) to control

and certify earth fillings, roading subgrades and to issue the requisite certificates for the stability of the subdivision as required (see v1.9). If suitably qualified, the subdivider's or developer's representative may act as the soils engineer.

v1.8 SUITABILITY OF SITE FOR SUBDIVISION

All applications for subdivision shall include sufficient detail to demonstrate that the site is suitable for the proposed activity having regard to the provisions of the District Plan, erosion, subsidence, standards for filling, geothermal activity, slippage, inundation or public services (particularly where sewerage, water supply and public services are not available and will not be available within five years).

Applicants are to show that all existing infrastructure to be used or connected is adequate to cope with the proposed increase in usage, or to show upgrading requirements where necessary.

Council may approve the scheme plan, with or without conditions or amendments, require submission of a new scheme plan, or refuse to approve the scheme plan in terms of its statutory authority under . Council will require comment from the appropriate regional council, the New Zealand Historic Places Trust and Transit New Zealand when appropriate.

If Council approves the scheme plan, it will inform the subdividing owner and state any conditions of approval.

If Council does not approve the scheme plan, it will inform the subdividing owner of its reasons for not doing so.

v1.9 STABILITY IN RELATION TO SUBDIVISION AND DEVELOPMENT

Where, in the opinion of Council, the stability of the land requires investigation, a report from a registered engineer experienced in soil mechanics shall be supplied prior to scheme plan or development approval. This report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based. The report shall be subject to approval along with other subsequent engineering information and should be in the format outlined in the *Rotorua District Council Engineering Code of Practice*.

v1.10 APPROVAL OF PLANS FOR SUBDIVISION AND DEVELOPMENT AND SPECIFICATIONS

The subdivider's or developer's representative shall submit two sets of engineering plans and specifications, covering all aspects of the work, for initial perusal and amendment, where appropriate.

All plans and specifications shall be drawn up in accordance with **v1.11** and the *Rotorua District Council Engineering Code of Practice*. Detailed calculations for pavement design, stormwater and sanitary pipe sizes, water reticulation and open channel flow together with appropriate catchment area plans, shall be submitted with the documents for approval.

Following the checking by Council one copy of the plans shall be returned to the subdivider's or developer's representative with any required amendments endorsed thereon. The subdivider's or developer's representative shall then amend the plans and resubmit at least two complete sets to Council.

Provided Council is satisfied that the amendments have been carried out in accordance with Council's requirements Council will approve the documents. All plans and specifications will then be stamped "*Approved subject to conditions shown and as set out in the accompanying letter*". A copy of the approved plans must be kept on site at all times.

v1.11 PLANS/DRAUGHTING FOR SUBDIVISION AND DEVELOPMENT

(a) General

All drawings, including scheme plans, shall be prepared and submitted on sheets of the Standard ISO Type A Series. Principal drawings are to be on A1 or A2 sizes as appropriate. Detailed drawings, site plans etc may be of A3 or A4 sizes. A 40mm border is to be provided along the left-hand edge of all sheets for binding.

(b) Draughting

All draughting is to conform to NZS 5902 or other New Zealand Standard where appropriate. In particular, the minimum height of letters is to conform to NZS 5901, Part 1: Table 1.6.3. In order to make microfilm file copies, the drawings must be no finer than 0.18mm and all lines must be of uniform density.

(c) Drawings to be submitted

- (i) locality plan;
- (ii) roading plan, long-section, cross-section and typical cross-sections;
- (iii) sanitary, stormwater and water reticulation: A separate plan showing all reticulation in relation to section boundaries. Long-sections of each drainage line. Plans showing the complete catchments and areas for each drainage system;
- (iv) landscaping and earthworks: A separate plan showing original contours and areas of cutting and filling together with a 6m grid of depths relative to original level. Existing vegetation, physical features, buildings etc to be shown together with any proposed planting. Details of vehicular access to each lot must be shown;

- (v) staged development plan: Where a block is to be developed in stages each stage must include a plan showing how the particular stage relates to the whole block and also to other stages;
- (vi) detailed drawings as appropriate.

(d) Scales

The following scales shall be used:

Plans: 1:500 to 1:200

Long Section: - Horizontal 1:500 or 1:200)
 - Vertical 1:100 or 1:50) where necessary

Cross-Section: - Horizontal 1:100 or 1:50)
 - Vertical 1:100 or 1:50) where necessary

NOTE: The vertical scale may be exaggerated where necessary for clarity.

Details: - General 1:10, 1:20, 1:50
 - Roading (eg kerb lines, cul-de-sac heads) 1:200

Scheme Plans: - Urban 1:500 to 1:1000

NOTE: Urban scheme plan scales are required to conform wherever possible to the Engineering Plan Scale (ie 1:500)

- Rural To specific approval.

All dimensions and levels shall be in metric measurement.

(e) Orientation of plans

(i) Plans and long-Sections:

The north point shall be to the top of the sheet wherever practicable. All plans and long-sections shall have the lesser distance (m) on the left-hand side of the sheet. For drainage and water supply the lesser distance of a line shall be at the downstream end of the pipe.

(ii) Cross-Sections:

Cross-sections shall commence at the bottom left-hand corner of the sheet and proceed upwards in order of increasing traverse distance. Where the road reserve is 20m wide it may not be possible to place two columns of sections on one sheet, in which case the sheet may be rotated 90° clockwise and the sections plotted from the "bottom" of the sheet to the "top".

The left and right kerb lines shall be determined by facing in the direction of increasing distance. For open channel flow, left and right banks shall be determined by facing in the direction of flow.

(f) Plotting of features

All existing features must be plotted on the plan, with spot levels on permanent features such as manholes (invert and lid), culverts (invert level inlet and outlet), kerbs, walls, etc.

A clear description of each plotted feature must be given, indicating what it is and what material it is made of. Size and condition of pipes and culverts must be stated together with the direction of flow. Discharge points (and areas) of catchments draining onto road reserves are to be given.

**v1.12 UPGRADING OF INFRASTRUCTURE IN
RELATION TO SUBDIVISION OR DEVELOPMENT**

The upgrading of any existing road or utility service infrastructure, necessary as a result of the subdivision or development must be identified and quantified prior to the application for consent being submitted to Council.

**v1.13 ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS FOR SUBDIVISIONS IN THE
RURAL ZONES**

In cases of application for subdivision in the Rural Zones the following information shall also be provided.

(a) Physical description

- (i) soils - type
drainage characteristics;
limitations;
suitability for on-site waste disposal and proposed activity;
susceptibility to erosion;
contribution to ground/surface waterflows to nearby waterbodies;
- (ii) topography - slope, drainage pattern, gullies surface/ground water flow paths;
identification of gullies, steeper slopes appropriate for retirement;
- (iii) vegetation - type, age, values;
influence on water flow; erosion prevention;
identification of existing cover;
- (iv) development - location and purpose of building, services;
intensity of existing activity;
- (v) drainage features - ponds, dams, streams, lakes, wetlands, seepages;
direct relationship to water/nutrient flows;

potential for riparian zones, esplanade reserves.

(b) Proposed development

- (i) new lots for subdivisions - boundary location, size of lots;
relationship to physical characteristics of the site;
location of boundaries in relation to sensitive areas;
- (ii) development - use of site, buildings, including building platforms;
earthworks, areas to be paved;
status and effects of activities on nutrient contributions and implications for water quality;
effects of buildings in terms of demand for services;
potential change in water flows, surface runoff concentration;
resource consents required.
- (iii) services - waste disposal, water supply, stormwater;
suitability of soils and topography for proposed systems;
alternative systems considered;
effect of reticulated water supply where available;
appropriateness of lot size;
mitigation of effects;
resource consents required.
- (iv) areas to be reserved - esplanade reserves or strips, covenants;
riparian buffer area provisions;
areas to be planted/protected;
fencing proposed;
other measures.

(c) Assessment of effects

A report shall set out an assessment of the actual and potential effects, on the environment, of allowing the activity in relation to the achievement of the Objectives and Policies of the Zone and the maintenance and enhancement of water quality.

Such assessment shall be in accordance with the Fourth Schedule to the *Resource Management Act 1991* and shall specify positive and negative effects as well as intended methods to mitigate any adverse effects.

APPENDIX X

PRINCIPLES OF THE TREATY OF WAITANGI WITHIN THE LAKES A ZONE

x1 PRINCIPLES OF THE TREATY OF WAITANGI

These five principles are:

- the principle of Government - the Kawanatanga principle. The first article of the Treaty gives expression to the right of the Crown to make laws and its obligation to govern in accordance with constitutional process;
- the principle of self-management - the Rangatiratanga principle. The second article of the Treaty guarantees to Maori the control and enjoyment of those resources and taonga which it is their wish to retain. The preservation of a resource base, restoration of iwi self-management and the active protection of taonga, both material and cultural are necessary elements of the Crown's policy of recognising Rangatiratanga;
- the principle of equality. The third article of the Treaty constitutes a guarantee of legal equality between Maori and other citizens of New Zealand;
- the principle of reasonable co-operation. The Treaty is regarded by the Crown as establishing a fair basis for two peoples and one country; and
- the principle of redress. The Crown accepts a responsibility to provide a process for the resolution of grievances arising from the Treaty. This process may involve the Waitangi Tribunal or direct negotiation.

Note: As the Treaty is a living document, the principles will develop and evolve over time as a result of Waitangi Tribunal decisions.

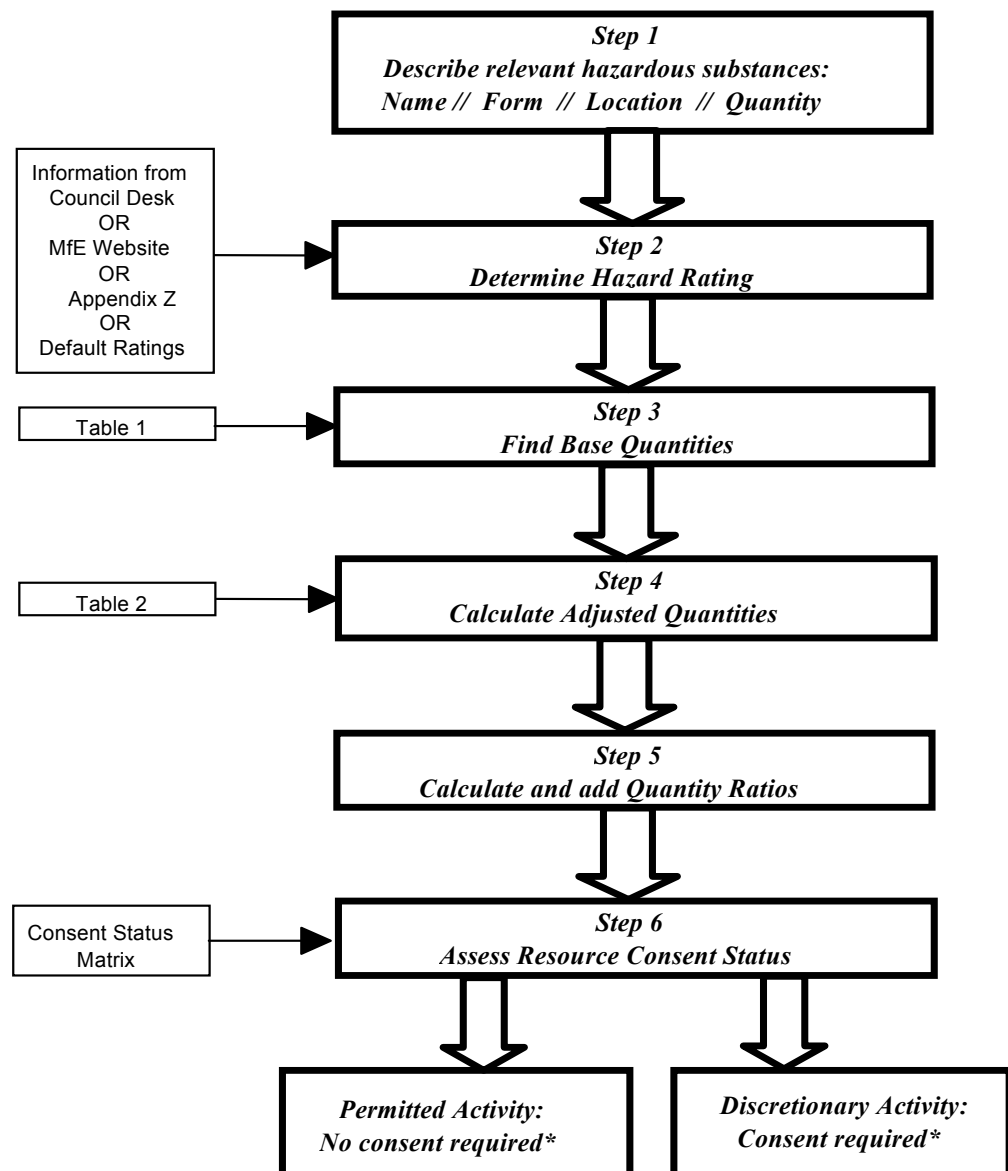
APPENDIX Y

HAZARDOUS FACILITIES SCREENING PROCEDURE WITHIN THE LAKES A ZONE

y1. HAZARDOUS FACILITIES SCREENING PROCEDURE

The Hazardous Facility Screening Procedure (HFSP) is applied to hazardous facilities in all zones and in addition to other zone-specific rules. The HFSP is used to screen hazardous facilities and their sites. However, where hazardous facilities on the same site are separated more than 30 metres from each other, they may be dealt with as separate facilities and the HFSP is applied to them separately.

Appendix Y provides a step-by-step guide and an **attached worksheet** (Attachment 1) on how to use the HFSP.



NOTE: Compliance with minimum performance standards is always required.

The HFSP Step-by-Step Guide

STEPS	HFSP CALCULATIONS				EXPLANATION
<p>1. Describe the hazardous facility</p> <p>Prior to using the HFSP, it is necessary to compile a full description of the hazardous facility in question. This includes the creation of an inventory of hazardous substances held on the site, including:</p> <ul style="list-style-type: none"> names of the hazardous substances; quantities of the hazardous substances; the physical form of the substances at 20°C and 101.3 kPa; and the location of use or storage on the site, including separation distances from the site boundary and neighbouring hazardous facilities (on-site and off-site). <p>The description should also include site-specific details, including neighbouring land uses and the surrounding environment, with a focus on sensitive land uses and receptors (for example, retirement accommodation, aquifers or wetlands).</p>	<p>Substance Name</p> <p>Substance 1 Substance 2 Substance 10</p> <p>Petrol</p>	<p>Substance Form (liquid, solid, gas)</p> <p>EXAMPLE</p> <p>Liquid</p>	<p>Location of substances on site</p> <p><30 metres</p>	<p>Proposed Quantity (P) (tonnes or m³)</p> <p>50 t</p>	<p>The HFSP uses standard units of tonnes (for solids, liquids and liquefied gases) and m³ (for compressed gases). In some cases, it may therefore be necessary to convert substance quantities to these units. In the case of liquids, specific gravity (or density) must be taken into consideration when converting litres or m³ to tonnes (i.e.</p> <p style="text-align: center;"><u>volume of liquid (litres) x specific gravity = tonnes.</u> 1000</p> <p>Adjustments to quantities are also necessary where a substance is diluted with water or mixed with another substance. In this instance, only the percentage quantity of the hazardous substance or product in the dilution or mixture is assessed for the purposes of HFSP calculations (unless a mixture is more hazardous than its components, in which case data on the mixture need to be used).</p> <p>An exception to this are products or brands that already constitute dilutions or mixtures of hazardous substances and which have been classified in terms of their hazardous properties as the ‘whole’ dilution or mixture for life cycle management purposes. Examples of this are corrosives, oxidising substances and pesticides, which are often sold commercially as standard solutions or strengths. In these cases, quantity adjustments are only applied when these commercially supplied concentrations are further diluted or mixed.</p>

<p>2. Determine Hazard Rating</p> <p>For the purposes of the HFSP, the effects of substances are categorised into three Effect Types:</p> <ul style="list-style-type: none"> • Fire/Explosion Effect Type: addressing damage to the built environment and safety of people; • Human Health Effect Type: addressing adverse effects on the well-being, health and safety of people; • Environmental Effect Type: addressing adverse effects on ecosystems and natural resources. <p>Each Effect Type is divided into three Hazard Rating Levels:</p> <p>◆ High ◆ Medium ◆ Low</p> <p>The rating levels are predominantly based on the HSNO classification system.</p>	<p>Substance Name</p> <p>Substance 1 Substance 2 Substance 10</p> <p>Petrol</p>	<p>Hazard Rating</p> <p>Fire/ Explosion</p> <p>High (H) or Medium (M) or Low (L)</p> <p>EXAMPLE</p> <p>High</p>	<p>Human Health</p> <p>High (H) or Medium (M) or Low (L)</p> <p>-</p>	<p>Environment</p> <p>High (H) or Medium (M) or Low (L)</p> <p>High (Default)</p>	<p>The HFSP rates hazardous substances in terms of each of the three Effect Types as having a high, medium or low hazard. The Hazard Rating of a substance is derived from:</p> <ol style="list-style-type: none"> 1. The list of HFSP-rated hazardous substances is available from the Council Desk or MFE website. 2. The HSNO classification (refer Appendix Z or ERMA website). Once a substance has been classified under HSNO, Hazard Ratings can be assigned for each Effect Type as shown in Appendix Z. 3. Where a substance is neither found in the list of HFSP related substances available at the Council Desk nor the HSNO databases on the MfE/ERMA websites, default ratings should be used (Fire/Explosion Effect Type: Medium, Human Health Effect Type: Medium and Environment Effect Type: High)
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<p>3. Find Base Quantities</p> <p>The Base Quantity (B) is pre-calibrated. It is the amount of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area before site- and substance-specific considerations have been taken into account (refer Step 4). Base Quantities for different hazardous properties and hazard ratings in each Effect Type are listed in Table 1.</p>	<p>Substance Name</p>	<p>Base Quantities (B)</p>			<p>Environment</p>
		<p>Fire/Explosion</p>	<p>Human Health</p>	<p>Environment</p>	
	Substance 1	B ₁	B ₁	B ₁	<p>For example, in the Fire/Explosion Effect Type [Sub-category Flammables], non-significant off-site effects in a heavy industrial area are represented by a Base Quantity of:</p> <ul style="list-style-type: none"> ◆ 100 tonnes of a HSNO Category D flammable liquid which has a low hazard level for the Fire/Explosion Effect Type. ◆ 30 tonnes of a HSNO Category C flammable liquid which has a medium hazard level for the Fire/Explosion Effect Type.
	Substance 2	B ₂	B ₂	B ₂	
	
	Substance 10	B ₁₀	B ₁₀	B ₁₀	
	Petrol	EXAMPLE 10 †	-	1 †	

<p>4. Calculate Adjusted Quantity (A)</p> <p>The pre-calibrated Adjustment Factors (FF, HF, EF) are multiplied with the Base Quantities (B) to account for substance properties and site-specific environmental circumstances. This multiplication yields the Adjusted Quantity (A).</p> <p>Adjustment Factors differ for each of the Effect Types, and take into account the following considerations:</p> <ul style="list-style-type: none"> • the physical state of the substance; • the type of storage; • the type of activity or use; • separation distances to the site boundary; • the environmental sensitivity of the site location. <p>The Adjustment Factors are listed in Table 2.</p>	<p>Substance Name</p> <p>Substance 1</p> <p>Substance 2</p> <p>.....</p> <p>Substance 10</p> <p>Petrol</p>	<p>Adjusted Quantities (A)</p> <p>Fire/Explosion</p> <p>A₁</p> <p>A₂</p> <p>.....</p> <p>A₁₀</p> <p>EXAMPLE</p> <p>100 † (10 tonnes × 10)</p>	<p>Human Health</p> <p>A₁</p> <p>A₂</p> <p>.....</p> <p>A₁₀</p> <p>-</p>	<p>Environment</p> <p>A₁</p> <p>A₂</p> <p>.....</p> <p>A₁₀</p> <p>3 † (1 tonne × 3)</p>	<p>Different Adjustment Factors are applied for each Effect Type. For example, for the Fire/Explosion Effect Type, the temperature is relevant, while for the Human Health Effect Type, proximity to a potable water resource is important.</p> <p>In some instances, more than one Adjustment Factor within each Effect Type must be applied, which then need to be multiplied with each other to yield the total Adjustment Factor for the Effect Type. When the Adjustment Factors for each Effect Type have been calculated, they in turn are multiplied with the Base Quantity to yield the Adjusted Quantity).</p> <p>In the example given, the following parameters have been assumed:</p> <ul style="list-style-type: none"> • <30 to site boundary; • not adjacent to water body; • underground storage.
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<p>5. Calculate and add Quantity Ratios (FQ, HQ, EQ)</p> <p>This step requires the calculation of the Quantity Ratio for each hazardous substance in question. The Quantity Ratio is a dimensionless number. It is obtained by dividing the quantity of a substance that is proposed to be used or stored on a site, ie the Proposed Quantity (P) by the Adjusted Quantity (A).</p> <p>If several hazardous substances are used or stored on a site, the Quantity Ratios calculated for each of these substances are added up for each Effect Type.</p> <p>Note that FQ/HQ/EQ_{Total} stands for the total sum of Quantity Ratio values from all assessed hazardous substances, within each Effect Type.</p>	<p>Substance Name</p>	<p>Quantity Ratios (FQ, HQ, EQ)</p>			<p>By using the dimensionless ratio of the Proposed Quantity of a hazardous substance over the Adjusted Quantity, it is possible to aggregate the effects presented by multiple substances held on the same site. Hence, it becomes possible to assess the cumulative potential effects which may be created by several substances present on the same site.</p>
		<p>Fire/ Explosion</p>	<p>Human Health</p>	<p>Environment</p>	
	Substance 1	FQ ₁	HQ ₁	Q ₁	
	Substance 2	FQ ₂	HQ ₂	Q ₂	
	
	Substance 10	FQ ₁₀	HQ ₁₀	Q ₁₀	
		FQ_{Total}	HQ_{Total}	EQ_{Total}	
		EXAMPLE			
	Petrol	0.50 (50 tonnes / 100 tonnes)	- (50 tonnes / 3 tonnes)	16.67	

<p>6. Assess resource consent status of hazardous facility</p> <p>When assessing the resource consent status of a particular hazardous facility, the added Quantity Ratios for each Effect Type are compared with relevant Consent Status Indices in the Resource Consent Matrix in the district plan. If they are exceeded, a resource consent is required.</p>	<p>Substance Name</p> <p>Substance 1</p> <p>Substance 2</p> <p>.....</p> <p>Substance 10</p> <p>Petrol</p>	<p>Does Quantity Ratio exceed Consent Status Index?</p> <p>Fire/Explosion</p> <p>YES/NO</p> <p>EXAMPLE</p> <p>In a typical industrial zone:</p> <p>NO</p>	<p>Human Health</p> <p>YES/NO</p> <p>-</p>	<p>Environment</p> <p>YES/NO</p> <p>YES</p>	<p>When examining total Quantity Ratios against applicable Consent Status Indices, one or several substances may trigger a resource consent. This highlights the fact that when assessing hazardous facilities, it is often sufficient to assess just a few hazardous substances to start off with, mainly those that are either highly hazardous or are used/stored in high quantities.</p>
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Table 1: Base Quantities (B) for all Effect Types and Hazard Ratings

HSNO CATEGORY	UN CLASS EQUIVALENT	HAZARD LEVEL	UNIT	BASE QUANTITY (B)		
				Fire/Explosion	Human Health	Environment
EXPLOSIVENESS						
1.1	Class 1.1	High	tonnes	0.1	-	-
1.2	Class 1.2	Medium	tonnes	1	-	-
1.3	Class 1.3	Low	tonnes	3	-	-
FLAMMABLE GASES						
2.1 A+B (LPG)	Class 2.1	Medium	tonnes	30	-	-
2.1 A+B (excluding LPG)	Class 2.1	High	m ³	10,000*	-	-
FLAMMABLE LIQUIDS						
3 A and 3 B	Class 3PGI and 3PGII	High	tonnes	10	-	-
3 C	Class 3PGIII	Medium	tonnes	30	-	-
3 D		Low	tonnes	100	-	-
FLAMMABLE SOLIDS						
4.1 (all categories)	Class 4.1	Medium	tonnes	10	-	-
4.2 (all categories)	Class 4.2	High	tonnes	1	-	-
4.3 (all categories)	Class 4.3	High	tonnes	1	-	-
OXIDISING GASES, LIQUIDS AND SOLIDS						
5.1 (all categories)	Class 5.1	Medium	tonnes (m ³)	10 (10,000*)	-	-
5.2 (all categories)	Class 5.2	High	tonnes	1	-	-
TOXIC GASES, LIQUIDS AND SOLIDS						
6.1 A	Class 6.1 PGI	High	tonnes	-	0.5	-
6.1 A	Class 2.3 PGI	High	m ³	-	30*	-
6.1 B	Class 6.1 PGII	Medium	tonnes	-	10	-
6.1 B	Class 2.3 PGII	Medium	m ³	-	50*	-
6.7-6.9 (chronic toxicity categories)	OECD	Medium	tonnes	-	10	-
6.1 C	Class 6.1 PGIII	Low	tonnes	-	30	-
6.1 C	Class 2.3 PGIII	Low	m ³	-	500*	-
CORROSIVE GASES, LIQUIDS AND SOLIDS						
(8A) 6.3-6.4 (corrosives, all categories)	Class 8	Medium	tonnes (m ³)	-	10	-
ECOTOXIC GASES, LIQUIDS AND SOLIDS						
9.1-9.4A	(OECD 1)	High	tonnes (m ³)	-	-	1 (30*)
9.1-9.4B	(OECD 2)	Medium	tonnes (m ³)	-	-	30 (50*)
9.1-9.4C	(OECD 3)	Low	tonnes (m ³)	-	-	100 (500*)

* Base Threshold in m³ at 101.3 kPa and 20 °C for permanent or compressed gases.

Table 2 - Adjustment Factors

ADJUSTMENT FACTORS FOR ALL EFFECT TYPES		
Fire/Explosion	Human Health	Environment
FF1: SUBSTANCE FORM	FH1: SUBSTANCE FORM	FE1: SUBSTANCE FORM
Solid = 1	Solid = 3	Solid = 3
Liquid, powder = 1	Liquid, powder = 1	Liquid, powder = 1
Gas (101.3 kPa and 20°C) = 0.1	Gas (101.3 kPa and 20°C) = 0.1	Gas (101.3 kPa and 20°C) = 0.1
FF2: SEPARATION DISTANCE FROM SITE BOUNDARY (SUB-FACILITY)	FH2:-SEPARATION DISTANCE FROM SITE BOUNDARY (SUB-FACILITY) (GASES ONLY)	FE2: ENVIRONMENTAL SENSITIVITY
< 30 metres = 1	< 30 metres = 1	More than 100 metres from a water resource ² = 1
> 30 metres (> 60 metres) ¹ = 3	> 30 metres (> 60 metres) ¹ = 3	Adjacent to or within 100 metres of a water resource = 0.3
FF3: TYPE OF ACTIVITY	FH3: TYPE OF ACTIVITY	FE3: TYPE OF ACTIVITY
Use = 0.3	Use = 0.3	Use = 0.3
Above ground storage = 1	Above ground storage = 1	Above ground storage = 1
Underground storage ³ = 10	Underground storage ³ = 10	Underground storage ³ = 3
Final Fire/Explosion Adjustment Factor FF = FF1 x FF2 X FF3	Final Human Health Adjustment Factor FH = FH1 x FH2 X FH3	Final Environment Adjustment Factor FE = FE1 x FE2 X FE3

¹ If the facility is assessed as a sub-facility, the distance to the neighbouring sub-facility must be more than 60 metres (i.e. 2 x 30 metres) to qualify for an Adjustment Factor of 3.

² Water resource includes aquifers and water supplies, streams, springs, lakes, wetlands, estuaries and the sea, but do not include entry points to the stormwater drainage network.

³ Applicable to UN Class 3 substances (flammable liquids) only.

ATTACHMENT 1: HFSP CALCULATION SPREADSHEET

APPLICATION NO																		
APPLICANT																		
CONTACT NAME																		
POSTAL ADDRESS																		
SITE ADDRESS																		
PHONE NUMBER																		
FAX NUMBER																		
E-MAIL																		
COMMENT																		
Ref. No.	Substances on this site	CAS No.	Effect Type	Hazard Rating	Base Quantity B t or m ³	Substance Form	Distance to boundary less than 30 metres? YES NO	Adjacent to water? YES NO	Type of Activity A/Ground B/Ground Use	Adjustment Factors			Product of Adjustment Factors	Adjusted Quantity T	Proposed Quantity Q t or m ³	Fire/Explosion Quantity Ratio	Human Health Quantity Ratio	Environment Quantity Ratio
										F1	F2	F3						
1			Fire/Explosion															
			Human Health															
			Environment															
2			Fire/Explosion															
			Human Health															
			Environment															
3			Fire/Explosion															
			Human Health															
			Environment															
4			Fire/Explosion															
			Human Health															
			Environment															
5			Fire/Explosion															
			Human Health															
			Environment															
6			Fire/Explosion															
			Human Health															
			Environment															
7			Fire/Explosion															
			Human Health															
			Environment															
8			Fire/Explosion															
			Human Health															
			Environment															
9			Fire/Explosion															
			Human Health															
			Environment															
10			Fire/Explosion															
			Human Health															
			Environment															
Total Quantity Ratios																		

APPENDIX Z

HFSP RATING FOR HAZARDOUS SUBSTANCES WITHIN THE LAKES A ZONE

z1. HFSP RATING FOR HAZARDOUS SUBSTANCES

The full description of HSNO Classes, Sub-classes and Categories is contained in the HSNO Regulations.

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Explosiveness	1.1	1.1	Articles and substances having a mass explosion hazard.	Fire/Explosion	High
	1.2	1.2	Articles and substances having a projection hazard, but not a mass explosion hazard.	Fire/Explosion	Medium
	1.3	1.3	Articles and substances having a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard. This division comprises articles and substances that: <ul style="list-style-type: none"> give rise to considerable radiant heat, or burn one after another, producing minor blast and/or projection effects. 	Fire/Explosion	Low
	1.4, 1.5, 1.6	1.4, 1.5, 1.6	Not applicable.		
Flammable Gases	2.1A, 2.1B	2.1	Flammable gases: <p>(i) gases which at 20°C and a standard pressure of 101.3 kPa:</p> <ul style="list-style-type: none"> are ignitable when in a mixture of 13% or less by volume with air, or have a flammable range with air of at least 12% regardless of the lower flammability limit; or, <p>(ii) gases or gas mixtures, other than those of (i) above, that at 20°C and a standard pressure of 101.3 kPa have a flammable range in mixture in air.</p> <p>Flammable aerosols, being a pressurised mixture of containing gas, compressed, liquified, or dissolved under pressure, with or without a liquid, paste or powder; comprising at least 45 % by mass of flammable ingredients, under a pressure greater than 100 kPa, which can be released in a finely divided spray.</p>	Fire/Explosion	High

	-	LPG	LPG	Fire/Explosion	Medium
		2.2	Not applicable.		
Flammable Liquids	3A	3 PGI	Flammable liquids comprising liquids, mixtures of liquids, or liquids containing solids in suspension which give off a flammable vapour at specific temperatures. Flash point: < 23°C Initial boiling point: < 35°C	Fire/Explosion	High
	3B	3 PGII	Flash point: < 23°C Initial boiling point: > 35°C	Fire/Explosion	High
	3C	3 PGIII	(a) Flash point: $\geq 23^{\circ}\text{C}; \leq 60^{\circ}\text{C}$ (b) Flash point: $> 60^{\circ}\text{C}$, but liquid is manufactured, stored, transported or used (except deliberate burning) at a temperature at or above its flash point.	Fire/Explosion	Medium
	3D	Combustible Liquids	Flash point: $> 60^{\circ}\text{C}$ but $\leq 93^{\circ}\text{C}$	Fire/Explosion	Low
Flammable Solids	4.1 All Categories	4.1	<ul style="list-style-type: none"> Flammable solids that are readily combustible or may cause fire easily through an ignition source or friction. Self-reacting substances that are thermally unstable and are liable to undergo a strongly exothermic decomposition even without the participation of oxygen (and related substances). Desensitised explosives: substances which are wetted with water or alcohol or diluted with other substances to suppress their explosive properties. 	Fire/Explosion	Medium
	4.2 All Categories	4.2	Substances liable to spontaneous combustion: <ul style="list-style-type: none"> pyrophoric substances: liquid or solid substances which, even in small quantities, ignite within 5 minutes of coming in contact with air self-heating substances: solid substances which generate heat when in contact with air without additional energy supply. 	Fire/Explosion	High
	4.3 All categories	4.3	Substances which, in contact with water, become spontaneously flammable, or emit flammable gases.	Fire/Explosion	High
Oxidising Capacity	5.1 All categories	5.1	Oxidising substances: substances which in themselves are not necessarily combustible, but may cause or contribute to the combustion of other materials by yielding oxygen.	Fire/Explosion	Medium

	5.2 All categories	5.2	Organic peroxides: organic substances that are thermally unstable and may undergo exothermic, self-accelerating decomposition. They may: <ul style="list-style-type: none"> • be liable to explosive decomposition, • burn rapidly, • be sensitive to impact or friction, • react dangerously with other substances • cause damage to the eyes. 	Fire/Explosion	High
Toxicity	6.1A	6.1 6.1 PGI	Substances which are liable to cause death or injury or to harm human health if swallowed, inhaled, or contacted by the skin. Oral toxicity LD ₅₀ (mg/kg): ≤ 5 Dermal toxicity LD ₅₀ (mg/kg): ≤ 50 Inhalation toxicity dust/mist LC ₅₀ (mg/l): ≤ 0.05	Human Health	High
	6.1B	6.1 PGII	Oral toxicity LD ₅₀ (mg/kg): >5 - 50 Dermal toxicity LD ₅₀ (mg/kg): >50 - 200 Inhalation toxicity dust/mist LC ₅₀ (mg/l): >0.5 - 1	Human Health	Medium
	6.1C	6.1 PGIII	Oral toxicity LD ₅₀ (mg/kg): Dermal toxicity LD ₅₀ (mg/kg): Inhalation toxicity dust/mist LC ₅₀ (mg/l):	Human Health	Low
	6.1A	2.3	Toxic gases: gases which are known to be toxic or corrosive to humans and pose a hazard to health. This division is divided into the following categories: a) Inhalation toxicity gases LC ₅₀ : < 100 ppm, vapours LC ₅₀ : < 0.5 mg/l	Human Health	High
	6.1B		b) Inhalation toxicity gases LC ₅₀ : ≥ 100 ppm - 500 ppm, vapours LC ₅₀ : ≥ 0.5 mg/l – 2 mg/l	Human Health	Medium
	6.1C		c) Inhalation toxicity gases LC ₅₀ : ≥ 500 ppm - 2,500 ppm, vapours LC ₅₀ : ≥ 2 mg/l – 10 mg/l	Human Health	Low
	(8A) 6.4 All categories	8	Eye Irritation/Corrosiveness: Chemical Property: 2 > pH > 11.5. Effect: Draize Grade ≥ 1 for either corneal opacity or iritis or Grade 2 for either conjunctival redness or chemosis	Human Health	Medium
	(8A) 6.3 All categories	8	Skin Irritation/Corrosiveness: Chemical Property: 2 > pH > 11.5. Effect: Draize Grade ≥ 1.5 for erythema or oedema	Human Health	Medium
	6.4	(OECD 1 & 2)	Respiratory or contact sensitiser.	Human Health	Medium
	6.7A, 6.7B	(OECD 1 & 2)	Carcinogenicity: Suspected or presumed carcinogen.	Human Health	Medium
	6.9A, 6.9B	(OECD 1 & 2)	Known, presumed or suspected human target organ toxicity.	Human Health	Medium

	6.6A, 6.6B	(OECD 1 & 2)	Substances known or regarded as mutagenic OR Substances which cause concern for man owing to the possibility that they may induce heritable mutations in the germ cells of human.	Human Health	Medium
	6.8A, 6.8B	(OECD 1 & 2)	Known, or presumed Human Reproductive or Developmental Toxicant OR Suspected Human Reproductive or Developmental Toxicant.	Human Health	Medium
	6.8C	(OECD)	Effects on or via lactation: Data showing (i) a likelihood that the substance would be present in potentially toxic levels in human breast milk; AND/OR (ii) clearly defined adverse effect in the offspring of animals due to transfer in the milk; OR clearly defined adverse effect on the quality of the milk in animals; AND/OR (iii) human evidence indicating a hazard to babies during the lactation period.	Human Health	Medium
		6.2	Not applicable.		
Ecotoxicity	9.1A 9.2A 9.3A 9.4A	(OECD1)	Ecotoxic substances: any substance exhibiting a toxic effect on ecosystems. This division is divided into three categories. a) Very toxic to the aquatic environment; very toxic to the terrestrial environment; very toxic to terrestrial vertebrates; very toxic to beneficial invertebrates.	Environment	High
	9.1B 9.2B 9.3B 9.4B	(OECD2)	b) Toxic to the aquatic environment; toxic to the terrestrial environment; toxic to terrestrial vertebrates; toxic to beneficial invertebrates.	Environment	Medium
	9.1C 9.2C 9.3C 9.4C	(OECD3)	c) Harmful to the aquatic environment; harmful to the terrestrial environment; harmful to terrestrial vertebrates; harmful to beneficial invertebrates.	Environment	Low