

Part 1: Introduction and General Provisions

USER GUIDE - HOW THE PLAN WORKS

HOW TO USE THE PLAN - GENERAL APPROACH

District Plan Structure

The District Plan should be read in full. It contains five interrelated parts as well as the Lakes A Zone document, as outlined below.

This structure described below is the result of a reorganisation, in 2021, of the existing District Plan (the majority of which was made operative in 2016). The reorganisation was undertaken as major step towards implementation of the National Planning Standards 2019. The Lakes A Zone has yet to be integrated into the new structure.

Part 1 Introduction and General Provisions

This part of the Plan contains the chapters that explain the District Plan's context, how it works and provides definitions and abbreviations to assist in its interpretation.

Part 2 District-Wide Matters

This part of the Plan is in two parts; the Strategic Directions and District Wide Matters:

1. Strategic Direction

The chapters under the Strategic Direction heading of the District Plan include issues and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level. Some related policies are included.

Focussing as it does on high level strategic directions, this section leaves the articulation of activity-specific and location-specific objectives and policies to the subsequent chapters of this Plan.

2. District-Wide Matters

The remaining chapters of Part 2 contains objectives, policies and rules that apply across the district such as subdivision, transport, historic heritage and noise etc. Some of the District Wide Matters chapters relate to values and risks such as outstanding natural landscapes and flood hazard areas, which are identified on the planning map as overlays. Other District Wide Matters chapters address specific types of activities or effects such as papakāinga, earthworks and noise.

Part 3 Area Specific Matters

Part 3 is in three parts: Zones, Development Areas and Designations.

1. Zones

A zone spatially identifies and manages an area with common qualities and characteristics and/or where particular environmental outcomes are sought. The entire district is zoned and all land is identified as part of a 'zone' on the planning maps, with rules which specifically address zone-based activities and effects. The zones generally seek to enable similar, compatible activities or effects to be located in appropriate areas together, while managing those activities or effects that are incompatible. All formed public roads are designated.

Some zone chapters include Precincts, which will have specific objectives, policies and/or rules that apply to them.

The zone chapters do not contain rules and standards that apply generally across the district - these are in Part 2.

2. Development Areas

A development area spatially identifies and manages areas that are provided for future development. Additional provisions apply to these areas to enable integrated and coordinated development.

3. Designations

Designations are used to show land that has been designated for a particular purpose by a Requiring Authority. Designations are generally associated with a public work, project, or a utility operation. Designations supersede District Plan provisions. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the District Plan do apply. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work identified in the designation.

Part 4 Appendices

Appendices contain technical information and detailed standards. Most appendices are located with the specific chapter to which they relate. Part 4 contains only those appendices that apply to multiple chapters, that is, Appendix APP1 – Parking, Turning and Access.

It is noted that schedules of historic items, significant natural areas, etc. are also located inside the District Wide Matters chapters and not in Part 4.

Part 5 Maps

The planning maps spatially define zones, areas, overlays and features referred to within the District Plan chapters. Although most rules are apply spatially and are associated with a spatial layer, there are some that do not.

The planning maps are part of the District Plan unless expressly stated.

Lakes A Zone

The Lakes A Zone document forms part of the District Plan. These provisions operate independently to the rest of the District Plan. The references to the 'District Plan' found in the Lakes A Zone document refer to the Rotorua District Plan 1996.

Chapter Format

The substantive chapters in Parts 2 and 3 of the District Plan follow the following format:

1. Introduction

The introduction provides an overview of the topic covered by the chapter.

2. Issues

Issues state the problems or matters relevant to that topic, which the plan seeks to address. Issues are labelled consecutively under each chapter, for example EW-I4.

3. Objectives

The objectives set out what the plan seeks to achieve for the topic. These are labelled similarly to Issues, for example EW-O2.

4. Policies

The policies set out the direction to be taken to achieve the objective. There may be a number of policies that apply. Each policy also has a specific label, for example EW-P3.

5. Rules

Rules are included in most chapters and have the effect of regulations. Most rules set out the activity status for different activities that may be proposed. They define whether resource consent is required and set out the matters Council may or must consider when making a decision on a resource consent. Rules may refer to performance standards that need to be complied with to meet the activity status. Rules are labelled, for example, EW-R6.

There are also financial contribution rules and esplanade rules in specific chapters (FC - Financial Contributions and SUB – Subdivision)

6. Methods

Some chapters also include methods other than rules to achieve the policies.

7. Anticipated Environmental Results

These are environmental results expected from the implementation of the policies and methods. An example of their labelling is EW-AER1.

Determining Activity Status and Resource Consents Requirements

The District Plan addresses development, land use activities, subdivision, noise and activities on the surface of water in rivers and lakes in response to Council's functions under section 31 of the Resource Management Act 1991 (RMA).

Under the RMA, activities are classified as being Permitted, Controlled, Restricted Discretionary, Discretionary, Non-complying or Prohibited.

The activity status is a category that determines whether a resource consent is required and what will be considered when the Council decides whether a consent application can be approved. A resource consent is a consent granted by a consent authority which allows a person to carry out a certain land use activity or subdivision.

Most of the chapters contain a table of rules that establish the status of an activity. Rules will generally include standards that need to be met for that activity status to apply. If you do not comply with a particular rule standard, the activity will default to a different status. You will be able to determine this by reading the rule. Unless what you are proposing is a permitted activity, you will need a resource consent.

Even if what you are doing is permitted under one rule, you will still need to check all relevant rules in all relevant chapters.

Some individual rules or sets of rules are intended to override other rules. For example, signs are addressed in a standalone chapter that overrides the rules for the zone. These relationships are expressly stated either in the rule (in the case of an individual rule) or at the beginning of the rule table (in the case of sets of rules).

Where an activity is subject to multiple rules of the Plan which have different activity status, unless expressly stated otherwise in the Plan as explained above, each of the rules apply.

Generally the resource consent applications required will be "bundled" together and assessed against the most restrictive activity status that applies.

Table 1 Activity Status and Resource Consent Requirements

Activity Status	Requires Resource Consent	Planning Approach
Permitted Activities	No	A Certificate of Compliance can be sought stating that an activity can be done lawfully in a particular location without resource consent. This is optional.
Controlled Activities	Yes	Council must grant consent, and may impose conditions, but only on the matters over which the District Plan has specifically reserved its control. These 'Matters of Control' are set out in the rule table.
Restricted Discretionary Activities	Yes	Council may use its discretion to grant or decline consent, or to place conditions on a consent, but is restricted to those matters specified in the District Plan. These 'Matters of Discretion' are set out in the rule table.
Discretionary Activities	Yes	Council can exercise its full discretion in deciding to decline or grant consent with or without conditions. Often the District Plan provides assessment criteria (in the rule tables) to assist with the consideration of discretionary activities. However, Council's discretion is not limited to consideration of these criteria.
Non-complying Activities	Yes	Council may consider any relevant matters within Council's jurisdiction. Resource consent may only be granted, and conditions imposed, if: <ol style="list-style-type: none"> 1. the adverse effects of the activity are minor; or 2. the activity is not contrary to the objectives and policies of the Plan.
Prohibited Activities	No Application Possible	No consent can be applied for and the council cannot grant consent.

The RMA provides some exceptions from the normal resource consent requirements for existing land uses, emergency works and boundary activities, which is explained further below.

An application for resource consent for a proposal must address all rules under which consent is required for that proposal under the District Plan and all relevant matters (e.g. matters of control/discretion). If the applicant considers any such matters are not applicable to the proposal, the application must clearly set out the reason why it is not applicable.

Step by Step Process for Identifying Activity Status

Step 1: Check the planning maps

Use the planning maps to identify:

1. the zone for your site; and
2. whether any other special spatial layers apply, such as overlays or development areas.

Step 2: Locate relevant chapters

Use the spatial layers identified (zone and any other spatial layers such as overlays and precincts) to locate the associated relevant District Wide Matters and Area Specific Matters chapters. Some chapters will not be flagged by a spatial layer but by the types of effects of activity proposed e.g. earthworks, noise.

Use the spatial layers identified (zone and any other spatial layers such as overlays and development areas) to locate the relevant chapters in District Wide Matters and Area Specific Matters. For example, if your site is within the Rural Zone, and has an overlay for Outstanding Natural Landscape you will need to check:

- Part 3 – Area Specific Matters – Zones – Rural Zone
- Part 2 – District-Wide Matters – Natural Environmental Values – Natural Features and Landscapes

Some chapters will not be flagged by a spatial layer but by the:

- types of activity proposed e.g. earthworks, hazardous substances, papakāinga and kaumātua housing, temporary activities or signs; or
- effects of the activity e.g. noise, light or vibration

Step 3: Confirm whether any National Environmental Standards apply

You should also check if there are any national environmental standards that relate to your proposal (what activity you are wanting to do). The National Environmental Standards chapter provides an overview of the national environmental standards that are in force. In most cases National Environmental Standards contain regulations that override the rules in the District Plan; however, there are some instances where the District Plan can have more stringent rules (the relevant National Environmental Standard will stipulate this).

Step 4: Determine activity status

Once the relevant chapters are identified, refer to the rule tables to determine the status of the proposed activity. If the activity is listed as Controlled, Restricted Discretionary, Discretionary or Non-Complying, resource consent will be required.

As stated above, if what you are proposing does not comply with a number of rules in different chapters, generally the resource consent applications required will be "bundled" together and assessed against the most restrictive activity status that applies.

Step 5: Consider whether any financial contributions or esplanade requirements may be required

FC - Financial Contributions will indicate if the activity is subject to financial contributions. SUB – Subdivision chapter contains esplanade requirements.

Existing Use Rights, Emergency Works and Boundary Activities

Existing use rights

Resource consent is not required if an activity is deemed as have existing use right under sections 10, 10A or 10B of the RMA. It is the responsibility of the person carrying the activity to provide evidence to Council demonstrating the existing use right.

Emergency works

Section 330 of the RMA also provides local authorities, network and utility operators, and a person having financial responsibility for a public work (e.g. a Minister of the Crown) the power to take remedial action in

relation to emergency work without obtaining a resource consent beforehand. Section 330 describes that the emergency work must be required to address an immediate threat to a person, property or the environment. Sections 330A and 330B further requires the person carrying out the emergency work to notify Council within 7 days from the date the activity has been undertaken, and where any adverse effect from the work continues, a retrospective resource consent must be lodged within 20 working days from the date of notification.

Boundary activities

If the performance standards for a rule in the Plan are not met, there are two types of activities that are exempted from needing to apply for, and obtain, resource consent. These are:

1. Deemed permitted boundary activities; and
2. Deemed permitted marginal or temporary activities.

Deemed permitted boundary activities are where one or more internal boundary performance standards are not met, no other Plan rules are infringed, the correct information is provided to Council, and written approval of the relevant neighbor(s) is provided. To obtain approval to undertake a deemed permitted boundary activity, you can apply to the Council using WCLASS Form 9A available on the [Council's website](#).

Deemed permitted marginal or temporary activities are activities the Council as decided, at their discretion, have a marginal or temporary rule infringement. There must be no other Plan rules infringed, no affected parties, and no effects that are more than there would be without the marginal or temporary rule infringement. Approval can only be granted for activities to be undertaken through this process via either a resource consent application or a building consent or pre-planning meeting.

Where to Find Further Information and Assistance

To find out more about how a District Plan works refer to the Ministry for the Environment's 'An everyday guide to the RMA'.

The Council provides a duty planner service to assist you to confirm whether your proposal needs resource consent. This service can be accessed either by phoning or calling into council.

You may also consider speaking with a resource management consultant, surveyor, architect or builder.

Jurisdiction over the Surface of Water

The plan includes rules within the Water Zone relating to activities on the surface of lakes, rivers and streams. The zone chapters and District Wide Matters chapters also contain rules relating to lake structures.

The Bay of Plenty and Waikato Regional Councils have jurisdiction under the Resource Management Act over the water below the surface. This includes such matters as structures on the bed of the lake, river or stream.

The Rotorua Lakes Council has transferred its responsibilities for the consenting of structures on the surface of water to the Bay of Plenty Regional Council. The Rotorua Lakes Council will continue to consider other activities such as recreation activities on the surface of water.

Te Arawa Lakes Trust is a key partner with both Councils in the development of the Te Arawa Lakes Strategy and Lakes programme reflecting the purposes and principles of the Te Arawa Lakes Settlement Act 2006 and the Deed of Settlement. The Trust has a dual role as landowner and kaitiaki of the lakes. Prior to applying for resource consent for approval for a new structure, an applicant must gain from the Te Arawa Lakes Trust an approval (in the form of a lease from Trust) to occupy the lake bed.

Other Approvals May be Necessary

You may need to obtain an authority for your proposal or activity separate to any resource consent requirement under this District Plan. For example:

1. Regional Consents

Resource consent may also be required under a regional plan of the relevant regional council.

2. Engineering Standards

The provisions of the Waikato Local Authority Shared Services 'Regional Infrastructure Technical Specifications' (RITS) and, with respect to geotechnical matters, the Rotorua District Council 'Rotorua Civil Engineering Industry Standards and Code of Practice for Subdivision and Development' (RCEIS) apply in addition to the provisions of this District Plan. These are critical for Council's acceptance of vested infrastructure.

3. Bylaws

The Council has a number of bylaws on a diverse range of subjects, which may be relevant. For example, bylaws address signs on roads, solid waste, trade waste, food safety and the use of geothermal resources.

4. Activities in the Road Reserve and Vehicle Crossings

Excavations, trenchings and structures within the road corridor requires a permit from Council under the Corridor Access Request process.

Vehicles crossings into the road reserve must be constructed to Council's standards and require approval through a Corridor Access Request.

5. Land owners

The approval of land owners is also critical.

The Te Arawa Lakes Trust has a role as land owner and kaitiaki of the lakes. Prior to applying for a resource consent for a structure at a lake you must gain a lease from the trust to occupy the lake.

Contact customer services at the Council with respect to the use of Council reserves.

RELATIONSHIPS BETWEEN SPATIAL LAYERS

Types of spatial layers

The Plan uses a number of spatial layers to manage areas of the district appropriately in terms of their expected type and level of activities and development. These spatial layers are:

1. District Wide Matters:
 - a. Overlays
2. Area Specific:
 - a. Zones
 - b. Precincts
 - c. Specific Controls
 - d. Development Areas; and
 - e. Designations

Zones

The District is divided into zones according to the intended character and use of the area. Activities within different zones will be subject to different zone provisions, including objectives, policies, rules and standards. Activities may be subject to more permissive or restrictive controls depending on the purpose of the zone in which they are located. All sites and locations within the district are zoned.

Overlays

The Plan includes overlays in areas with a particular characteristic, risk or value that needs to be managed in a District-wide scale. These overlays will fall within zones and be subject to zone rules, but they will also have more specific provisions relating to the characteristic, risk or value of interest.

Precincts

Precincts are used to manage areas where place-based provisions apply to modify or refine the policy approach of the underlying zone. For example, the City Centre 3 Zone has two precincts for the the Lakefront East area.

Specific Controls

Specific controls spatially identify where a site or area has provisions that are different from other spatial layers that apply to that site or area. These tend to apply to smaller, localised and more easily defined sites, such as a single property, rather than wider area with more complexed provisions which may be more appropriately managed using an overlay or precinct.

Designations

Designations are used to show land, usually a discrete site, which has been designated for a particular purpose by a requiring authority. Designations are generally associated with a public work, a particular project or a utility operation. They can impose rules which supercede zone rules and are typically more permissive in terms of the activity for which the site is designated.

Any relevant regional resource consent is still required. The provisions of the Plan for the underlying zone apply in relation to any land that is subject to a designation where the land is used for a purpose other than the designated purpose.

Development Areas

Development Areas spatially identify and manage an area where development plans are used to determine future land uses, development, infrastructure provision, and open space.

The relationship between Activities that are in accordance with the outline development plan are permitted or controlled within the development area, while activities which do not comply with the plan are normally non-complying or prohibited.

Determining the Relationships between Rules for Different Spatial Layers

As explained above, even if what you are doing is permitted under one rule, you will still need to check all relevant rules in all relevant chapters.

In some instances rules for one spatial layers will override other rules for another. For example, some development area rules override the zone rule chapters for the specific activities addressed; while for other development areas the rules apply in addition to the zone rules. These relationships are expressly stated either in the rule (in the case of an individual rule) or at the beginning of the rule table (in the case of sets of rules).