

20 Business Zones

20.1 Introduction

Kaikoura township is the principal commercial and service centre of the District, containing a wide range of retail outlets, offices, mixed industry, travellers accommodation, restaurants and tourist ventures. The principal commercial areas are located within the West End and along Beach Road. In addition, commercial activity exists in the vicinity of Yarmouth Street, Brighton Street and at Wakatu Quay.

20.2 Issue 1 - Protecting the amenity within Business Zones and in areas adjoining Business Zones.

A reasonable standard of amenity is required in business areas to ensure that they are pleasant places to visit and work and that the amenity of neighbours is not adversely affected.

20.2.1 Objective 1

To provide for Business Zones where the standard of amenity is consistent with the principal activities undertaken in the area and which do not detract from the amenity enjoyed by neighbours.

20.2.2 Policies

1. To ensure that business activities adjacent to the boundary of a recreation or residential area do not adversely affect the amenity enjoyed within these areas:
2. To encourage business activities which have similar effects and have similar amenity requirements to establish in close proximity to one another.
3. To improve the visual amenity and street environment of the Business Zones by requiring landscaping along site boundaries and by the use of performance standards to control matters such as height, site coverage, setback and size of outdoor storage areas.
4. To ensure that activities within business areas do not adversely affect the amenity of these areas and adjoining areas through the application of standards in respect of the use or storage of hazardous substances, lighting spill, noise and screening.
5. To retain the traditional commercial appearance of the West End commercial area, through the use of performance standards to control matters such as height, site coverage, setback and verandahs.
6. To encourage the relocation of vehicle-generating activities in West End to other Business Zones and to encourage replacement of those activities with pedestrian-friendly activities such as cafes, craft shops and service businesses.
7. To recognise the flood risk which exists in West End through appropriate provisions in the Natural Hazards section.
8. To continue with programmes for street enhancement, public facilities and open space within the business areas of Kaikoura.

9. To ensure that the Yarmouth Street/Brighton Street commercial area provides for a range of appropriate commercial activities and that the area continues to be a pleasant place for people to visit and work.
10. To ensure that the take off and landing of aircraft does not adversely affect the amenity enjoyed within business areas.
11. To discourage the establishment of service stations within the Business A Zone, due to potential effects of the use and storage of hazardous substances, fumes, traffic generation and noise typically associated with service stations.
12. To promote Council's "Zero Waste" policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.
13. To ensure that the establishment of high traffic generating activities does not adversely affect the safety and efficiency of adjoining roads.
14. To discourage the establishment of forestry, farming, mineral extraction and factory farming within business areas, as these activities are likely to have effects which are not compatible with the commercial use of these areas.
15. To recognise existing activities and enable the establishment of new activities which need to be located in the coastal environment and close to marine facilities at Wakatu Quay within the Business B Zone.

20.2.3 Implementation Methods

1. To identify the following zones in the District Plan where different standards of amenity will be applied:
 - Business A (Commercial) Zone providing for a broad range of retail, office, commercial and other business activities at the West End and Yarmouth/Brighton Street;
 - Business B (Mixed Business) Zone along Beach Road and at Wakatu Quay providing for a mixture of light and other industries and service stations (on Beach Road), where possible separated from public open space and residential areas;
2. To include rules in the District Plan specifying performance standards such as:
 - street and neighbour setback, recession planes, height, landscaping, noise, lighting spill, screening and waste management.
3. To include rules specifying performance standards at the interface between business, public open space and residential sites including:
 - landscaping of business sites adjacent to public open space and residential sites;
 - residential standards for setback and admission of sunlight for activities adjoining residential areas;
 - residential standards for noise from activities adjoining residential sites;
 - control of light spillage onto residential sites.
4. To require resource consents to be obtained in respect of activities such as forestry, farming, mineral extraction and factory farming within business areas.
5. To include guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines – All Zones in Appendix G.

6. Through the Council's annual planning process to continue to initiate and finance projects for street enhancement, public open space, and the provision of public facilities, including community car-parking and traffic calming in the West End commercial area

Explanation and Reasons

The grouping of activities with similar effects enables areas of different amenity to be maintained or created. The grouping of activities within areas can take into account existing development, the proximity to recreation and residential areas, the quality of environmental and amenity standards sought, and the nature of activities provided for.

Business environments require a reasonable standard of amenity to make them pleasant and enjoyable to work within. The standards of amenity will be influenced by the nature of activities undertaken in these areas. The business areas of Kaikoura can be broadly classified as commercial, mixed business and marine facility areas on the basis of the amenity which exists and the activities currently undertaken within these areas.

The West End is dominated by commercial activities and is characterised by one and two storey buildings which are built up to boundaries, often with large display windows, verandas and advertising signs. In comparison with residential areas, increased noise, fumes and traffic movements are a characteristic of the West End.

The Yarmouth/Brighton Street area currently contains a range of business activity, interspersed with residential activity and vacant land. The commercial zoning of the Yarmouth/Brighton Street area has been extended due to existing business use of this area and the lack of space for expansion of commercial activities within the West End.

A high standard of amenity is appropriate within the West End, and Yarmouth/Brighton Street area due to the numbers of people who work and visit these areas.

It is important to enhance and maintain the natural and physical qualities and characteristics of areas where commercial activity occurs as these qualities make them enjoyable places to visit, work and meet, for social and cultural events.

Industrial activities involve the processing, manufacturing or servicing of a product. They do not generally attract the same number of people as commercial activities and usually generate more heavy traffic than commercial activities. Industrial activities are characterised by large utilitarian buildings often surrounded by outdoor storage areas or car parking. Buildings are often enclosed by security fencing and signs are often displayed in conjunction with a business.

Industrial activities are more likely to affect air quality and create lighting spill, noise, electrical interference, vibration and dust than most activities in commercial areas. While it is considered appropriate for the range of activities which currently exist within Beach Road to continue to be permitted, new industrial activities should not be permitted as of right as they have the potential to adversely affect the amenity of Beach Road. For this reason, new industrial activities along Beach Road are a restricted discretionary activity and require resource consent.

The Council seeks to protect amenity standards at the interface of residential environments and business environments. Effects of business activity such as noise, glare, and visual appearance may lower the standard of amenity on adjoining sites and may impact upon residential privacy and amenity. The Council will encourage effective separation of these activities through planning controls such as screening, setback and recession lines and by limiting activities such as forestry, farming, mineral extraction and factory farming within business areas.

Service stations are listed as discretionary activities in the Business A Zone, due to the potential effects of the use and storage of hazardous substances, fumes, traffic generation and noise which are typically associated with service stations.

20.3 Anticipated Environmental Results

1. The creation of attractive, safe and pleasant commercial areas, as places in which to work and visit.
2. Enhanced street appearance, pedestrian access, public facilities and open space in commercial areas.
3. Preservation of the amenities of residential environments adjacent to business areas in terms of light admission, noise, odour and lighting spill.
4. Pedestrian areas within the West End with minimal exposure to traffic noise and fumes.
5. A commercial area in the vicinity of Yarmouth and Brighton Streets which is a pleasant place for people to visit and work.
6. A mixture of residential, commercial, service and industrial activities within the business area of Beach Road and at Wakatu Quay, and a level of amenity reflecting this mix.
7. The replacement of vehicle-generating activities in West End with pedestrian-friendly activities.
8. Avoidance of activities within Business Areas which have the potential to produce significant adverse effects such as odour, noise, dust, airborne contaminants and vibration.

Business A and B Zone - Rules

20.4 Zone Descriptions

(a) Business A (Commercial)

The Commercial Zone applies to the Yarmouth/Brighton Street area and to the West End which is currently the primary commercial area of the Kaikoura township.

The type of commercial activities undertaken in the zone includes a broad range of business and associated activities including retailing, entertainment, offices, health, education and community facilities.

Building activity within the zone is subject to a set of performance standards which seek to maintain the existing character and form of each of these areas by retaining the existing height and setback of buildings. Other performance standards aim to create an environment which is amenable to residents and visitors through controls on noise, lighting, outdoor storage, and maintenance of amenity adjoining residential areas and reserves.

(b) Business B (Mixed Business)

The Mixed Business Zone incorporates the areas of commercial development along Beach Road and at Wakatu Quay. This zone provides for those activities where there is no clear distinction between commercial and light industrial activities. Businesses may have combined service, retail, wholesale and office functions.

Performance standards will discourage the establishment of heavy or noxious industries within the zone.

20.5 Activities

Activities specified in the following table shall be assessed as permitted, restricted discretionary or unrestricted discretionary as shown, in respect of this section of the Plan.

Table 20.5

Status	Activity	Conditions
Permitted	Any activity not listed as a restricted or unrestricted discretionary activity.	Subject to compliance with performance standards in rule 20.6.
Restricted Discretionary	<p>a) Bus B Zone only - Industrial activities</p> <p>b) Any permitted activity or any listed restricted discretionary activity which does not comply with one or more of the performance standards in 20.6.</p>	<p>a) Subject to compliance with performance standards in rule 20.6. Council's discretion is restricted to:</p> <ul style="list-style-type: none"> • noise • effects on amenity values • landscaping • scale of the activity • compatibility with surrounding activities • traffic safety and parking provision <p>b) Council's discretion restricted to those standards not complied with as indicated in table 20.6.</p>

Status	Activity	Conditions
Unrestricted Discretionary	a) Business A Zone Only <ul style="list-style-type: none"> • Service stations • Industrial activities b) Wakatu Quay Bus B Zone only - Service Stations b)-c) Business A and Business B <ul style="list-style-type: none"> • Any Activity requiring an Offensive Trades Licence under the Health Act 1956 including any replacement or amendment to that Act • Storage or sale of demolition material or scrap metal • Automobile and boat dismantlers • Commercial, Protection and Conservation Forestry • Farming Activities • Mineral Extraction 	Discretion is not restricted to any particular matter. The performance standards in 20.6 will be used as a guide when assessing applications for unrestricted discretionary activities.

20.6 Performance Standards

Table 20.6

20.6	Standard														
1. Lighting	a) Exterior lights shall be shielded or directed away from adjacent sites and roads. b) Exterior lights shall not result in lux spill which exceeds: <ul style="list-style-type: none"> * 3 lux maximum (horizontal and vertical) onto adjoining residential sites or * 10 lux maximum (horizontal and vertical) onto adjoining non-residential sites. c) Light spill shall be measured at any point more than 2m inside the boundary of the adjoining site.														
2. Noise	<p><u>Except as provided in Appendix Q, all activities shall be conducted so that the following noise limits are not exceeded during any time period for assessment within the time frames stated at the measurement and assessment location specified for each of the following areas:</u></p> <p><u>a) Within Business A Zone, or at the boundary of any Business B or Business A Zones, excluding a boundary shared with a Residential Zone</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><u>On any day from 7am to 11pm</u></td> <td style="text-align: right;"><u>65dBA L_{eq}</u></td> </tr> <tr> <td></td> <td style="text-align: right;"><u>85dBA L_{max}</u></td> </tr> <tr> <td><u>At all other times</u></td> <td style="text-align: right;"><u>55dBA L_{eq}</u></td> </tr> <tr> <td></td> <td style="text-align: right;"><u>75dBA L_{max}</u></td> </tr> </table> <p><u>b) At the boundary between any Business Zone and any Residential Zone or within any residential site located within a Business Zone:</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><u>Monday to Saturday from 7am to 11pm</u></td> <td style="text-align: right;"><u>55dBA L_{eq}</u></td> </tr> <tr> <td><u>At all other times</u></td> <td style="text-align: right;"><u>40dBA L_{eq}</u></td> </tr> <tr> <td><u>On any day between 11pm and 7am the following day</u></td> <td style="text-align: right;"><u>70dBA L_{max}</u></td> </tr> </table> <p><u>For the purpose of this rule, the measurement and assessment position shall be at any point within any other site in the Business Zone, or at any point within the boundary of any residential site within the Residential Zone, or within the notional boundary of any residential site in the Rural Zone.</u></p>	<u>On any day from 7am to 11pm</u>	<u>65dBA L_{eq}</u>		<u>85dBA L_{max}</u>	<u>At all other times</u>	<u>55dBA L_{eq}</u>		<u>75dBA L_{max}</u>	<u>Monday to Saturday from 7am to 11pm</u>	<u>55dBA L_{eq}</u>	<u>At all other times</u>	<u>40dBA L_{eq}</u>	<u>On any day between 11pm and 7am the following day</u>	<u>70dBA L_{max}</u>
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<u>On any day between 11pm and 7am the following day</u>	<u>70dBA L_{max}</u>														

20.6	Standard
	<p><i>Note: refer to Appendix Q for a list of noise provisions relating to construction, blasting and watercraft, and for a list of exemptions to the noise provisions.</i></p> <p>a) All activities shall be conducted so that the following noise levels are not exceeded at or within the notional boundary of any non-residential site:- 45dBA LEQ maximum 0700-2200 Mon-Sat 35dBA LEQ maximum all other times 70dBA Lmax at all times</p> <p>b) All activities shall be conducted so that the following noise levels are not exceeded at or within the notional boundary of any non-residential site:- 50dBA LEQ maximum 0700-2200 Mon-Sat 40dBA LEQ maximum all other times 75dBA Lmax at all times</p> <p>except that this rule does not apply to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> take off or landing of aircraft for emergency landing, rescue, fire fighting, civil defence, or activities carried out by the New Zealand Defence Force; <input type="checkbox"/> any activity on a formed road; <input type="checkbox"/> any activity on a designated railway; <input type="checkbox"/>
3. Building coverage	<p>a) For Residential Units in all Business Zones - 35% maximum</p> <p>b) For buildings other than Residential Units:</p> <ul style="list-style-type: none"> i) Business A Zone - 60% maximum ii) Business B Zone - 80% maximum
4. Outdoor Living Space	<p>Outdoor living space shall be provided as follows:</p> <ul style="list-style-type: none"> a) 70m² minimum area with minimum dimension of 5m for each residential unit b) 10m² minimum area with minimum dimension of 2m for each visitor accommodation unit c) 10m² minimum area and minimum dimension of 2m for each elderly persons housing unit
5. Height of buildings	<p>10m maximum, <u>except that this rule does not apply to fire station training and hose drying towers located on Lot 1 DP 5184 (42 The Esplanade) provided that the height of any such towers does not exceed a maximum height of 15m.</u></p>
6. Hours of operation	<p>Except for Community Activities, no activity located adjacent to a residential Site, shall operate outside the hours of 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and Public Holidays.</p>
7. Outdoor Storage	<ul style="list-style-type: none"> a) Outdoor storage areas shall not exceed 10% of the total area of any site except that this rule does not apply to storage of vehicles or the display of goods for sale. b) Outdoor storage areas shall be screened from public view and from adjoining residential sites by a solid wall, close boarded fence, landscaping or any combination of these to a minimum height of 1.8m.
8. Landscaping	<p>Except for vehicle crossings and Residential Activities, Landscaping shall be provided as follows:</p> <ul style="list-style-type: none"> a) Business B Zone only: 2m minimum width along road boundaries with a minimum of 1 tree or shrub per 10m road frontage (min height 1.5m or min age 3 years) and; b) All Business Zones: 1m minimum width and 1.8m min height along the boundary of an adjoining site which contains a reserve or a residential activity.
9. Recession planes	<p>No part of any building shall intrude into a recession plane constructed from points measured 2.5m above internal boundaries which adjoin residential sites as shown in Appendix H, unless exempt under Appendix H.</p>

10. Density	No residential unit shall be located on a site having a net site area less than 500m ² .
11. Internal boundary separation	No building shall be located closer than 5m <u>in the Business B Zone</u> , or 2m <u>in the Business A Zone</u> , to the boundary of an adjoining site which contains any of the following: <ul style="list-style-type: none"> • residential activity • educational facility • reserve
12. Road boundary separation	a) No building in the Business A zone shall be located closer than 2m to The Esplanade road boundary. b) No building in the Business B Zone shall be located closer than 4.5m to the Beach Road road boundary.
13. Verandahs - Business A Zone	a) <u>Except for fire station buildings located on Lot 1 DP 5184 (42 The Esplanade), every building with road frontage to The Esplanade or the West End shall be provided with a verandah. This rule shall apply to any reconstruction or alteration which substantially changes the exterior appearance of an existing building.</u> b) Verandahs shall be constructed along the full length of all parts of the building facing the road and for the full width of the footpath. c) The height, width and fascia of verandahs shall be consistent with any adjoining verandahs to provide continuity of verandah coverage, except where access or a driveway is provided to the rear of the building. d) Each verandah shall extend a minimum of 2m from the face of the building provided that the front edge of the verandah is no closer than 0.5m to the kerb-line of the carriageway.
14. Sewage disposal systems separation	a) <u>Sewage disposal systems shall comply with the following minimum separation distances: shall be separated from domestic water supply intakes as follows:</u> <ul style="list-style-type: none"> • 50m separation up gradient, or 30m separation in any other direction, between any sewerage disposal system with treatment to a standard of 1000 or less faecal coliforms per 100ml and any domestic water supply intake; • <u>where the treatment standard specified in (a) above is not met, 500m separation up gradient, or 300m separation in any other direction, between any sewerage disposal system not specified in 11(a) and any domestic water supply intake;</u> • <u>20m between any sewage disposal system and any stream, river, lake, wetland or coastal water.</u> b) <u>Sewage disposal systems shall be separated from any dwelling or habitable building not on the same site as the disposal system, by a minimum of 100m upgradient of the dwelling or habitable building or 50m on any other direction.</u>
15. Waterbody separation	No building or utility building which exceeds 9m ² Gross Floor Area or 2m in height shall be located closer than 10 metres to the edge of the bed of any river, or the edge of any wetland, whichever is the further
16. Waste management	<u>All activities, other than residential activities, shall comply with the Waste Management Protocol in Appendix G. Any commercial activity which generates waste shall comply with the Waste Management Protocol set out in Appendix G</u>
17. Drinking water	<u>All residential units and visitor accommodation units shall be connected to a potable water supply in accordance with "NZ Drinking Water Standards 2000" or any subsequent amendment or replacement to those standards</u>
17. Colour	<u>Refer to section 11 (Landscape and Amenity)</u>

Note: Enforcement provisions under the Act are available to be used by the Council, where any activity produces vibration, smell or dust or manufactures, stores, uses, transports or disposes of hazardous substances in such a way that has or is likely to be either noxious, dangerous, offensive or objectionable, to such an extent that it has or is likely to have an adverse effect on the environment.

20.7 General Rules

Attention is drawn to the following General Rules which may apply to activities undertaken in the Business A and B Zones in addition to any relevant Zone Rules. Resource consent may be required as a result of any one or more of these General Rules.

Natural Hazards	(refer to Section 8)
Hazardous Substances	(refer to Section 9)
Utilities	(refer to Section 10)
Landscape and Amenity	(refer to Section 11)
Transport	(refer to Section 12)
Subdivision	(refer to Section 13)
Financial Contributions	(refer to Section 14)
Heritage	(refer to Section 15)
Relocated Buildings, Temporary Buildings and Temporary Activities	(refer to Section 17)
Noise Provisions & Exemptions	(refer to Appendix Q)

20.8 Scheduled Activities - New Wharf

20.8.1 Statement

Scheduling provides for land use activities which require special recognition and some scope for development, but which do not necessarily justify specialised zoning. These activities are generally characterised by one or more of the following:

- (a) Isolated from zones where such activities would normally comply with the standards specified;
- (b) Distinctly different in character and effects from surrounding activities;
- (c) Provided for by zoning or listing as permitted activities in the Transitional District Plan.

Scheduled activities in the Business Zone are limited to the Pacifica Seafoods factory on the New Wharf, Wakatu Quay.

Scheduling goes beyond existing use right status, to provide for specified activities as permitted activities on identified sites, and to allow some scope for expansion and redevelopment.

20.8.2 Activities

1. The rules in this part of the Plan replace those zone rules which would otherwise apply to the activity, in respect of the Scheduled Activity only. All District Wide rules still apply to the scheduled activity.
2. Any activity on the site, other than the Scheduled Activity, shall be subject to the normal standards applicable to the zone which applies to the site.
3. Permitted Activity
Scheduled Activities listed below which comply with the Performance Standards in this part of the plan shall be a Permitted Activity.
4. Discretionary Activity
Scheduled Activities listed below which do not comply with any one or more of the Performance Standards in this part of the plan shall be a Restricted Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the Site Standard which is (are) not complied with.

20.8.3 Scheduled Activities

Scheduled Industrial Activities are as follows:

<u>Site No.</u>	<u>Business</u>	<u>Location</u>	<u>Legal Description</u>
S2	Pacifica Seafoods.	New Wharf, Wakatu Quay	Lots 1, 2 & 3, DP 5303

20.8.4 Permitted Activities

The following activities shall be Permitted on the site occupied by the Pacifica Seafoods (S2), provided that they comply with all of the Performance Standards:

- a) Loading, unloading, processing, storage, packaging and distribution of sea products including wet fish, shell fish, crayfish and seaweed.

- b) Aquaculture and marine farming.
- c) Retail sales of seafood products.
- d) Activities ancillary to the activities listed in (a), (b) and (c), including but not limited to, parking, canteens, ablution facilities, laboratories, research facilities, maintenance facilities, wash down facilities, waste treatment and disposal facilities, medical offices, and administrative offices.

20.8.5 Performance Standards

The following standards shall apply to Scheduled activity S2.

20.8.5	Standard														
1. Road boundary separation	No building shall be located closer than 2m to any road boundaries unless it is not practicable to provide such a separation, in which case buildings shall be separated as far a practicable from the road boundary.														
2. Internal boundary separation	No building shall be located closer than 2m to any adjoining Residential Zone.														
3. Height of buildings	Buildings shall not exceed a maximum height of 10m														
4. Recession planes	No part of any building shall intrude into a recession plane constructed from points measured 2.5m above internal boundaries which adjoin Residential Zones (refer Appendix H)														
5. Lighting	<p>a) Exterior lights shall be shielded or directed away from adjacent sites and roads.</p> <p>b) Exterior lights shall not result in lux spill which exceeds:</p> <ul style="list-style-type: none"> * 3 lux maximum (horizontal and vertical) onto adjoining residential sites or * 10 lux maximum (horizontal and vertical) onto adjoining non-residential sites <p>c) Light spill shall be measured at any point more than 2m inside the boundary of the adjoining site.</p>														
6. Noise	<p><u>Except as provided in Appendix Q, all activities shall be conducted so that the following noise limits are not exceeded during any time period for assessment within the time frames stated at the measurement and assessment location specified for each of the following areas:</u></p> <p><u>Within Business A Zone, or at the boundary of any Business B or Business A Zones, excluding a boundary shared with a Residential Zone:</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">a) On any day from 7am to 11pm</td> <td style="text-align: right;">65dBA L_{eq}</td> </tr> <tr> <td></td> <td style="text-align: right;">85dBA L_{max}</td> </tr> <tr> <td style="padding-left: 20px;">At all other times</td> <td style="text-align: right;">55dBA L_{eq}</td> </tr> <tr> <td></td> <td style="text-align: right;">75dBA L_{max}</td> </tr> </table> <p>b) <u>At the boundary between any Business Zone and any Residential Zone or within any residential site located within a Business Zone:</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Monday to Saturday from 7am to 11pm</td> <td style="text-align: right;">55dBA L_{eq}</td> </tr> <tr> <td style="padding-left: 20px;">At all other times</td> <td style="text-align: right;">40dBA L_{eq}</td> </tr> <tr> <td style="padding-left: 20px;">On any day between 11pm and 7am the following day</td> <td style="text-align: right;">70dBA L_{max}</td> </tr> </table> <p><u>For the purpose of this rule, the measurement and assessment position shall be at any point within any other site in the Business Zone, or at any point within the boundary of any residential site within the Residential Zone, or within the notional boundary of any residential site in the Rural Zone.</u></p> <p><i>Note: refer to Appendix O for a list of noise provisions relating to construction, blasting and</i></p>	a) On any day from 7am to 11pm	65dBA L_{eq}		85dBA L_{max}	At all other times	55dBA L_{eq}		75dBA L_{max}	Monday to Saturday from 7am to 11pm	55dBA L_{eq}	At all other times	40dBA L_{eq}	On any day between 11pm and 7am the following day	70dBA L_{max}
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20.8.5	Standard
	<p><i>watercraft and for a list of exemptions to the noise provisions.</i> a) All activities shall be conducted so that the following noise levels are not exceeded at or within the notional boundary of any residential site:</p> <p>45dBA LEQ maximum 0600-2200 Mon - Sat 35dBA LEQ maximum all other times 70dBA Lmax at all times</p> <p>b) All activities shall be conducted so that the following noise levels are not exceeded at or within the notional boundary of any non-residential site:</p> <p>50dBA LEQ maximum 0600-2200 Mon - Sat 40dBA LEQ maximum all other times 75dBA Lmax at all times</p> <p>except that this rule does not apply to:</p> <ul style="list-style-type: none"> ☐ take off or landing of aircraft for emergency landing, rescue, fire fighting, civil defence, or activities carried out by the New Zealand Defence Force; ☐ any activity on a road; ☐ any activity on a designated railway; • any overflying aircraft.
7. Waste management	All activities, other than residential activities, shall comply with the Waste Management Protocol in Appendix G. All activities on the scheduled site shall comply with the Waste management Protocol set out in Appendix G.
8. Colour	Refer to section 11 (Landscape and Amenity).

20.9 General Rules

Attention is drawn to the following General Rules which may apply to activities undertaken in the Business A and B Zones in addition to any relevant Zone Rules. Resource consent may be required as a result of any one or more of these General Rules.

Natural Hazards	(refer to Section 8)
Hazardous Substances	(refer to Section 9)
Utilities	(refer to Section 10)
Landscape and Amenity	(refer to Section 11)
Transport	(refer to Section 12)
Subdivision	(refer to Section 13)
Financial Contributions	(refer to Section 14)
Heritage	(refer to Section 15)
Relocated Buildings, Temporary Buildings and Temporary Activities	(refer to Section 17)
Noise Provisions & Exemptions	(refer to Appendix Q)

Note: The new wharf site (and schedule site S2) is seaward of the Hazard 1 and Hazard 2 line in the Regional Coastal Environment Plan. This plan contains certain rules restricting activities in the Hazard areas, and some activities are also prohibited (no consent can be applied for). Any person proposing to undertake an activity in the New Wharf area or in scheduled site S2 should contact the Regional Council (Environment Canterbury) for further information relating to the Regional Coastal Environment Plan.

21 Marine Facilities Zone

21.1 Introduction

The Marine Facilities Zone is limited to an area of South Bay used principally for marine-based activities. The main activities in the MF Zone include recreational, and commercial boat parking (restricted to certain areas), the Kaikoura Coast Guard, tourist operators and recreational marine activities.

The area takes in land west of the coastguard; the seaward side of Moa Road; Kaka Road along to South Bay Parade; and the old limestone quarry at the eastern end of South Bay Parade. The MF Zone includes the Kaikoura Boat Club slipway, the South Bay slipway and areas of Recreation Reserve and Local Purpose Reserve.

The former limestone quarry has been zoned MF as it is considered to be an appropriate site for recreational boat parking. This would alleviate pressure on residential streets, and mitigate adverse effects on South Bay residents, which arise from boat parking during peak seasons such as Easter and Christmas. However, the present classification of the reserve (scenic) is inappropriate for the intended purpose of boat parking. It will be necessary to change the classification to a local purpose (boat park) reserve, which involves a separate process. Also, any development of the quarry would however, need to be undertaken so as to avoid adverse effects on the environment, will require consent from the Department of Conservation, and may require consent from the District Council as well as the Regional Council.

The rules of the MF Zone are the over-riding control for new activities in the Zone. Existing tourist operators can continue to operate under the terms and conditions of the "South Bay Marine Facilities Resource Consent" and a separate "Tourist Operators Agreement". Other existing activities can continue to operate under section 10 of the RMA ("existing uses"), provided they have been lawfully established. However, any expansion or alteration to existing activities and tourist operations may require a new resource consent under the rules of the MF Zone.

In terms of the Recreation Reserves and Local Purpose Reserves, the Reserves Act specifies activities which are appropriate for the intended purpose of the reserves, but with no consideration of adverse effects. The MF Zone rules go one step further by controlling effects of all activities so as to protect the environment, which includes people and communities, from adverse effects.

21.2 Issue 1 - Protecting the amenity of South Bay.

A reasonable standard of amenity is required in South Bay to retain the amenity values presently enjoyed by residents.

21.2.1 Objective 1

To provide for activities in the Marine Facilities Zone which do not detract from residential amenity values.

21.2.2 Policies

1. To ensure that activities adjacent to the boundary of a recreation or residential area do not adversely affect the amenity enjoyed within these areas.

2. To improve the amenity and street environment of the Marine Facilities Zone by the use of performance standards to control matters such as height, noise, floor area and setback.
3. To control adverse effects of commercial activities through the application of District-Wide standards such as the use or storage of hazardous substances, and transport.
4. To continue with programmes for street enhancement, public facilities and open space.
5. To recognise existing activities, and to provide for appropriate new activities in the Marine Facilities Zone, in recognition of the strategic coastal location, the Zone's important role as a transport node, and the significance of the marine facilities to Kaikoura's economy.
6. To avoid the development of permanent tourist operator retail or ticketing facilities in order to protect the amenity of South Bay and in recognition that Business Zones are the most appropriate place for such activities.
7. To discourage the development of further commercial boat parking, and to discourage any permanent boat parking on public land in South Bay, facilities in South Bay in order to avoid adverse traffic effects and adverse effects on the amenity of South Bay residents.
8. To promote Council's "Zero Waste" policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.

21.2.3 Implementation Methods

1. To identify the Marine Facilities Zone in the District Plan which provides for activities needing to be located in the coastal environment and close to marine facilities at South Bay.
2. To include rules in the District Plan specifying performance standards at the interface between business, public open space and residential sites including:
 - road and neighbour setback, recession planes, height, noise, lighting spill, earthworks and waste management.
3. To control adverse effects of activities through the consent process.
4. Through the Council's annual planning process to continue to initiate and finance projects for street enhancement, public open space, and the provision of public facilities.
5. To control parking duration and location through appropriate bylaws.
6. Guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines - All Zones in Appendix G.

Explanation and Reasons

The grouping of activities with similar effects enables areas of different amenity to be maintained or created. The grouping of activities within areas can take into account existing development, the proximity to recreation and residential areas, the quality of environmental and amenity standards sought, and the nature of activities provided for.

The Marine Facilities Zone has been created at South Bay, in recognition of the existing commercial and recreational activities in the area and to provide for other activities which need to be located in the coastal environment close to marine facilities. However, it is important that the amenity of the coastal environment, including South Bay, is not adversely affected by any activities established. For this

reason, activities generally require resource consent with limited exceptions for permitted activities, which are considered to be appropriate.

21.3 Anticipated Environmental Results

1. The creation of South Bay as an attractive, safe and pleasant area in which to work, live and visit.
2. Enhanced street appearance, pedestrian access, public facilities and open space.
3. Preservation of the amenities of residential environments.
4. The establishment of activities within the Marine Facilities Zone which need to be located in the coastal environment close to marine facilities, while ensuring that the amenity of the coastal environment and South Bay is not adversely affected.

Marine Facilities Zone - Rules

21.4 Zone Description

The Marine Facilities zone is located at South Bay and extends from a former limestone quarry at the eastern end of South Bay Parade around to an area west of the Coastguard. The area is the site of the main launching ramp for small craft and is used by commercial fishing, tourist and private recreational boats. The area is also used for parking of commercial fishing and tourist boats.

The purpose of the zone is to recognise and provide for existing recreational and commercial boating activities.

21.5 Activities

Activities specified in the following table shall be assessed as permitted, restricted discretionary or unrestricted discretionary as shown, in respect of this section of the Plan.

Table 21.5

Status	Activity	Conditions
Permitted	a) <u>Recreational activities</u> limited to outdoor recreational activities and day time parking of recreational boat trailers b) <u>Commercial activities</u> limited to the loading and unloading of fish and the embarking and disembarking of passengers from land-based transport only. c) <u>Community activities</u> limited to coastguard / sea rescue facilities d) <u>Marine structures</u> limited to the establishment of any boat ramp or slipway, jetty, wharf or marina for the principal use of coastguard vessels. e) <u>Recreational boat parking</u> f) <u>Take off and landing of aircraft</u> limited to emergency landings, rescue, fire fighting, civil defence, or activities carried out by the New Zealand Defence Force	Subject to compliance with performance standards in rule 21.6.
Restricted Discretionary	Any permitted activity which does not comply with one or more of the performance standards in 21.6.	Council's discretion restricted to those standards not complied with as indicated in table 21.6.
Unrestricted Discretionary	Any other activity not listed as permitted or restricted discretionary	Discretion is not restricted to any particular matter. The performance standards in 21.6 will be used as a guide when assessing applications for unrestricted discretionary activities.

21.6 Performance Standards

Table 21.6

21.6	Standard
1. Lighting	a) Exterior lights shall be shielded or directed away from adjacent sites and roads. b) Exterior lights shall not result in lux spill which exceeds 3 lux maximum (horizontal and vertical) onto adjoining residential sites. c) Light spill shall be measured at any point more than 2m inside the boundary of the adjoining site.
2. Noise	<p>All activities shall be conducted so that the following noise limits are not exceeded during the time-frames stated at any point within any Residential Zone, or at any point within the notional boundary of any dwelling in the Rural Zone.</p> <p>Monday to Saturday, 7am to 11pm 55dBA L_{eq}</p> <p>At all other times 40dBA L_{eq}</p> <p>On any day between 11pm and 7am the following day 70dBA L_{max} All activities shall be conducted so that the following noise levels are not exceeded at or within the notional boundary of any site:-</p> <p style="padding-left: 40px;">50dBA LEQ maximum 0700-2200 Mon-Sat</p> <p style="padding-left: 40px;">40dBA LEQ maximum all other times</p> <p style="padding-left: 40px;">75dBA L_{max} at all times</p> <p>except that this rule does not apply to:-</p> <ul style="list-style-type: none"> - take-off or landing of aircraft for emergency landing, rescue, fire-fighting, civil defence, or activities carried out by the New Zealand Defence Force; - any activity on a formed road; - any activity on a designated railway; • any overflying aircraft.
3. Height of Buildings	5.5m maximum
4. Floor area	No building shall exceed 6m ² gross floor area.
5. Recession planes	No part of any building shall intrude into a recession plane constructed from points measured 2.5m above internal boundaries which adjoin residential sites as shown in Appendix H, unless exempt under Appendix H.
6. Earthworks	a) Earthworks shall not exceed 30m ³ (volume) and/or 50m ² (area) in any single 1000m ² area b) There shall be no earthworks at Moa Point within the Recreation Reserve.
7. Internal boundary separation	No building shall be located closer than 5m to any internal boundary except for buildings less than 6m ² in gross floor area
8. Road boundary separation	No building shall be located closer than 4.5m to any road boundary.
9. Waste management	All activities, other than residential activities, shall comply with the Waste Management Protocol in Appendix G. Any commercial activity which generates waste shall comply with the Waste Management Protocol set out in Appendix G.
10. Colour	Refer to section 11 (Landscape and Amenity).

Note: Enforcement provisions under the Act are available to be used by the Council, where any activity produces vibration, smell or dust or manufactures, stores, uses, transports or disposes of

hazardous substances in such a way that has or is likely to be either noxious, dangerous, offensive or objectionable, to such an extent that it has or is likely to have an adverse effect on the environment.

21.8 General Rules

Attention is drawn to the following General Rules which may apply to activities undertaken in the Marine Facilities Zone in addition to any relevant Zone Rules. Resource consent may be required as a result of any one or more of these General Rules.

Natural Hazards	(refer to Section 8)
Hazardous Substances	(refer to Section 9)
Utilities	(refer to Section 10)
Landscape and Amenity	(refer to Section 11)
Transport	(refer to Section 12)
Subdivision	(refer to Section 13)
Financial Contributions	(refer to Section 14)
Heritage	(refer to Section 15)
Relocated Buildings, Temporary Buildings and Temporary Activities	(refer to Section 17)
Noise Provisions & Exemptions	(refer to Appendix Q)

Note: Part of the Marine Facilities Zone is seaward of the Hazard 1 and Hazard 2 line in the Regional Coastal Environment Plan. This plan contains certain rules restricting activities in the Hazard areas, and some activities are also prohibited (no consent can be applied for). Any person proposing to undertake an activity within the Marine Facilities Zone should contact the Regional Council for further information relating to the Regional Coastal Environment Plan.

22 Rural Zone

22.1 Introduction

22.1.1 General

Kaikoura has a well established farming industry, based mainly on dairying, beef and sheep farming. There is also some pig, deer and exotic animal farming in the District and a small amount of horticultural activity. The Kaikoura Dairy Factory, New Zealand's smallest, presently produces cheese for export and local sales. The factory is an important asset to the District in terms of its economic significance and quality product.

Commercial forestry occurs to a limited degree within the Kaikoura District.

In addition to traditional farming activities, there is a growing trend towards diversification in rural areas. These activities include a winery, exotic animals, farm stays, restaurants and tourist activities. Diversification also includes a growing interest in organic farming practices and lifestyle blocks which are capable of intensive production.

The District is not particularly rich in minerals. Known mineral deposits include aggregate, bentonite, clay, limestone and greywacke.

While the district does contain a number of challenges in respect of weeds and pests, it should be noted that weed and pest control is a function of the Regional Council.

22.1.2 Conservation Values

The altitudinal range in the District, from sea level to 2886m, supports a wide range of habitats. These habitats may be grouped into five broad categories: coastal shores, wetlands, forests, scrub and open country.

There are about thirty indigenous bird species which are resident breeders in the District. Another fifty species have been recorded as occasional visitors. Because of the virtual absence of shallow lakes and swampy wetlands, waterfowl species are poorly represented in the District which makes remnants all the more important. Although the main indigenous mammals of the District are marine (N.Z. fur seals, whales and dolphins), there are also historic records of bats. The District has a number of nationally threatened invertebrates, such as spear grass weevils, and lizards including the black-eyed gecko (which was first recorded in the Seaward Kaikoura Range). Many of the District's waterbodies have diverse native fish fauna, particularly those that are spring fed or have catchments with indigenous forest cover. The nationally threatened short-jawed kokopu is found in several streams in the District. The only two surviving colonies of the Hutton's shearwater (an endemic bird species) are found in the Kaikoura District. These sites are at high altitude in the Seaward Kaikoura range. While the population may be as high as 170 000 breeding pairs, the species is vulnerable given the recent contraction of its breeding range. The indigenous mammals in the District are all marine and include the N.Z. fur seal, whales and dolphins.

The Kaikoura District has numerous protected areas with reserve or conservation area status. These areas, and some areas which are not protected or have no special status, contain include a wide range of habitats from coastal scrub to alpine vegetation. The Seaward Kaikoura Ranges contain the largest area of protected land in the District. They include the Kowhai Management Area (a soil and water conservation area) the Jordan Stream and Mount Manakau Scenic Reserves, Mount Uwerau Nature

Reserve and Mount Fyffe forest. The forests in this area comprise a complex mixture of beech, podocarp, mixed hardwood and coastal forests.

Numerous small coastal reserves provide an important recreational and scenic resource. The reserves are concentrated along the two strips of coastal highway between Oaro and Kahutara and between Mangamaumu and Clarence. The reserves not only preserve important areas of coastal native forest, but also provide a scenic backdrop and help stabilise the steep hills along the main highway, as well as being important mahinga kai of Ngai Tahu.

Scenic reserves are scattered throughout the District, and typically protect stands of native forest or significant natural features such as unusual rock formations. Picnic areas and bush walks are usually provided in these areas. Blue Duck Scientific Reserve is the only reserve of its type in the District. It protects an excellent example of lowland forest, where rimu, matai and associated native undergrowth is lush and largely unmodified. Birdlife in the reserve is prolific.

22.1.3 Margins of Waterways/Waterbodies

Kaikoura has approximately 105km of coastline comprising: Rocky coastline (20 km), Rough beach (stony with boulders (22 km), Sand and gravel beach (40 km), Sand beach (backed by sand dunes (23 km). Almost the entire shoreline of the Kaikoura coast is in Crown ownership in the form of public road, railway land and scenic and recreation reserves.

The major river systems in the District are the: Clarence, Kowhai, Hapuku, Kahutara and Oaro Rivers, while the remainder of the District is drained by small local streams, which either form tributaries to the larger rivers or flow directly into the sea. The lakes in the District are quite small, the largest Lake Rotorua is about 45 ha in area, with the smaller Lake Rotoiti nearby. A third lake, Lake Kowhai, is in private ownership along with Lake Rotoiti. Both Lake Rotorua and Lake Rotoiti have passive recreation, vegetation, fisheries and wildlife conservation values, with Lake Rotorua recognised as a wildlife refuge. Both Lake Rotorua and Lake Rotoiti have recreational (including hunting and fishing), vegetation, fisheries and wildlife conservation values, with Lake Rotorua being managed as a wildlife management reserve.

These waterbodies and their margins have a range of purposes or values, including:

- protection of habitats and natural values;
- protection against natural hazards where vegetation cover is retained or flood mitigation structures placed;
- maintaining the quality of surface waters;
- providing access;
- recreational use;
- as areas of mahinga kai and waahi taonga.

Landowners play an important part in the management of rivers, lakes and their margins through controlling stock access and consequent loss of water quality and riparian values, and through provision of access where appropriate.

22.2 Issue 1 - Protecting the Rural Amenity and Quality of the Rural Environment while recognising the "Working" Rural Environment

Unless activities in the rural area are properly managed, they can cause unpleasant conditions for the District's rural residents, and adversely affect the quality of the rural environment.

22.2.1 Objective 1 - Rural Amenity and Quality of the Environment

To encourage and provide for activities that sustain the amenity and environmental values which are part of the rural environment and which maintain and enhance the quality of the rural environment, while recognising- that parts of the Rural Zone are also a working environment involving activities such as farming and forestry.that that rural environment is also a working environment.

22.2.2 Policies

1. To ensure that effects from the scale and siting of development (building height, building setbacks and building density) are managed so that:
 - (a) development will not unreasonably detract from the privacy or outlook of neighbouring properties.
 - (b) sites remain open and with a rural character as viewed from roads;
 - (c) the character and scale of buildings is compatible with existing development within the surrounding rural area.
 - (d) the effects of an activity on one site do not have a significant adverse effect on activities on another site.
2. To ensure the colour of buildings in rural areas does not detract from the overall visual amenity of the rural environment.
3. To retain an open and spacious character in the rural areas of the District, with a dominance of open space and plantings over buildings, and where the potential for conflict between activities is minimised.
4. To maintain clear distinctions between urban and rural areas through zoning and the provision of performance standards to assist in protecting the character and quality of the rural area.
5. To avoid or mitigate the effects of activities that cause unpleasant living or working conditions for people in the rural community, or that have significant adverse effects on the quality of the environment.
6. To avoid, remedy or mitigate the effects of earthworks, vegetation clearance, forestry and the establishment of buildings near rivers, streams, lakes and wetlands, in order to protect: the natural character of these areas; natural conservation, amenity and landscape values; and to maintain or enhance water quality.
7. To recognise the role of the Canterbury Regional Council in controlling activities in policy 6, and to encourage and implement integrated management of those activities to avoid duplication.
8. To avoid, remedy or mitigate the adverse effects on the environment associated with gravel extraction and mineral extraction.
9. To allow rural areas to continue to be used for farming, horticulture and forestry activities and horticultural activities and for commercial activities where appropriate.
10. To promote Council's "Zero Waste" policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.

22.2.3 Implementation Methods

To achieve policies 1-9 through:

1. Provision of performance standards to protect the amenity and environmental quality of the Rural Zone.
2. The use of zoning to define settlements and rural areas.
3. Encouragement of appropriate land management practices which foster resource conservation, enhancement or repair through the efforts of such bodies as the SNA Working Group.
4. Recognise in the plan the desire of land managers and the community to protect widely recognised and shared values of the Kaikoura District; while simultaneously fostering and promoting sustainable land management practices.
5. Guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines - All Zones in Appendix G.

Explanation and Reasons

The rural environment has particular amenity, cultural and environmental values which are important to people. These include privacy, rural outlook, spaciousness, ease of access, clean air and peacefulness. In addition, there is the expectation that water will be available for both domestic and farming activities without the need for treatment. Subdivision controls are considered necessary, to ensure the density of residential dwellings is compatible with the rural environment, and to ensure that sufficient space exists for the treatment and disposal of effluent.

Intensive livestock development and increased dwelling numbers result in an increased number of effluent disposal fields. Unless controlled, the proliferation of effluent disposal fields can lead to a deterioration of groundwater quality. This is of concern where the groundwater table is close to the land surface.

Acceptance of the effects of rural activities reflects the close economic, social and physical links between the rural area and the people who live within it. Notwithstanding a general acceptance of certain effects, rural residents should be able to enjoy a level of amenity consistent with a rural environment. It is also important to recognise that the rural environment contains a level of amenity which newcomers may not fully appreciate. The rural area is a working environment in the sense that there are noises (such as hail cannons and roaring stags) and smells (such as poultry farms) which people moving into rural areas will need to accept. This is an issue of reverse sensitivity, which is best dealt with by rural immigrants fully understanding the nature of their surrounding environment, before purchasing or moving.

Certain rural activities such as intensive agriculture, have the potential to cause adverse effects which are greater than traditional farming practices. The effects of intensive agriculture are dependent on management regimes and the sensitivity of the surrounding environment. Consequently, effects of intensive agriculture activities need to be controlled.

Gravel extraction from rivers has the potential to cause visual impacts, dust, traffic and noise nuisance. Mining or quarrying operations have the potential to adversely affect environmental quality with respect to:

- landscape degradation arising from earthworks and overburden dumping;

- noise, dust and vibration;
- groundwater interference and surface water contamination;
- erosion and potential subsidence of surface land and inadequately restored tailings;
- degradation of waahi taonga and mahinga kai.

While recognising the role of the Canterbury Regional Council in managing effects of gravel extraction, the District Plan also controls gravel extraction and mining, other than small scale extraction. This is to ensure that adverse effects relating to extraction and the transporting of minerals and waste rock are avoided, remedied and mitigated.

22.3 Issue 2 - Threats to Kaikoura's Coastal Environment, Wetlands and Lakes and Rivers and their Margins

Effects of inappropriate subdivision, use and development pose a threat to Kaikoura's wetlands, lakes, rivers and coastlines and their margins, and the natural character of those areas. Protection of coastal areas, wetland and lakes and rivers and their margins, from inappropriate subdivision, use and development.

22.3.1 Objective 2

To maintain and enhance the ecological integrity, functioning, natural character, and cultural, recreational and amenity values of the coastal environment, wetlands, lakes, rivers and their margins and to protect these values from inappropriate subdivision, use and development. To manage land resources of the District to maintain and, where possible, enhance the natural character of the coastal environment, wetlands, lakes, rivers, and their margins.

22.3.2 Policies

1. To encourage the preservation, protection, maintenance and enhancement of the coastal environment, wetlands, lakes, rivers, streams, and their margins in the first instance, through management practices which allow for the re-establishment of indigenous vegetation where it has been depleted.
2. To retain existing vegetation within wetlands, and lakes, rivers and streams and their margins.
3. To avoid, remedy or mitigate any adverse effects of earthworks, vegetation clearance or new structures on Kaikoura's coastal environment, wetlands, lakes and rivers, and their margins.
4. To maintain and where possible, enhance the natural functioning of riparian margins including enhancing water quality, habitats for plants and animals, landscape and amenity values, bank stability and erosion control.

22.3.3 Implementation Methods

To achieve policies 1 and 2 through:

1. Provision of rules to control earthworks, clearance of vegetation and the establishment of buildings or structures in areas which are adjacent to or within waterway waterbodies.

2. The use of resource consent conditions to mitigate, avoid or remedy the effects of activities that may have adverse effects on the coastal landscape, outstanding natural features, water quality or the natural character of the District's waterways/waterbodies.
3. Through the Council's annual planning process to provide funds to encourage land owners to retain and enhance existing vegetation adjacent to or within waterways/waterbodies, through the provision of information to landowners regarding the importance of these areas.
4. To consider waiving resource consent fees where areas of significant indigenous plants or the habitats of indigenous animals are to be enhanced or maintained.
5. The Council will register in a separate information schedule, riparian areas and esplanade strips and reserves established by survey, voluntary retirement, covenant, statute, the resource consent process or any other management method.

Explanation and Reasons

Earthworks, and the establishment of buildings or structures within waterways/waterbodies or in close proximity to the margins of waterways/waterbodies, are activities which have the potential to adversely affect the natural character of these areas. Consequently, effects of these activities are controlled through rules.

Vegetation within wetlands and on the margins of lakes, rivers and streams is valuable. It provides habitat for significant fauna such as eel, whitebait, salmon and trout and it influences water quality. Consequently, retention of existing vegetation on the margins is required through the performance standards while management practices which allow for the re-establishment of vegetation are encouraged.

22.4 Issue 3 - Loss and Destruction of Indigenous Vegetation, Fauna and Habitats

Loss and destruction of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a result of human activities, plant and animal pests, fire and natural hazards.

22.4.1 Objective 3

To ~~protect~~ ensure that areas of significant indigenous vegetation and significant habitats of indigenous fauna, and associated biodiversity, from adverse effects of activities are protected from threats.

Objective 4

To ensure that indigenous vegetation is managed in a sustainable manner, particularly those types of vegetation that are sensitive to development, not well represented or are a special feature of the district.

22.4.2 Policies

1. To promote the protection and management of areas of significant indigenous vegetation and significant habitats of indigenous fauna through a range of management methods, partnership

- agreements with landowners, a non-statutory register of confirmed significant sites and other similar mechanisms.
2. To increase public awareness of the potential adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna that may arise from: human activities; plant and animal pests; fire; and natural hazards.
 3. To nominate possible areas of significant indigenous vegetation and significant habitats of indigenous fauna based on a variety of sources, such as information from the Significant Natural Areas Working Party and the Department of Conservation.
 4. To ensure that a non-statutory register of confirmed areas of significant indigenous vegetation and significant habitats of indigenous fauna is established in consultation with affected landowners, and that this register is regularly updated and the information made available to the community.
 5. To facilitate the establishment of landcare group(s) to assist landowners in the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
 6. To provide information on guidelines and protocols for landowners/managers to enable them to better identify, protect and monitor significant natural areas.
 7. To encourage landowners of areas of significant indigenous vegetation and significant habitats of indigenous fauna to actively manage and enhance these areas in partnership with other agencies such as the Department of Conservation and the Canterbury Regional Council.
 8. To encourage the Canterbury Regional Council, as part of their approach to achieving integrated management of the natural and physical resources of the region, to maintain an effective strategy for the containment and eradication of undesirable plants and animal pests which, among other things, threaten areas of significant indigenous vegetation and significant habitats of indigenous fauna.
 9. To avoid, remedy or mitigate the effects of activities, including earthworks, structures and the clearance of indigenous vegetation, in order to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.
 10. To protect the nature conservation values of all types of environments in the District. To promote the protection of the ecological values of all indigenous habitat types in the District, having particular regard to the rarity and representativeness of particular community types.
 11. To avoid, remedy or mitigate the effects of activities including earthworks, vegetation clearance, forestry and the establishment of buildings near rivers, streams, lakes and wetlands, in order to protect the values of riparian areas.
 12. To encourage integrated resource management through plan rules which avoid duplication and which reduce administration (and associated costs), through liaison with the Regional Council, the need for applicants to obtain consents from the Kaikoura District Council and the Canterbury Regional Council for the same activity.
 13. To use existing information held by the Department of Conservation as a basis for the preparation of a non-statutory list of nominated areas of significant indigenous vegetation and significant habitats of indigenous fauna, and to use the ecological matters listed in Schedule 1 to this section to assess the list of nominated areas.

14. To avoid, remedy or mitigate adverse effects on the natural resource values by controlling the clearance of indigenous vegetation throughout the district.
15. To include in the indigenous forest and vegetation clearance rules, by way of variation or plan change, provision for sustainable management plans and permits under Part III of the Forests Act 1949 once a confirmed list of internationally, nationally and regionally significant natural areas has been developed.

22.4.3 Implementation Methods

To achieve policies 1-13 through the following:

1. Protect areas with significant natural values by a mix of targeted district-wide rules and non-regulatory methods including:
 - rules
 - statutory lists for some categories of properties eg reserves
 - Reserve Management Plans
 - riparian strips and reserves
 - site identification and definition
 - criteria for protection
 - non-statutory lists and the use of "silent" files
 - management agreements and covenants
 - dissemination of information between groups and agencies
 - use of dedicated reserve and financial contribution funds
 - development offsets / exemptions
 - criteria for assistance levels and purchase
 - rating relief
 - waiver of charges
 - assistance with management planning
 - joint venture planting, restoration, remediation and protection
 - Logging Plans under the Forest Amendment Act 1993
 - protection of Heritage Areas and natural areas under Heritage legislation
 - Performance bonds and conditions on resource consents
 - Consultation with, and provision of advice and assistance to affected landowners
 - Supporting applications for covenanting and purchase to QEII Trust, Nature Heritage Fund, and Nga Whenua Rahui
 - Voluntary monitoring programmes
 - Landcare groups
 - Conservation awards and public recognition
 - Seminars, open days and field trials.

Note: the method(s) used will reflect the circumstances, protection priorities and statutory responsibilities and duties.

2. Through the Council's annual planning process to provide resources to undertake consultation with landowners and promote community awareness on the importance of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna. Methods include:
 - (a) Undertaking consultation with landowners, other agencies and Te Runanga o Kaikoura to develop a register of confirmed areas of significant indigenous vegetation

and significant habitats of indigenous fauna in the Kaikoura District. The register shall be;

- (i) established based on a list of nominated (possible) areas of significant indigenous vegetation and significant habitats of indigenous fauna derived from a variety of sources;
 - (ii) confirmed following the landowner consultation process outlined in implementation method 3;
 - (iii) generally available to the community except that the Council will consider individual requests for privacy, with copies located at the library, council offices and offices of other government agencies such as the Department of Conservation and the Canterbury Regional Council;
 - (iv) reviewed at least every two years by the Council and the Significant Natural Areas Working Party or nominated successors, with provision for agreements on new sites and deletions and to allow new entries to be added to and deleted from, the register of nominated sites on a continuous basis. The sites making up the register of confirmed sites will be monitored on a revolving basis at no more than five-year intervals. Updating will occur as necessary.
- (b) Provision of written material or visual displays in the form of pamphlets or display boards in community centres or libraries.
- (b)(c) Investigating the establishment of a group such as a landcare group, as a successor group or having complementary functions to the Significant Natural Areas Working Party, comprising landowners, Federated Farmers, Council staff and other agencies such as the Department of Conservation and Canterbury Regional Council, to oversee the management and monitoring of identified areas of significant indigenous vegetation.
- (d) Encouraging a partnership agreement between Kaikoura District Council, landowners and the Department of Conservation. Council and the Department of Conservation will provide advice and assistance to landowners in the management to manage of individual sites identified in the register and to investigate assist in the investigation of opportunities for financial and other appropriate assistance. Assistance such as fee exemptions may also be negotiated with owners of confirmed sites as positive acknowledgment of management plans, covenants or other commitments made by landholders/managers to protect the site.
- (e) Allocation of financial contribution funds for protection, where appropriate.
- (f) Supporting community initiatives by considering incentives such as community environmental awards.
- (g) Where appropriate, encouraging other forms of protection and management over sites of significant indigenous vegetation and significant habitats of indigenous fauna, such as QEII covenants, conservation covenants, Reserves Management Plans, Management Agreements and voluntary land purchase.
- (h) Liaison with the Canterbury Regional Council regarding the management and eradication of undesirable plants and animals which threaten areas of significant indigenous vegetation and significant habitats of indigenous fauna with reference to the Bio-security Act 1993.

- (i) Continuing consultation with landowners of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

3. The Kaikoura District Council will establish, separate from the District Plan, a non-statutory register of confirmed areas of significant indigenous vegetation and significant habitats of indigenous fauna using the following "Consultation Protocol":

- (a) nominate possible areas of significant indigenous vegetation using a variety of base information such as data from the Department of Conservation;
- (b) identify the priority for protection and time guidelines for completing the consultation process (refer to Schedule 1 of this section of the Plan). For areas nominated in the Department on Conservation 1997 document, "Areas of Significant Conservation Value", priority has been identified as follows:
- ~~(i) to take into account any matters which require a site to be given high priority~~
- ~~(ii)(i)~~ (i) internationally significant sites - critical priority
initiate consultation within 12 months of District Plan being notified
- (iii) nationally significant sites - high priority
initiate consultation within 18 months of District Plan being notified
- (iiiv) regionally significant sites - medium priority
initiate consultation within 2 and a half years of District Plan being notified
Note: Regional significance here means of significance within an ecological region, not necessarily within the Canterbury region.
- (iv) locally significant sites - low priority
initiate consultation within 3 and a half years of District Plan being notified
- ~~(v)~~ (v) in identifying the priorities for protection, any other matters which may require a site to be given high priority, including the imminence of any threat, will be taken into account.
- (c) identify and confirm affected landowners / occupiers for each site;
- ~~(b)(d)~~ (d) contact, each landowner / occupier individually and discuss with them, in consultation with the Department of Conservation, the following each landowner / occupier individually and discuss with them:
- (i) accuracy of the site boundaries and size
- (ii) reasons for identifying the site including any conservation values
- (iii) significance of the particular site as assessed against the MFE "Criteria For Assessing Ecological Significance Under Section 6(c) of the Resource Management Act", 22 January 1999, or any subsequent replacement or amendment to that criteria, or other agreed criteria
- (iv) current management of the site
- (v) importance of the site to the overall farm economy
- (vi) any future plans for developing the site
- (vii) options for protecting the conservation values contained within the site or removing the sites from the nominated list or confirmed register if no conservation values exist

- (e) consult with other agencies as necessary, such as the Department of Conservation, Canterbury the Regional Council and Te Runanga o Ngai Tahu;
- ~~(b)(f)~~ negotiate options for managing the sites with the landowner / occupier and enter into a partnership management agreement where necessary. Kaikoura District Council will consider requests from individual landowners not to make public any sites which are sensitive or where public identification would not be in the best interest of the protection of the site;
- ~~(e)(g)~~ confirm the sites by including them in the register of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, unless inclusion in the public register is deemed inappropriate by the Council;
- ~~(d)(h)~~ set up a monitoring programme with each landowner / occupier to monitor the conservation values within each site;
- ~~(e)(i)~~ undertake ongoing monitoring of the state of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Monitoring will cover:
 - (i) sites on the non-statutory register of confirmed sites;
 - (ii) sites on the non-statutory register of nominated sites (where necessary);
 - (iii) compliance with conditions of resource consents;
 - (iv) the effectiveness of the general rules and methods of the District Plan.

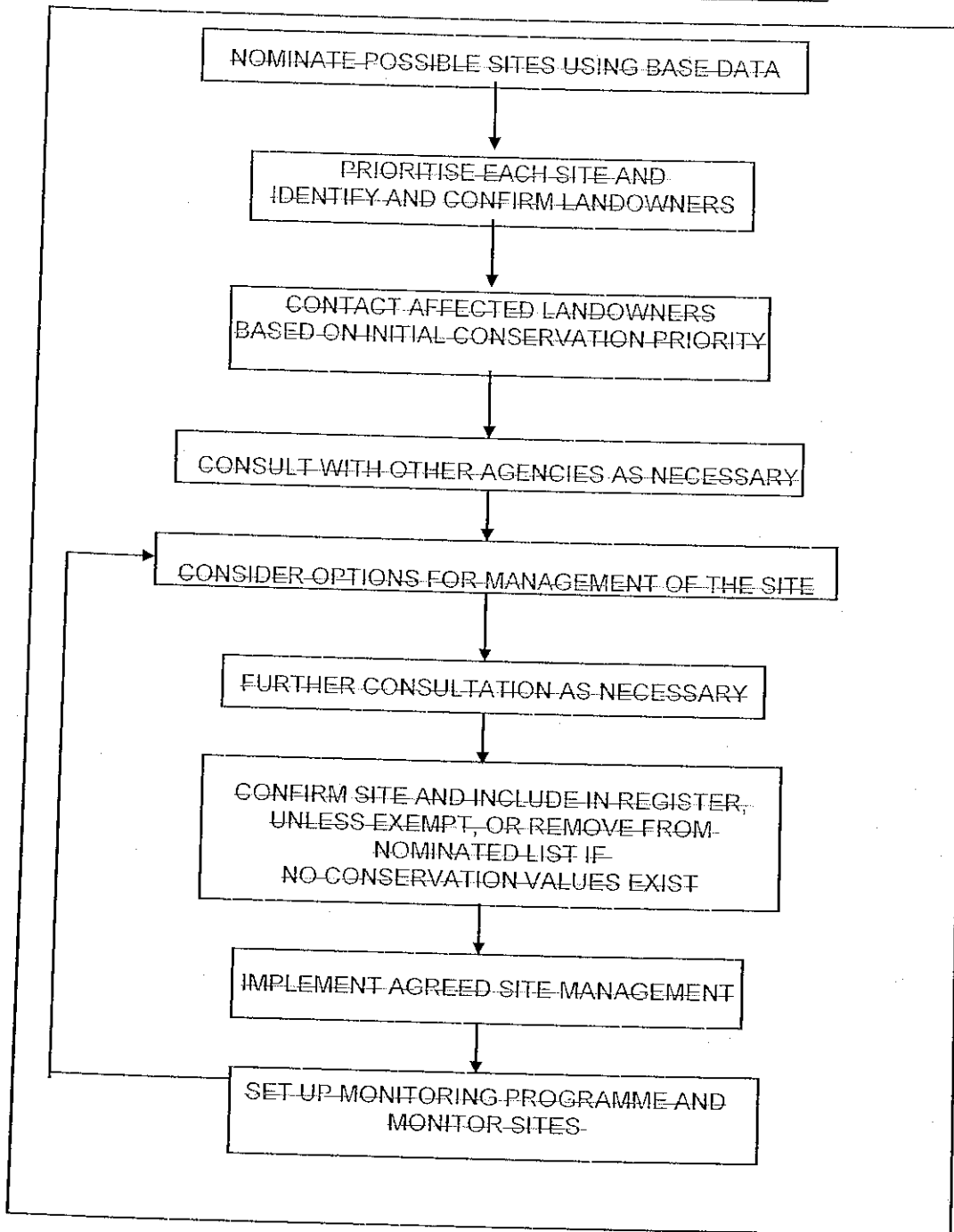
Monitoring methods will include:

- (i) Reviewing a random representative sample of nominated sites for the purpose of ascertaining how these sites are changing over time in respect of the values for which they have been confirmed or nominated;
- (ii) Reviewing confirmed sites at least once every five years including reviewing the agreed management regime;
- (iii) Reviewing at least every two years, the effectiveness (including acceptability) of the register and agreed management regimes with landholders / managers.

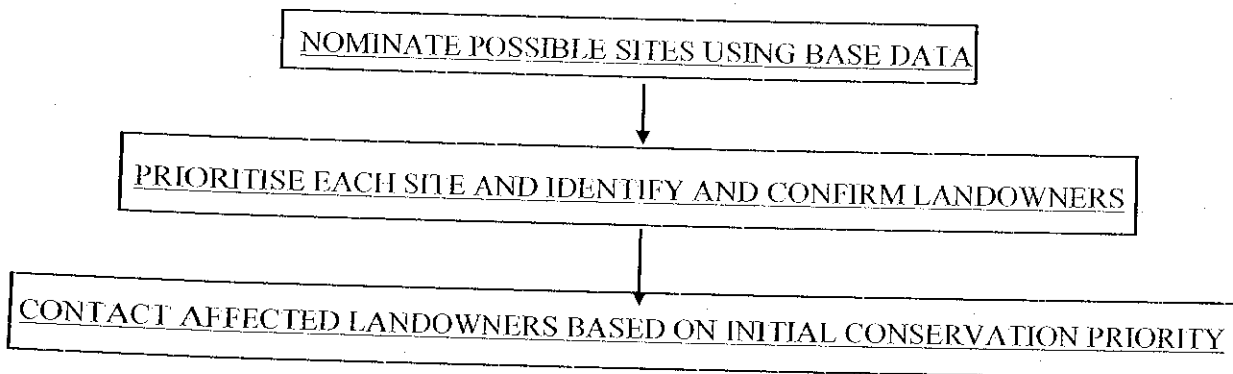
4. District wide rules for the clearance of indigenous vegetation and forest and vegetation on wetlands, alluvial land, limestone substrates, bluffs, rocklands, dune lands, alpine environments, beds of rivers/lakes and on coastal areas.

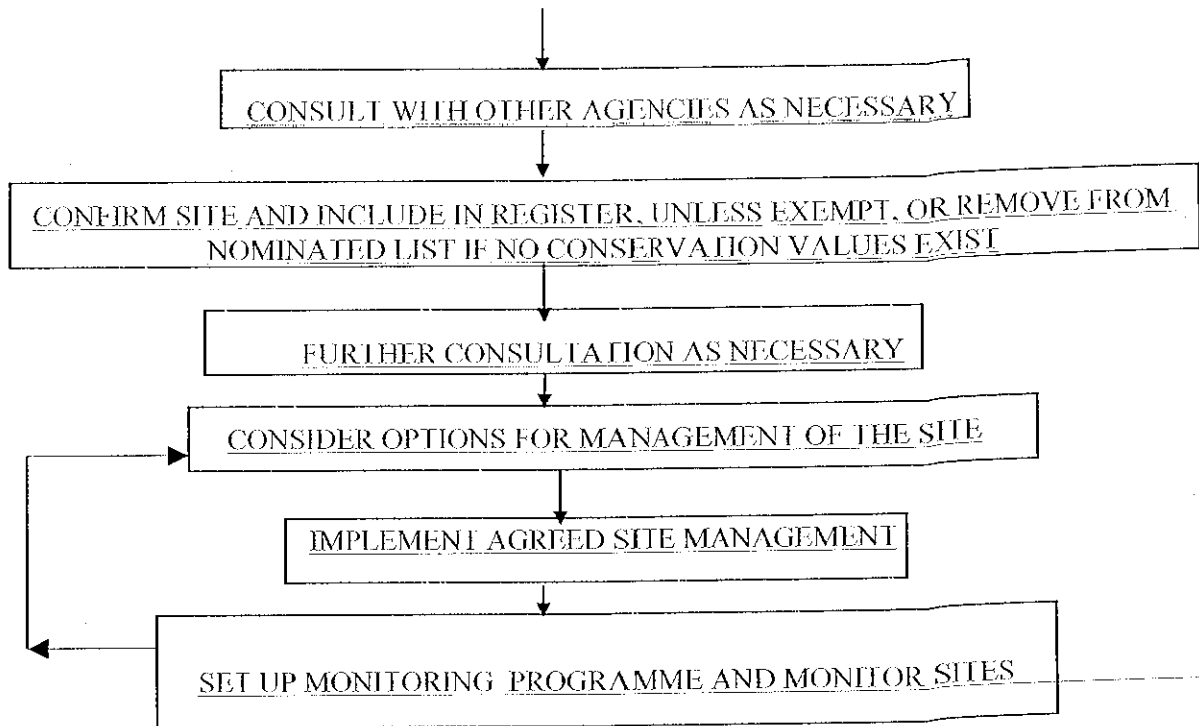
AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA:

CONSULTATION PROTOCOL FLOW CHART



Note:— The order of the above process may vary depending on the information received.





Note: The order of the above process may vary depending on the information received.

Explanation and Reasons

Under Section 6(c) the Resource Management Act 1991 the Council has a responsibility to recognise and provide for the protection of areas of “significant indigenous vegetation and significant habitats of indigenous fauna” as a matter of national importance. The protection against recognised threats to habitats is a problem in the District, with many habitats under threat from human activities, plant and animal pests, fire and natural hazards.

The Kaikoura District Council is committed to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The Council will continue to consult with landowners, relevant groups and organisations in the community to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna of value.

As part of the district plan development process, the Council formulated a working party to discuss an appropriate process for managing areas of significant indigenous vegetation and significant habitats of indigenous fauna. Through working party discussions, a “partnership arrangement” was considered the best method for the management of these areas. It was agreed that areas of significant indigenous vegetation and significant habitats of indigenous fauna should not be identified in the Plan and that they should not be subject to a more stringent set of rules than apply generally for general vegetation.

However, the Council recognises that district wide rules are required in order to protect nature conservation values throughout the district particularly where earthworks, vegetation clearance, tree planting and the establishment of buildings have adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna. The district wide rules provide a precautionary safety measure for conserving the values of these areas during the landowner consultation process. These rules are important as a means by which the Council can fulfil its responsibilities for promoting the sustainable management of the natural resources of the District, including the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Provision will also be made by way of rules to avoid the Kaikoura District Council duplicating regional council functions and to achieve better integrated management of natural resources and natural heritage.

Specific rules exist in respect of the clearance of indigenous vegetation on wetlands, dunelands, coastal lowland forest, river and lake beds, rocklands, alluvial land and limestone substrate. These ecosystems are relatively small, discrete and distinct compared to the indigenous ecosystems on hill country and mountain lands which make up the bulk of the district. Their unusual physical characteristics have provided habitats for distinctive communities of plants and animals to evolve. Many of these species are so specialised that they are completely confined to the distinct community they are adapted for, e.g. pingao on dunes, rock daisy on bluffs, chalk gentian on limestone. Moreover, these habitats are where most of the threatened species in Kaikoura District have their strongholds (e.g. swamp nettle in lowland wetlands, and native germander on alluvium and limestone), and the only communities where species endemic to South Marlborough can survive (e.g. weeping tree broom, NZ lilac, pink broom on rocklands and riverbeds, chalk willowherb and chalk broom on limestone). The importance of these ecosystems for the District’s natural biodiversity is therefore disproportionate to their relatively small size.

The Council considers that it is critical to gain community and landowner co-operation to the process and that this is more effectively achieved through non-regulatory means. While the Council acknowledges private property rights, the privilege of landownership also carries an inherent responsibility of “stewardship” through retaining the integrity of the land resource for future generations. ~~The Council acknowledges the private property rights of landowners.~~ The Council shall aim to raise community awareness of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the contribution that they make to the amenity and environmental quality of the district.

The areas of significant indigenous vegetation and significant habitats of indigenous fauna will be initially identified by relying on a variety of base data, such as Department of Conservation information. This will assist the Council in nominating areas of significant indigenous vegetation and significant habitats of indigenous fauna for inclusion in a non-statutory register. The register of nominated sites is a voluntary device intended to assist landowners, other interested parties and the key statutory authorities in understanding management issues and priorities in the District.

The nominated sites will then be refined and confirmed through consultation with affected landowners, leading to a register of confirmed sites. This register will not form part of the District Plan. The development of a non-statutory register of confirmed sites will occur over time as landowners and others identify significant natural values that should be managed to ensure protection of those values. The criteria for identifying sites will also assist the Council in determining the priority for managing each site.

The contents of the register will correlate initiatives between landowners/managers and the Council and will reflect current conservation values. The register will include a clear statement as to how the information will be used and accessed. The Council will endeavour to maintain the register of confirmed sites as a public document, but may agree to individual requests for privacy in regard to information it has on confirmed sites. The list of nominated sites will not be available to the public generally, since sites on that list will not have been confirmed.

Monitoring of nominated and confirmed sites will ensure that the Council has the necessary information to carry out a valid and consistent process. Monitoring and information gathering could however, be delegated to individual landowners or nominees of the Council and/or Significant Natural Areas Working Party under specified operation guidelines and protocols, once initial values are established, described and mapped.

The role of the Department of Conservation in this process is to provide current information in accordance with an agreed consultative process and having regard to any commitments made at the time as to the confidentiality of that information. The Department is a key player. In the provision of information on significant sites, especially those sites which are known to contain threatened or endangered species. The Department will also be particularly instrumental in negotiating options for managing those areas of significant indigenous vegetation and significant habitats of indigenous fauna which contain threatened or endangered species and which are identified as priority sites for protection in accordance with the provisions of the Department's Nelson/Marlborough Conservation Management Strategy. While the Council will draw on the Department's expertise to assist in fulfilling its obligations under the Resource Management Act, it also recognises the practical difficulties of the Council's and the Department's limited resources.

The Council is committed to maintaining and regularly updating a confirmed register of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the District. The Council acknowledges that this is an ongoing process which requires commitment of resources from means outside of the District Plan. In this respect, Council will investigate setting up a Landcare Group or some other similar management group or system, in conjunction with landowners and other agencies such as Federated Farmers, the Department of Conservation, Landcare Trust and Canterbury Regional Council. The management group would assist in the identification, management and monitoring of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The register of confirmed areas will be available for the community to examine and will assist as an educational tool for the public.

Some financial assistance may be available from the following trusts or funds formulated for conservation purposes (note that further funding may be available from other sources):

<u>Type of covenant / fund</u>	<u>Administrative Authority</u>
<u>Nga Whenua Rahui</u>	<u>Native Heritage Fund</u>
<u>Nature Heritage Fund</u>	<u>Nature Heritage Fund</u>
<u>Queen Elizabeth National Trust Covenants</u>	<u>Queen Elizabeth National Trust</u>
<u>Conservation Covenants</u>	<u>Department of Conservation</u>

Some financial assistance may be available from trusts or funds formulated for conservation purposes under other legislation such as the:

- Maori Land Act 1993 (e.g. Nga Whenua Rahui)
- Conservation Act 1987
- Wildlife Act 1953 and Amendment Act 1985
- Reserves Act 1977
- Queen Elizabeth National Trust Act 1977
- Forest Heritage Trust

Administrative assistance may be provided to landholders in making applications to other funding agencies, trusts and groups. Endorsements and partnerships may also be entered into in specific circumstances which are consistent with the Council's RMA duties and responsibilities, and objectives and policies in the District Plan.

The Council will encourage the Canterbury Regional Council, in partnership with landowners, to continue to control threats to areas of significant indigenous vegetation and significant habitats of indigenous fauna through methods such as the Pest Management Strategy.

The Council is committed to monitoring all confirmed and a representative sample of nominated ~~monitor confirmed~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna. Monitoring will allow Council to determine the effectiveness of the management option chosen for each site, to determine the effectiveness of the district wide rules, and to gauge the loss, enhancement or general state of the sites over time.

22.5 *Anticipated Environmental Results*

1. Retention of a lower density of development in the general rural area, without undue levels of complaints or conflicts relating to rural amenity.
2. Retention of the amenities, quality and character of the different rural environments within the District.
3. Retention of the District's landscape values, particularly along the coastline.
4. Protection of the natural character of the coastal environment, wetlands, lakes, rivers and streams and their margins.
5. Retention and enhancement of the existing vegetation within wetlands and on the margins of lakes, rivers and streams.
6. Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be protected for present and future generations.

7. Adverse environmental effects of activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna will be avoided, remedied or mitigated.
8. Community awareness of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the District will be enhanced
9. The establishment of a process that is both affordable and acceptable to the community and landowners for the management of areas of significant indigenous vegetation and significant habitats of indigenous fauna and recognises the private property rights of landowners.
10. The indigenous biodiversity of the District is retained.
11. Indigenous ecosystem functions are maintained and enhanced

Rural Zone Rules

22.6 Zone Description

The Rural Zone covers all the rural land in the district, including the hill and high country, and plains. The zone contains a variety of soil types ranging from highly versatile soils, to those erosion susceptible soils in the high country.

The zone is characterised by low-density rural development and a wide range of rural activities. The rules therefore provide for land holdings with sufficient separation distances retained between neighbours to ensure that a wide range of activities can be undertaken in a compatible manner.

The Council envisages that productive use of land in the Rural Zone is undertaken in combination with the conservation of indigenous vegetation and the protection of soil resources from degradation and erosion. In addition to the rules stated below, the Canterbury Regional Council also has controls which apply to vegetation clearance or earthworks in the rural area and to activities within coastal hazard areas. Any person wishing to undertake vegetation or earthworks clearance or undertake activities within coastal hazard areas will need to consult the Regional Council on that matter.

22.7 Activities

Activities specified in the following table shall be assessed as permitted, restricted discretionary, or unrestricted discretionary as shown.

Table 22.7

Status	Activity	Conditions
Permitted	<ul style="list-style-type: none"> • Farming • Residential activities • Home Occupations • Aquaculture • Forestry • And any other activity not listed as restricted or unrestricted discretionary. <p>Any activity not listed as Discretionary</p>	Activities are permitted subject to compliance with performance standards in rule 22.8.
Restricted Discretionary	<p>a) Industrial Activities b) Commercial Activities c) Mineral Prospecting d) a) Visitor Accommodation e) Mineral Extraction f) b) Intensive Farming g) c) Take off or landing of aircraft except for any of the following: emergencies; rescue; fire fighting; civil defence; farming; private (non-commercial) use; activities carried out by the New Zealand Defence Force. h) d) Any permitted activity which does not comply with one or more of the performance standards in 22.8, unless specified as a restricted or unrestricted discretionary activity.</p>	<p>Subject to compliance with performance standards in rule 22.8. Council's discretion restricted to any performance standard not complied with and the following (where applicable):</p> <ul style="list-style-type: none"> • effects on amenity values including noise and visual effects • any effects on traffic or pedestrian safety • provision for adequate servicing including sewerage disposal, water supply • effects on archaeological, cultural or historic sites or buildings • site restoration <p>For h) only: Council's discretion restricted to those standards not complied with as indicated in table 22.8.</p>

Status	Activity	Conditions
Unrestricted Discretionary	a) Industrial Activities b) Commercial Activities, except where listed as a permitted activity. c) Mineral Prospecting d) Mineral Extraction	Discretion is not restricted to any particular matter. The performance standards in 22.8 will be used as a guide when assessing applications for unrestricted discretionary activities.

22.8 Performance Standards

Table 22.8

22.8	Standard
1. Lighting	Exterior lights shall be directed away from adjacent residential units and roads and shall not result in lux spill which exceeds 3 lux maximum (horizontal and vertical) onto adjoining residential units, measured at any point more than 2m inside the notional boundary of the adjoining Residential unit.
2. Noise	<p>All activities shall be conducted so that the following noise limits are not exceeded during any time period for assessment within the following time frames:</p> <p>Monday to Saturday 7am to 11pm 50dBA L_{eq} At all other times 40dBA L_{eq} On any day between 11pm and 7am the following day 70dBA L_{max}</p> <p>For the purpose of this rule, the measurement and assessment position shall be at any point within any other site in the Rural Zone, or at any point within any residential site within the Settlement Zone, or at any point with the Residential Zone.</p> <p><i>Note: Refer to Appendix Q for a list of noise provisions relating to construction, blasting and watercraft, and for a list of exemptions to the noise provisions. All activities shall be conducted so that the following noise levels are not exceeded at or within 20m of any residential unit:</i></p> <p>50dBA LEQ maximum 0700-2200 Mon-Sat 40dBA LEQ maximum all other times 75dBA L_{max} at all times</p> <p>except that this rule does not apply to:</p> <ul style="list-style-type: none"> take-off or landing of aircraft for emergency landing, rescue, fire-fighting, civil defence, or activities carried out by the New Zealand Defence Force; any farming activity or aquaculture; any activity on a formed road; any activity on a designated railway; any over-flying aircraft • impulse noise resulting from the use of firearms, explosives or explosive simulators.
3. Height of buildings	12m maximum except where located within riparian areas - refer rule 22.8(13).
4. Residential unit separation	<p>a) Residential units shall not be located closer than 25m to any other residential unit.</p> <p>b) Buildings which exceed 6m² in area and which are not residential units shall not be located closer than 10m to any residential unit on an adjoining site.</p> <p>c) Buildings 6m² in area or less shall not be located closer than 5m to any residential unit on an adjoining site.</p> <p>d) Residential units shall not be located closer than 50 metres to any Commercial Forestry activity unless the written consent of the adjoining property owner is deposited with the</p>

22.8	Standard
	Council or unless the forestry land and the residential unit are in the same ownership.
5. Residential curtilage	Residential curtilage shall not exceed 2000m ² on any site
6. Road boundary separation	<p>No building shall be located closer than the following minimum distances to any road boundary:</p> <p>a) buildings used for retail sales - 25m;</p> <p>b) all other buildings - 10m</p> <p>except that this rule does not apply:</p> <ul style="list-style-type: none"> • where buildings are 6m² or less in gross floor area or; • where the exceptions under rule 22.10 apply.
7. Sewage disposal separation distances.	<p>a) Sewage disposal systems shall comply with the following minimum separation distances: shall be separated from domestic water supply intakes as follows:-</p> <ul style="list-style-type: none"> • 50m separation up gradient, or 30m separation in any other direction, between any sewerage disposal system with treatment to a standard of 1000 or less faecal coliforms per 100ml, and any domestic water supply intake or; • where the treatment standard specified in (a) above is not met, 500m separation up gradient, or 300m separation in any other direction, between any sewerage disposal system not specified in 7(a) and any domestic water supply intake; • 20m between any sewage disposal system and any stream, river, lake, wetland or coastal water. <p>b) Sewage disposal systems shall be separated from any dwelling or habitable building not on the same site as the disposal system, by a minimum of 100m upgradient of the dwelling or habitable building or 50m on any other direction.</p>
8. Gravel extraction	Gravel extraction shall not exceed cumulatively 1000m ³ in any one hectare within any two year period, except that this rule does not apply to gravel extraction relating to the maintenance or flood control of any waterway/waterbody or drain.
9. Intensive farming	Activities involving intensive farming and accessory buildings shall be located at least 50 metres from any residential unit.
10. Commercial, conservation and protection forestry	<p>a) Trees shall not be planted or allowed to grow in a position which will shade the carriageway of any road between the hours of 1000 and 1400 on the shortest day of any year, except where the topography is already preventing direct access of sunlight onto the carriageway during these hours.</p> <p>For Commercial Forestry only:</p> <p>b) No tree shall be planted within 10 metres of any internal boundary or where shading of the adjacent site would occur between the hours of 1000 and 1400 on the shortest day of any year, unless the written consent of the adjoining property owner is deposited with the Council or unless the adjoining land and the forestry land are in the same ownership and;</p> <p>b)-c) No tree shall be planted within 50 metres of any residential unit located on an adjacent site, unless the written consent of the adjoining property owner is deposited with the Council or unless the adjoining land and the forestry land are in the same ownership.</p>
11. Indigenous forest clearance	<p>1. Clearance of indigenous forest shall not exceed the following thresholds, unless permitted under rule 22 8(11)(2):</p> <p>a) clearance of cumulatively more than 100m² in any one hectare of indigenous forest:</p> <ul style="list-style-type: none"> • on alluvial land or limestone substrate; • within Outstanding and Significant Landscape Areas and; • where the indigenous forest is comprised of coastal broadleaved vegetation

22.8	Standard
	<p>b) clearance of cumulatively more than 1ha of indigenous forest in any 5 year period per Certificate of Title, on sites not specified in 22.8(11)(1)(a) above.</p> <p>2. Rule 22.8(11)(1) shall <u>not apply</u> to any of the following activities:</p> <p>a) removal of 50m³ or less of roundwood per 10 year period per Certificate of Title from any area of indigenous forest (including windthrown and standing dead trees), for <u>non-commercial use</u>, or for use by Ngai Tahu for cultural purposes (eg building of waka) or;</p> <p>b) clearance of indigenous forest planted specifically for the purposes of commercial, protection or conservation forestry or;</p> <p>c) <u>trimming of trees associated with the operation and maintenance of existing tracks and utilities, utility buildings and utility support structures (excluding upgrading) or;</u></p> <p>d) removal of trees which are dangerous to human life or property or;</p> <p>e) clearance of kanuka or manuka species less than 68m in height and with forest cover of less than 80% of the area to be cleared.</p>
12. Indigenous vegetation clearance	<p>1. Clearance of indigenous vegetation shall not exceed the following thresholds, unless permitted under rule 22.8(12)(2):</p> <p>a) clearance of indigenous vegetation from any naturally occurring wetland where the wetland has an area exceeding 2000m² (including estuaries) or;</p> <p>b) clearance of more than 100m² of indigenous vegetation in any one hectare in any 5 year period where the vegetation is:</p> <ul style="list-style-type: none"> • tall tussock communities dominated by the genus Chionochloa or; • vegetation located on dunelands, beds of rivers or lakes or rocklands, including bluffs or; • non-forest coastal broadleaved vegetation • non-forest indigenous vegetation on alluvial land, limestone substrate, and within Outstanding and Significant Landscape Areas, <u>where</u> the cover is not dominated by one or more of the pioneer species of manuka, kanuka, tauhinu, matagouri, bracken fern, silver tussock or tall fescue. <p>2. Rule 22.8(12)(1) shall <u>not apply</u> to any of the following activities:</p> <p>a) clearance of indigenous vegetation which has been planted and managed specifically for the purposes of harvesting or clearance or;</p> <p>b) <u>the trimming of trees associated with the operation, maintenance, replacement and upgrading of existing tracks, utilities, utility buildings and utility support structures, trimming of vegetation associated with the maintenance and operation of existing tracks and utilities (excluding expansion and upgrading) or;</u></p> <p>c) removal of vegetation which is dangerous to human life or property or;</p> <p>d) <u>clearance of regrowth indigenous vegetation growing beneath existing commercial forestry plantations.</u></p>
13. Riparian management	<p>On any land within the bed of any lake, river or stream or; within any naturally occurring wetland or; within 20m of <u>the margin of the coast or any wetland or;</u> within 10m of <u>the bed of any river, stream, or lake:</u></p> <p>a) earthworks, except for flood protection works, shall not exceed 10m³ in any one hectare in any 5 year period or have a maximum depth of cut or fill exceeding 0.5m and;</p> <p>b) buildings or utility buildings shall not exceed 9m² in area and/or 2m in height and;</p> <p>c) <u>vegetation clearance shall not exceed 100m² in any one hectare in any one year, except that this does not apply to the clearance of noxious plants or plant pests, maintenance or upgrading of existing tracks and fence lines, or the trimming of trees ancillary to the operation, maintenance, and upgrading of utilities, utility buildings and utility support structures. vegetation clearance, except for the maintenance of existing tracks and fence lines, or the clearance of noxious plants or plant pests, shall not exceed 100m² in any one hectare in any one year.</u></p>

22.8	Standard
14. Separation Distance, High Voltage Electricity Transmission Line	No building shall be located within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher.
15. Drinking water	All residential units and visitor accommodation units shall be connected to potable water supply in accordance with "NZ Drinking Water Standards 2000", or any subsequent amendment or replacement to those standards.
16. Waste Disposal	All activities, other than residential activities, in the Rural Zone shall comply with the Waste Management Protocol in Appendix G.
14. Colour	<i>Refer to section 11 (Landscape and Amenity).</i>

22.9 Duplication of Consents

Where any activity requires a resource consent under the following rules and a resource consent has been obtained from the Canterbury Regional Council for the same activity then the rules specified below shall not apply to that activity.

- 22.8(8) Gravel Extraction
- 22.8(11) Indigenous Forest Clearance
- 22.8(12) Indigenous Vegetation Clearance
- 22.8(13) Riparian Management

22.10 Exceptions to Performance Standards

22.10.1 Residential Unit Separation

Rule 22.8(4) (residential unit separation) shall not apply in the following circumstances:

- (a) Eaves, porches, chimneys, bay windows, stairways, steps, landings, and balconies may be located within the separation distances subject to the following limits:
 - eaves may intrude into the separation distance by no more than 1m;
 - porches and windbreaks opposite a doorway may intrude into the separation distance by no more than 1m;
 - bay windows may intrude into the separation distance by no more than 1m parallel to the boundary;
 - chimneys may intrude into the separation distance by no more than 1m parallel to the boundary;
 - external stairways, landings and un-enclosed balconies may intrude into the separation distance by no more than 1.5m
- (b) Buildings, other than residential units, designed and/or used for the housing of domestic livestock or other animals shall not be located closer than the following distances from any residential unit:

Poultry and other birds	5.0m
Dogs	5.0m
Pigs	50m
Other animals associated with farming	25m

22.10.2 Road Boundary Separation

Rule 22.8(6) (road boundary separation) shall not apply to the following:

- eaves may intrude into the separation distance by no more than 1m;
- porches and windbreaks opposite a doorway may intrude into the separation distance by no more than 1m;
- bay windows may intrude into the separation distance by no more than 1m parallel to the boundary;
- chimneys may intrude into the separation distance by no more than 1m parallel to the boundary;
- external stairways, landings and un-enclosed balconies may intrude into the separation distance by no more than 1.5m.

22.11 District-Wide Rules

In addition to zone rules, the following district-wide Rules may also apply to activities undertaken in the Rural Zones.

Natural Hazards	(refer to Section 8)
Hazardous Substances	(refer to Section 9)
Utilities	(refer to Section 10)
Landscape and Amenity	(refer to Section 11)
Transport	(refer to Section 12)
Subdivision	(refer to Section 13)
Financial Contributions	(refer to Section 14)
Heritage	(refer to Section 15)
Relocated Buildings, Temporary Buildings and Temporary Activities	(refer to Section 17)
Noise Provisions & Exemptions	(refer to Appendix Q)

22.12 Scheduled Activities: Kaikoura Co-operative Dairy Co. Dairy Factory

22.12.1 Statement

Scheduling provides for land use activities which require special recognition and some scope for development, but which do not necessarily justify specialised zoning. These activities are generally characterised by one or more of the following:

- (a) Isolated from zones in which such activities would normally comply with the standards specified;
- (b) Distinctly different in character and effects by contrast with surrounding activities;
- (c) Provided for by zoning or listing as permitted activities in previous District Plans.

Scheduled activities in the Rural Zone are limited to the Kaikoura Dairy Factory on Mill Road.

Scheduling goes beyond existing use right status, to provide for specified activities as permitted activities on identified sites, and allowing some scope for expansion and redevelopment.

22.12.2 Activities

1. The rules in this part of the Plan replace those zone rules which would otherwise apply to the activity, in respect of the Scheduled Activity only. **All district wide rules still apply** unless otherwise specified.
2. Any activity on the site, other than the Scheduled Activity, shall be subject to the performance standards applicable to the Rural Zone.
3. Discretionary Activity
Scheduled Activities listed below which do not comply with any one or more of the Performance Standards in this part of the plan shall be a Restricted Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the Site Standard which is (are) not complied with.

22.12.3 Scheduled Activities

Scheduled Industrial Activities are as follows:

<u>Site Number</u>	<u>Business</u>	<u>Location</u>	<u>Legal Description</u>
S1	Kaikoura Co-operative Dairy Co. Dairy Factory	226 Mill Road	Lot 1, DP 1427

22.12.4 Permitted Activities

The following activities shall be Permitted on the site occupied by the Kaikoura Dairy Factory, provided that they comply with all of the Performance Standards:

- (a) Processing, manufacture, storage, packaging and distribution of dairy products.
- (b) Retail sales limited to farm produce, dairy products and tourist products.
- (c) Activities ancillary to those listed in (a) and (b) above, including:

- ablution facilities
- administrative offices
- canteens
- carparking
- dining rooms
- energy generation,
- engineering workshops
- laboratories
- maintenance workshops
- medical offices
- research facilities
- transport depots
- vehicle washdown facilities
- waste treatment and disposal facilities (subject to any necessary discharge permits)

22.13 Performance Standards

The following performance standards apply to Scheduled Activity S1 (Kaikoura Dairy Factory).

Table 22.13

22.13	Standard
1. Lighting	All fixed exterior lighting shall be directed away from adjacent sites and roads.
2. Noise	All activities shall be conducted so that the following noise levels are not exceeded at the notional boundary of the scheduled site: 50dBA LEQ maximum 0600-2200 Mon-Sat 40dBA LEQ maximum all other times 75dBA Lmax at all times
3. Height of buildings	18 metres maximum
4. Landscaping	Landscaping with a minimum width of 1.5m shall be provided along all road boundaries, except for vehicle crossings.
5. Screening	Areas used for outdoor storage shall be screened from roads by landscaping, a solid wall, a close boarded fence, or any combination of these measures, with a minimum height of 1.8m.
6. Internal boundary separation	No building shall be located closer than 6m to any internal boundary.
7. Road boundary separation	a) No building shall be located closer than 10m to any road boundary. b) No outdoor storage areas shall be located closer than 20m to any road boundary
8. Waste management	Scheduled Activity S1 shall comply with the Waste Management Protocol set out in Appendix G.
9. Colour	Refer to section 11 (Landscape and Amenity).

Rural Zone: Schedule 1

Assessment Criteria for Nominated Sites of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

The following criteria are used by Department of Conservation staff in assessing the relative importance of natural values in significant natural areas, not least for the purpose of targeting resourcing to landholder/management methods and providing for non-regulatory methods in the plan and compensation if appropriate. Assessment should be based on scientifically valid, repeatable and internationally consistent methods, in order for protection to be an effective and efficient use of resource by the Council.

- (i) Internationally Important Site(s)
 - (a) supports a species endemic to that site;
 - (b) contains the best example of a community type that was once common and is now rare;
 - (c) contains a unique community;
 - (d) supports an endangered species;
 - (e) contains habitat vital for the survival of a species in the wild or has the realistic potential to be restored to one of the above.

- (ii) Nationally Important Site(s)
 - (a) contains a nationally rare community type;
 - (b) nationally, supports one of the best examples of a community type;
 - (c) contains habitat important to a nationally vulnerable species or endangered species;
 - (d) supports a subspecies endemic to that site, or a species largely endemic to that site;
 - (e) a corridor between nationally important areas;
 - (f) absence of a suite of major introduced predator/herbivores from habitable site;
 - (g) satisfies three or more regionally important site criteria.

- (iii) Regionally Important Site(s)
 - (a) contains a regionally rare community type;
 - (b) regionally, supports one of the best examples of a community type;
 - (c) supports a nationally vulnerable species, or contains habitat important to a nationally rare species;
 - (d) absence of a major introduced predator/herbivore from habitable sites;
 - (e) a long standing natural area greater than 100ha in size;
 - (f) supports a local endemic species or subspecies (restricted to 1-3 ecological districts);
 - (g) a corridor between regionally important areas, or link with a major vegetation gradient;
 - (h) satisfies three or more locally important set criteria.

- (iv) Locally Important Site(s)
 - (a) contains a community type rare to the ecological district;
 - (b) contains one of the best examples of a community type in the ecological district;
 - (c) supports a nationally rare local species;
 - (d) supports a species which is threatened within South Marlborough;
 - (e) supports a South Marlborough Endemic;
 - (f) a long standing natural area between 20 and 100 hectares in size;