

Introduction

Purpose

Introduction to the Kaikōura District Plan

This document is a ~~Proposed Plan~~ which is the first District Plan prepared under the Resource Management Act (1991) for the Kaikōura District. Any person who undertakes an activity in the Kaikōura District must comply with the rules of this plan. Any activity which breaches any of the relevant rules requires a resource consent under the Resource Management Act 1991.

The Role of the Kaikōura District Plan

The role of the District Plan is to assist the Kaikōura District Council to achieve the purpose of the Resource Management Act (hereafter referred to as “the Act”) which is to promote the “sustainable management” of natural and physical resources. Under the provisions of the Act, the Plan is the principal means by which the use, development and protection of natural and physical resources in the Kaikōura District will be managed over the next ten years.

The Plan replaces the Kaikōura County Scheme (operative 15 May 1989) prepared under the Town and Country Planning Act 1977 and deemed to be the Kaikōura Transitional District Plan under the Act. However, rules in the Transitional Plan will continue to apply until the Proposed Plan is operative.

The protection of Kaikōura’s natural landscapes, it’s largely unmodified coast and the open space and character of the rural environment is important to residents, iwi and the tourism industry. This is central to developing an ecologically sustainable future, providing a good quality of life and amenity for both residents and visitors and to maximising Kaikōura’s competitive advantage as a tourist destination. There is a widely accepted view that land use planning must become more consistent and more rigorous than in the past, in order to retain our high environmental quality of life. The Proposed Kaikōura District Plan will achieve this by setting the boundaries for sustainable management of Kaikōura’s resources.

Description of the District

Management Environment of the Plan

The Management Role of the Kaikōura District Council under the Resource Management Act

The Kaikōura District Council's role in managing the District's natural and physical resources is prescribed by section 31 of the Resource Management Act. This section states functions to which every territorial authority shall adhere in giving effect to this Act. These include:

- a. The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District.
- b. The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of any adverse effects of the storage, use disposal, or transportation of hazardous substances.
- c. The control of subdivision of land.
- d. The control of the emission of noise and the mitigation of the effects of noise.
- e. The control of any actual or potential effects of activities in relation to the surface of water in rivers or lakes.

The Regional Council also has responsibilities for managing natural and physical resources in the Kaikōura District. The Regional Council has responsibility under the Resource Management Act for the following functions; soil conservation, water quality and quantity, natural hazard mitigation, hazardous substances control, occupation and use of land in the coastal marine area, the taking or diversion of water, discharge of contaminants in air, water or land, the control of discharges of water into water, and the control of the bed of any water body.

The Kaikōura District

The Kaikōura District is located along the east coast of the South Island (Figure 1 Map of Kaikōura District). The District stretches from south of the Haumuri Bluffs to a point just north of the settlement of Kekerengu. Natural features of the Clarence River, Inland Kaikōura Ranges and the Pacific Ocean form the western and eastern boundaries. The total land area of the District is 2048km². The Kaikōura District is located in the Canterbury Region and shares boundaries in common with two other territorial authorities, Marlborough and Hurunui District Councils.

The landscape of the Kaikōura District includes; high mountains, steep shingle fans, plains, rolling hills, swamp remnants, mixed sand and gravel beaches, rocky coastlines and limestone outcrops. Although the landscape has been modified, many areas of significant conservation value still remain on both public and private land. Within the District there are numerous protected areas with reserve or conservation area status, most of which are under

the management of the Department of Conservation. These areas provide the habitat for diverse range of flora and fauna in addition to providing recreational opportunities within the District.

The major river systems in the District are the Clarence River, the Kowhai and Hapuku Rivers, with smaller systems including the Mt Fyffe Streams, Kahutara River and the Oaro River. Some of these river systems have been subject to flooding in extreme climatic events. Other natural hazards from which the Kaikōura District is at risk include earthquakes, fault rupture, liquefaction, debris inundation, tsunamis, high winds, wildfire, and other extreme climatic events.

The Kaikōura District has been occupied by Māori for many years. The Tangata Whenua in the Kaikōura District are the Kati Kuri Hapū of Te Rūnanga o Ngāi Tahu. European settlement of the District dates back to around 1840. The District has many sites, areas and species of heritage and cultural value for both Māori and Pakeha.

In the census of 1996, the total population of the Kaikōura District was recorded as 3500. The majority of the District's population live in Kaikōura township.

Kaikōura township, which includes the residential area of South Bay, is the District's primary residential, commercial and industrial area, and the focal point of the tourism industry. Outside the township, the District is largely rural with several small settlements. Most of the District's smaller coastal settlements function in a combination of roles including tourism; rural service centres for farming communities; fishing settlements; holiday and retirement settlements.

Industries within the Kaikōura District include; farming, fishing, rural service industries, transport companies, roading contractors, timber processors and suppliers, engineering workshops and other light industrial activities. The service and tourism industry is also a growth industry and makes a significant contribution to the District's economy by way of tourist accommodation facilities, tourist operators and related service industries.

Kaikōura in Pre-European Times

To provide an understanding of Māori occupation in the Kaikōura District, the following historical summary has been prepared by Te Rūnanga o Kaikōura, the modern-day representatives of Ngāti Kuri (the hapū or subtribe of Te Rūnanga o Ngāi Tahu who hold mana whenua and manamoana of the Kaikōura District).

Te Rūnanga o Kaikōura's rohe centres on Takahanga and extends from Te Parinui o Whiti to the Hurunui River and inland to the Main Divide.

Māori occupied the Kaikōura district for over 800 years before the arrival of the first Europeans. Most of the Māori settlements were concentrated along the coastline rich in marine resources which the Māori utilised and managed. However, the mahinga kai (resource areas) regularly used extended over most of the district and included areas which were later to be called "waste land" by the Europeans. Up until this time the Māori had known no concept such as "waste land", as any area which was not known for its food resources would have been known for other resources intrinsic to Māori life.

Successive waves of Māori migration settled in the Kaikōura area, each overwhelming and inter-marrying with the former. Rapuwai, Waitaha, Ngāti Mamoe and Ngāi Tahu flowed into each other in turn to form the tangata whenua of today.

Te Rūnanga o Ngāi Tahu established themselves at Takahanga Pa (the site of the current marae) where Maru Kaitatea, a Ngāti Kuri leader wrested the right to hold and exercise customary tribal authority over the district from Ngāti Mamoe. The rich resources of the Kaikōura coast coupled with a long period of peaceful trade and development enabled the Māori population to reach an estimated 4000 to 5000 people by the year 1800.

Whaling was already established on the Coast by this time, and the right to hunt whales was granted to individual whalers by Kaikōura Whakatau, the Ngāti Kuri Chief. Many marriages between Māori and the Europeans employed in the whaling ventures took place between 1800 and 1827. From these marriages a number of well-known local families are descended.

In 1827 Te Rauparaha, a Ngāti Toa Chief, undertook a series of raids against several of the strong pa along the Kaikōura coastline. It is recorded that many Ngāti-Kuri people were killed at both Kaikōura and Omihi. However, the majority survived by escaping into the flax swamps which formerly covered the suburban flats, and by making their way to the hidden inland camps which were normally only used for hunting or bush work. When the raiding parties had left large numbers of Ngāti-Kuri people travelled south to join their Te Rūnanga o Ngāi Tahu relations in those villages which were unaffected by the raids.

Te Rūnanga o Ngāi Tahu forces rallied against Te Rauparaha and his allies and after a series of Te Rūnanga o Ngāi Tahu counter attacks, culminating in the defeat of Te Puohu in a battle at Tukurau (in Southland), those warriors returned from the south to re-join those Ngāti Kuri who had stayed behind to maintain the ahi ka (occupation rights) of Te Rūnanga o Ngāi Tahu within the Kaikōura District.

By 1859 the pressure of European settlers' demands for the potential grazing land of the rohe forced the government to "purchase" the Kaikōura District. As Te Rūnanga o Ngāi Tahu were unwilling to sell, several subterfuges were resorted to and steady pressure applied until a forced "sale" agreement was signed between Commissioner MacKay and Te Rūnanga o Ngāi Tahu.

From that date it appeared to European settlers that the traditional rights of the tangata whenua were extinguished. However, during the ensuing years Te Rūnanga o Ngāi Tahu have maintained their cultural identity within individual family circles and quietly kept the fires of their occupation burning.

Te Rūnanga o Ngāi Tahu Act 1996, the Ngāi Tahu Deed of Settlement (signed at Takahanga Marae in 1997), and the Ngāi Tahu Claims Settlement Act 1998 all confirm Te Rūnanga o Ngāi Tahu's status as tangata whenua within the Kaikōura District.

Development and Tourism in Kaikōura

Population growth in the Kaikōura District has been minimal over the last decade 1991 - 2001. The population and the number of occupied households in both the rural and settlement areas have increased (see Table 1).

Table 1 - Population and Dwellings Statistics, Kaikōura District

Area Unit	Population				Occupied Dwellings			
	1991	1996	2001	% Change (1996-2001)	1991	1996	2001	% Change (1996-2001)
Kaikōura Township	2028	2208	2106	-5.0	788	864	840	-2.7
Rural and Settlement Areas	1245	1308	1377	+5.02	447	478	501	+4.8
Total	3273	3516	3483	-0.01	1235	1342	1341	NIL

Source: 1991, 1996 and 2001 Statistics New Zealand.

Future residential development is restricted by the availability of services, by physical features (the coastline, mountain ranges, and rivers) and the threat of natural hazards such as flooding.

While the permanent population has increased moderately, visitor numbers have increased significantly from a few thousand in the 1980s to 873 000 visitors in 1998. Of these, 356 000

visitors stay for at least one night. This level of growth is expected to continue with the projected number of visitors for 2005 being 1.6 million people.

- a. The key motivators for visitors are:
- b. easy access to marine mammal species
- c. the “small coastal village atmosphere” in an unspoilt natural environment
- d. the friendliness and acceptance of local residents.

Source: Lincoln University Kaikōura Case Study: Volume 10, “Towards a Tourism Plan for Kaikōura”

Growth in the District, largely driven by tourism, has created immediate benefits for the Kaikōura district. However, this growth has the potential to change the character of Kaikōura. The degree to which the existing character and amenity values of Kaikōura Township as a small coastal village are maintained or enhanced will depend on the nature, scale and quality of future development.

The combination of growth and development can also lead to effects in relation to the following:

- a. pressure on infrastructure and services including public facilities
- b. detraction of amenity values and character of the District, including noise
- c. effects of increased traffic
- d. effects on townscape design.

It is also important to recognise the positive economic effects which development and tourism bring to the district in the form of jobs, security and income. The Lincoln study identifies the following benefits, attributable to tourism:

- a. 330 full time equivalent people employed directly by tourism;
- b. 700 people employed in businesses which are either wholly or partly tourism based;
- c. 30% of all jobs in Kaikōura depend directly or indirectly on tourism;
- d. total direct spending by visitors estimated at \$28 million per year;
- e. total indirect spending from tourism sector estimated at \$36 million per year;
- f. an estimated additional \$6.5 million revenue and 50 jobs created per year from tourism.

Source: Lincoln University Kaikōura Case Study: Volume 10, “Towards a Tourism Plan for Kaikōura”

If growth is to continue to provide jobs and income for locals, and if the town is to retain its essential elements of a “small coastal community” which attracts visitors and residents alike, tourism and development must be planned for rather than simply left to evolve.

How the Plan Works

Statutory Context

Relationship with Other Plans and Policy Documents

In preparing and reviewing the District Plan, the Council is required to consider a range of plans and policy statements written by other agencies. These include:

- a. any national policy statement;
- b. the New Zealand Coastal Policy Statement;
- c. any water conservation order;
- d. the Regional Policy Statement or any regional plan covering the District;
- e. the Conservation Management Strategy (Nelson/Marlborough Conservancy);
- f. any relevant planning documents recognised by Te Rūnanga o Ngāi Tahu (as the iwi authority affected by the Plan).

The Council will undertake Plan Changes, if necessary, to ensure consistency, where these plans or policy documents are prepared subsequently to the District Plan.

The District Plan is also anticipated to be consistent with other plans Council prepares. These include the Annual Plan and a range of non-statutory plans including the Coastal Management Strategy. Section 223(d) of the Local Government Act 1974 allows the Council to set out its broad policies and objectives through an annual plan, providing a clear statement of income and expenditure on the services provided by the Council. The Strategic Plan (currently a non-statutory document) provides the long-term direction for the development of the Kaikōura District.

General Approach

Process of District Plan Development

Prior to the preparation of this Proposed Plan consultation was undertaken with the general public, government agencies, Te Rūnanga o Ngāi Tahu, and special interest groups. The

Council's primary mechanism for consultation was the publicly released "Kaikōura District Resource Management Issues & Options" document, upon which written comments were received. These submissions and the results of other consultation undertaken have, where possible, been considered and incorporated into this Plan.

During the preparation of this Plan, the Council has had regard to the following documents:

- a. consistency with the Regional Council's Regional Policy Statement and proposed regional plans (including the Regional Coastal Environment Plan) and the Land and Vegetation Management Regional Plan;
- b. the District Plans of adjacent local authorities;
- c. the New Zealand Historic Places Trust Register;
- d. the New Zealand Coastal Policy Statement;

Following the release of this proposed plan, any submissions underwent analyse and as a result had a contribution towards the format and content of the Proposed Kaikōura District Plan. Following consideration of submissions received, a Proposed Kaikōura District Plan was subject to public notification and further public submissions were called for. While the Plan status is proposed, it is read in conjunction with the Transitional Kaikōura District Plan to provide the framework for the management of the District's natural and physical resources. Following the completion of the legal and planning processes, the District Plan will become operative. The Council has adopted a policy of working together with the Regional Council to avoid duplication where possible.

Content of the District Plan

The District Plan outlines the significant resource management issues within the Kaikōura District. These issues have been identified by the Council, Te Rūnanga o Ngāi Tahu, community, government agencies and interest groups. Following issue identification, objectives (broad statements of a desired outcome), and policies (statements of intent which set out how the objectives for each issue will be achieved), which relate to these issues are outlined.

Methods to achieve objectives and policies are also outlined in the Plan. These methods include the provision of rules in the District Plan. The anticipated environmental results of implementing the objectives, policies, methods and rules are also included. This process is shown in Figure 2 on the next page.

The Council has developed zones which recognise that different areas of the District have different resources, characteristics, levels of amenity, and different environmental outcomes which the community desires for these areas. The zones provide opportunities for future development in keeping with the character and amenity sought for each area. The Council

has also identified natural hazards overlays. Any particular activity must comply with the rules applicable to the zone in which it is situated, as well as the general rules covering a range of matters such as subdivision, heritage values and transportation.

Within this Plan General Residential, Settlement, Commercial, Open Space, Marine Facilities, and General Rural Zones exist, as well as two Development Areas (Kaikōura Peninsula and Ocean Ridge).

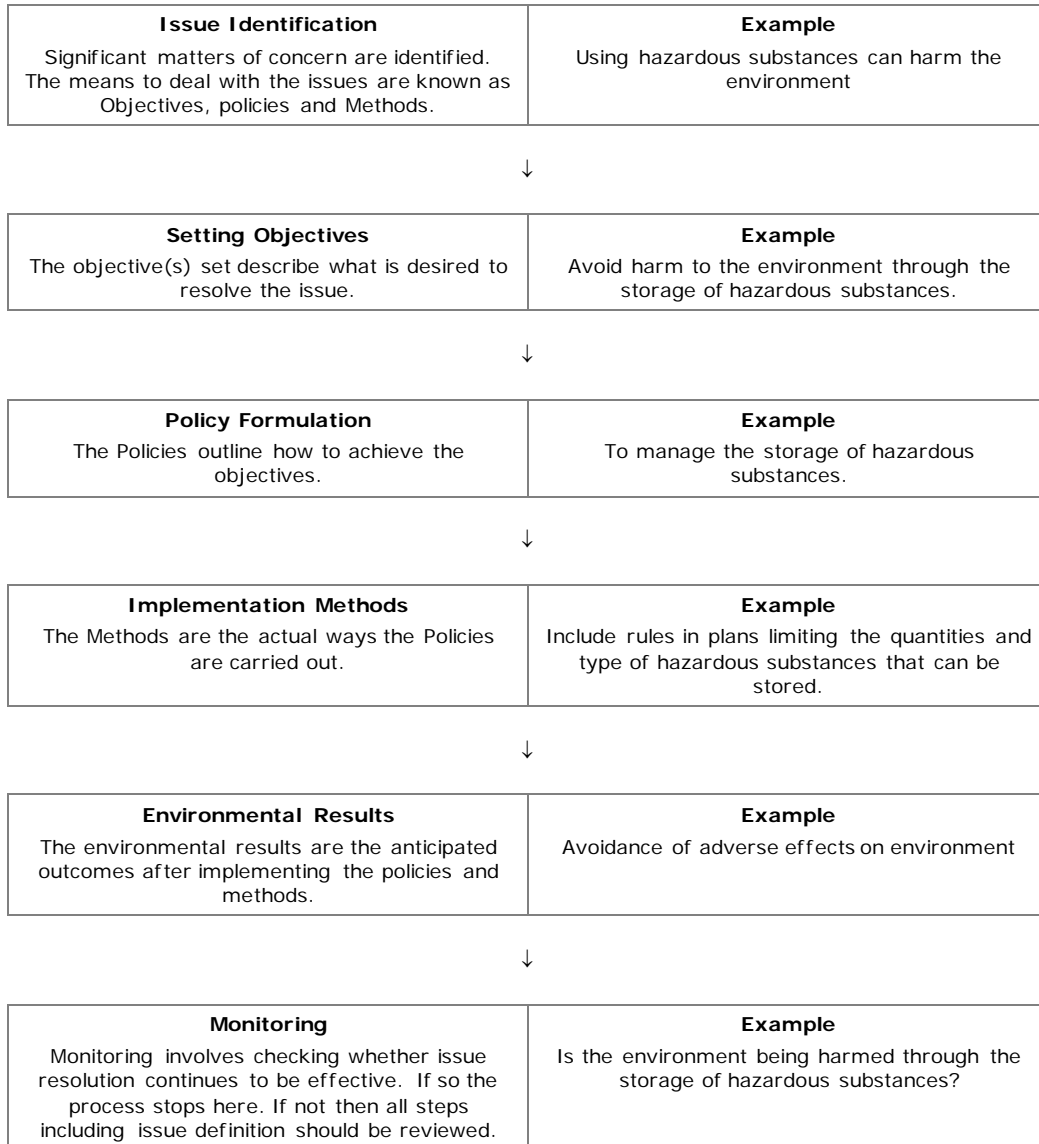


Figure 2: Procedure for Resolving Resource Management Issues

Obligation to Comply with the District Plan

No person may use land in a manner that contravenes a rule in the District Plan or proposed District Plan unless expressly allowed by a resource consent granted by the Council, or under existing use rights if these are applicable (sections 9 and 10 of the Act). In the context of the Resource Management Act "use" applies also to the surface of lakes and rivers. In addition, no person may subdivide land in the District unless expressly allowed by a rule in the District Plan or a resource consent (Section 11).

The rules of the District Plan do not apply to work carried out by the Crown on land held or managed by the Department of Conservation, provided that:

- a. the work is consistent with a conservation management strategy or plan; and
- b. the work does not have any significant adverse effect beyond the area of land.

Existing Use Rights

Sections 10 and 10A of the Act provide for the existing use of land and the surface of water in a manner which contravenes any rule in the District Plan, subject to the following:

- a. the use was lawfully established (including by designation) before the Plan became operative; and
- b. the effects of the use are of the same or similar character, intensity and scale to those which existed before the Plan became operative or the designation was removed; and
- c. if the activity involves the use of the surface of water in lakes and rivers where previously no consent was required, the person carrying out the activity applies for a resource consent within 6 months of the Plan becoming operative.

Existing use rights do not apply if:

- a. the use of land (or the surface of water) has been discontinued for a continuous period of more than 12 months, unless the Council has granted an extension by way of application;
- b. reconstruction, alteration or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

Status of Activities

Within the context of this District Plan, the term “activity” includes the use of land (and the surface of water), and the erection and use of buildings or structures thereon.

The Plan provides for a broad range of land use activities and subdivision throughout the District. Activities have been grouped according to common characteristics, based on the assumption that there is no need to distinguish between activities which have similar environmental effects. For example, the defined term "residential activity" includes a range of uses from detached dwellings to apartments. When a particular activity falls within the definition of more than one activity in the Plan, performance standards relating to those activities shall apply to that activity. Where there is any inconsistency between standards the most stringent of the standards shall apply.

Within each zone activities are classified according to their status under the Act, as being either: permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited.

Permitted activities are allowed by the Plan without a resource consent, providing that they comply in all respects with the requirements or conditions specified in the Plan. In respect of any particular zone, these requirements include both the relevant rules concerning activities and performance standards, and any requirements of the General Rules which relate to the activity.

Controlled activities require a resource consent. They must comply with standards and terms specified in the Plan and will be assessed according to those matters in the District Plan over which Council has reserved its control. The Council must grant consent to a controlled activity but may impose conditions relating to those matters specified in the Plan.

Restricted discretionary activities require a resource consent. Activities have been given this status where the effects of the activity have the potential to be more than minor in particular locations and circumstances and where it is not possible to prescribe appropriate standards and terms to cover all circumstances. The Council may grant or refuse consent for a discretionary activity and, if granting consent, may impose conditions.

Where activities are listed as permitted or controlled activities but cannot meet all the site standards for that zone, they are restricted discretionary activities with Council’s discretion restricted to those matters of non-compliance. Other restricted discretionary activities are listed in the relevant sections in the plan.

Discretionary activities are those activities which are listed as being discretionary, or where Council has not restricted its discretion to any specific matters.

Non-complying activities are activities which are provided for as a non-complying activity by a rule or which contravenes a rule in this plan. Non-complying activities are only allowed if a resource consent is obtained in respect of the activity.

Prohibited activities are activities which may not be undertaken under any circumstances. Resource consent will not be granted, and no resource consent may even be applied for. The only prohibited activities in this Plan relate to the number of residential and low-density residential allotments allowed in the Ocean Ridge Development Area. Refer to NH - Natural Hazards, SUB - Subdivision, and to the Planning Maps (Part 4).

Resource Consents

A land use or subdivision resource consent from the Kaikōura District Council is required by any person proposing to undertake an activity classified in the District Plan as a controlled activity, a discretionary activity or a non-complying activity.

An application for resource consent must be made in accordance with the Resource Management Act (section 88). The Kaikōura District Council's information requirements for resource consent applications are outlined in Section 3 of this Plan.

When the District Council has received a completed application, it must consider whether the application should be notified or non-notified. This is decided using the provisions of section 94 of the Act which gives criteria for applications not requiring public notification. The criteria for notification under the Act are generally dependent on whether the consent of affected parties has been obtained and whether the effects of the activity are minor.

Following the close of the submission period for notified applications or when non-notified applications are complete, the Council must consider each application. Sections 104 and 105 of the Act set out those matters which the Council must have regard to in considering a resource consent application. The Council may impose conditions on consents it grants in accordance with Sections 108 and 220 of the Act in order to ensure that the effects of the activity can be avoided or mitigated.

Designations

A designation, as outlined in section 166 of the Act, is a provision made in the District Plan to give effect to a requirement made by a requiring authority, and relating to a public work, a particular project or public utility operation. Any Minister of the Crown or local authority is automatically a requiring authority. Network Utility Operators (as defined in Section 166 of the Resource Management Act) may apply to the Minister for the Environment for approval as a requiring authority. A requiring authority may give the Council a notice of requirement

(prepared under section 168 of the Act) for inclusion in the District Plan either before the Plan is written or after it becomes operative. The Council will call for such notices when preparing the Proposed District Plan.

Designations are shown on the Planning Maps. These designations limit the use of the land, overriding the provisions of the Plan and any resource consent in favour of the designated purpose. The underlying zone indicates the purposes for which the land may be used if not for the designated work. The Designations chapters of the Plan sets out the list of designations within the Kaikōura District, the requiring authority responsible for the works and the provisions relating to each of these designations. Under the Act, designations do not need to comply with the rules of the underlying zone. However, the zone rules provide a useful indication of the expected level of amenity for each zone. As such, the zone rules will be used as a guide for any works on a designated site.

Designations are not the only means of providing for public works or public utility operations. The Proposed District Plan also contains general rules for public utilities which are not designated.

Heritage Orders

A heritage order is a provision in the District Plan to give effect to a requirement made by a heritage protection authority. A Heritage Order is issued to protect any place (and areas of land surrounding that place) of; special interest, character, intrinsic or amenity value or visual appeal or of special significance to Te Rūnanga o Ngāi Tahu for spiritual, cultural or historical reasons (section 189).

The Act establishes several Heritage Protection Authorities (section 187) which include; any Minister of the Crown, the Minister of Conservation, the Minister of Māori Development, a Local Authority such as the Kaikōura District Council and the New Zealand Historic Places Trust. Anybody corporate having an interest in the protection of any place can apply to the Minister of Conservation to become a heritage protection authority under section 188 of the Act. Once issued, no person may undertake any use of the land or subdivision which would nullify the effect of the Heritage Order.

Section 32 Assessment

Section 32 of the Resource Management Act requires that certain duties be performed before adopting any objective, policy, rule or other method in the District Plan. There are three main components to Section 32:

- a. to address the extent to which the regulation is needed at all, to explore other possible means, and to provide reasons for and against the proposed and principal alternative means;
- b. to evaluate the benefits and costs of the proposed option and the principal alternative means; and
- c. to decide whether the proposed means is needed to achieve the purpose of the Act and is the most appropriate in terms of efficiency and effectiveness.

The basis of section 32 is that each provision in the plan must be justified in terms of the above components. In this regard, the Kaikōura District Council has undertaken research and consulted with the community and relevant professional experts, where necessary, in respect of all provisions in this plan.

Consideration under section 32 has ranged from a basic analysis of alternatives for the straighter forward provisions, to commissioned reports for major issues. Examples of such reports include the 1999 Kaikōura Landscape Study, which was commissioned to assist the Council in recognising and providing for significant landscapes in the district, and a review of the Archaeological sites by two prominent archaeologists and Te Rūnanga o Ngāi Tahu.

A major part of the section 32 process was the release of a Draft District Plan in 1998. While not a legal requirement, the Kaikōura District Council made a conscious policy of seeking input from all interested parties on the District Plan. The Council recognised the benefits of releasing a draft plan for consultation prior to the notification of the legal document. Accordingly, the Draft District Plan went through a full consultation process including:

- a. public notification and an invitation for comments;
- b. an opportunity for any person who made comments to present their comments in person to the District Plan Committee;
- c. five months of intensive consultation with interested parties, including public meetings;
- d. regular press releases and opportunity to further comment on various provisions (such as a proposed Commercial Zone in South Bay);
- e. questionnaires in the local paper;
- f. full consideration of ALL comments received;
- g. release of a summary of decisions on comments received on the Draft Plan

Being one of the last local authorities to notify its Proposed District Plan, the Kaikōura District Council has also had the benefit of learning valuable lessons from the Environment Court and other local authorities who have already been through the process. In this respect, the Council would like to formally acknowledge the advice and assistance of staff from many

other local authorities, the Christchurch Office of the Ministry for the Environment and various consultants.

Having spent more than two years of consultation on the Draft document, the Council is now satisfied that the provisions contained within this Proposed Plan are well researched and justified in terms of section 32.

Enforcement

The Kaikōura District Council has powers under Part XII of the Resource Management Act to require persons to cease or not commence activity which is or is likely to:

- a. contravene the Act, any regulations, a rule in the District Plan, or any resource consent; or
- b. be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

In addition, no person may use or subdivide land in the Kaikōura District in a manner that contravenes a rule in the District Plan, unless they have existing use rights or are expressly allowed by a resource consent granted by the Council.

Under Section 38 of the Resource Management Act the Council may authorise persons to carry out the functions and powers of an enforcement officer. Such officers may serve abatement notices against persons who are breaching the Act, a rule in the District Plan or a resource consent or operating in a manner which is having an adverse effect on the environment. In relation to noise, the Act makes special provision for dealing with “excessive noise” (section 326 & 327) by way of an “excessive noise direction”. The Act also makes provision for dealing with “unreasonable” noise (section 16) by way of an abatement notice (section 322) to require the adoption of the best practicable option of ensuring that the emission of noise from land or water does not exceed a reasonable level. If abatement notices are not acted on, the Environment Court may issue an enforcement order requiring compliance.

Monitoring and Review

Monitoring is an important mechanism for assessing how this Plan and the Council are fulfilling the purpose of the Resource Management Act i.e., promoting the sustainable management of the natural and physical resources of the District. Monitoring and review involves information collection, recording, analysis and comparison. This process includes gathering information and maintaining records in respect of specific resources, the state of the environment and the compliance with conditions of resource consents.

The processes of monitoring and review are integral to the Council's responsibilities under the Resource Management Act 1991.

The Council's monitoring functions are prescribed in sections 31(1)(a), 35 and 75 of the Act. Generally, these functions include:

1. *Plan Achievement Monitoring*: Assessing the effectiveness of the objectives, policies and methods of the District Plan in promoting the sustainable resource management.
2. *State of the Environment Monitoring*: Assessing the existing state of the environment and establishing existing levels of environmental quality against which future changes can be measured.
3. *Consent Compliance Monitoring*: Monitoring the compliance with conditions placed on resource consents.

The Council has a statutory obligation to undertake a complete Review of its District Plan at least every ten years (Section 79). However, monitoring procedures may indicate a necessity to refine the provisions of the District Plan prior to a full Review. Should the Council decide to act on the basis of monitoring and review of the District Plan it may do so by way of a Plan Change, undertaken in accordance with the First Schedule of the Resource Management Act.

Monitoring should be undertaken through ongoing consultation with the community in order to better promote sustainable management. The First Schedule to the Act can be used to involve the community in the review process.

Monitoring Procedures

Financial, staffing and time constraints mean that the scope for gathering information for monitoring purposes is limited. Notwithstanding these constraints, monitoring will address:

- a. the significant issues which are identified in the Plan;
- b. objectives and policies which are closely related to the ability of future generations to meet their needs;
- c. matters of national importance in Section 6, or other matters in Section 7 of the Resource Management Act 1991;
- d. issues, objectives and policies which are new or altered from the Transitional District Plan;
- e. the extent to which the anticipated environmental results are being met.

Monitoring will be undertaken using the following methods:

1. *Council Records*: The Council is required under the Act to keep and monitor information collected through its regulatory and other responsibilities, such as resource and buildings consents, a register of complaints received and a record of enforcement and abatement actions. Analysis of these will provide information regarding development within the District and any adverse effects of that development. Monitoring of compliance with resource consent conditions will assist in assessing the adequacy and appropriateness of Plan objectives, policies and rules.
2. *Demographic and Economic Information*: The Council will continue to acquire demographic, building, agricultural, tourism and business information.
3. *Council Surveys and Research*: The Council holds a variety of survey and research reports which provide a benchmark against which to measure the effectiveness of the District Plan. Due to limited resources, the Council will consider further surveys and research only where necessary or obligatory, or where funding in the annual plan process provides for such studies.
4. *Regional Council Monitoring Programme*: The Canterbury Regional Council undertakes a monitoring programme in relation to its own functions. Many of these are relevant to the District Plan, such as ground and surface water quality and availability, soil erosion and soil health, vegetation cover, coastal erosion rates and flooding risks. The Regional Council's Annual Monitoring Report provides an important source of information. The Kaikōura District Council also relies on Regional Council studies and research specific to the Kaikōura District, such as flood risk modelling. The Kaikōura District Council will continue to liaise with the Regional Council in respect of monitoring.
5. *Liaison with Te Rūnanga o Ngāi Tahu and Te Rūnanga o Kaikōura*: Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu hold information about the state of resources significant to tangata whenua. The Council has a good working relationship with Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu, which facilitates information sharing.
6. *Annual Plan Process*: The District's Annual Plan Process provides the opportunity for public comment on Council's expenditure priorities. Comments from this process can be relevant to resource management issues. This information assists identification of new or changing issues for the District Plan, and trends between the state and health of the environment and land use activities.
7. *Liaison with Other Councils*: Other councils share many resource management issues. The Kaikōura District Council will encourage liaison and co-operation between other councils to facilitate information sharing and co-operative research for common issues.
8. *Scientific Organisations*: The Kaikōura District is frequently targeted as a study area for scientific studies. While these are mainly marine studies, land-based studies such as those undertaken by the Department of Conservation provide valuable information. The Council will consider opportunities to support and provide assistance to research

organisations undertaking relevant monitoring and research investigations and will continue to monitor the outcomes of any relevant research.

9. *Landowners / Occupiers:* In many instances, the most effective monitoring, such as monitoring of vegetation, can be undertaken by landowners themselves. The Council will take an active role in providing support and assistance to landholders and landholder representative groups undertaking their own monitoring, and in facilitating the provision of information regarding monitoring techniques to such groups. The Council will seek a partnership approach with landholder groups where their information can be usefully integrated into the Council's own monitoring programme.
10. *Monitoring Strategy:* Through its Monitoring Strategy, the Council will identify a process for monitoring District Plan effectiveness and for fulfilling its other monitoring obligations. The monitoring strategy will be developed in consultation with the public. The Monitoring Strategy will be used as the benchmark to periodically assess its monitoring process.

Changes to the Plan

The Council is committed to a Plan that is current and relevant and which addresses issues and concerns as they arise. Therefore, the provisions of the Plan may be varied as necessary. Such changes may be in response to revised or up-dated National or Regional Policy Statements or Regional Plans, changes to significant resource management issues, the results of monitoring the state of the environment or the outcomes of monitoring the objectives and policies of the District Plan (once operative).

Further, as the development of the District takes place, the Plan will be subject to continuous review by the Council, so that on-going and evolving resource management requirements of the community may be acknowledged and provided for.

In addition to Council initiated plan changes, any person may formally request that the Council change the Plan. The procedure for applications for plan changes is set out in the First Schedule of the Act. Applications must clearly define the proposed change, so that it can be readily understood, and describe the environmental results anticipated from the implementation of the change.

Applicants must also provide the following information in support of their Plan Change, to the satisfaction of the Council:

- a. The extent to which the change is necessary in achieving the purposes of the Act and any relevant objective or policy in this Plan;
- b. Alternative means of achieving the purpose of the Act or any objective or policy in this Plan;

- c. Reasons for and against the adoption of the Plan Change and the outcome of taking no action;
- d. An evaluation of the likely benefits and costs of the principal alternative means and the likely implementation and compliance costs if the Plan Change is adopted.

Information Requirements for Resource Consents and Designations

General Guide

If you are considering a development in the District you may need a resource consent. To find this out, follow the steps below. If you have any difficulties, then ring the Planning staff at the Council: they are there to assist you. Refer to Section 2 for explanations of Permitted, Controlled, Discretionary and Non-complying activities.

1. Check to see which zone the site is in by checking the Planning Maps. Each zone has its own rules.
2. Check to see what other rules may apply. There are a number of District-Wide rules which will also apply in the particular zone, which can be found in the District-wide section of the plan.
3. Check on the planning maps to see if the property is affected by one or more of the following:
 - a. A designation: See Designations chapters
 - b. A historic building: See HH Appendix 1
 - c. A protected tree: See TREE Appendix 1
 - d. An archaeological site, waahi tapu or historic area: See HH Appendix 2
 - e. Natural hazards: See Planning Maps
4. Check the Definitions chapter
5. Check to see what consents may be required:
 - a. Refer to the list of rules in each applicable chapter. Those activities which are Permitted, Controlled, Discretionary and Non-complying are listed under the heading "Activities".
 - b. Refer to the performance standards in each applicable chapter
6. Note: The steps for determining compliance are set out as part of each Rule. Should you require a resource consent refer to Appendix 6: Assessment Matters for guidance.

7. Check to see if consents are required from the Canterbury Regional Council on, for example, the following matters:
- a. Earthworks or vegetation clearance
 - b. Discharges of contaminants to land or water (e.g., effluent)
 - c. Taking of water (e.g., from water courses or underground wells)
 - d. Activities seaward of the Coastal Hazard Lines (identified and defined in the Proposed Regional Coastal Environment Plan) and below Mean High Water Springs.
 - e. Disturbance of the beds of rivers (i.e., gravel extraction)

Information to be submitted with a Resource Consent Application

The applicant must provide adequate information to enable the effects of the activity to be assessed in accordance with the Act or any assessment matters set out in the District Plan. The amount of detailed information you need to provide depends on the type of resource consent and the scale of the activity.

Applicants may need to undertake consultation with parties affected by the proposal. The level of consultation depends on the effects or impacts of the proposal. The process of consultation allows people to understand the proposal and can reduce the time delays and costs of resource consents. Staff can help to identify those parties with whom you should be consulting, such as the Department of Conservation (particularly with respect to freshwater and coastal areas). Special consultation procedures may apply to activities which affect sites or values of significance to Te Rūnanga o Ngāi Tahu.

Where the Council considers insufficient information has been supplied further information will be requested under Section 92 of the Act and the application or plan change will not be processed until the information is supplied.

Applications should be on Form 5 of the Resource Management (Forms) Regulations 1991 or in the same or similar format. Copies are available from the Council.

Forms and details of information requirements to accompany land use and subdivision consent applications are available from the Kaikōura District Council Offices, at 34 Esplanade, Kaikōura. In most circumstances the following information is required;

1. A completed application form (form five)
2. An assessment of environmental effects prepared in accordance with the Fourth Schedule of the Act
3. Consent of parties adversely affected by the proposal

4. A detailed site plan of the proposal and any other plans which are relevant to the application
5. A copy of the certificate of title
6. An application deposit fee (in accordance with the District Council's schedule of fees).
7. Any other information required to assess the application.

These requirements are outlined in more detail in 3.2.1 and 3.2.2 below. An information pamphlet has been prepared by the Council to assist applicants. Copies are available at the Council.

Land Use Consent Applications - Information to be Included

The following information shall be submitted with any application for resource consent, where relevant:

1. An assessment of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be avoided, remedied or mitigated;
2. The assessment should:
 - a. be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - b. include the following details where relevant:
 - i. a description of the proposal;
 - ii. description of any possible alternative locations or methods of undertaking the activity, where it is likely that the activity will result in significant adverse effects on the environment;
 - iii. an assessment of the actual or potential effects on the environment of the proposed activity;
 - iv. where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use;
 - v. where the activity includes the discharge of any contaminant, a description of:
 - vi. the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects and;
 - vii. any possible alternative methods of discharge, including discharge into any other receiving environment
 - viii. a description of the mitigation measures (safeguards and contingency plans where relevant), to be undertaken to help prevent or reduce the actual or potential effects;
 - ix. an identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted;
 - x. where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

3. In the case of applications for resource consents relating to controlled activities, or discretionary activities over which the Council has restricted the exercise of its discretion, the assessment shall only address those matters specified in the Plan over which the Council has reserved control, or to which it has restricted the right to exercise its discretion.
4. A statement specifying all other resource consents that the application may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;
5. Copies of Certificates of title for the subject sites;
6. A description of the activity for which consent is sought including, where relevant, the following information:
 - a. General

A description of the site including existing uses, buildings, topography and vegetation, including information on the extent and nature of any fill on the site, any indication of natural hazards and a description of the existing natural environment (including areas of indigenous vegetation, habitat of indigenous birds and animals, and landscape features);

Any filling or excavation proposed, the type of fill, the volume and depth of fill and excavation, identification of those areas on the site subject to fill or excavation, the impact on utilities, or on any archaeological sites;

The results of any consultation undertaken with parties who may be affected by the proposal.

Any effects on Māori cultural, spiritual or traditional values and the outcome of any consultation with Te Rūnanga o Ngāi Tahu.

Any effects on people's health and safety.
 - b. Buildings and Structures

The general design of any building or structure and its relationship to existing services.
 - c. Natural Hazards

Any geological or other natural hazards to which the site may be subject, its suitability for the activity proposed, and the means by which any adverse effects of the hazards are to be avoided, remedied or mitigated.
 - d. Parking and Access

The number of carparks to be provided and the provision for access, loading and traffic movement.
 - e. Landscape and Visual Amenity Values

Any landscaping to be provided, including areas for planting, the location and types of trees to be planted, the location of any outdoor storage areas, and how these are to be screened from view.

The effects on landscape values, and visual amenity, views, natural landscape patterns and natural vegetation patterns.

f. Noise

In respect of any potential for noise generation, the type and power of any proposed machinery or equipment; its location on site or within buildings; the material of which the buildings are constructed; details of any proposed measures to reduce noise, including any insulating materials or structures; hours of operation; and the expected nature and acoustical character, sound pressure level, frequency and duration of noise emissions.

g. Odour, Glare and Other Emissions

In respect of any potential for odour generation, the source of the odour, its frequency, intensity, duration and offensiveness and the design, management and operation of odour prevention and mitigation measures to be employed.

In respect of any potential for glare, the nature and location of any highly reflective surfaces; the location, nature and power of lighting on the site; and means of directing its spill.

Any potential for other emissions from the site, such as dust, fumes, electromagnetic, radio or high frequency wave emissions.

h. Hazardous Substances

In respect of any hazardous substances to be stored or used on site, the type and volume of those substances; proposed methods of containment; including in emergencies the location on site or within buildings of any transfer, or storage points; transport arrangements on site; and routes and methods of transport to and from the site.

i. Notable Trees

The location of any notable trees identified in the Plan on the site or adjoining sites, and whether they are to be removed, trimmed or subject to any building or earthworks in the vicinity of the tree.

j. Heritage Items

The effect of the proposal on any historic buildings listed in HH Appendix 1 or other historic features with possible heritage values, including where relevant plans and photographs showing interior or exterior original features, and plans of any alterations proposed to these features. A statement must also be provided as to whether any activity will adversely affect the whole or part of a listed historic building;

k. Notable Trees and Archaeological Sites

The effect of the proposal on any protected trees, archaeological sites, waahi tapu or historic areas listed in TREE Appendix 1 or HH Appendix 1. Note: if archaeological features, artefacts or bones are discovered during any works, section 15 sets out a procedure which must be followed.

l. Conservation Values and Ecosystems

The effects of the proposed activity on the life supporting capacity of air, water and soil in relation to any:

- i. conservation values
- ii. indigenous vegetation
- iii. significant ecosystems
- iv. habitats for indigenous fauna
- v. margins of waterbodies
- vi. wetlands.

m. Recreation

The effects on recreational values and facilities and recreational users in the vicinity.

n. Neighbours

Any effect on neighbours and others in the neighbourhood and where relevant, the wider community including any socio-economic or cultural effect.

o. Reverse Sensitivity

Whether there are any reverse sensitivity issues which may affect the proposed activity.

Refer to Section 4. definitions for the definition of "Reverse Sensitivity".

p. Waste Management

The proposed management of any waste which will be generated, including alternatives considered with respect to minimisation, generation, storage, collection and disposal of waste; the quantities and categories of waste which will be generated; the proposed system of waste storage, collection and disposal; measures taken to avoid or mitigate adverse effects. Refer to the Waste Management Protocol in Appendix 2 for guidance.

Drawings

1. In addition to the above information, any application for land use consent shall, where relevant, include a set of drawings illustrating the proposal. Two scaled copies of each drawing are required, including accurate dimensions.
2. The drawings must include the details set out in paragraph (3), (4), (5), and (6) below, where relevant, and be dimensioned in metres.

3. A drawing showing the location of the site such that its location can be readily determined, with road names, property number, north point and any significant built or topographical features.
4. A site plan of the area affected by the proposal showing, as applicable:
 - a. site boundary lengths and other dimensions in metres;
 - b. location with distances to site boundaries, of all existing buildings which are to remain on the site, and all proposed buildings and structures (including where applicable, eaves, balconies, courts and verandas);
 - c. proposed use of each building;
 - d. position of any easement over the site;
 - e. position, location and dimensions of every parking and loading space;
 - f. location of roads adjacent to the site and the formation status of the road and any footpaths;
 - g. location of all vehicle access points and driveways at the street boundary;
 - h. kerb lines adjacent to the site and the position of any street trees;
 - i. levels on the site boundaries and around any buildings; and, except in cases where the site is less than 1000m², or has a uniform grade of less than 1 in 10, contours of the site;
 - j. proposed retaining walls, excavations and fill;
 - k. existing trees and proposed landscaping (particularly where this is a requirement of the rules for the zone). Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - l. indigenous vegetation areas, streams and wetlands;
 - m. any historic buildings, protected trees, archaeological sites or other features listed in HH Appendix 1 and 2 or TREE Appendix 1 and any other historic features which are not listed but which may contain possible heritage values;
 - n. recession line diagrams or models;
 - o. watercourses and drainage and sewerage pipes within and adjacent to the site;
 - p. the means proposed to deal with all stormwater and sanitary drainage, and to provide for water supply;
 - q. the location of any water supply bores and effluent disposal areas on the site and on adjoining sites;
 - r. a floor plan of each building (at a scale of not less than 1:100) showing:
 - i. use of all parts of the building, including basements, parking, lift towers, storage or service areas;

- ii. room layout of the building, if this is known, and a clear identification of the use of different rooms or parts of a floor.
 - s. The location of any known naturals in relation to the land.
5. Where several floors are of the same area and use, a standard floor plan may be shown.
6. Elevations of each building (at a scale not less than 1:100) showing:
- i. external appearance of the building including doors and windows;
 - ii. number of floors and their proposed usage;
 - iii. building heights and height in relation to any boundary.
7. The location of any waahi taonga or mahinga kai areas.

Note: Applications which do not contain the information required under the Resource Management Act or under this section of the Plan, which are not in an approved form, or which lack an adequate Assessment of Effects on the Environment may not be accepted by the Council. Further information may be required from an applicant where it is considered necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be mitigated. The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application or on any environmental assessment or effects.

Subdivision Consent Applications - Information to be Included

The following information shall be included with any application for subdivision consent, where relevant:

Detail

1. An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be avoided, remedied or mitigated (the details required under 3.2.1 Land Use Consents above may be relevant).
2. The assessment should:
 - a. be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - b. where relevant, include the following details:
 - i. a description of the proposal;
 - ii. a description of any possible alternative locations or methods of undertaking the activity, where it is likely that the activity will result in significant adverse effects on the environment;
 - iii. an assessment of the actual or potential effects on the environment of the proposed activity;

- iv. where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use;
 - v. where the activity includes the discharge of any contaminant, a description of:
 - vi. - the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects and;
 - vii. - any possible alternative methods of discharge, including discharge into any other receiving environment.
 - viii.
 - c. a description of the mitigation measures (safeguards and contingency plans where relevant), to be undertaken to help prevent or reduce the actual or potential effects;
 - d. an identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted;
 - e. where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.
3. A statement specifying all other resource consents that the application may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.
4. A legal description of the site, and current copies of all certificates of title.
5. A drawing showing the location of the site such that its location can be readily determined, with road names, property number, north point and any significant built or topographical features.
6. Where relevant, an assessment, of visibility onto and off the development site.
7. A full description of any geological or other natural hazards to which the site may be subject, its suitability for the subdivision, and the means by which any adverse effects of the hazards are to be avoided, remedied or mitigated.

Plans

The following plans must be supplied and must be drawn to an appropriate stated metric scale to show sufficient detail of the proposal to enable the Council to determine its effects.

1. Two scaled copies of a site plan, showing accurate dimensions in metres. The site plans must show:
 - a. a north point accurately orientated;
 - b. a unique plan number and title describing the proposal and the site; and

The site plan should also show, where relevant:

- i. topographical information (including New Zealand map grid references), wherever possible in terms of the Kaikōura Datum, together with a certificate as to its origin and accuracy;
 - ii. details of hazardous areas (for example, uncompacted filling, areas potentially subject to liquefaction, debris inundation, fault rupture or flooding);
 - iii. existing buildings and buildings on adjacent sites, and their location in relation to existing and proposed boundaries;
 - iv. the location of any historic buildings, protected trees, archaeological sites, waahi tapu or historic areas as listed in HH Appendix 1 and 2 or TREE Appendix 1; and any other historic features with possible heritage values;
 - v. landforms and landscape elements;
 - vi. watercourses, wetlands and catchment orientation and whether or not any adjoining river has an average width of 3 metres or more;
 - vii. the location and areas of any existing esplanade reserves, esplanade strips, or access strips;
 - viii. all significant nature conservation areas including indigenous vegetation, ecosystems, the margins of waterbodies or wetlands;
 - ix. all significant individual trees;
 - x. existing street names and numbers;
 - xi. the position of existing water, sewer, and stormwater services and the position of existing water supply bores and effluent disposal fields on the site and on adjacent sites;
 - xii. existing easements and covenant areas;
 - xiii. the formation standards of roads adjoining the subject land and the location of the carriageway, and any kerb and channel or footpath.
2. Two scaled copies of a subdivision plan showing the following details, where relevant:
- a. the position of all proposed lots, and certificates of title, boundaries and their dimensions;
 - b. the areas of all new lots, including net areas;
 - c. existing indicative building positions and their location in relation to existing and proposed boundaries;
 - d. indicative vehicle access points and driveways on street edges;
 - e. location and type of all proposed trees and other vegetation, including all existing vegetation to be retained;
 - f. proposed earthworks and retaining walls, their scale and dimensions;
 - g. proposed methods of servicing the new lots with water, effluent disposal, electricity supply and stormwater disposal;
 - h. any land proposed to be set aside as new road and/or public open space for recreational purposes;
 - i. levels on the new lot boundaries, and except where the lots are less than 1000m² in area or have a uniform grade of less than 1 in 10, contours of each lot;
 - j. formation widths and grades of proposed roads and rights-of-way, parking bays and bus stops;

- k. proposed easements and covenant areas;
- l. where reserves and/or roads are to vest in the Council, the location and areas of the proposed reserves and/or walkways and any tree planting proposed for the reserves and/or roads to vest in the Council; including esplanade reserves and strips, and access strips;
- m. the location of any part of the bed of a river or lake, which is required under Section 237A to be shown on a survey plan as land to be vested in the Crown;
- n. information to show compliance with any other District Plan rule;
- o. the location of any waahi tapu or waahi taonga or mahinga kai areas;
- p. the location of any historic buildings, protected trees, archaeological sites, waahi tapu or historic areas as listed in HH Appendix 1 and 2 or TREE Appendix 1; and any other historic features with possible heritage values.

Note: Applications which do not contain the information required under the Resource Management Act or under this section of the Plan, which are not in an approved form, or which lack an adequate Assessment of Effects on the Environment may not be accepted by the Council. Further information may be required from an applicant where it is considered necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be mitigated. The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application or on any environmental assessment or effects.

Costs - Applications and Plan Changes

The Council policy requires cost recovery in respect of applications for Resource Consents or Plan Changes. Applicants should ascertain the range and level of those costs from the Council before making an application. Deposits will be required for all Resource Consents and Plan Change requests. All costs will be progressively recovered during the processing of the application. Recovered costs will include costs for:

- a. any public notices
- b. Council officer's time
- c. postage and distribution
- d. hearing time (Council staff, Councillors and/or Commissioners)
- e. any independent reports required by the Council
- f. consultancy fees directly attributable to the application

- g. any legal opinions required to determine any aspect of the application

Designations and Information to be Supplied

Section 166 of the Act defines those authorities which have power to become a requiring authority and provide for their works through designations in the District Plan. Section 168 of the Act sets out what information is necessary to accompany any such notice of requirement. In addition, the District Plan may specify further information to be provided. The following additional information shall be submitted with a notice of a requirement:

1. Details of the Order in Council or empowering legislation which allows the applicant to be a requiring authority, including any specified terms or conditions attached to the Order in Council.
2. A statement of how the requirement meets Part II of the Act.
3. A statement of the objectives the project or work is aiming to achieve.
4. The degree to which the requirement meets the objectives and policies of the Plan.
5. The relationship of the work to, or effect on, any relevant provisions of national or regional policy statements and regional plans.
6. Details of land ownership, acquisition and site clearance.
7. The proposed sequence and timing of the work, clearly identifying any part which may not be commenced or completed within 5 years' time.
8. Proposals for the use and maintenance of those parts of the land which will not be developed for 5 years or more, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.
9. Identification of any other designation or heritage order applying to the site, whether it has been given effect to and the effect the requirement may have on the existing designation or heritage order.

Cross Boundary Issues

The Issues

Section 75 of the Resource Management Act requires the District Plan to identify the processes for addressing issues which cross territorial boundaries. Such issues should not be confused with region-wide issues which are addressed by the Regional Council. Kaikōura District is bounded by Marlborough District to the north and north-west and by Hurunui District to the south and south-west.

There is the potential for activities within Kaikōura District to affect activities in adjoining districts and vice versa. Furthermore, provisions in the District Plan may influence the establishment of activities in neighbouring districts.

The following cross boundary issues apply:

- a. Effects of activities such as tree planting, earthworks, vegetation clearance and the erection of buildings on the conservation values of the high country.
- b. Any provision for esplanade reserves, esplanade strips or access strips on waterbodies which are located on the boundary between territorial authorities, including provision for the maintenance and enhancement of public access.
- c. Te Rūnanga o Kaikōura have mana whenua over land within both Kaikōura District and the Hurunui District. Te Rūnanga o Kaikōura interests do not follow jurisdictional boundaries and so some issues will need to be addressed by both Councils.
- d. Activities which have the potential to cause adverse effects on the common coastline environment between the Marlborough and Hurunui Districts, including the active coastal area either side of the Coastal Marine Area.
- e. The effects of natural hazards that cross territorial boundaries.
- f. Management of hazardous substances.
- g. Maintenance and protection of transportation utilities (road and rail).
- h. Management of adverse effects of activities on areas of significant indigenous vegetation and habitat of indigenous fauna that cross over the territorial boundary.
- i. Outstanding natural features and landscapes which cross over the territorial boundary.
- j. Activities on the surface of the water including, but not limited to, the Clarence River.

Processes

Processes to be used to deal with issues that cross boundaries include the following:

Resource Consent Applications/Requests for Plan Changes

As part of the assessment of resource consent applications and requests for Plan Changes, the Council will consider potential cross-boundary effects, relevant in respect of Marlborough District Council and Hurunui District Council.

Where an application or request has a potential effect on activities within a neighbouring territorial authority, and the applicant has not already consulted with an adjoining territorial authority, the Council will notify the affected authority.

The Council will support the joint hearing of resource consents where the effects span territorial boundaries.

The Kaikōura District Council has endeavoured to streamline the consent process, where both the regional and district councils require consent. Where consent has been obtained from the Regional Council for certain activities the District Council will not require consent under this Plan.

Plan Reviews

As part of the plan review process, the Council will consult with adjoining territorial authorities to identify issues of common interest.

Other Processes

The council will endeavour to meet with the Regional Council at least once a year or when required.

The Council will meet with Marlborough District Council, Hurunui District Council and Te Rūnanga o Ngāi Tahu where issues which span territorial boundaries arise.

The Council will respond to requests by other authorities when issues of common importance arise.