

1. Introduction

1.1 Introduction to the Kaikoura District Plan

This document is a Proposed Plan which is the first District Plan prepared under the Resource Management Act (1991) for the Kaikoura District. Any person who undertakes an activity in the Kaikoura 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.

1.2 The Role of the Kaikoura District Plan

The role of the District Plan is to assist the Kaikoura 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 Kaikoura District will be managed over the next ten years.

The Plan replaces the Kaikoura County Scheme (operative 15 May 1989) prepared under the Town and Country Planning Act 1977, and deemed to be the Kaikoura 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 Kaikoura’s natural landscapes, its 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 Kaikoura’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 Kaikoura District Plan will achieve this by setting the boundaries for sustainable management of Kaikoura’s resources.

1.3 Management Environment of the Plan

1.3.1 The Kaikoura District

The Kaikoura District is located along the east coast of the South Island (Figure 1 Map of Kaikoura 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 Kaikoura Ranges and the Pacific Ocean form the western and eastern boundaries. The total land area of the District is 2048km². The Kaikoura 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 Kaikoura 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 Kaikoura District is at risk include earthquakes, inundation, tsunamis, high winds and other extreme climatic events.

The Kaikoura District has been occupied by Maori for many years. The Tangata Whenua in the Kaikoura District are the Kati Kuri Hapu of Te Runanga o Ngai 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 Maori and Pakeha.

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

Kaikoura 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 Kaikoura 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.

1.3.2 The Management Role of the Kaikoura District Council under the Resource Management Act

The Kaikoura 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:

- 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.
- 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.
- The control of subdivision of land.
- The control of the emission of noise and the mitigation of the effects of noise.
- 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 Kaikoura 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.

1.4 Relationship with the Te Runanga o Ngai Tahu

The Resource Management Act contains specific obligations in relation to the Treaty of Waitangi and Maori interests. The Act identifies, as a matter of national importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Act requires that all persons working to implement its purpose take into account the principles of the Treaty of Waitangi. This implies not only that consultation be undertaken, but that as the Treaty partner, full recognition be given to Te Runanga o Ngai Tahu as guardians (kaitiaki) of many natural resources. Kaitiakitanga is the term used in the Act. It means the exercise of guardianship and includes the ethic of stewardship.

To the Ngati Kuri (sub-tribe of Te Runanga o Ngai Tahu and the tangata whenua of Kaikoura) this guardianship applies to all of their waahi taonga (treasured places) and is an integral part of their culture. Kaitiakitanga has relevance to the Kaikoura District Plan because the district possesses both general and particular waahi taonga of importance to Te Runanga o Ngai Tahu. Through consultation with Te Runanga o Ngai Tahu, a system must be developed by which a practical application of kaitiakitanga can be made for the Kaikoura District.

In relation to the District Plan, the most significant principle of the Treaty of Waitangi is that of partnership. An integral aspect of this is the Council's obligation to consult with local Maori to achieve an on-going working relationship between the Treaty Partners - local government and Te Runanga o Ngai Tahu. The Council must also have regard to the Treaty principle of actively protecting the ability of Maori people to use their traditional resources. This will be achieved by incorporating Te Runanga o Ngai Tahu involvement in the decision-making process relating to those natural resources important to them.

Ongoing information and decision sharing between Te Runanga o Ngai Tahu and Council representatives will ensure the principles of the Treaty of Waitangi are clarified and given the recognition required by the Resource Management Act. To this end the Council is undertaking consultation with Te Runanga o Ngai Tahu who have a customary responsibility for the area including Kaikoura District.

1.5 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:

- any national policy statement;
- the New Zealand Coastal Policy Statement;
- any water conservation order;
- the Regional Policy Statement or any regional plan covering the District;
- the Conservation Management Strategy (Nelson/Marlborough Conservancy);
- any relevant planning documents recognised by Te Runanga o Ngai 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 Kaikoura District.

1.6 Process of District Plan Development

Prior to the preparation of this Proposed Plan consultation was undertaken with the general public, government agencies, Te Runanga o Ngai Tahu, and special interest groups. The Council's primary mechanism for consultation was the publicly released "Kaikoura 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:

- 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;
- the District Plans of adjacent local authorities;
- the New Zealand Historic Places Trust Register;
- 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 Kaikoura District Plan. Following consideration of submissions received, a Proposed Kaikoura 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 Kaikoura 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.

1.7 Content of the District Plan

The District Plan outlines the significant resource management issues within the Kaikoura District. These issues have been identified by the Council, Te Runanga o Ngai 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. 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 Residential, Comprehensive Living, Settlement, Business, Tourism and Rural Zones exist. The term “business zones” is used to include the Business A (Commercial) Zones, the Business B (Mixed Business) Zone and the Marine Facilities (Business) Zone. The term “residential zones” is used in include the Residential A and residential B Zones. The Kaikoura Peninsula Tourism Zone is an example of a “tourism zone” where services are mainly provided for the benefit of tourists and/or visitors to the district.

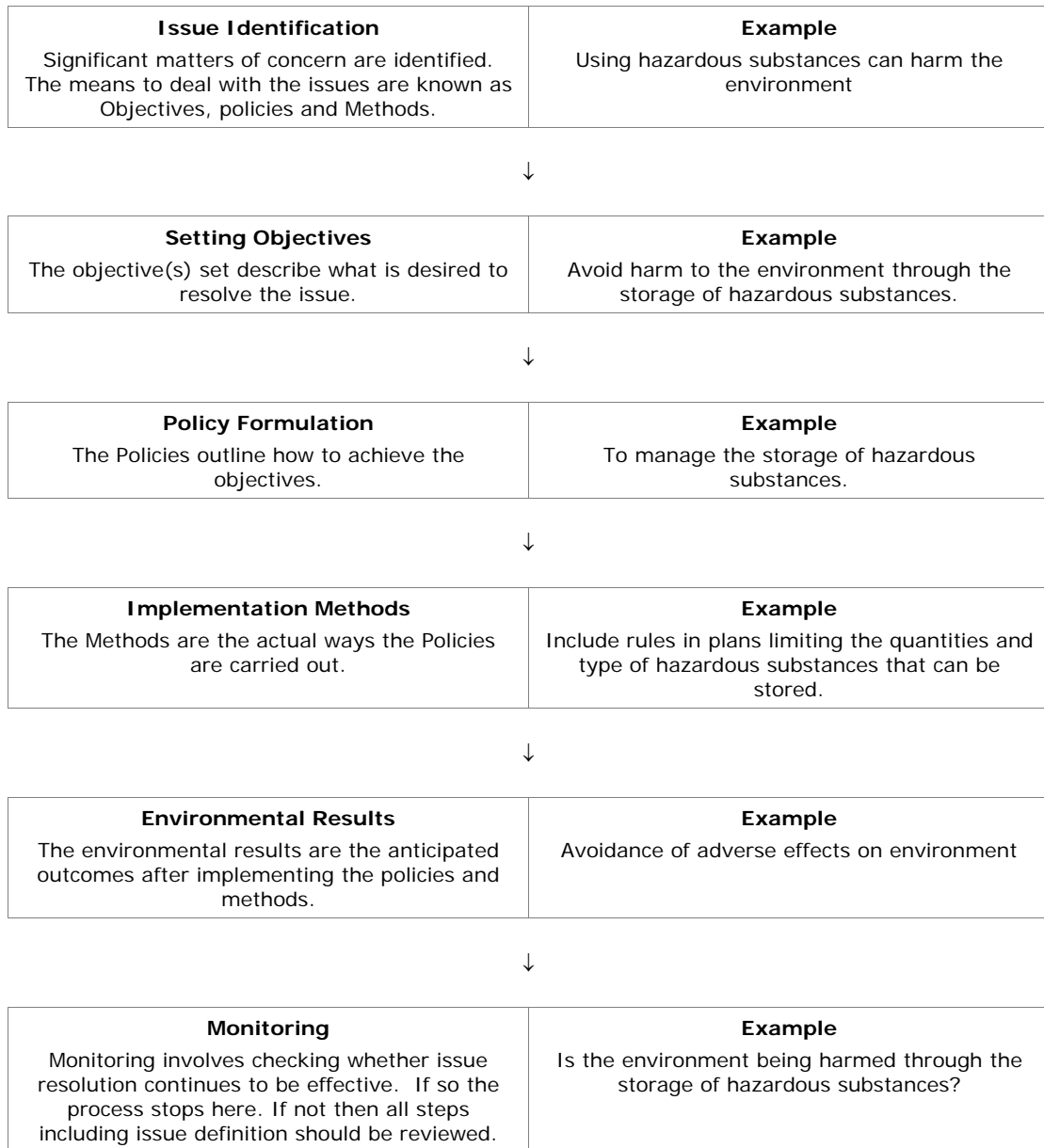


Figure 2: Procedure for Resolving Resource Management Issues

1.8 Cross Boundary Issues

1.8.1 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. Kaikoura 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 Kaikoura 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:

- Effects of activities such as tree planting, earthworks, vegetation clearance and the erection of buildings on the conservation values of the high country.
- 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.
- Te Runanga o Kaikoura have manawhenua over land within both Kaikoura District and the Hurunui District. Te Runanga o Kaikoura interests do not follow jurisdictional boundaries and so some issues will need to be addressed by both Councils.
- 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.
- The effects of natural hazards that cross territorial boundaries.
- Management of hazardous substances.
- Maintenance and protection of transportation utilities (road and rail).
- Management of adverse effects of activities on areas of significant indigenous vegetation and habitat of indigenous fauna that cross over the territorial boundary.
- Outstanding natural features and landscapes which cross over the territorial boundary.
- Activities on the surface of the water including, but not limited to, the Clarence River.

1.8.2 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 affect 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 Kaikoura 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 Runanga o Ngai Tahu where issues which span territorial boundaries arise.

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

