

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

Section 15 – Historic Heritage, Tree  
Protection, Archaeological Sites & Areas

*November 2005*

## **Section 15: Historic heritage, Tree Protection, Archaeological Sites and Areas**

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**1. Title**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
010.48	Kaikoura District Council	n/a	Add "Archaeological Sites" to the title.

**b. Decision**

**Accept** submission **010.48 Kaikoura District Council**

**c. Reason**

It is considered that the amendment will better reflect the contents of the section and will be consistent with the table of contents.

**d. Amendments necessary**

None.

## **2. 15.1 Introduction**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.132	Department of Conservation	support	Retain.
131.40	NZ Historic Places Trust	?	Amend fourth paragraph to read: "Most people wish to retain the heritage of the past, not only for themselves but also for those generations yet to come."
131.41	NZ Historic Places Trust	?	Amend fifth paragraph to read: "Archaeological studies have revealed a little ..."
131.42	NZ Historic Places Trust	?	Amend sixth paragraph, last bullet point to read: "historic trees may have associations with the history of the district as well as adding to the district's visual amenity ..."
131.43	NZ Historic Places Trust	?	Add new paragraph after paragraph 7 with text to describe the archaeological sites of Kaikoura, including early European settlement.
131.44	NZ Historic Places Trust	?	Add new paragraph (after the new eighth paragraph) outlining the reasons for valuing historic heritage.#
131.45	NZ Historic Places Trust	?	Add a new paragraph outlining the Historic Places Act 1993 and the role the NZ Historic Places Trust have in managing historic and cultural heritage.#
<i>F005.05.01</i>	<i>Simon Chaffey</i>	<i>oppose</i> <i>131.40</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.01</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i> <i>131.40</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.40</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.40</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.01</i>	<i>Sandy Chaffey</i>	<i>oppose</i> <i>131.40</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.22</i>	<i>M &amp; J Syme</i>	<i>oppose</i> <i>131.40</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.41</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.41</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.02</i>	<i>Simon Chaffey</i>	<i>oppose</i> <i>131.41</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.02</i>	<i>Sandy Chaffey</i>	<i>oppose</i> <i>131.41</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated</i>

			<i>into the Plan.</i>
<i>F004.23</i>	<i>M &amp; J Syme</i>	<i>oppose 131.41</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.02</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.41</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.42</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.42</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.03</i>	<i>Simon Chaffey</i>	<i>oppose 131.42</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.03</i>	<i>Sandy Chaffey</i>	<i>oppose 131.42</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.03</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.42</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.24</i>	<i>M &amp; J Syme</i>	<i>oppose 131.42</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F004.25</i>	<i>M &amp; J Syme</i>	<i>oppose 131.43</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.04</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.43</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.43</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.43</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.04</i>	<i>Simon Chaffey</i>	<i>oppose 131.43</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.04</i>	<i>Sandy Chaffey</i>	<i>oppose 131.43</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.44</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.44</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.26</i>	<i>M &amp; J Syme</i>	<i>oppose 131.44</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.05</i>	<i>Sandy Chaffey</i>	<i>oppose 131.44</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.05</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.44</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.05</i>	<i>Simon Chaffey</i>	<i>oppose 131.44</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.27</i>	<i>M &amp; J Syme</i>	<i>oppose 131.45</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.06</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted</i>

		131.45	<i>if the HPT amendments are adopted by Council.</i>
F010.14.45	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> 131.45	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
F028.05.06	<i>Sandy Chaffey</i>	<i>oppose</i> 131.45	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
F009.15.06	<i>Fed Farmers (NZ)</i>	<i>oppose</i> 131.45	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submissions:

- 131.40**            **NZ Historic Places Trust**
- 131.41**            **NZ Historic Places Trust**
- 131.42**            **NZ Historic Places Trust**
- 131.43**            **NZ Historic Places Trust**
- 131.45**            **NZ Historic Places Trust**

Accept the following submissions **in part**:

- 119.132**          **Department of Conservation**
- 131.44**            **NZ Historic Places Trust**

Reject the following further submissions:

- F005.05.01*      *Simon Chaffey*
- F009.15.01*      *Fed Farmers (NZ)*
- F010.14.40*      *Federated Farmers (East Coast)*
- F028.05.01*      *Sandy Chaffey*
- F004.22*          *M & J Syme*
- F010.14.41*      *Federated Farmers (East Coast)*
- F005.05.02*      *Simon Chaffey*
- F028.05.02*      *Sandy Chaffey*
- F004.23*          *M & J Syme*
- F009.15.02*      *Fed Farmers (NZ)*
- F010.14.42*      *Federated Farmers (East Coast)*
- F005.05.03*      *Simon Chaffey*
- F028.05.03*      *Sandy Chaffey*
- F009.15.03*      *Fed Farmers (NZ)*
- F004.24*          *M & J Syme*
- F004.25*          *M & J Syme*

<i>F009.15.04</i>	<i>Fed Farmers (NZ)</i>
<i>F010.14.43</i>	<i>Federated Farmers (East Coast)</i>
<i>F005.05.04</i>	<i>Simon Chaffey</i>
<i>F028.05.04</i>	<i>Sandy Chaffey</i>
<i>F010.14.44</i>	<i>Federated Farmers (East Coast)</i>
<i>F004.26</i>	<i>M &amp; J Syme</i>
<i>F028.05.05</i>	<i>Sandy Chaffey</i>
<i>F009.15.05</i>	<i>Fed Farmers (NZ)</i>
<i>F005.05.05</i>	<i>Simon Chaffey</i>
<i>F004.27</i>	<i>M &amp; J Syme</i>
<i>F005.05.06</i>	<i>Simon Chaffey</i>
<i>F010.14.45</i>	<i>Federated Farmers (East Coast)</i>
<i>F028.05.06</i>	<i>Sandy Chaffey</i>
<i>F009.15.06</i>	<i>Fed Farmers (NZ)</i>

**c. Reason**

- 1. 131.40 - NZ Historic Places Trust; 131.41 - NZ Historic Places Trust; 131.42 - NZ Historic Places Trust; 131.43 - NZ Historic Places Trust and 131.45 - NZ Historic Places Trust**

It is noted that these submissions all provide suggested amendments, which will improve the context of the introduction and will clarify various matters. It is considered necessary to emphasise the end part of the suggested amendment (relating to an authority), as this will ensure that plan readers are alerted to the possibility of an authority (consent) from New Zealand Historic Places Trust, even though the proposed activity may be permitted by the Plan.

It is considered that the concerns raised in the further submissions do not apply in this case, as the suggested amendments will not impose any further restrictions.

- 2. 131.44 - NZ Historic Places Trust**

It is noted that this submission is already covered to a certain extent, in paragraph 6. However, it is considered appropriate to incorporate elements from the submission into paragraph 6 for further clarification.

It is considered that the concerns raised in the further submissions do not apply in this case, as the suggested amendments will not impose any further restrictions.

- 3. 119.132 - Department of Conservation**

The submission is accepted in part to the extent that the Introduction is retained but has been amended as a result of submissions.

**d. Amendments necessary**

- 1. Amend** paragraph 4 under 15.1 Introduction to read as follow:



*“Most people wish to retain the heritage of the past, **not only** for themselves, **but also** for those generations yet to come....”*

2. **Amend** paragraph 5 under 15.1 Introduction to read as follow:

*“Archaeological **studies** have revealed...”*

3. **Amend** paragraph 6 under 15.1 Introduction to read:

*“Historic heritage contributes to environmental quality **and is valued for many reasons**, including:*

- scientific or technical significance such as the application of a science or technology*
- aesthetic significance such as the artistic or craftsmanship values*
- cultural, spiritual or social significance*
- physical context e.g. design and materials*
- providing a sense of place...*
- providing a pleasant environment...*
- providing a record of human activity...*
- contributing to the character...*
- providing interest for visitors...*

*Historic trees **may have association with the history of the District, as well as adding to the amenity values.**”*

4. **Add** the following new paragraph after paragraph 7 under 15.1 Introduction:

*“Archaeological sites and areas in the Kaikoura District relate to Maori and European historic occupation and land use. Sites of Maori origin include pa sites, village sites, terraces, pits, middens and ovens. Historic sites include evidence of whaling stations, early European settlement and farming practices.”*

5. **Add** the following new paragraph at the end of 15.1 Introduction:

*“The Historic Places Act 1993 also gives the NZ Historic Places Trust (NZHPT) a role in the identification, protection, preservation and conservation of historic and cultural heritage. Under this Act, the NZHPT is required to keep a register of historic places, historic areas and waahi tapu as an information source and to assist these areas to be protected under the Resource Management Act 1991. In addition, the Historic Places Act currently protects all archaeological sites and areas. An authority is required from the NZHPT if there is reasonable cause to suspect that a site may be modified, damaged or destroyed in the course of any activity. An authority is required whether or not the site is recorded or unrecorded, and regardless of whether a resource consent has been granted or the activity is permitted under the District Plan.”*

**3. 15.2 Issue 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.133	Department of Conservation	support	Retain.

**b. Decision**

**Accept** submission **119.133 Department of Conservation**

**c. Reason**

Support for the issue is acknowledged.

**d. Amendments necessary**

None.

**4. 15.2.1 Objective 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
125.51	Federated Farmers of NZ Inc	support	Retain.
119.134	Department of Conservation	support	Retain.
130.70	Tourism Industry Assn NZ	support	None sought.
131.46	NZ Historic Places Trust	support	Retain.
<i>F005.08.51</i>	<i>Simon Chaffey</i>	<i>support 125.51</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F030.29.51</i>	<i>W M Dowle</i>	<i>support 125.51</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F004.21</i>	<i>M &amp; J Syme</i>	<i>support 125.51</i>	<i>The intent of the submission is good and is trying to improve the preservation of heritage values. Cost of protecting heritage values shouldn't fall on landowner or ratepayer.</i>
<i>F010.01.51</i>	<i>Federated Farmers (East Coast)</i>	<i>support 125.51</i>	<i>Support.</i>
<i>F004.28</i>	<i>M &amp; J Syme</i>	<i>oppose 131.46</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.07</i>	<i>Sandy Chaffey</i>	<i>oppose 131.46</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.07</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.46</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.07</i>	<i>Simon Chaffey</i>	<i>oppose 131.46</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.46</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.46</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submissions and further submissions:

- 125.51**                      **Federated Farmers of NZ Inc**
- 119.134**                    **Department of Conservation**
- 130.70**                      **Tourism Industry Assn NZ**

<b>131.46</b>	<b>NZ Historic Places Trust</b>
<i>F005.08.51</i>	<i>Simon Chaffey</i>
<i>F030.29.51</i>	<i>W M Dowle</i>
<i>F004.21</i>	<i>M &amp; J Syme</i>
<i>F010.01.51</i>	<i>Federated Farmers (East Coast)</i>

**Reject** the following further submissions:

<i>F004.28</i>	<i>M &amp; J Syme</i>
<i>F028.05.07</i>	<i>Sandy Chaffey</i>
<i>F009.15.07</i>	<i>Fed Farmers (NZ)</i>
<i>F005.05.07</i>	<i>Simon Chaffey</i>
<i>F010.14.46</i>	<i>Federated Farmers (East Coast)</i>

**c. Reason**

Support for the objective is acknowledged. It is noted that some of the further submissions are in support of a submission supporting the objective, however are opposing another submission in support of the very same objective. While Council acknowledges the concerns held by some in the farming community, it is noted that this type of pro-forma blanket submissions opposing certain target groups, which are often repetitive and irrelevant to the matter at hand, are unhelpful, cause frustration and are therefore considered as being frivolous and vexatious.

**d. Amendments necessary**

None.

**5. 15.2.2 All Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
125.52	Federated Farmers of NZ Inc	support	Retain.
<i>F005.08.52</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F030.29.52</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F010.01.52</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>

**b. Decision**

Accept the following submission and further submissions **in part**:

**125.52**            **Federated Farmers of NZ Inc**  
*F005.08.52*       *Simon Chaffey*  
*F030.29.52*       *W M Dowle*  
*F010.01.52*       *Federated Farmers (East Coast)*

**c. Reason**

The submission is accepted in part to the extent that the policies are retained albeit amended as a result of submissions.

**d. Amendments necessary**

None.

**6. 15.2.2 Policy 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.135	Department of Conservation	support	Amend to read: "...Places Trust, Department of Conservation, Ngai Tahu..."
131.47	NZ Historic Places Trust	support	Amend to read: "To give suitable protection to the heritage values of buildings, places, sites ..."
<i>F005.05.10</i>	<i>Simon Chaffey</i>	<i>oppose 131.47</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.31</i>	<i>M &amp; J Syme</i>	<i>oppose 131.47</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.10</i>	<i>Sandy Chaffey</i>	<i>oppose 131.47</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.47</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.47</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.10</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.47</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submissions:

**119.135**      **Department of Conservation**  
**131.47**      **NZ Historic Places Trust**

Reject the following further submissions:

*F005.05.10*      *Simon Chaffey*  
*F004.31*      *M & J Syme*  
*F028.05.10*      *Sandy Chaffey*  
*F010.14.47*      *Federated Farmers (East Coast)*  
*F009.15.10*      *Fed Farmers (NZ)*

**c. Reason**

**1. 119.135 - Department of Conservation**

It is considered appropriate to accept the relief sought, as the Department also provides for the protection of heritage values.

**2. 131.47 - NZ Historic Places Trust**

It is considered appropriate to accept the relief sought, as the suggested amendment provides clarification of what is being protected.

**d. Amendments necessary**

**Amend** 15.2.2 Policy1 to read:

“ To give suitable protection to the heritage **values of** buildings....., in consultation with the New Zealand Historic Places Trust, Te Runanga o Ngai Tahu, **the Department of Conservation,.....**”

**7. 15.2.2 Policy 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.136	Department of Conservation	support	Retain.
131.49	NZ Historic Places Trust	?	Move this to become an implementation method and replace with: "To increase people's awareness of the historic heritage of the District".
<i>F010.14.49</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.49</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.11</i>	<i>Sandy Chaffey</i>	<i>oppose 131.49</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F005.05.11</i>	<i>Simon Chaffey</i>	<i>oppose 131.49</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.32</i>	<i>M &amp; J Syme</i>	<i>oppose 131.49</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.11</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.49</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submission:

**131.49**                    **NZ Historic Places Trust**

Accept the following submission in part:

**119.136**                    **Department of Conservation**

Reject the following further submissions:

- F010.14.49*            *Federated Farmers (East Coast)*
- F028.05.11*            *Sandy Chaffey*
- F005.05.11*            *Simon Chaffey*
- F004.32*                *M & J Syme*
- F009.15.11*            *Fed Farmers (NZ)*

**c. Reason**

**1. 131.49 - NZ Historic Places Trust**

It is considered that the suggestion in the submission has merit, as the second part of this policy reads more like an implementation method.



**2. 119.136 - Department of Conservation**

The submission is accepted in part, to the extent that the intent of the policy remains unchanged, although it has been amended as a result of submissions.

**d. Amendments necessary**

1. **Delete** 15.2.2 Policy 2 and replace with:

*“ To increase people’s awareness of the historic heritage **values** of the District. ”*

2. **Add** the following to the end of 15.2.3 Implementation Method 1:

*“..including heritage buildings, objects, places and waahi tapu and archaeological sites and areas.”*

**8. 15.2.2 Policy 3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.137	Department of Conservation	support	Retain.
131.50	NZ Historic Places Trust	support	Retain.
<i>F028.05.12</i>	<i>Sandy Chaffey</i>	<i>oppose 131.50</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F005.05.12</i>	<i>Simon Chaffey</i>	<i>oppose 131.50</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.50</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.50</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.33</i>	<i>M &amp; J Syme</i>	<i>oppose 131.50</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.12</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.50</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submissions:

**119.137**      **Department of Conservation**  
**131.50**      **NZ Historic Places Trust**

Reject the following further submissions:

*F028.05.12*      *Sandy Chaffey*  
*F005.05.12*      *Simon Chaffey*  
*F010.14.50*      *Federated Farmers (East Coast)*  
*F004.33*      *M & J Syme*  
*F009.15.12*      *Fed Farmers (NZ)*

**c. Reason**

Policy 3 is retained, as it is consistent with the requirements of the Act.

**d. Amendments necessary**

None

**9. 15.2.2 Policy 4**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.54	NZ Historic Places Trust	support	Amend to read: "To ensure that all development and building proposals in the vicinity of site recorded by the NZ Archaeological Association ..."
119.138	Department of Conservation	support	Retain.
<i>F028.05.13</i>	<i>Sandy Chaffey</i>	<i>oppose 131.54</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.13</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.54</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.34</i>	<i>M &amp; J Syme</i>	<i>oppose 131.54</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.13</i>	<i>Simon Chaffey</i>	<i>oppose 131.54</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.54</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.54</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submissions:

**131.54**            **NZ Historic Places Trust**  
**119.138**           **Department of Conservation**

Reject the following further submissions:

*F028.05.13*    *Sandy Chaffey*  
*F009.15.13*    *Fed Farmers (NZ)*  
*F004.34*        *M & J Syme*  
*F005.05.13*    *Simon Chaffey*  
*F010.14.54*    *Federated Farmers (East Coast)*

**c. Reason**

**1. 131.54 - NZ Historic Places Trust**

The relief sought in this submission is considered appropriate, as it will correct an omission. While Council acknowledges the concerns held by some in the farming community, it is noted that this type of pro-forma blanket submissions opposing certain target groups, which

are often repetitive and irrelevant to the matter at hand, are unhelpful, cause frustration and are therefore considered as being frivolous and vexatious.

**2. 119.138 - Department of Conservation**

The submission is accepted in part to the extent that it is retained but amended as a result of submissions.

**d. Amendments necessary**

**Add** “New Zealand” before “Archaeological Association” in 15.2.2 Policy 4.

**10. 15.2.2 Policy 5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.139	Department of Conservation	support	Retain.
131.51	NZ Historic Places Trust	support	Retain.
<i>F028.05.14</i>	<i>Sandy Chaffey</i>	<i>oppose 131.51</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.14</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.51</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.51</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.51</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.35</i>	<i>M &amp; J Syme</i>	<i>oppose 131.51</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.14</i>	<i>Simon Chaffey</i>	<i>oppose 131.51</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submissions:

**119.139**      **Department of Conservation**  
**131.51**      **NZ Historic Places Trust**

Reject the following further submissions:

*F028.05.14*      *Sandy Chaffey*  
*F009.15.14*      *Fed Farmers (NZ)*  
*F010.14.51*      *Federated Farmers (East Coast)*  
*F004.35*      *M & J Syme*  
*F005.05.14*      *Simon Chaffey*

**c. Reason**

It is considered necessary to retain Policy 5, as it is consistent with the Act and the Statutory Acknowledgements under the Settlement Act, 1998.

**d. Amendments necessary**

None.

**11. 15.2.2 Policy 6**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.140	Department of Conservation	support	Retain.
131.52	NZ Historic Places Trust	support	Retain.
<i>F028.05.15</i>	<i>Sandy Chaffey</i>	<i>oppose</i> <i>131.52</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.52</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.52</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.15</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i> <i>131.52</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.36</i>	<i>M &amp; J Syme</i>	<i>oppose</i> <i>131.52</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.15</i>	<i>Simon Chaffey</i>	<i>oppose</i> <i>131.52</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submissions:

**119.140**      **Department of Conservation**  
**131.52**      **NZ Historic Places Trust**

Reject the following further submissions:

*F028.05.15*      *Sandy Chaffey*  
*F010.14.52*      *Federated Farmers (East Coast)*  
*F009.15.15*      *Fed Farmers (NZ)*  
*F004.36*      *M & J Syme*  
*F005.05.15*      *Simon Chaffey*

**c. Reason**

It is considered necessary to retain Policy 6, as it is consistent with the Act and the Statutory Acknowledgements under the Settlement Act, 1998.

**d. Amendments necessary**

None.

**12. 15.2.2 Policy 7**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.53	NZ Historic Places Trust	support	Retain.
119.141	Department of Conservation	support	Retain.
<i>F010.14.53</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.53</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.37</i>	<i>M &amp; J Syme</i>	<i>oppose 131.53</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.16</i>	<i>Sandy Chaffey</i>	<i>oppose 131.53</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.16</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.53</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.16</i>	<i>Simon Chaffey</i>	<i>oppose 131.53</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submissions:

**131.53**            **NZ Historic Places Trust**  
**119.141**           **Department of Conservation**

Reject the following further submissions:

*F010.14.53*      *Federated Farmers (East Coast)*  
*F004.37*           *M & J Syme*  
*F028.05.16*      *Sandy Chaffey*  
*F009.15.16*      *Fed Farmers (NZ)*  
*F005.05.16*      *Simon Chaffey*

**c. Reason**

It is considered that Policy 7 would assist in giving effect to Council's obligations under sections 5, 6, 7 and 8 of the Act and it is therefore retained.

**d. Amendments necessary**

None.

**13. 15.2.2 Policies**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.71	Tourism Industry Assn NZ	support	None sought.
131.48	NZ Historic Places Trust	?	Add new policy: "To recognise that heritage values may include historic, scientific, technological, aesthetic, cultural, spiritual, social, contextual and archaeological significance."
131.55	NZ Historic Places Trust	n/a	Add new policy: "To ensure that any potential adverse effects on heritage values are taken into account in assessing applications".
<i>F004.29</i>	<i>M &amp; J Syme</i>	<i>oppose 131.48</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.08</i>	<i>Sandy Chaffey</i>	<i>oppose 131.48</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F005.05.08</i>	<i>Simon Chaffey</i>	<i>oppose 131.48</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.48</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.48</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.08</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.48</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.09</i>	<i>Simon Chaffey</i>	<i>oppose 131.55</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.09</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.55</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.09</i>	<i>Sandy Chaffey</i>	<i>oppose 131.55</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.55</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.55</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.30</i>	<i>M &amp; J Syme</i>	<i>oppose 131.55</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>



**b. Decision**

Accept the following submissions:

- |               |                                 |
|---------------|---------------------------------|
| <b>131.48</b> | <b>NZ Historic Places Trust</b> |
| <b>131.55</b> | <b>NZ Historic Places Trust</b> |

Accept the following submission in part:

- |               |                                 |
|---------------|---------------------------------|
| <b>130.71</b> | <b>Tourism Industry Assn NZ</b> |
|---------------|---------------------------------|

Reject the following further submissions:

- |                   |                                       |
|-------------------|---------------------------------------|
| <i>F004.29</i>    | <i>M &amp; J Syme</i>                 |
| <i>F028.05.08</i> | <i>Sandy Chaffey</i>                  |
| <i>F005.05.08</i> | <i>Simon Chaffey</i>                  |
| <i>F010.14.48</i> | <i>Federated Farmers (East Coast)</i> |
| <i>F009.15.08</i> | <i>Fed Farmers (NZ)</i>               |
| <i>F005.05.09</i> | <i>Simon Chaffey</i>                  |
| <i>F009.15.09</i> | <i>Fed Farmers (NZ)</i>               |
| <i>F028.05.09</i> | <i>Sandy Chaffey</i>                  |
| <i>F010.14.55</i> | <i>Federated Farmers (East Coast)</i> |
| <i>F004.30</i>    | <i>M &amp; J Syme</i>                 |

**c. Reason**

**1. 131.48 & 131.55 - NZ Historic Places Trust**

It is considered appropriate to accept the relief sought, as it will provide better clarification of heritage values, and better integration of assessment matters relating to resource consents.

**2. 130.71 - Tourism Industry Assn NZ**

Support for the policies is acknowledged. The submission is accepted in part to the extent that the policies are retained albeit amended as a result of submissions.

**d. Amendments necessary**

**1. Add** the following new policy under 15.2.2:

*“8. To recognise that heritage values may include historic, scientific, technological, aesthetic, cultural, spiritual, social, contextual and archaeological values.”*

**2. Add** the following new policy under 15.2.2:

*“9. To ensure that any potential adverse effects on heritage values are taken into account in assessing applications.”*

## **14. New Policy**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
125.55	Federated Farmers of NZ Inc	n/a	Add new policy in 15.2.2: "To encourage active public participation in the promotion, protection and preservation of heritage and cultural values throughout the district"
<i>F030.29.55</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F010.01.55</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>
<i>F005.08.55</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F037.28</i>	<i>NZ Historic Places Trust</i>	<i>support</i>	<i>New policy will allow Council to create initiatives to increase public involvement.</i>

### **b. Decision**

Accept the following submission and further submissions:

<b>125.55</b>	<b>Federated Farmers of NZ Inc</b>
<i>F030.29.55</i>	<i>W M Dowle</i>
<i>F010.01.55</i>	<i>Federated Farmers (East Coast)</i>
<i>F005.08.55</i>	<i>Simon Chaffey</i>
<i>F037.28</i>	<i>NZ Historic Places Trust</i>

### **c. Reason**

It is considered appropriate to accept the relief sought, as the suggested new policy promotes a non-regulatory method to achieve the protection of heritage values, which is consistent with Council's strategic direction and the philosophy of the Plan.

### **d. Amendments necessary**

Add the following new policy to 15.2.2:

" 10. *To encourage active public participation in the promotion, protection and preservation of heritage and cultural values throughout the district.*"

**15. 15.2.3 Implementation Methods****a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
125.53	Federated Farmers of NZ Inc	support	Retain, and add a new method to refer to a free public service responding to discoveries of historical and cultural values, and to observe activities particularly at the time of earthworks and provide advice and representatives.
119.142	Department of Conservation	support	Retain.
130.72	Tourism Industry Assn NZ	support	None sought.
131.57	NZ Historic Places Trust	?	Add new method: "The identification of archaeological areas on the planning maps as areas which contain a number of recorded archaeological sites, and the inclusion of rules to assist in their protection".
F004.22	M & J Syme	support 125.53	<i>The intent of the submission is good and is trying to improve the preservation of heritage values. Cost of protecting heritage values shouldn't fall on landowner or ratepayer.</i>
F010.01.53	Federated Farmers (East Coast)	support 125.53	Support.
F030.29.53	W M Dowle	support 125.53	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
F005.08.53	Simon Chaffey	support 125.53	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
F009.15.17	Fed Farmers (NZ)	oppose 131.57	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
F005.05.17	Simon Chaffey	oppose 131.57	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
F028.05.17	Sandy Chaffey	oppose 131.57	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
F010.14.57	Federated Farmers (East Coast)	oppose 131.57	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
F004.38	M & J Syme	oppose 131.57	<i>HPTs submission can only make it more complicated and costly to comply with.</i>

**b. Decision**

Accept the following submissions and further submissions **in part**:

<b>119.142</b>	<b>Department of Conservation</b>
<b>130.72</b>	<b>Tourism Industry Assn NZ</b>
<b>131.57</b>	<b>NZ Historic Places Trust</b>
<i>F009.15.17</i>	<i>Fed Farmers (NZ)</i>
<i>F005.05.17</i>	<i>Simon Chaffey</i>
<i>F028.05.17</i>	<i>Sandy Chaffey</i>
<i>F010.14.57</i>	<i>Federated Farmers (East Coast)</i>
<i>F004.38</i>	<i>M &amp; J Syme</i>

Reject the following submission and further submissions:

<b>125.53</b>	<b>Federated Farmers of NZ Inc</b>
<i>F004.22</i>	<i>M &amp; J Syme</i>
<i>F010.01.53</i>	<i>Federated Farmers (East Coast)</i>
<i>F030.29.53</i>	<i>W M Dowle</i>
<i>F005.08.53</i>	<i>Simon Chaffey</i>
<i>F028.05.09</i>	<i>Sandy Chaffey</i>
<i>F010.14.55</i>	<i>Federated Farmers (East Coast)</i>
<i>F004.30</i>	<i>M &amp; J Syme</i>

**c. Reason**

**1. 119.142 - Department of Conservation and 130.72 - Tourism Industry Assn NZ**

The submissions are accepted in part to the extent that the methods are retained, but have been amended as a result of submissions.

**2. 125.53 - Federated Farmers of NZ Inc**

It is noted that this submission seeks a new implementation method, in that Council will provide a free public service that will respond to enquiries and the discovery of historic values and observation during earthworks. It is considered that the accidental discovery protocol clearly sets out the process to be followed during accidental discovery. It would be inappropriate for Council to circumvent this process, as sought, and would be unreasonable for ratepayers to bear the costs associated with such discovery, where the discovery relates to an activity for which resource consent is required.

**3. 131.57 - NZ Historic Places Trust**

It is considered appropriate to accept the relief sought, as the new method will give effect to the Policies.

**d. Amendments necessary**

**Add** the following new Implementation Method under 15.2.3:

*“ The identification of archaeological areas on the planning maps as areas that contain a number of individually important archaeological sites.”*

**16. 15.2.3 Method 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.56	NZ Historic Places Trust	?	Amend to add text where information has come from - include an inventory of significant historic heritage items, which is on the register held by the NZHPT, and Archaeological sites held on the Archaeological Assn database.
<i>F028.05.18</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.39</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.18</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.18</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.56</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submission in part:

**131.56**            **NZ Historic Places Trust**

Reject the following further submissions:

*F028.05.18*    *Sandy Chaffey*  
*F004.39*        *M & J Syme*  
*F005.05.18*    *Simon Chaffey*  
*F009.15.18*    *Fed Farmers (NZ)*  
*F010.14.56*    *Federated Farmers (East Coast)*

**c. Reason**

It has been decided in item 7 above to amend Implementation Method 1 to better relate to the appendices.

**d. Amendments necessary**

None.

**17. 15.2.3 Method 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.58	NZ Historic Places Trust	support	Retain.
<i>F028.05.19</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.40</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.19</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.19</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.58</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submission:

**131.58**            **NZ Historic Places Trust**

Reject the following further submissions:

*F028.05.19*    *Sandy Chaffey*  
*F004.40*        *M & J Syme*  
*F009.15.19*    *Fed Farmers (NZ)*  
*F005.05.19*    *Simon Chaffey*  
*F010.14.58*    *Federated Farmers (East Coast)*

**c. Reason**

It is considered necessary to retain Method 2, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**18. 15.2.3 Method 3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.59	NZ Historic Places Trust	support	Retain.
<i>F010.14.59</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.20</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.20</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.20</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.41</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>

**b. Decision**

Accept the following submission:

**131.59**            **NZ Historic Places Trust**

Reject the following further submissions:

*F010.14.59*    *Federated Farmers (East Coast)*  
*F005.05.20*    *Simon Chaffey*  
*F028.05.20*    *Sandy Chaffey*  
*F009.15.20*    *Fed Farmers (NZ)*  
*F004.41*        *M & J Syme*

**c. Reason**

It is considered necessary to retain Method 3, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.



**19. 15.2.3 Method 4**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.60	NZ Historic Places Trust	support	Retain.
<i>F005.05.21</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.21</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.60</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.21</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.42</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>

**b. Decision**

Accept the following submission:

**131.60**            **NZ Historic Places Trust**

Reject the following further submissions:

*F005.05.21*    *Simon Chaffey*  
*F009.15.21*    *Fed Farmers (NZ)*  
*F010.14.60*    *Federated Farmers (East Coast)*  
*F028.05.21*    *Sandy Chaffey*  
*F004.42*        *M & J Syme*

**c. Reason**

It is considered necessary to retain Method 4, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**20. 15.2.3 Method 5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.61	NZ Historic Places Trust	support	Retain.
<i>F004.43</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.61</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.22</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F005.05.22</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.22</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submission:

**131.61**            **NZ Historic Places Trust**

Reject the following further submissions:

*F004.43*            *M & J Syme*  
*F010.14.61*        *Federated Farmers (East Coast)*  
*F028.05.22*        *Sandy Chaffey*  
*F005.05.22*        *Simon Chaffey*  
*F009.15.22*        *Fed Farmers (NZ)*

**c. Reason**

It is considered necessary to retain Method 5, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**21. 15.2.3 Method 6**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.62	NZ Historic Places Trust	support	Retain.
<i>F028.05.23</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.62</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.23</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.23</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.44</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>

**b. Decision**

**Accept** the following submission:

**131.62            NZ Historic Places Trust**

**Reject** the following further submissions:

*F028.05.23    Sandy Chaffey*  
*F010.14.62    Federated Farmers (East Coast)*  
*F005.05.23    Simon Chaffey*  
*F009.15.23    Fed Farmers (NZ)*  
*F004.44        M & J Syme*

**c. Reason**

It is considered necessary to retain Method 6, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**22. 15.2.3 Method 7**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.63	NZ Historic Places Trust	support	Retain.
<i>F005.05.24</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.24</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.24</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.45</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.63</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submission:

*131.63*            *NZ Historic Places Trust*

Reject the following further submissions:

*F005.05.24*    *Simon Chaffey*

*F028.05.24*    *Sandy Chaffey*

*F009.15.24*    *Fed Farmers (NZ)*

*F004.45*        *M & J Syme*

*F010.14.63*    *Federated Farmers (East Coast)*

**c. Reason**

It is considered appropriate to retain Method 7, as it will assist Council to give effect to its obligation under the RMA to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**23. 15.2.3 Method 8**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.64	NZ Historic Places Trust	support	Retain.
<i>F004.46</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.25</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.25</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.64</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.25</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submission:

*131.64*                      *NZ Historic Places Trust*

Reject the following further submissions:

*F004.46*                      *M & J Syme*  
*F009.15.25*                      *Fed Farmers (NZ)*  
*F028.05.25*                      *Sandy Chaffey*  
*F010.14.64*                      *Federated Farmers (East Coast)*  
*F005.05.25*                      *Simon Chaffey*

**c. Reason**

It is considered appropriate to retain Method 8, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**24. 15.2.3 Method 9**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.65	NZ Historic Places Trust	support	Retain.
<i>F010.14.65</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.26</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.47</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.26</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.26</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submission:

**131.65**            **NZ Historic Places Trust**

Reject the following further submissions:

*F010.14.65*    *Federated Farmers (East Coast)*  
*F005.05.26*    *Simon Chaffey*  
*F004.47*        *M & J Syme*  
*F028.05.26*    *Sandy Chaffey*  
*F009.15.26*    *Fed Farmers (NZ)*

**c. Reason**

It is considered appropriate to retain Method 9, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**25. 15.2.3 Method 10**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.66	NZ Historic Places Trust	support	Retain.
<i>F004.48</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.66</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.27</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.27</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.27</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>

**b. Decision**

Accept the following submission:

**131.66**            **NZ Historic Places Trust**

Reject the following further submissions:

*F004.48*            *M & J Syme*  
*F010.14.66*        *Federated Farmers (East Coast)*  
*F005.05.27*        *Simon Chaffey*  
*F009.15.27*        *Fed Farmers (NZ)*  
*F028.05.27*        *Sandy Chaffey*

**c. Reason**

It is considered necessary to retain Method 10, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**26. 15.2.3 Method 11**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.67	NZ Historic Places Trust	?	Amend to read: "To consider exempting sites of historic buildings listed in Appendix C and archaeological sites listed in Appendix E from the standards for ...."
<i>F028.05.28</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.67</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.28</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.49</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.28</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

**Accept** the following submission:

**131.67            NZ Historic Places Trust**

**Reject** the following further submissions:

*F028.05.28    Sandy Chaffey*  
*F010.14.67    Federated Farmers (East Coast)*  
*F009.15.28    Fed Farmers (NZ)*  
*F004.49        M & J Syme*  
*F005.05.28    Simon Chaffey*

**c. Reason**

It is considered necessary to amend Method 11 to ensure consistency with the decision on 13.12.1(c) Heritage Items.



**d. Amendments necessary**

**Amend 15.2.3** Implementation Method 11 to read:

“ *To consider exempting sites of historic buildings listed in Appendix C and archaeological sites listed in Appendix E from the standards for minimum allotment size in the applicable zone.*”

**27. 15.2.3 Method 12**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.68	NZ Historic Places Trust	support	Retain.
<i>F004.50</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.29</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.29</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.68</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.29</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submission:

**131.68**            **NZ Historic Places Trust**

Reject the following further submissions:

*F004.50*            *M & J Syme*  
*F009.15.29*        *Fed Farmers (NZ)*  
*F028.05.29*        *Sandy Chaffey*  
*F010.14.68*        *Federated Farmers (East Coast)*  
*F005.05.29*        *Simon Chaffey*

**c. Reason**

It is considered necessary to retain Method 12, as it will assist Council to give effect to its obligation under the Act to protect, conserve and preserve the District's historic heritage.

**d. Amendments necessary**

None.

**28. 15.2 Explanation and Reasons**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
125.54	Federated Farmers of NZ Inc	support	Retain, but include wording that describes the free public service as described in submission 125.53.
131.69	NZ Historic Places Trust	?	Amend first sentence to read: "... the Plan addresses the protection of heritage values, and specifically the protection of..... and other features which are considered to be significant and worthy ...."
F004.85	M & J Syme	support 125.54	<i>The intent of the submission is good and is trying to improve the preservation of heritage values. Cost of protecting heritage values shouldn't fall on landowner or ratepayer.</i>
F005.08.54	Simon Chaffey	support 125.54	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
F030.29.54	W M Dowle	support 125.54	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
F010.01.54	Federated Farmers (East Coast)	support 125.54	<i>Support.</i>
F009.15.30	Fed Farmers (NZ)	oppose 131.69	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
F028.05.30	Sandy Chaffey	oppose 131.69	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
F004.51	M & J Syme	oppose 131.69	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
F005.05.30	Simon Chaffey	oppose 131.69	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
F010.14.69	Federated Farmers (East Coast)	oppose 131.69	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submission:

**131.69                      NZ Historic Places Trust**

**Reject** the following submission and further submissions:

<b>125.54</b>	<b>Federated Farmers of NZ Inc</b>
<i>F004.85</i>	<i>M &amp; J Syme</i>
<i>F005.08.54</i>	<i>Simon Chaffey</i>
<i>F030.29.54</i>	<i>W M Dowle</i>
<i>F010.01.54</i>	<i>Federated Farmers (East Coast)</i>
<i>F009.15.30</i>	<i>Fed Farmers (NZ)</i>
<i>F028.05.30</i>	<i>Sandy Chaffey</i>
<i>F004.51</i>	<i>M &amp; J Syme</i>
<i>F005.05.30</i>	<i>Simon Chaffey</i>
<i>F010.14.69</i>	<i>Federated Farmers (East Coast)</i>

**c. Reason**

**1. 125.54 - Federated Farmers of NZ Inc**

It is noted that this submission relates to a separate submission (125.53), which has been rejected in item 15 above. This submission is therefore also rejected to ensure consistency.

**2. 131.69 - NZ Historic Places Trust**

The relief sought is considered appropriate, as the amendments suggested will provide better clarification the explanation and reasons and will improves certainty to plan users.

**d. Amendments necessary**

**Amend** the first sentence of the Explanation and Reasons to read:

“ *As part of Council’s ...the Plan addresses **the protection of heritage values, and specifically, the protection...and other features that are considered to be significant and worthy...***”

**29. 15.3 Issue 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.143	Department of Conservation	support	Retain.

**b. Decision**

**Accept** submission **119.143 Department of Conservation**

**c. Reason**

Support for the issue is acknowledged.

**d. Amendments necessary**

None.

**30. 15.3.1 Objective 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.144	Department of Conservation	support	Retain.

**b. Decision**

**Accept** submission **119.144 Department of Conservation**

**c. Reason**

Support for the objective is acknowledged.

**d. Amendments necessary**

None.

**31. 15.3.2 All Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.145	Department of Conservation	support	Retain.

**b. Decision**

**Accept** submission **119.145 Department of Conservation**

**c. Reason**

Support for the policies is acknowledged.

**d. Amendments necessary**

None.

**32. 15.3.3 Implementation Methods**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.146	Department of Conservation	support	Retain.

**b. Decision**

**Accept** submission **119.146 Department of Conservation**

**c. Reason**

Support for the implementation methods is acknowledged.

**d. Amendments necessary**

None.



**33. 15.4 Anticipated Environmental Results**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.70	NZ Historic Places Trust	support	Amend to read: "The preservation of a representative range of resources possessing heritage and cultural values ...."
<i>F005.05.31</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.70</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.31</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.31</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.52</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>

**b. Decision**

Accept the following submission:

**131.70**            **NZ Historic Places Trust**

Reject the following further submissions:

*F005.05.31*    *Simon Chaffey*  
*F010.14.70*    *Federated Farmers (East Coast)*  
*F009.15.31*    *Fed Farmers (NZ)*  
*F028.05.31*    *Sandy Chaffey*  
*F004.52*        *M & J Syme*

**c. Reason**

This submission provides better wording to the Anticipated Environmental Results.

**d. Amendments necessary**

Amend 15.4 Anticipated Environmental Result 1 to read:

“ *The preservation of a representative range of resources **possessing** heritage and cultural...*”

**34. 15.5 Status of Heritage Features**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
049.01	The Pier Hotel Ltd	oppose	Delete Heritage Rules
<i>F037.14</i>	<i>NZ Historic Places Trust</i>	<i>oppose</i>	<i>Council has an obligation under RMA to recognise and provide for protection of outstanding natural features/landscapes.</i>
<i>F029.03</i>	<i>Kaikoura Historical Society</i>	<i>oppose</i>	<i>This building is important to the heritage of Kaikoura.</i>

**b. Decision**

**Reject** the following submission:

**049.01            The Pier Hotel Ltd**

**Accept** the following further submissions:

***F037.14            NZ Historic Places Trust***

***F029.03            Kaikoura Historical Society***

**c. Reason**

Council has a statutory obligation to provide for the protection of heritage buildings and heritage items. In this case appropriate rules are considered the most effective and efficient method of providing this protection. Deletion of the rules would not enable Council to fulfil its obligation.

**d. Amendments necessary**

None.

**35. 15.5 Class B**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.71	NZ Historic Places Trust	support	Amend to read: "Preservation of there heritage items is important but not as significant as Class A items. Class B includes places of local historic or cultural importance."
<i>F010.14.71</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.53</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.32</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F005.05.32</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.32</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submission:

**131.71**            **NZ Historic Places Trust**

Reject the following further submissions:

*F010.14.71*    *Federated Farmers (East Coast)*  
*F004.53*        *M & J Syme*  
*F028.05.32*    *Sandy Chaffey*  
*F005.05.32*    *Simon Chaffey*  
*F009.15.32*    *Fed Farmers (NZ)*

**c. Reason**

The relief sought is considered appropriate, as the amendment suggested provides clarification that Class B Buildings are of *local* importance, thereby improving certainty to plan users.

**d. Amendments necessary**

Amend “Class B Historic Buildings” definition to read:

“ ...significant as Class A items. *Class B includes places of local historic or cultural importance.*”

### **36. 15.5 Waahi Tapu**

#### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.72	NZ Historic Places Trust	support	Add: "Archaeological areas: Areas which contain a number of individually important archaeological sites which warrant consideration ..." "Historic areas: Historic Areas adopted from the NZHPT register which warrant consideration ..."
131.73	NZ Historic Places Trust	support	Amend to read: "All waahi tapu listed within the NZHPT register, or specifically identified by Ngai Tahu."
<i>F009.15.33</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.72</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.33</i>	<i>Simon Chaffey</i>	<i>oppose 131.72</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.54</i>	<i>M &amp; J Syme</i>	<i>oppose 131.72</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.33</i>	<i>Sandy Chaffey</i>	<i>oppose 131.72</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.72</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.72</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.55</i>	<i>M &amp; J Syme</i>	<i>oppose 131.73</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.34</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.73</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.34</i>	<i>Simon Chaffey</i>	<i>oppose 131.73</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F038.15</i>	<i>Te Runanga o Ngai Tahu / Kaikoura</i>	<i>support 131.73</i>	<i>Suggested rewording will provide clarification.</i>
<i>F028.05.34</i>	<i>Sandy Chaffey</i>	<i>oppose 131.73</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.73</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.73</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submissions:

- |        |                          |
|--------|--------------------------|
| 131.72 | NZ Historic Places Trust |
| 131.73 | NZ Historic Places Trust |

Reject the following further submissions:

- |                   |  |
|-------------------|--|
| <i>F009.15.33</i> | <i>Fed Farmers (NZ)</i>                  |
| <i>F005.05.33</i> | <i>Simon Chaffey</i>                     |
| <i>F004.54</i>    | <i>M &amp; J Syme</i>                    |
| <i>F028.05.33</i> | <i>Sandy Chaffey</i>                     |
| <i>F010.14.72</i> | <i>Federated Farmers (East Coast)</i>    |
| <i>F004.55</i>    | <i>M &amp; J Syme</i>                    |
| <i>F009.15.34</i> | <i>Fed Farmers (NZ)</i>                  |
| <i>F005.05.34</i> | <i>Simon Chaffey</i>                     |
| <i>F038.15</i>    | <i>Te Runanga o Ngai Tahu / Kaikoura</i> |
| <i>F028.05.34</i> | <i>Sandy Chaffey</i>                     |
| <i>F010.14.73</i> | <i>Federated Farmers (East Coast)</i>    |

**c. Reason**

The relief sought is considered appropriate, as it will provide greater clarification of the definitions and better explain the various levels of protection.

**d. Amendments necessary**

1. **Amend** the definition of Archaeological Areas and Historic Areas to read:

*“ Archaeological Areas: Areas that contain a number of individually important archaeological sites which warrant consideration...”*

*“ Historic Areas: Historic Areas adopted from the NZ Historic Places Trust register which warrant consideration in the event of any proposed development in order to avoid, remedy or mitigate adverse effects on the site’s particular values.”*

2. **Amend** the definition of Waahi Tapu to read:

*“ All waahi tapu listed within the NZ Historic Places Trust Register, or specifically identified by Ngai Tahu.”*

**37. 15.6.1 Permitted Activities**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
106.03	Ronald Peterson	oppose	With regard to the Old Manse and the Presbyterian Church, the Council should waive the costs of obtaining consents.
<i>F037.15</i>	<i>NZ Historic Places Trust</i>	<i>support</i>	<i>Consent fees should be waived for listed buildings except in cases of adverse effects.</i>
<i>F029.04</i>	<i>Kaikoura Historical Society</i>	<i>support</i>	<i>Agree there should be some form of commitment to heritage by the Council.</i>

**b. Decision**

Accept the following submission and further submissions **in part**:

<b>106.03</b>	<b>Ronald Peterson</b>
<i>F037.15</i>	<i>NZ Historic Places Trust</i>
<i>F029.04</i>	<i>Kaikoura Historical Society</i>

**c. Reason**

It is noted that the relief sought in this submission is already provided in 15.2.3 Implementation Method 4, which provides for the waiver of consent fees for resource consents concerning the enhancement of any scheduled heritage item. This submission is therefore accepted in part, to the extent that the waiver of fees can be considered.

**d. Amendments necessary**

None.

**38. 15.6.1(b)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.74	NZ Historic Places Trust	support	Amend to read: "(b) The work retains or reinstates the original design and/or colour scheme of the building or structure"
<i>F010.14.74</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.37</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.58</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.37</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.37</i>	<i>Sandy Chaffey</i>	<i>Oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>

**b. Decision**

Accept the following submission in part:

**131.74**            **NZ Historic Places Trust**

Reject the following further submissions:

*F010.14.74*    *Federated Farmers (East Coast)*

*F005.05.37*    *Simon Chaffey*

*F004.58*        *M & J Syme*

*F009.15.37*    *Fed Farmers (NZ)*

*F028.05.37*    *Sandy Chaffey*

**c. Reason**

The relief sought is considered appropriate, in that the suggested wording provides better clarification. However, it is considered reasonable to retain the exemption for redecoration, particularly where the original design has already been modified.

**d. Amendments necessary**

Amend 15.6.1(b) to read:

“ *the work retains or reinstates the original design and/or colour scheme of the building or structure, except that this does not apply to interior redecoration where the original design or colour has already been modified.*”

**39. 15.6.1(c)**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.75	NZ Historic Places Trust	support	Amend to read: "(c) The work is undertaken using materials that are the same or similar to that originally used."
<i>F028.05.38</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.75</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.38</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.59</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.38</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submission in part:

**131.75**            **NZ Historic Places Trust**

Reject the following further submissions:

- F028.05.38*    *Sandy Chaffey*
- F010.14.75*    *Federated Farmers (East Coast)*
- F009.15.38*    *Fed Farmers (NZ)*
- F004.59*        *M & J Syme*
- F005.05.38*    *Simon Chaffey*

**c. Reason**

It is considered that the suggested wording in the submission provides better clarification and improves certainty.

**d. Amendments necessary**

Amend 15.6.1(c) to read:

“ *the work is undertaken using materials that are the same or similar to those materials originally used.*”



**40. 15.6.2 Controlled Activities**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
106.04	Ronald Peterson	oppose	With regard to the Old Manse and the Presbyterian Church, the Council should waive the costs of obtaining consents.
131.77	NZ Historic Places Trust	support	Add new point (v) "Effects on heritage values."
<i>F037.16</i>	<i>NZ Historic Places Trust</i>	<i>support</i> <i>106.04</i>	<i>Consent fees should be waived for listed buildings except in cases of adverse effects.</i>
<i>F028.05.39</i>	<i>Sandy Chaffey</i>	<i>oppose</i> <i>131.77</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.39</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i> <i>131.77</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.60</i>	<i>M &amp; J Syme</i>	<i>oppose</i> <i>131.77</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.77</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.77</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.39</i>	<i>Simon Chaffey</i>	<i>oppose</i> <i>131.77</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submission:

**131.77**            **NZ Historic Places Trust**

Accept the following submission and further **in part**:

**106.04**            **Ronald Peterson**

*F037.16*            *NZ Historic Places Trust*

Reject the following further submissions:

*F028.05.39*        *Sandy Chaffey*

*F009.15.39*        *Fed Farmers (NZ)*

*F004.60*            *M & J Syme*

*F010.14.77*        *Federated Farmers (East Coast)*

*F005.05.39*        *Simon Chaffey*

**c. Reason**

**1. 131.77 - NZ Historic Places Trust**

It is considered desirable to add the additional matter of control suggested in the submission, as this directly relates to the potential effects of the proposed activity.

**2. 106.04 - Ronald Peterson**

It is noted that the relief sought is provided in 15.2.3 Implementation Method 4, which provides for the waiver of consent fees for resource consents concerning the enhancement of any scheduled heritage item. This submission can be accepted in part, to the extent that the waiver of fees can be considered.

**d. Amendments necessary**

**Add** “(v) *effects on heritage values*” to 15.6.2.

**41. 15.6.3(a)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
106.05	Ronald Peterson	oppose	With regard to the Old Manse and the Presbyterian Church, the Council should waive the costs of obtaining consents.
131.78	NZ Historic Places Trust	support	Add new point (v) "Effects on heritage values."
<i>F037.17</i>	<i>NZ Historic Places Trust</i>	<i>support 106.05</i>	<i>Consent fees should be waived for listed buildings except in cases of adverse effects.</i>
<i>F004.61</i>	<i>M &amp; J Syme</i>	<i>oppose 131.78</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.78</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.78</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.40</i>	<i>Simon Chaffey</i>	<i>oppose 131.78</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.40</i>	<i>Sandy Chaffey</i>	<i>oppose 131.78</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.40</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.78</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

**Accept** the following submissions and further submission:

**131.78**            **NZ Historic Places Trust**

**Accept** the following submission **in part**:

**106.05**            **Ronald Peterson**

*F037.17*            *NZ Historic Places Trust*

**Reject** the following further submissions:

*F004.61*            *M & J Syme*

*F010.14.78*        *Federated Farmers (East Coast)*

*F005.05.40*        *Simon Chaffey*

*F028.05.40*        *Sandy Chaffey*

*F009.15.40*        *Fed Farmers (NZ)*

**c. Reason**

**1. 131.78 - NZ Historic Places Trust**

It is considered desirable to add the additional matter of control suggested in the submission, as this directly relates to the potential effects of the proposed activity.

**2. 106.05 - Ronald Peterson**

It is noted that the relief sought is provided in 15.2.3 Implementation Method 4, which provides for the waiver of consent fees for resource consents concerning the enhancement of any scheduled heritage item. This submission is therefore accepted in part, to the extent that the waiver of fees can be considered.

**d. Amendments necessary**

**Add** “(iv) *effects on heritage values*” to 15.6.3(a).

**42. 15.6.3(b)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.79	NZ Historic Places Trust	?	Amend to read: "The relocation, removal or demolition or all or part of any Class B historic buildings listed in Appendix C is an unrestricted discretionary activity"
106.06	Ronald Peterson	oppose	With regard to the Old Manse and the Presbyterian Church, the Council should waive the costs of obtaining consents.
<i>F028.05.41</i>	<i>Sandy Chaffey</i>	<i>oppose</i> <i>131.79</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F037.18</i>	<i>NZ Historic Places Trust</i>	<i>support</i> <i>106.06</i>	<i>Consent fees should be waived for listed buildings except in cases of adverse effects.</i>
<i>F010.14.79</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.79</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.41</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i> <i>131.79</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.41</i>	<i>Simon Chaffey</i>	<i>oppose</i> <i>131.79</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.62</i>	<i>M &amp; J Syme</i>	<i>oppose</i> <i>131.79</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>

**b. Decision**

**Accept** the following submissions and further submission:

**131.79**                      **NZ Historic Places Trust**

**Accept** the following submission and further submission **in part**:

**106.06**                      **Ronald Peterson**

*F037.18*                      *NZ Historic Places Trust*

**Reject** the following further submissions:

*F028.05.41*                      *Sandy Chaffey*

*F010.14.79*                      *Federated Farmers (East Coast)*

*F009.15.41*                      *Fed Farmers (NZ)*

*F005.05.41*                      *Simon Chaffey*

*F004.62*                      *M & J Syme*

**c. Reason**

**1. 131.79 - NZ Historic Places Trust**

It is noted that the submission seeks a minor amendment to the wording, which will provide better clarification. The submission is therefore accepted.

**2. 106.06 - Ronald Peterson**

It is noted that the relief sought in the submission is provided in 15.2.3 Implementation Method 4, which provides for the waiver of consent fees for resource consents concerning the enhancement of any scheduled heritage item. This submission is therefore accepted, to the extent that the waiver of fees can be considered.

**d. Amendments necessary**

**Amend** 15.6.3(b) to read:

*“ The relocation, removal or demolition of **all or part of** any historic building.....”*

### **43. 15.6 Historic Buildings**

#### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.76	NZ Historic Places Trust	n/a	Add new clause 15.6.2 to relate to Category II items and buildings/structures in Historic Areas, concerning: maintenance, repairs, restoration works; erection, alterations or removal of accessory buildings; and additions or alterations in internal areas.#
131.80	NZ Historic Places Trust	?	Add new rule:"15.6.4 Non-complying activities:(a) The relocation, removal or demolition or all or part of any Class A historic buildings listed in Appendix C is a non-complying activity"
<i>F005.05.35</i>	<i>Simon Chaffey</i>	<i>oppose 131.76</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.35</i>	<i>Sandy Chaffey</i>	<i>oppose 131.76</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.56</i>	<i>M &amp; J Syme</i>	<i>oppose 131.76</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.35</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.76</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.76</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.76</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F010.14.80</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.80</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F004.57</i>	<i>M &amp; J Syme</i>	<i>oppose 131.80</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.36</i>	<i>Sandy Chaffey</i>	<i>oppose 131.80</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.36</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.80</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.36</i>	<i>Simon Chaffey</i>	<i>oppose 131.80</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following further submissions:

<i>F005.05.35</i>	<i>Simon Chaffey</i>
<i>F028.05.35</i>	<i>Sandy Chaffey</i>
<i>F004.56</i>	<i>M &amp; J Syme</i>
<i>F009.15.35</i>	<i>Fed Farmers (NZ)</i>
<i>F010.14.76</i>	<i>Federated Farmers (East Coast)</i>
<i>F010.14.80</i>	<i>Federated Farmers (East Coast)</i>
<i>F004.57</i>	<i>M &amp; J Syme</i>
<i>F028.05.36</i>	<i>Sandy Chaffey</i>
<i>F009.15.36</i>	<i>Fed Farmers (NZ)</i>
<i>F005.05.36</i>	<i>Simon Chaffey</i>

Reject the following submissions:

<b>131.80</b>	<b>NZ Historic Places Trust</b>
<b>131.76</b>	<b>NZ Historic Places Trust</b>

**c. Reason**

**1. 131.76 - NZ Historic Places Trust**

It is noted that the suggested new conditions for permitted activities (category II items) in the submission are largely duplication of the existing conditions relating to permitted activities. In addition, to avoid confusion with the Plan's "A" and "B" classes, the Plan does not refer to Category I or Category II buildings (NZHPT Classifications). For these reasons, additional conditions as suggested are considered unnecessary.

**2. 131.80 - NZ Historic Places Trust**

It is considered that the distinction between unrestricted and restricted discretionary activities, and the ability to still decline applications based on adverse effects, provides sufficient protection against adverse effects of activities. Non-complying status for this activity is therefore not considered the most effective and efficient method to achieve the purpose of the Act.

**d. Amendments necessary**

None.



**44. 15.7 Protected Trees**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
116.10	Telecom New Zealand Ltd	support in part	Amend rule to exempt maintenance etc of existing services within the drip line of any protected tree; make the establishing new services within the drip line of any protected tree a controlled activity.

**b. Decision**

**Accept** the following submission **in part**:

**116.10                      Telecom New Zealand Ltd**

**c. Reason**

It is considered that rule 15.7 is sufficiently specific, so that only the laying of “new” overhead or underground services (includes lines) is restricted. It is noted that any activity not listed (i.e. maintenance, upgrading or replacement of existing lines) is therefore permitted. However, to avoid any doubt, the word “new” could be added for certainty. This submission can therefore be accepted in part to the extent that the rule is clarified.

In respect of the activity status, it is considered necessary to retain the unrestricted discretionary status, as there may be associated activities, which could potentially affect protected trees.

**d. Amendments necessary**

**Add** the word “*new*” before “overhead” in rule 15.7 (iii).

**45. Table 15.8.1 – General**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
095.08	Bill Edwards	support	None sought (concerned with implications of incorrectly located archaeological sites).
081.03	Kaikoura Historical Society	?	Clarify as to how this clause will work.
095.09	Bill Edwards	?	None sought (re 500mm rule).
131.82	NZ Historic Places Trust	?	Delete rule b).
131.85	NZ Historic Places Trust	?	Delete rule b).
119.147	Department of Conservation	support	Retain, but delete permitted activity b) and condition b), and replace 20m with 50m in permitted activity a) and b). In discretionary b) replace 20m with 50m of boundaries of sites and amend to read ".. planning maps and which follow the Site.."
046.10	W M Dowle	oppose	Archaeological areas must be removed form the plan to encourage co-operation from landowners so we actually get protection of archaeological items.
<i>F037.25</i>	<i>NZ Historic Places Trust</i>	<i>support 119.147</i>	<i>This activity is misleading - "archaeological area" too easily confused with "archaeological site".</i>
<i>F037.22</i>	<i>NZ Historic Places Trust</i>	<i>oppose 046.10</i>	<i>HPT oppose deletion of arch. Features from the maps.</i>
<i>F029.08</i>	<i>Kaikoura Historical Society</i>	<i>support &amp; oppose 046.10</i>	<i>Archaeological sites must remain, but a full and complete analysis of all sites should be completed.</i>
<i>F005.05.44</i>	<i>Simon Chaffey</i>	<i>oppose 131.85</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.65</i>	<i>M &amp; J Syme</i>	<i>oppose 131.85</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.85</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.85</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.44</i>	<i>Sandy Chaffey</i>	<i>oppose 131.85</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.44</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.85</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F009.15.45</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.82</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

F010.14.82	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.82</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
F028.05.45	<i>Sandy Chaffey</i>	<i>oppose 131.82</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
F05.05.45	<i>Simon Chaffey</i>	<i>oppose 131.82</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
F004.66	<i>M &amp; J Syme</i>	<i>oppose 131.82</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
V14.18	<i>Marlborough Lines Ltd</i>	<i>Oppose</i>	<i>Delete the proposed variation (new table).</i>
V20.14	<i>Department of Conservation</i>	<i>Support</i>	<i>Accept the proposed variation – replacing Table 15.8.1 with a new table.</i>
VFSFS 3.30	<i>Whale Watch Kaikoura Ltd</i>	<i>Oppose V14.18</i>	<i>Refuse relief</i>
VFS 5.16	<i>MainPower NZ Ltd</i>	<i>Support V14.18</i>	

**b. Decision**

Accept the following further submissions:

- F029.08 Kaikoura Historical Society*
- F005.05.44 Simon Chaffey*
- F004.65 M & J Syme*
- F010.14.85 Federated Farmers (East Coast)*
- F028.05.44 Sandy Chaffey*
- F009.15.44 Fed Farmers (NZ)*
- F009.15.45 Fed Farmers (NZ)*
- F010.14.82 Federated Farmers (East Coast)*
- F028.05.45 Sandy Chaffey*
- F05.05.45 Simon Chaffey*
- F037.22 NZ Historic Places Trust*
- F004.66 M & J Syme*

Accept the following submissions in part:

- 095.08 Bill Edwards**
- 081.03 Kaikoura Historical Society**
- 095.09 Bill Edwards**
- V20.14 Department of Conservation**
- VFSFS 3.30 Whale Watch Kaikoura Ltd**

**Reject** the following submissions and further submission:

<b>131.82</b>	<b>NZ Historic Places Trust</b>
<b>131.85</b>	<b>NZ Historic Places Trust</b>
<b>046.10</b>	<b>W M Dowle</b>
<b>119.147</b>	<b>Department of Conservation</b>
<b>V14.18</b>	<b>Marlborough Lines Ltd</b>
<b>F037.25</b>	<b><i>NZ Historic Places Trust</i></b>
<b>VFS 5.16</b>	<b><i>MainPower NZ Ltd</i></b>

**c. Reason**

**1. General; 131.82 & 131.85 - NZ Historic Places Trust and 046.10 - W M Dowle**

It is noted that most of these submissions relate to the rules concerning the archaeological **areas**. It is acknowledged that the archaeological areas are somewhat arbitrary, in that they have not been surveyed, but derived from a review of the individual archaeological sites, during which it was suggested that clusters of individual sites should be protected. The basis for this is that clusters of sites may contain as yet undiscovered artefacts or “silent sites” where the exact location of sites have not been shown to respect the cultural sensitivity of local iwi, etc.

It is noted that since drafting the rules relating to archaeological areas, it has become apparent that implementation, monitoring, and enforcement of the rules would be difficult. It is considered that the rules, as notified, may also place unreasonable restrictions on some landowners. For example, digging to a depth exceeding 500mm or cumulatively 100m<sup>2</sup> per site within an archaeological area would technically require either compliance with the Site Management Protocol (meaning the requirement to have an archaeologist on-site), or a resource consent. It is noted that it was not the intention to unreasonably restrict permitted activities in drafting this rule. In addition, implementation of the rule, by following the Site Management Protocol, would place unreasonable compliance costs on landowners for undertaking permitted activities. This is because the associated protocol requires an “appropriately qualified archaeologist” to monitor and advise during progress and excavation.

However, it is considered that, as notified, the provisions and rules controlling activities in archaeological areas meet the section 32 test of being the most appropriate means of protecting these areas, having regard to the cost of compliance and the rule’s efficiency and effectiveness, and subject to the necessary amendments. It is considered that although the Accidental Discovery Protocol in essence provides a “back-up” approach, where a certain process must be followed for any **accidental** discovery, the existence of this protocol in effect does not negate the need for controls of activities in archaeological areas, as it is rather considered as being an insurance policy should something be accidentally disturbed. Furthermore, archaeological areas have been identified as areas where there is a high likelihood of unrecorded archaeological material being discovered. It is therefore considered appropriate that these areas warrant specific protection as suggested in the recommended amendment.

Given this, it is considered necessary to retain the rules controlling activities in archaeological areas, but to amend these to better reflect its purpose, to promote consultation with the Kaikoura Runanga and the New Zealand Historic Places Trust, whilst making it less onerous on the landowner.

**2. 119.147 - Department of Conservation**

It is noted that the submission also requests that the 20m distances in (a), be increased to 50m. It is considered that since the location of listed sites is able to be fixed to within a fairly precise area, that a 20m protection buffer will provide sufficient protection. An increase to 50m would also be unreasonable where the site was located on a residential site, as this would effectively preclude all earthworks (technically including digging of gardens) in an area with a diameter of at least 100m. This submission is therefore rejected.

**3. 095.08 - Bill Edwards**

The submission is accepted in part to the extent that it has been decided under PM2 that the location of archaeological sites be reviewed and amended by way of a variation to the Plan.

A consequential amendment is required to 15.8.3 to ensure consistency in the application of the Accidental Discovery Protocol.

**4. 081.03 - Kaikoura Historical Society**

The submission is accepted in part to the extent that the amendments will provide the necessary clarification and will improve certainty.

**5. 095.09 - Bill Edwards**

The submission is accepted in part to the extent that the amendments will provide the necessary clarification and will improve certainty.

**6. V20.14 - Department of Conservation**

Support for the variation is acknowledged. The submission is accepted in part to the extent that the table is retained, but has been amended as a result of submissions.

**7. V14.18 - Marlborough Lines Ltd**

It is noted that the submission seeks the deletion of the new proposed table, as it does not provide for earthworks associated with upgrading and maintenance of existing utilities. It is considered that Table 15.8.1 makes sufficient provision for a range of earthworks in historic heritage areas. Generally, earthworks associated with utilities is a permitted activity, however within outstanding landscape areas, riparian areas, archaeological areas, or close to an archaeological site, historic area or waahi tapu it is considered that any form of earthworks could potentially have significant adverse effects and therefore the activity should be assessed more closely. This is considered consistent with Part II of the Act. The submission is therefore rejected.

**d. Amendments necessary**

**1. Amend 15.8.2(i) under the Site Management Protocol to read:**

*“ The consent holder shall ..... remedied or mitigated. This condition shall not apply with respect to works undertaken in an Archaeological Area, however, before any works commence in an Archaeological Area, the NZ Historic Places Trust and Te Runanga o Kaikoura shall first be consulted and their views obtained. It is highly probable that an Archaeological Area contains unrecorded archaeological material that may be disturbed by earthmoving works.”*

2. As a **consequential amendment amend** 15.8.3 to read:  
“ *Accidental Discovery Protocol: Archaeological Sites, **Archaeological Areas, Historic Areas or waahi tapu*** ”

**46. Table 15.8.1 a) (permitted)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.81	NZ Historic Places Trust	?	Amend permitted activity to read: "a) Any earthworks further than 20m from an archaeological site, historic area or waahi tapu listed in Appendix E or any archaeological area shown on the planning maps."
<i>F009.15.43</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.81</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.81</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.81</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.43</i>	<i>Sandy Chaffey</i>	<i>oppose 131.81</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.64</i>	<i>M &amp; J Syme</i>	<i>oppose 131.81</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.43</i>	<i>Simon Chaffey</i>	<i>oppose 131.81</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

**Accept** the following further submissions:

- F009.15.43*      *Fed Farmers (NZ)*
- F010.14.81*    *Federated Farmers (East Coast)*
- F028.05.43*    *Sandy Chaffey*
- F05.05.43*      *Simon Chaffey*
- F004.64*        *M & J Syme*

**Reject** the following submission:

- 131.81**            **NZ Historic Places Trust**

**c. Reason**

It is noted that the submission seeks an identical level of protection for archaeological areas and archaeological sites. The submitter states that unrecorded sites in the archaeological areas could be destroyed as of right to a depth of 500mm. It is considered the Accidental Discovery Protocol provides an efficient “back up” process in the event of any accidental discovery of archaeological material, including those associated with permitted activities. It is also noted that archaeological sites as listed under Appendix E are recorded and specific measures can be incorporated to ensure protection, whilst an archaeological area covers a

greater area associated with a certain degree of uncertainty relating to the location of archaeological material. Furthermore, it is noted all archaeological sites within an archaeological area are subject to the rule preventing any earthworks closer than 20m of the site. The amendment as sought is therefore rejected.

**d. Amendments necessary**

None



**47. Table 15.8.1 c) (permitted)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.83	NZ Historic Places Trust	?	Delete c) and replace with: "In the case of any accidental discovery of human remains, archaeological features or artefacts, the Accidental Discovery Protocol shall be complied with."
<i>F010.14.83</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.47</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.68</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.47</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.47</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>

**b. Decision**

Accept the following submission in part:

**131.83**            **NZ Historic Places Trust**

Reject the following further submissions

*F010.14.83*    *Federated Farmers (East Coast)*

*F009.15.47*    *Fed Farmers (NZ)*

*F004.68*        *M & J Syme*

*F005.05.47*    *Simon Chaffey*

*F028.05.47*    *Sandy Chaffey*

**c. Reason**

It is considered that the submitter raises a valid point, in that the accidental discovery rule should relate to a condition of permitted earthworks, rather than permitting the accidental discovery *per se*. The suggested amendments will clarify this and avoid any confusion in the implementation of the protocol. The submission is accepted in part to the extent that the condition was amended as a result of the introduction of Variation 2 into the Plan.

**d. Amendments necessary**

None

**48. Table 15.8.1 a) (discretionary)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.84	NZ Historic Places Trust	?	Amend a) to read "(i) any earthworks within 20m of; or (ii) any modification, damage, destruction or disturbance to: any archaeological site, historic area or waahi tapu listed in Appendix E or any archaeological area shown on the planning maps".
<i>F010.14.84</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.42</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.63</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.42</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F005.05.42</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
V13.02	Ngai Tahu Development		Move the Permitted Activity status b) to Restricted Discretionary status.
VFS 3.31	Whale Watch Kaikoura Ltd	Oppose V13.02	<p><i>The Variation did not make any change to these provisions of table 15.8.1. The submission has district wide implications that were therefore not contemplated in the Variation. The general public will therefore not be aware of the ambit of this submission and it fails on jurisdictional grounds.</i></p> <p><i>There are several "archaeological areas" in the KPTZ zone, but only two overlap onto building platform areas, or vehicle access. These areas have already been the subject of thorough archaeological assessment to ensure that appropriate controls are imposed on any earthworks, and archaeological and cultural values appropriately protected. Accordingly in those areas, table 15.8.1 makes all earthworks a controlled activity. However, to make it explicit that special provisions apply to earthworks in archaeological areas, special mention could also be made in table 23.12. It was also noticed while assessing this submission that there is an inconsistency between 15.8.1 and 23.12, as the building and</i></p>

		<p><i>associated earthworks are restricted discretionary Suggested relief:</i></p> <p><i>In Table 23.12 add to the “Note” section of Controlled Activity Conditions the following words: “...and impose additional matters over which Council’s control is restricted.”</i></p> <p><i>And add to the Restricted Discretionary Conditions column:</i></p> <p><i>“Note: Rules 15.8.1 and 15.8.4 also require all earthworks to adhere to the archaeological discovery protocol and impose additional matters over which Council’s discretion is restricted.”</i></p> <p><i>In order to rectify the inconsistency between 15.8.1 and 23.12 the following changes are sought:</i></p> <p><i>In table 15.8.1 in the “controlled” row, delete the words “building platform location area”.</i></p> <p><i>Add a new “restricted discretionary” row for “Any earthworks within the building platform location areas shown in the Outline Development Plan in Appendix O (KPTZ).”</i></p> <p><i>In the existing “restricted discretionary” row, delete references to building platform location areas.</i></p>
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**b. Decision**

**Accept** the following submission and further submissions:

- F010.14.84***      ***Federated Farmers (East Coast)***
- F028.05.42***      ***Sandy Chaffey***
- F004.63***          ***M & J Syme***
- F009.15.42***      ***Fed Farmers (NZ)***
- F005.05.42***      ***Simon Chaffey***
- VFS 3.31***         ***Whale Watch Kaikoura Ltd***

**Reject** the following submission and further submissions

- 131.84**            **NZ Historic Places Trust**
- V13.02**           **Ngai Tahu Development**

**c. Reason**

**1. 131.84 - NZ Historic Places Trust**

It is considered necessary to reject the submission in order to be consistent with decisions made in Table 15.8.1 – General and Table 15.8.1 a) (permitted).

## 2. V13.02 - Ngai Tahu Development

It is noted that the submission seeks that permitted activities listed in “b)” in the Table be shifted to the discretionary row of the table, as they believe any earthworks within an archaeological area may have more than major adverse effects on the archaeological, cultural and historical values of the archaeological area, even with the Site Management Protocol (15.8.2) in place. It is noted that the effect of this amendment would be that any earthworks in an archaeological area would require resource consent. This is considered onerous and unreasonable.

It is acknowledged that the application site i.e. the Kaikoura Peninsula Tourism Zone has been subject to an intensive archaeological assessment, including a Cultural Impact Study and a European Archaeological Sites Assessment. Ground penetrating radar (GPR) and electromagnetic induction (EMI) surveys of the site were also undertaken. It is therefore considered inappropriate and unjustified to require a second archaeological assessment at the time of development.

It is further noted that further submission **VFS 3.3I** refers to an inconsistency between 15.8.1 and 23.12, which was discovered during the assessment of submission **V13.02**. A consequential amendment is considered necessary to rectify this inconsistency.

It is also acknowledged that pre-hearing meetings held between Te Runanga o Ngai Tahu, Te Runanga o Kaikoura and Whale Watch produced a positive outcome and a verbal agreement was reached not to pursue the proposed relief sought any further and furthermore to accept the amendment as suggested by Whale Watch in order to bring 15.8.1 and 23.12 in line with each other. This is considered acceptable and the outcome is supported.

### d. Amendments necessary

1. In Table 23.12, as introduced by Variation 2 to the Plan:
  - a) **Add** to the "Note" section of Controlled Activity Conditions the following words:  
*"... and impose additional matters over which Council's control may be exercised."*
  - b) **Add** a new note to the Restricted Discretionary Conditions column as follows:  
*" Note: Rules 15.8.1 and 15.8.4 also require all earthworks to adhere to the archaeological discovery protocol and impose additional matters over which Council's discretion may be exercised."*
2. As a **consequential amendment** in order to rectify the inconsistency between 15.8.1 and 23.12:
  - c) In Table 15.8.1 in the "controlled" row, **delete** the words *"Building Platform Location Area"*.
  - d) **Add** a new "restricted discretionary" row for *"Any earthworks within the Building Platform Location Areas shown in the Outline Development Plan in Appendix O."*
  - e) In the existing "restricted discretionary" row a) ii), **delete** references to *"Building Platform Location Areas."*

**49. Table 15.8.1 c) (discretionary)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.86	NZ Historic Places Trust	?	Retain rule c).
<i>F004.67</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.46</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F020.56</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>It is important that the accidental discovery protocol is followed.</i>
<i>F005.05.46</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.46</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.86</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

**Accept** the following submission and further submission:

**131.86**            **NZ Historic Places Trust**  
**F020.56**        **Ecology Watch Kaikoura**

**Reject** the following further submissions:

*F004.67*        *M & J Syme*  
*F028.05.46*    *Sandy Chaffey*  
*F005.05.46*    *Simon Chaffey*  
*F009.15.46*    *Fed Farmers (NZ)*  
*F010.14.86*    *Federated Farmers (East Coast)*

**c. Reason**

Support for this provision is acknowledged. It is considered necessary to retain this rule to ensure adherence to the accidental discovery protocol.

**d. Amendments necessary**

None.

**50. Table 15.8.1 conditions (discretionary)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.87	NZ Historic Places Trust	?	Amend to read: "Council's discretion is restricted to the effects on any heritage, archaeological or cultural values of the site".
131.88	NZ Historic Places Trust	?	Add a further condition: "The Site Management Protocol shall be followed for all applications under this section".
<i>F010.14.87</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.87</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.48</i>	<i>Simon Chaffey</i>	<i>oppose 131.87</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.48</i>	<i>Sandy Chaffey</i>	<i>oppose 131.87</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.48</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.87</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.69</i>	<i>M &amp; J Syme</i>	<i>oppose 131.87</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.88</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.88</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F028.05.49</i>	<i>Sandy Chaffey</i>	<i>oppose 131.88</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.49</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.88</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.70</i>	<i>M &amp; J Syme</i>	<i>oppose 131.88</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.49</i>	<i>Simon Chaffey</i>	<i>oppose 131.88</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>

**b. Decision**

Accept the following submission and further submissions:

- 131.87**            **NZ Historic Places Trust**
- F010.14.87**    **Federated Farmers (East Coast)**
- F005.05.48**    **Simon Chaffey**
- F028.05.48**    **Sandy Chaffey**
- F009.15.48**    **Fed Farmers (NZ)**
- F004.69**        **M & J Syme**

**Reject** the following submission and further submissions

<b>131.88</b>	<b>NZ Historic Places Trust</b>
<i>F010.14.88</i>	<i>Federated Farmers (East Coast)</i>
<i>F028.05.49</i>	<i>Sandy Chaffey</i>
<i>F009.15.49</i>	<i>Fed Farmers (NZ)</i>
<i>F004.70</i>	<i>M &amp; J Syme</i>
<i>F005.05.49</i>	<i>Simon Chaffey</i>

**c. Reason**

**1. 131.87 - NZ Historic Places Trust**

It is considered that the submission offers a useful amendment to the condition for discretionary activities, which will provide clarification and improve certainty.

**2. 131.88 - NZ Historic Places Trust**

It is noted that the submission relates to the Site Management Protocol, which has been amended. In addition, it would be unreasonable to apply the protocol to *all* applications under this section, as sought in the submission. This submission is rejected in order to ensure consistency with other decisions above.

**d. Amendments necessary**

**Amend** the condition relating to discretionary activities in Table 15.8.1 to read:

*" Council's discretion is restricted to the effects on any **heritage**, archaeological or cultural values of the site."*

**51. Table 15.8.1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
010.42	Kaikoura District Council	n/a	Add "Table" before 15.8.1.
119.150	Department of Conservation	n/a	Add new status "Full discretionary" and add in the "Activity" column: "Any earthworks within an archaeological area, or site, or waahi tapu listed in Appendix E which are not in accordance with a Site management protocol (15.8.2)"

**b. Decision**

**Accept** the following submission:

**010.42                    Kaikoura District Council**

**Reject** the following submission:

**119.150                  Department of Conservation**

**c. Reason**

**1. 010.42 - Kaikoura District Council**

It is noted that the amendment will correct an omission.

**2. 119.150 - Department of Conservation**

It is considered that the matters of discretion are sufficient to allow an assessment of any potential effects on archaeological or heritage values, and that nothing further would be achieved by changing the status to unrestricted discretionary. This submission is therefore rejected.

**d. Amendments necessary**

**Add** "Table" before 15.8.1 Activity Status.



**52. 15.8.2**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
010.21	Kaikoura District Council	oppose	Replace the words "consent holder" with "proponents" in 15.8.2(i).
050.01	Carolyn Koops	oppose	Remove the need of an archaeologist on site when excavating. Current system seems to be working.
131.89	NZ Historic Places Trust	?	Insert prior to (i) text to refer to a note that if any land use activity is likely to modify, damage or destroy any archaeological site (recorded or unrecorded) an authority from the NZHPT must also be obtained for the work to proceed lawfully.#
131.90	NZ Historic Places Trust	?	Amend into two parts: an archaeologist to assess and recommend how adverse effects on can be avoided, etc; and the archaeologist to monitor the activity and to ensure the implementation of methods required to avoid, etc adverse effects.#
131.91	NZ Historic Places Trust	?	Amend 15.8.2(vi) to read: "... copy of all archaeological monitoring and investigation reports which are required ..."
119.148	Department of Conservation	support	Retain.
081.04	Kaikoura Historical Society	?	None sought. (Submitter notes that there is no provision for the overview by a suitably qualified Archaeologist or Trust person.)
046.11	W M Dowle	oppose	Archaeological areas must be removed form the plan to encourage co-operation from landowners so we actually get protection of archaeological items.
F013.04	Lindsay Smith	oppose 046.11	Archaeological areas must be guarded against destruction/desecration and preserved for future generations.
F003.03	D Broadbent & S Burt	oppose 046.11	These archaeological sites are of significant historical and cultural value and must be preserved.
F037.23	NZ Historic Places Trust	oppose 046.11	HPT oppose deletion of arch. features from the maps.
F025.01	Paul Paton	oppose 046.11	To ensure archaeological areas are preserved for future generations.
F029.09	Kaikoura Historical Society	support & oppose 046.11	Archaeological sites must remain, but a full and complete analysis of all sites should be completed.
F004.73	M & J Syme	oppose 131.91	HPTs submission can only make it more complicated and costly to comply with.
F009.15.52	Fed Farmers (NZ)	oppose 131.91	Rural landowners are even more severely restricted if the HPT submissions are accepted.
F010.14.91	Federated Farmers (East Coast)	oppose 131.91	Restrictions on archaeological sites that may not exist is ridiculous - more

			<i>consultation/investigation is needed.</i>
<i>F005.05.52</i>	<i>Simon Chaffey</i>	<i>oppose 131.91</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.52</i>	<i>Sandy Chaffey</i>	<i>oppose 131.91</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F029.14</i>	<i>Kaikoura Historical Society</i>	<i>support 050.01</i>	<i>Each site must be notified and assessed as to its importance.</i>
<i>F038.12</i>	<i>Te Runanga o Ngai Tahu / Kaikoura</i>	<i>oppose 050.01</i>	<i>Use of an archaeologist during excavation is important.</i>
<i>F009.15.50</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.89</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F028.05.50</i>	<i>Sandy Chaffey</i>	<i>oppose 131.89</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F004.71</i>	<i>M &amp; J Syme</i>	<i>oppose 131.89</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.89</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.89</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.50</i>	<i>Simon Chaffey</i>	<i>oppose 131.89</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.51</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.90</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.72</i>	<i>M &amp; J Syme</i>	<i>oppose 131.90</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F010.14.90</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.90</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.51</i>	<i>Simon Chaffey</i>	<i>oppose 131.90</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F028.05.51</i>	<i>Sandy Chaffey</i>	<i>oppose 131.90</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>

**b. Decision**

**Accept** the following submissions and further submissions:

**131.91**                      **NZ Historic Places Trust**

**F013.04**                    **Lindsay Smith**

**F003.03**                    **D Broadbent & S Burt**

<i>F037.23</i>	<i>NZ Historic Places Trust</i>
<i>F025.01</i>	<i>Paul Paton</i>
<i>F009.15.50</i>	<i>Fed Farmers (NZ)</i>
<i>F028.05.50</i>	<i>Sandy Chaffey</i>
<i>F004.71</i>	<i>M &amp; J Syme</i>
<i>F010.14.89</i>	<i>Federated Farmers (East Coast)</i>
<i>F005.05.50</i>	<i>Simon Chaffey</i>
<i>F009.15.51</i>	<i>Fed Farmers (NZ)</i>
<i>F004.72</i>	<i>M &amp; J Syme</i>
<i>F010.14.90</i>	<i>Federated Farmers (East Coast)</i>
<i>F005.05.51</i>	<i>Simon Chaffey</i>
<i>F028.05.51</i>	<i>Sandy Chaffey</i>

**Accept** the following submissions and further submissions **in part**:

<b>050.01</b>	<b>Carolyn Koops</b>
<b>010.21</b>	<b>Kaikoura District Council</b>
<b>119.148</b>	<b>Department of Conservation</b>
<i>F038.12</i>	<i>Te Runanga o Ngai Tahu / Kaikoura</i>
<i>F029.09</i>	<i>Kaikoura Historical Society</i>
<i>F029.14</i>	<i>Kaikoura Historical Society</i>

**Reject** the following submissions and further submissions:

<b>131.89</b>	<b>NZ Historic Places Trust</b>
<b>131.90</b>	<b>NZ Historic Places Trust</b>
<b>081.04</b>	<b>Kaikoura Historical Society</b>
<b>046.11</b>	<b>W M Dowle</b>
<i>F004.73</i>	<i>M &amp; J Syme</i>
<i>F009.15.52</i>	<i>Fed Farmers (NZ)</i>
<i>F010.14.91</i>	<i>Federated Farmers (East Coast)</i>
<i>F005.05.52</i>	<i>Simon Chaffey</i>
<i>F028.05.52</i>	<i>Sandy Chaffey</i>

**c. Reason**

**1. 010.21 - Kaikoura District Council**

It is considered that the word “proponents” suggested better describes the responsible person to comply with the provisions, as the Site Management Protocol does not only refer to consent applications. However, it is considered necessary to retain the words “consent holder” to enhance certainty. A consequential amendment is also considered necessary to ensure consistency between 15.8.2. and 15.8.3.

**2. 050.01 - Carolyn Koops**

The submission is accepted in part to the extent that an archaeologist is no longer required on site in all instances, as per amendments made in Table 15.8.1 – General.

**3. 131.89 - NZ Historic Places Trust**

It is considered that the note as suggested would lead to unnecessary duplication as a note to similar effect is already provided under 15.8.2(vii). The submission is therefore rejected.

**4. 131.90 - NZ Historic Places Trust and 081.04 - Kaikoura Historical Society**

For reasons mentioned under Table 15.8.1 - General above, it has been decided to amend the Site Management Protocol. Submissions **131.90** and **081.04** are therefore rejected to ensure consistency with that decision.

**5. 131.91 - NZ Historic Places Trust**

The relief sought is considered appropriate, as there is merit in requiring a copy of the full report on archaeological monitoring and investigations, and not just the results, as it will ensure a better understanding of the situation and encourage proper and informed decision-making.

**6. 046.11 - W M Dowle**

It is considered necessary to reject the submission in order to be consistent with decisions made in Table 15.8.1 – General and Table 15.8.1 a) (permitted).

**7. 119.148 - Department of Conservation**

The submission is accepted in part to the extent that the provision is retained albeit amended as a result of submissions.

**d. Amendments necessary**

1. **Add** the word “*proponent*” after the word “consent holder” in section 15.8.2.
2. **Amend** 15.8.2(vi) to read:  
“... *copy of all archaeological monitoring and investigation reports which are required* ...”
3. As a **consequential amendment add** the word “*proponent*” after the word “consent holder” in section 15.8.3.

**53. 15.8.3(iii)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.94	NZ Historic Places Trust	?	Amend to split into two points: 1) notifying the NZHPT so that the appropriate consent procedure can be initiated; 2) consult with a representative of Runanga to determine what further actions are appropriate to safeguard the site or its consents.
F009.15.55	Fed Farmers (NZ)	oppose	Rural landowners are even more severely restricted if the HPT submissions are accepted.
F004.76	M & J Syme	oppose	HPTs submission can only make it more complicated and costly to comply with.
F010.14.94	Federated Farmers (East Coast)	oppose	Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.
F005.05.55	Simon Chaffey	oppose	Rural landowners are more severely restricted if the HPT amendments are adopted by Council.
F038.16	Te Runanga o Ngai Tahu / Kaikoura	support	Suggested rewording will provide clarification.
F028.05.55	Sandy Chaffey	oppose	Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.

**b. Decision**

**Accept** the following submission and further submission:

**131.94**            **NZ Historic Places Trust**  
**F038.16**        **Te Runanga o Ngai Tahu / Kaikoura**

**Reject** the following further submissions:

**F009.15.55**    **Fed Farmers (NZ)**  
**F004.76**        **M & J Syme**  
**F010.14.94**    **Federated Farmers (East Coast)**  
**F005.05.55**    **Simon Chaffey**  
**F028.05.55**    **Sandy Chaffey**

**c. Reason**

It is considered that the relief sought offers an improvement to 15.8.3(iii) and also provides clarification and certainty.

**d. Amendments necessary**

**Amend** 15.8.3(iii) to read and renumber 15.8.3 accordingly:

“ (iii) *The consent holder (or proponent) must notify the NZ Historic Places Trust so that the appropriate consent procedure can be initiated.*

(iv) *The consent holder (or proponent) must consult with a representative of the Te Runanga o Kaikoura to determine what further actions are appropriate to safeguard the site of its contents.”*

**54. 15.8.3(iv)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.95	NZ Historic Places Trust	support	Retain, but replace 'Historic Places Trust' with "NZ Historic Places Trust"
<i>F028.05.56</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F009.15.56</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F004.77</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F005.05.56</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F010.14.95</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

**Accept** the following further submissions:

- F028.05.56*     *Sandy Chaffey*
- F009.15.56*     *Fed Farmers (NZ)*
- F004.77*         *M & J Syme*
- F005.05.56*     *Simon Chaffey*
- F010.14.95*     *Federated Farmers (East Coast)*

**Reject** the following submission:

- 131.95**         **NZ Historic Places Trust**

**c. Reason**

It is noted that there is no reference in 15.8.3(iv) to the HPT and the submission is therefore rejected.

**d. Amendments necessary**

None.

**55. 15.8.3(v)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.96	NZ Historic Places Trust	support	Retain, but replace 'Historic Places Trust' with "NZ Historic Places Trust"
<i>F004.78</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.57</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.96</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F005.05.57</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F009.15.57</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>

**b. Decision**

Accept the following submission:

**131.96**            **NZ Historic Places Trust**

Reject the following further submissions:

*F004.78*            *M & J Syme*  
*F028.05.57*        *Sandy Chaffey*  
*F010.14.96*        *Federated Farmers (East Coast)*  
*F005.05.57*        *Simon Chaffey*  
*F009.15.57*        *Fed Farmers (NZ)*

**c. Reason**

The amendment is considered appropriate, as it will provide better clarification and is technically more correct.

**d. Amendments necessary**

**Add** "NZ" in front of "Historic Places Trust" in 15.8.3(v), and as a consequential amendment throughout section 15.



**56. 15.8.3(vi)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
131.97	NZ Historic Places Trust	support	Retain, but replace 'Historic Places Trust' with "NZ Historic Places Trust"
<i>F028.05.58</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F005.05.58</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>Rural landowners are more severely restricted if the HPT amendments are adopted by Council.</i>
<i>F004.79</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F009.15.58</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>F010.14.97</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

**b. Decision**

Accept the following submission:

**131.97**            **NZ Historic Places Trust**

Reject the following further submissions:

*F028.05.58*    *Sandy Chaffey*  
*F005.05.58*    *Simon Chaffey*  
*F004.79*        *M & J Syme*  
*F009.15.58*    *Fed Farmers (NZ)*  
*F010.14.97*    *Federated Farmers (East Coast)*

**c. Reason**

The amendment is considered appropriate, as it will provide better clarification and is technically more correct.

**d. Amendments necessary**

Add "NZ" in front of "Historic Places Trust" in 15.8.3(vi)

**57. 15.8.3(vii)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
081.02	Kaikoura Historical Society	n/a	Amend to include requirement to adhere to Sections 11 to 15 of the NZ Historic Places Act 1993.
<i>F037.27</i>	<i>NZ Historic Places Trust</i>	<i>support</i>	<i>Landowners should be aware of their obligations.</i>

**b. Decision**

**Accept** the following submission and further submission **in part**:

**081.02**            **Kaikoura Historical Society**

*F037.27*            *NZ Historic Places Trust*

**c. Reason**

The submission is accepted in part to the extent that the relief sought has been provided through the amendments to 15.8.3 below.

**d. Amendments necessary**

None

**58. 15.8.3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.149	Department of Conservation	support	Retain.
046.12	W M Dowle	oppose	Archaeological areas must be removed from the plan to encourage co-operation from landowners so we actually get protection of archaeological items.
131.92	NZ Historic Places Trust	support	Add a note at the start that if any land use activity is likely to modify, damage or destroy any archaeological site (recorded or unrecorded) an authority from the NZHPT must also be obtained for the work to proceed lawfully.
131.93	NZ Historic Places Trust	support	Amend first sentence to read: "Where, during earthworks on any site, any archaeological feature, artefact or humans remains ..."
F013.05	Lindsay Smith	oppose 046.12	Archaeological areas must be guarded against destruction/desecration and preserved for future generations.
F037.24	NZ Historic Places Trust	oppose 046.12	HPT oppose deletion of arch. features from the maps.
F025.02	Paul Paton	oppose 046.12	To ensure archaeological areas are preserved for future generations.
F005.05.53	Simon Chaffey	oppose 131.92	Rural landowners are more severely restricted if the HPT amendments are adopted by Council.
F009.15.53	Fed Farmers (NZ)	oppose 131.92	Rural landowners are even more severely restricted if the HPT submissions are accepted.
F035.12	Tourism Industry Association	oppose 131.92	Seeking authority NZHPT authority for any land use activity is an unfair burden.
F028.05.53	Sandy Chaffey	oppose 131.92	Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.
F010.14.92	Federated Farmers (East Coast)	oppose 131.92	Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.
F004.74	M & J Syme	oppose 131.92	HPTs submission can only make it more complicated and costly to comply with.
F005.05.54	Simon Chaffey	oppose 131.93	Rural landowners are more severely restricted if the HPT amendments are

			<i>adopted by Council.</i>
<i>F004.75</i>	<i>M &amp; J Syme</i>	<i>oppose 131.93</i>	<i>HPTs submission can only make it more complicated and costly to comply with.</i>
<i>F028.05.54</i>	<i>Sandy Chaffey</i>	<i>oppose 131.93</i>	<i>Rural landowners are even more severely restricted if the amendments are incorporated into the Plan.</i>
<i>F010.14.93</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.93</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F009.15.54</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 131.93</i>	<i>Rural landowners are even more severely restricted if the HPT submissions are accepted.</i>
<i>V20.15</i>	<i>Department of Conservation</i>	<i>Support</i>	<i>Accept the proposed variation - addition of "This rule does not apply to the Kaikoura Peninsula Tourism Zone".</i>

**b. Decision**

**Accept** the following submissions and further submissions:

**119.149**      **Department of Conservation**  
**131.92**      **NZ Historic Places Trust**  
**131.93**      **NZ Historic Places Trust**  
*F013.05*      *Lindsay Smith*  
*F037.24*      *NZ Historic Places Trust*  
*F025.02*      *Paul Paton*  
**V20.15**      **Department of Conservation**

**Reject** the following submission and further submissions:

**046.12**      **W M Dowle**  
*F005.05.53*      *Simon Chaffey*  
*F009.15.53*      *Fed Farmers (NZ)*  
*F035.12*      *Tourism Industry Association*  
*F028.05.53*      *Sandy Chaffey*  
*F010.14.92*      *Federated Farmers (East Coast)*  
*F004.74*      *M & J Syme*  
*F005.05.54*      *Simon Chaffey*  
*F004.75*      *M & J Syme*  
*F028.05.54*      *Sandy Chaffey*  
*F010.14.93*      *Federated Farmers (East Coast)*  
*F009.15.54*      *Fed Farmers (NZ)*

**c. Reason**

**1. 131.92 & 131.93 - NZ Historic Places Trust**

The relief sought is considered appropriate, as it offers useful suggestions which will clarify landowners' obligations under the Historic Places Act and which better explains what the protocol relates to. The "note" would also be better placed at the end of 15.8.3.

**2. 046.12 - W M Dowle**

It is considered necessary to reject the submission in order to be consistent with decisions made in Table 15.8.1 – General and Table 15.8.1 a) (permitted).

**3. 119.149 & V20.15 - Department of Conservation**

Support for the provision and subsequent variation is acknowledged.

**d. Amendments necessary**

**1. Add** the following note at the end of 15.8.3:

*“Note: If any land use activity (such as earthworks, fencing or landscaping) is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded), an “authority” (consent) from the NZ Historic Places Trust must also be obtained for the work to lawfully proceed.”*

**2. Amend** the first sentence under 15.8.3 to read: *“Where, during earthworks on any site, any archaeological **feature**, artefact...”*

**59. 15.8.4 - Accidental Discovery Protocol for the Kaikoura Peninsula Tourism Zone**

**a. Submitters and hearing**

Sub No	Submitter	Status	Relief Sought
V5.02	Teresa M Sonal	Support	Supports the addition of a new clause, 15.8.4, so that damage does not occur to existing cultural and archaeological sites. No decision sought.
V14.19	Marlborough Lines Ltd		Define "Developer" to exclude any network utility operator.
V20.16	Department of Conservation	Support	Accept the proposed variation - addition of a new section for Accidental Site Discovery Protocol.
VFS 3.29	Whale Watch Kaikoura Ltd	Oppose V14.19	Refuse relief, cultural/archaeological values should be protected.
VFS 5.17	MainPower NZ Ltd	Support V14.19	

**b. Decision**

Accept the following submission and further submissions:

- V5.02**            **Teresa M Sonal**
- V20.16**        **Department of Conservation**
- VFS 3.29**      **Whale Watch Kaikoura Ltd**

Reject the following submission and further submission:

- V14.19**        **Marlborough Lines Ltd**
- VFS 5.17**      **MainPower NZ Ltd**

**c. Reason**

**1. V5.02 - Teresa M Sonal and V20.16 - Department of Conservation**

Support for the variation is acknowledged.

**2. V14.19 - Marlborough Lines Ltd**

The submission is rejected for the following reasons:

- (i) In terms of section 6 of the Act, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance and historic heritage should be protected from inappropriate subdivision, use and development.
- (ii) An intensive archaeological assessment has been completed and a number of new sites have been identified on the Peninsula. The Peninsula contains a rich Maori history and many sites of significance to Te Runanga o Kaikoura. These values should be protected and utilities could potentially have significant adverse effects on these values. Therefore

it would not be appropriate to exclude utility network operators from the term “developer.”

**d. Amendments necessary**

None.

**60. 15.8 Archaeological Sites, Areas etc.**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
124.12	Te Runanga O Ngai Tahu	support, with change	Amend all references to "Kaikoura Runanga" to "Te Runanga o Kaikoura" and "Ngai Tahu" to "Te Runanga o Ngai Tahu".
125.56	Federated Farmers of NZ Inc	oppose	Delete the whole of 15.8, and review how to protect Archaeological sites, historic areas, waahi tapu and Archaeological areas in consultation with all parties. Re introduce new rules via plan change if necessary.
125.57	Federated Farmers of NZ Inc	oppose	As an alternative to submission 125.56, and only while the review is underway, delete all rules in relation to Archaeological areas and retain the rules 15.7.1(a) and Protocols, provided that the location of the sites is accurate.
097.01	John Murray & James Murray	oppose	Delete archaeological area from area north of Clarence River.
133.42	Marlborough Lines Ltd	?	Consider methods of accommodating earthworks relating to the maintenance and upgrading of existing utilities in archaeological areas.
F005.08.56	Simon Chaffey	support 125.56	<i>This submissions is unrestrictive and realistic and imposes no financial burden.</i>
F030.29.56	W M Dowle	support 125.56	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
F016.10	Barry Dunnett	oppose 125.56	<i>Fed. Farmers are seeking to lessen protection of archaeological sites.</i>
F038.14	Te Runanga o Ngai Tahu / Kaikoura	oppose 125.56	<i>Protection measures have been developed with Council (site management and accidental discovery protocols).</i>
F029.06	Kaikoura Historical Society	support & oppose 125.56	<i>Archaeological sites must remain, but a full and complete analysis of all sites should be completed.</i>
F037.20	NZ Historic Places Trust	oppose 125.56	<i>Council has obligation under Part II to provide for these places.</i>
F010.01.56	Federated Farmers (East Coast)	support 125.56	<i>Support.</i>
F029.07	Kaikoura Historical Society	support & oppose 125.57	<i>Archaeological sites must remain, but a full and complete analysis of all sites should be completed.</i>
F037.21	NZ Historic Places Trust	oppose 125.57	<i>Council has obligation under Part II to provide for these places.</i>



<i>F005.08.57</i>	<i>Simon Chaffey</i>	<i>support</i> <i>125.57</i>	<i>This submissions is unrestrictive and realistic and imposes no financial burden.</i>
<i>F016.11</i>	<i>Barry Dunnett</i>	<i>oppose</i> <i>125.57</i>	<i>Fed. Farmers are seeking to lessen protection of archaeological sites.</i>
<i>F030.29.57</i>	<i>W M Dowle</i>	<i>support</i> <i>125.57</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F010.01.57</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i> <i>125.57</i>	<i>Support.</i>
<i>F029.05</i>	<i>Kaikoura Historical Society</i>	<i>support &amp; oppose</i> <i>097.01</i>	<i>Archaeological sites must remain, but a full and complete analysis of all sites should be completed.</i>
<i>F037.19</i>	<i>NZ Historic Places Trust</i>	<i>oppose</i> <i>097.01</i>	<i>oppose deletion of arch. areas from maps except where incorrectly identified or all sites destroyed.</i>

**b. Decision**

Accept the following submissions and further submissions:

- 124.12**            **Te Runanga O Ngai Tahu**
- F029.06*            *Kaikoura Historical Society (accept in part)*
- F029.07*            *Kaikoura Historical Society (accept in part)*
- F029.05*            *Kaikoura Historical Society (accept in part)*
- F038.14*            *Te Runanga o Ngai Tahu / Kaikoura*
- F016.10*            *Barry Dunnett*
- F037.20*            *NZ Historic Places Trust*
- F037.21*            *NZ Historic Places Trust*
- F016.11*            *Barry Dunnett*
- F037.19*            *NZ Historic Places Trust*

Reject the following submissions and further submissions:

- 125.57**            **Federated Farmers of NZ Inc**
- 097.01**            **John Murray & James Murray**
- 133.42**            **Marlborough Lines Ltd**
- 125.56**            **Federated Farmers of NZ Inc**
- F005.08.57*        *Simon Chaffey*
- F030.29.57*        *W M Dowle*
- F010.01.57*        *Federated Farmers (East Coast)*
- F005.08.56*        *Simon Chaffey*
- F030.29.56*        *W M Dowle*
- F010.01.56*        *Federated Farmers (East Coast)*

**c. Reason**

**1. 124.12 - Te Runanga O Ngai Tahu**

It is considered that the relief sought will provide a more correct reference.

**2. 125.57 - Federated Farmers of NZ Inc**

It is considered that no review of the rules is necessary. This is because of the consultation already carried out in drafting the rules, which formed part of the section 32 analysis. This consultation included opportunity to comment on the draft plan, direct consultation with various groups and individuals, and the submission process for the Proposed Plan. It has been decided to do a review of the location of archaeological sites and areas by way of a variation to the plan, which would allow public input. This submission is therefore rejected.

**3. 125.56 - Federated Farmers of NZ Inc**

It is considered necessary to retain the rules, subject to recommended amendments, as these are considered the most efficient and effective method of avoiding adverse effects on heritage values in the District. This submission is therefore rejected.

**4. 133.42 - Marlborough Lines Ltd**

While the background to this submission is noted (i.e. to provide for services) it would be inappropriate to provide relief as sought, as earthworks associated with utilities can have an equally adverse effect as non-utility activities. This submission is rejected.

**5. 097.01 - John Murray & James Murray**

It is considered that there is a high probability of archaeological areas containing unrecorded archaeological sites or silent sites, which warrant protection. The submission is rejected in order to ensure consistency with the decision under Table 15.8.1 – General.

**d. Amendments necessary**

**Amend** all references in section 15.8 to "Kaikoura Runanga" to read "*Te Runanga o Kaikoura*", and "Ngai Tahu" to read "*Te Runanga o Ngai Tahu*".

## **61. Whole Section**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
034.03	JL & AC Trewin	oppose	None sought.
046.07	W M Dowle	?	Correct archaeological sites and verify authenticity of any site before it is listed.
<i>F004.82</i>	<i>M &amp; J Syme</i>	<i>support 046.07</i>	<i>More accuracy needed to mark archaeological sites - GPS technology would be the best way to go.</i>
<i>F037.29</i>	<i>NZ Historic Places Trust</i>	<i>oppose 046.07</i>	<i>NZAA sites at least provide an indication of a site.</i>

### **b. Decision**

Accept the following submissions and further submission **in part**:

**034.03**            **JL & AC Trewin**

**046.07**            **W M Dowle**

***F004.82***            ***M & J Syme***

Reject the following further submission:

***F037.29***            ***NZ Historic Places Trust***

### **c. Reason**

#### **1. 046.07 - W M Dowle**

This submission is accepted in part to the extent that it has been decided to do a review of the archaeological sites and areas by way of a variation to the plan, which would allow public input.

#### **2. 034.03 - JL & AC Trewin**

The submission is accepted in part to the extent that it has been decided to do a review of the archaeological sites and areas by way of a variation to the plan, which would allow public input. However, as decided under Table 15.8.1 - General above, the archaeological areas should remain as it offers protection to the undiscovered sites and silent sites.

### **d. Amendments necessary**

None.

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

### Section 16 – Outdoor Advertising

*November 2005*

## **Section 16: Outdoor Advertising**

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**1. 16.2 Explanation and Reasons**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.73	Tourism Industry Assn NZ	Support	None sought.

**b. Decision**

**Accept** submission **130.73 Tourism Industry Assn NZ**

**c. Reason**

Support for the explanations and reasons is acknowledged.

**d. Amendments necessary**

None.

**2. 16.2.3 & 16.3.3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
134.07	Transit NZ	oppose	Add to the method: "The Council will consult with Transit New Zealand in developing suitable controls for signs adjacent to State highways."
134.08	Transit NZ	oppose	Add to the method: "The Council will consult with Transit New Zealand in developing suitable controls for signs adjacent to State highways."
134.10	Transit NZ	oppose	Delete.
134.09	Transit NZ	oppose	Delete.

**b. Decision**

Accept the following submissions:

<b>134.07</b>	<b>Transit NZ</b>
<b>134.08</b>	<b>Transit NZ</b>
<b>134.10</b>	<b>Transit NZ</b>
<b>134.09</b>	<b>Transit NZ</b>

**c. Reason**

**1. 134.07 & 134.08 - Transit NZ**

It is considered appropriate to include a new implementation method as sought in these submissions, as such consultation generally happens in practice anyway.

**2. 134.09 & 134.10 - Transit NZ**

The deletion of the two implementation methods as sought is considered appropriate, as the bylaw, once passed, may not necessarily require Transit's written approval. In this case, the implementation methods would be inconsistent and may need to be amended by variation.

**d. Amendments necessary**

Delete implementation methods 16.2.3(2) and 16.3.3(2) and replace with the following new implementation methods:

*" The Council will consult with Transit New Zealand in developing suitable controls for signs adjacent to State Highways".*

**3. 16.3 Issue 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
129.127	Royal Forest & Bird Protection Society of NZ	?	Amend to read: "The provision of signs and outdoor advertising can adversely affect natural character of the coast and waterways, landscape values and amenity values."
<i>F009.01.127</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.127</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F005.02.127</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>the Council will not enforce this condition</i>
<i>F028.02.127</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>
<i>F010.11.127</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F030.01.127</i>	<i>W M Dowle</i>	<i>oppose</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F023.01.127</i>	<i>R &amp; J King</i>	<i>oppose</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>

**b. Decision**

**Reject** the following submission:

**129.127      Royal Forest & Bird Protection Society of NZ**

**Accept** the following further submissions:

*F009.01.127      Fed Farmers (NZ)*  
*F004.84.127      M & J Syme*  
*F005.02.127      Simon Chaffey*  
*F028.02.127      Sandy Chaffey*  
*F010.11.127      Federated Farmers (East Coast)*  
*F030.01.127      W M Dowle*  
*F023.01.127      R & J King*



**c. Reason**

The amendment sought is considered unnecessary, as it is already covered by the more general existing wording. In addition, the suggested wording is considered too specific and that it would not encompass the range of issues covered by the existing wording.

**d. Amendments necessary**

None.

**4. 16.3.1 Objective 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
129.128	Royal Forest & Bird Protection Society of NZ	?	Amend to read: "To ensure that signs and outdoor advertising maintain and enhance the natural character of the coast and waterways, landscape values and amenity values."
<i>F023.01.128</i>	<i>R &amp; J King</i>	<i>oppose</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F028.02.128</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>
<i>F005.02.128</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>the Council will not enforce this condition</i>
<i>F009.01.128</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F030.01.128</i>	<i>W M Dowle</i>	<i>oppose</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F004.84.128</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F010.11.128</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>

**b. Decision**

**Reject** the following submission:

**129.128      Royal Forest & Bird Protection Society of NZ**

**Accept** the following further submissions:

*F023.01.128      R & J King*  
*F028.02.128      Sandy Chaffey*  
*F005.02.128      Simon Chaffey*  
*F009.01.128      Fed Farmers (NZ)*  
*F030.01.128      W M Dowle*  
*F004.84.128      M & J Syme*  
*F010.11.128      Federated Farmers (East Coast)*

**c. Reason**

The amendment sought is considered unnecessary, as it is already covered by the more general existing wording. The suggested wording is also considered too specific.

**d. Amendments necessary**

None.

**5. 16.3.2 Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
129.129	Royal Forest & Bird Protection Society of NZ	n/a	Add new policy: "To improve the landscape and visual amenities of the Coastal Highway and Inland Route as priorities by reviewing current signage and avoiding further proliferation of signs."
<i>F023.01.129</i>	<i>R &amp; J King</i>	<i>oppose</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F005.02.129</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>the Council will not enforce this condition</i>
<i>F004.84.129</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F028.02.129</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>
<i>F009.01.129</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F030.01.129</i>	<i>W M Dowle</i>	<i>oppose</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F010.11.129</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>

**b. Decision**

Reject the following submission:

**129.129            Royal Forest & Bird Protection Society of NZ**

Accept the following further submissions:

- F023.01.129    R & J King*
- F005.02.129    Simon Chaffey*
- F004.84.129    M & J Syme*
- F028.02.129    Sandy Chaffey*
- F009.01.129    Fed Farmers (NZ)*
- F030.01.129    W M Dowle*
- F010.11.129    Federated Farmers (East Coast)*

**c. Reason**

The relief sought is already provided in Policy 16.3.2.1.

**d. Amendments necessary**

None.

**6. 16.3.3 Implementation Methods**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
129.130	Royal Forest & Bird Protection Society of NZ	n/a	Add: "Liaise with Transit NZ to seek a review of its current signage policies to reduce the number and size of commercial signs along the Coastal Highway and other arterial routes and improve their design to reduce impacts on amenity and landscape values."
129.131	Royal Forest & Bird Protection Society of NZ	n/a	Add new method: "Develop design guidelines for roadside signs which reflect the character of the district."
F005.02.130	Simon Chaffey	oppose 129.130	<i>the Council will not enforce this condition</i>
F023.01.130	R & J King	oppose 129.130	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
F009.01.130	Fed Farmers (NZ)	oppose 129.130	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
F028.02.130	Sandy Chaffey	oppose 129.130	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>
F010.11.130	Federated Farmers (East Coast)	oppose 129.130	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
F030.01.130	W M Dowle	oppose 129.130	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. Proposed changes would make farming impossible.</i>
F004.84.130	M & J Syme	oppose 129.130	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
F005.02.131	Simon Chaffey	oppose 129.131	<i>the Council will not enforce this condition</i>
F010.11.131	Federated Farmers (East Coast)	oppose 129.131	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
F004.84.131	M & J Syme	oppose 129.131	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>

<i>F023.01.131</i>	<i>R &amp; J King</i>	<i>oppose 129.131</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.131</i>	<i>W M Dowle</i>	<i>oppose 129.131</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F009.01.131</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.131</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F028.02.131</i>	<i>Sandy Chaffey</i>	<i>oppose 129.131</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>

**b. Decision**

**Accept** the following submission and further submissions:

- F005.02.131     Simon Chaffey*
- F010.11.131     Federated Farmers (East Coast)*
- F004.84.131     M & J Syme*
- F023.01.131     R & J King*
- F030.01.131     W M Dowle*
- F009.01.131     Fed Farmers (NZ)*
- F028.02.131     Sandy Chaffey*

**Accept** the following submission **in part**:

- 129.130             Royal Forest & Bird Protection Society of NZ**

**Reject** the following submission:

- 129.131             Royal Forest & Bird Protection Society of NZ**
- F005.02.130     Simon Chaffey*
- F023.01.130     R & J King*
- F009.01.130     Fed Farmers (NZ)*
- F028.02.130     Sandy Chaffey*
- F010.11.130     Federated Farmers (East Coast)*
- F030.01.130     W M Dowle*
- F004.84.130     M & J Syme*

**c. Reason**

**1. 129.130 - Royal Forest & Bird Protection Society of NZ**

The submission is accepted in part, to the extent that the relief sought will be provided in part by the new methods introduced under 16.3.2(2) and 16.3.3(2).

**2. 129.131 - Royal Forest & Bird Protection Society of NZ**

It is considered that roadside signs advising of commercial attractions are generally based on certain criteria, such as visibility, colour, location and sufficient advance warning to motorists. The alternative is to permit the businesses themselves to put their own signs up.

It is considered that the safety reasons for the location, design, colour and size of roadside information signs outweigh any visual detraction to the local environment. For this reason, and since these signs are designed on safety factors, the Council will take the lead from Transit New Zealand in terms of roadside sign design etc.

**d. Amendments necessary**

None.



## **7. General**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.74	Tourism Industry Assn NZ	n/a	Add a comment in the Proposed Plan that details public involvement in developing a signs bylaw.
114.09	Lynette Buurman	?	Limit each business in the West End to one board of a specific size which relates solely to the business it advertises.

### **b. Decision**

**Reject** the following submissions:

**114.09            Lynette Buurman**  
**130.74            Tourism Industry Assn NZ**

### **c. Reason**

#### **1. 130.74 - Tourism Industry Assn NZ**

It is considered unnecessary and inappropriate to include reference to the bylaw public process in the plan, as sought in the submission. The proposed bylaw must go through a statutory public process as outlined in the Local Government Act 2002, separate from the proposed plan process. It may also be confusing to plan readers if reference to the bylaw process is made in the Plan.

#### **2. 114.09 - Lynette Buurman**

The submission is rejected, in that the relief sought is better provided through the bylaw process.

### **d. Amendments necessary**

None.

## **8. Whole Section**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
115.05	Caltex New Zealand Ltd	?	Delete whole section, or replace with appropriate performance standards and terms to address the issues, objectives and policies currently identified.
107.02	Shell NZ Ltd	oppose	Delete references to the implementation of a bylaw for signs, and make a provision for service station signs as a permitted or controlled activity, and include a statement that the other rules do not apply to service station signs.

### **b. Decision**

**Reject** the following submissions:

**115.05            Caltex New Zealand Ltd**

**107.02            Shell NZ Ltd**

### **c. Reason**

#### **1. 115.05 - Caltex New Zealand Ltd**

It is considered that the first part of the submission carries little weight, since plans may contain policies and objectives without necessarily having to contain associated rules. It is considered that having objectives and policies with no sign rules helps “set the scene” by explaining Council’s stance and the reasons for using a bylaw.

#### **2. 107.02 - Shell NZ Ltd**

It is considered that this method will achieve the purpose and principles of the Act. The Act allows a range of methods to be used, and in the case of signs a bylaw is considered the most efficient and effective method having regard to section 32 of the Act. Furthermore, it is acknowledged that the bylaw process does provide for public participation.

### **d. Amendments necessary**

None.

**9. New Rule**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
134.11	Transit NZ	n/a	Add a new rule relating to all signs adjacent to a State highway, outlining permitted activities with performance criteria, discretionary activities. Include provision for community, advertising signs or devices.

**b. Decision**

**Reject** submission **134.11 Transit NZ**

**c. Reason**

It is noted that the submission suggests that it would be desirable to have an interim signs rule, to be deleted by way of variation once the bylaw is in place. This is considered unnecessary, as the provisions of the Transitional District Plan relating to signs will continue to apply during the Proposed Plan process. The Transitional District Plan has a rule that no signs (including sandwich boards) are permitted in the district without resource consent. It is also noted that a bylaw is already in place. For these reasons, an interim rule as sought is unnecessary.

**d. Amendments necessary**

None.

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

### Section 17 – Relocated Buildings, Temporary Buildings and Temporary Activities

*November 2005*

## **Section 17: Relocated Buildings, Temporary Buildings and Temporary Activities**

### **Contents**

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**1. 17.5(b)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.48	Crown Public Health	oppose	Add conditions relating to environmental noise limits for temporary military activities, or add elsewhere in Plan.
045.01	NZ Motor Caravan Assn Inc	support	Retain provision.
127.02	NZ Defence Force	?	Amend the first bullet point by deleting "in any one calendar year" and delete the second bullet point.

**b. Decision**

Accept the following submissions **in part**:

<b>113.48</b>	<b>Crown Public Health</b>
<b>127.02</b>	<b>NZ Defence Force</b>
<b>045.01</b>	<b>NZ Motor Caravan Assn Inc</b>

**c. Reason**

**1. 113.48 - Crown Public Health**

The submission is accepted in part to the extent that it has been decided that the noise rules be revised, and a new appendix be added as per the alternative relief sought.

**2. 127.02 - NZ Defence Force**

It is noted that the submission seeks a deletion of the restriction to 4 events per year, and 14 days "in any one calendar year". The particular concern of the submitter relates to possible restrictions on temporary military activities. Under section 4(2) of the Act, the Ministry of Defence can undertake any land use activity (within the meaning of section 9), or any activity for reasons of national security without the need for a resource consent. Although the Plan's definition of "temporary activity" includes temporary military training activities, it is doubtful that the restrictions in section 17 apply, given the exemption under the Act.

To ensure consistency with the Act, a consequential amendment from this submission is considered necessary by amending the definition of "temporary activity", so that military training activities are excluded from the definition. It is also considered necessary that the "one calendar year" restriction be linked to the number of activities per year, rather than the duration of the activity. The submission is therefore accepted in part.

**3. 045.01 - NZ Motor Caravan Assn Inc**

The submission is accepted in part to the extent that the provision is retained but has been amended as a result of submissions.

**d. Amendments necessary**

1. **Delete** the words “in any one calendar year” at the end of the first bullet point under 17.5(b)
  
2. As a **consequential amendment delete** the words “in any one calendar year” from (a) of the definition of “temporary activity” in section 4.
  
3. As a **consequential amendment delete** (c) from the definition of “temporary activity” in section 4 and replace with the following:  
*“For the purpose of section 17 of this plan, this definition does not include temporary military training activities.”*

**2. New Provision**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
128.01	Heavy Haulage Association Inc	n/a	Make the removal and relocation of buildings and dwellings a permitted activity, with prescribed performance standards, with minimum criteria to protect amenity, or make as a "controlled activity", with conditions, and that applications are non notified.
128.02	Heavy Haulage Association Inc	n/a	If there are to be any controls on the relocation of buildings or dwellings, the submitter supports any controls being on a non notified basis without any performance bonds.
128.03	Heavy Haulage Association Inc	n/a	Policies and rules in the plan to recognise for the positive "recycling" effects of building removal and relocation.
128.04	Heavy Haulage Association Inc	n/a	Policies and rules in the plan to recognise the need for co-ordination between Building Act and the RMA.
128.05	Heavy Haulage Association Inc	n/a	Delete all classification of building or dwelling "relocation" as a restricted discretionary activity in all zones.
128.06	Heavy Haulage Association Inc	n/a	Alternatively, if Submission 128.05 is not granted, the rules should specify that the relocation of buildings and/or dwellings is a permitted activity subject to performance standards.
128.07	Heavy Haulage Association Inc	n/a	Add, or, if relocation is a controlled activity, then controls should relate to relocated dwellings; Council restricts its exercise of control of "reinstatement works"; apply to buildings over 20 or 30 years old; apply no performance bonds or covenants.
128.08	Heavy Haulage Association Inc	n/a	Insert a rule to provide that any controls on relocated dwellings/buildings can be done so without obtaining the written approval of affected persons, and need not be notified.
128.09	Heavy Haulage Association Inc	n/a	Make any consequential amendment to objectives and policies to give effect to the decisions sought by the submitter.

**b. Decision**

**Accept** the following submissions:

- 128.01            Heavy Haulage Association Inc**
- 128.05            Heavy Haulage Association Inc**
- 128.06            Heavy Haulage Association Inc**



**Accept** the following submissions:

<b>128.03</b>	<b>Heavy Haulage Association Inc</b>
<b>128.04</b>	<b>Heavy Haulage Association Inc</b>
<b>128.07</b>	<b>Heavy Haulage Association Inc</b>
<b>128.09</b>	<b>Heavy Haulage Association Inc</b>

**Reject** the following submissions:

<b>128.02</b>	<b>Heavy Haulage Association Inc</b>
<b>128.08</b>	<b>Heavy Haulage Association Inc</b>

**c. Reason**

**1. 128.01 & 128.05 & 128.06 - Heavy Haulage Association Inc**

It is noted these submissions effectively relate to the same matter i.e. that controls on relocated buildings be deleted, and that relocation be made a permitted activity subject to certain performance standards. It is considered that these submissions have some merit, as relocation of dwellings in particular can enhance an older dwelling that existed prior to the relocation. In addition, relocation can involve modern buildings, as well as older buildings. A blanket restriction making all relocations restricted discretionary is not necessarily the best method to control effects.

It is therefore considered appropriate to include new provisions to control effects of relocated buildings. It is acknowledged that in drafting these provisions, consideration has been given to the main potential adverse effects of relocated buildings, being visual effects. Adverse visual effects can be generated in three general circumstances:

- old buildings which are past their economic life and in need of repair
- damaged buildings, which have been purchased at a discount price and in need of repair
- reinstatement or reconstruction works, such as rejoining a building which has been split for transportation

It is considered that a more effective method of controlling these effects is to use performance standards, where any relocated building, which does not meet the performance standards, requires resource consent. This approach is more effects-based, and will not impose unnecessary compliance costs where there are no adverse effects.

Further circumstances where adverse effects may arise, are where a “non-dwelling” building (e.g. a container) is relocated because of cost factors, then converted to a residential use, and where building with termite or borer infestation are relocated to the district. It is considered necessary to retain control over “non-dwellings”, to avoid any adverse effects on neighbouring properties and to avoid a general decline in the amenity of residential or settlement areas. In respect of wood boring insects, termites in particular have the potential to cause adverse effects where a building is relocated with insect infestation, and these insects infest adjacent, “clean” buildings.

**2. 128.02 & 128.08 - Heavy Haulage Association Inc**

Submissions **128.02** and **128.08** seek that any consents for relocated buildings are non-notified without the need to obtain neighbours’ approvals. It would be inappropriate to adopt

these amendments, as this would exclude those who may be adversely affected from participating in the consent process, which would be contrary to the RMA.

**3. 128.03 & 128.04 & 128.07 & 128.09 - Heavy Haulage Association Inc**

The recommended amendments below will give partial effect to submissions **128.03, 04, 07 & 09**.

**d. Amendments necessary**

**Delete** rule 17.4 and replace with the following:

*“ Subject to compliance with other sections of the Plan, the relocation of any building shall be a permitted, controlled or restricted discretionary activity as follows:*

**Table 17.4**

<i>Status</i>	<i>Activity</i>	<i>Conditions</i>
<i>Permitted</i>	<p>a) Relocated accessory buildings less than 50m<sup>2</sup> in gross floor area.</p> <p>b) Relocated utility buildings and utility structures less than 20m<sup>2</sup> in gross floor area.</p> <p>c) Any other relocated building, which complies with the performance standards specified below.</p>	
<i>Controlled</i>	<p>The relocation of any building older than 15 years, but less than 25 years old, provided that all other performance standards are complied with.</p>	<p>The exercise of Council’s control is limited to:</p> <ul style="list-style-type: none"> <li>• visual effects</li> <li>• effects on amenity of the surrounding area</li> <li>• building design</li> <li>• standard not complied with</li> </ul>
<i>Restricted Discretionary</i>	<p>a) Any relocated building, other than a controlled activity, which does not comply with the performance standards specified below.</p> <p>b) The relocation of any container or any other building used or intended to be used for a residential activity, where the building’s original purpose was not for residential activity <b>and</b> where it is to be relocated in any Residential or Settlement Zone.</p>	<p>Council’s discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• visual effects</li> <li>• effects on amenity of the surrounding area</li> <li>• building design</li> <li>• standard not complied with</li> </ul>

**17.4.1 Performance standards**

**Table 17.4.1**

<b>17.4.1</b>	<b>Standard</b>
<i>1. Age</i>	<i>Relocated buildings shall be no older than 15 years.</i>
<i>2. Damaged buildings</i>	<i>Relocated buildings shall not have any visible damage that exceeds 10% of the total exterior area, prior to relocation.</i>
<i>3. Reinstatement works</i>	<i>Any reinstatement or reconstruction works required as a result of the relocation shall be completed within 4 calendar months of the building being relocated.</i>
<i>4. Wood-boring insect infestation.</i>	<i>a) Relocated buildings shall be free from any termite infestation.</i> <i>b) Relocated buildings shall be free from any wood-borer infestation, or shall be treated by a pest control agent qualified in the control of wood boring pests, prior to relocation into the District.</i>

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

### Section 18 – Residential Zone

*November 2005*

## **Section 18: Residential Zone**

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**1. 18.2 Issue 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.49	Crown Public Health	oppose	Amend Issue by insertion of the word "health and " before the word "amenity".
130.75	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** the following submission:

**130.75            Tourism Industry Assn NZ**

**Reject** the following submission:

**113.49            Crown Public Health**

**c. Reason**

**1. 130.75 - Tourism Industry Assn NZ**

Support for the issue is acknowledged.

**2. 113.49 - Crown Public Health**

It is considered that Issue 1 relates to amenity values, rather than health. Adding “health” as sought would change the context of the issue to something other than what is intended. For this reason, the submission is rejected.

**d. Amendments necessary**

None.

**2. 18.2.1 Objective 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.76	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.76 Tourism Industry Assn NZ**

**c. Reason**

Support for the objective is acknowledged.

**d. Amendments necessary**

None.

**3. 18.2.2 All Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.77	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.77 Tourism Industry Assn NZ**

**c. Reason**

Support for the policies is acknowledged.

**d. Amendments necessary**

None.



**4. 18.2.3 Implementation Methods**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.78	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.78 Tourism Industry Assn NZ**

**c. Reason**

Support for the methods is acknowledged.

**d. Amendments necessary**

None.

**5. 18.3 Issue 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.79	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.79 Tourism Industry Assn NZ**

**c. Reason**

Support for the issue is acknowledged.

**d. Amendments necessary**

None.

**6. 18.3.1 Objective 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.80	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.80 Tourism Industry Assn Ltd**

**c. Reason**

Support for the objective is acknowledged.

**d. Amendments necessary**

None.

**7. 18.3.2 Policy 2**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
109.15	MA & JP Syme	?	Amend to allow the size of sections to be varied, so they are not all the same size.

**b. Decision**

Accept the following submission in part:

**109.15**            **MA & JP Syme**

**c. Reason**

This submission is accepted in part to the extent that Policy 2 is implemented through rule 18.7(9) as amended, which allows different “site” sizes.

**d. Amendments necessary**

None.

**8. 18.3.2 Policy 4**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
109.16	MA & JP Syme	support	Amend to extend both sides of Ward Street.

**b. Decision**

**Accept** submission **109.16 MA & JP Syme in part**

**c. Reason**

It is noted that this submission relates to rule 18.7(5) (sky lining). It has been decided not to amend this rule and no amendments are therefore required to Policy 4, in order to ensure consistency. The submission is accepted in part to the extent that it has been supported but with a recommended change.

The submitter's concerns raised in his evidence presented at the hearing is acknowledged, however it is considered to be outside the scope of his original submission.

**d. Amendments necessary**

None.

**9. 18.3.2 Policy 5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
109.17	MA & JP Syme	support	Amend to state the maximum height.

**b. Decision**

**Accept submission 109.17 MA & JP Syme in part.**

**c. Reason**

The submission is accepted in part to the extent that the relief sought is covered by the rules, and not the policy.

**d. Amendments necessary**

None.

**10. 18.3.2 All Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.81	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.81 Tourism Industry Assn NZ**

**c. Reason**

Support for the policies is acknowledged.

**d. Amendments necessary**

None.

**11. 18.5 Zone Description**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.87	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.87 Tourism Industry Assn NZ**

**c. Reason**

Support for the provision is acknowledged.

**d. Amendments necessary**

None.



**12. Table 18.6**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
021.01	Maurice & Marie Rouse	oppose	Include "Visitor Accommodation" as a permitted activity on table 18.6, or in the restricted discretionary category.
118.11	NZ Fire Service Commission	oppose	Add new provision for new "Community Activities" or for "Fire Stations".
132.115	Canterbury Regional Council	?	Under Unrestricted discretionary activity, add "or Non-complying", and add "Non-complying" status with "Any activity which does not comply with rule 18.7.13." in the Activity box.
045.03	NZ Motor Caravan Assn Inc	oppose	Add new clauses to the permitted activity rules that allow small scale visitor accommodation, like farm/home stays and Park Over Properties as permitted activities, or amend definition of Residential Activity.

**b. Decision**

**Reject** the following submissions:

<b>021.01</b>	<b>Maurice &amp; Marie Rouse</b>
<b>118.11</b>	<b>NZ Fire Service Commission</b>
<b>132.115</b>	<b>Canterbury Regional Council</b>
<b>045.03</b>	<b>NZ Motor Caravan Assn Inc</b>

**c. Reason**

**1. 021.01 - Maurice & Marie Rouse & 045.03 - NZ Motor Caravan Assn Inc**

Submission **021.01** seeks to make visitor accommodation permitted in the Residential Zones.

Submission **045.03** seeks to provide for small scale visitor accommodation (5 guests or less) as a permitted activity. While there are existing visitor accommodation activities being undertaken sporadically in Residential Zones, these are largely a legacy of a very liberal approach based on the Transitional Plan's "less than 5" rule. In addition, many of these activities are operating unlawfully, without the necessary resource consents.

It is important that the Council retain control over visitor accommodation in residential zones, particularly given the history of uncontrolled activities and the pressure to provide these activities. Control should remain, since visitor accommodation activities can lead to adverse effects in residential areas, a detraction of residential amenity through increased noise, increased traffic, a change in hours of operation, and large scale buildings. Overall, visitor accommodation in residential zones can result in level of activity, which is not generally associated with a residential neighbourhood.

To ensure that Council retains control on such activities, it is recommended that visitor accommodation remain an unrestricted discretionary activity in Residential Zones, to enable an assessment of adverse effects through the consent process.

These submissions are rejected in order to be consistent with the decision not to amend the definition of “residential activity” to include caravans and campervans, for a limited duration.

In summary, it is therefore considered inappropriate to provide for small-scale visitor accommodation activities as permitted activities in the Residential Zone for the following reasons:

1. These activities may have adverse effects associated with parking, increased loading on and/or blow-out of reticulated water and sewerage systems, effluent disposal, waste disposal and cumulative effects.
2. It will be inconsistent with the rest of the Plan.
3. It will reduce Council’s ability to comply with section 35 of the Act.
4. The consent process is considered the most effective way to assess the effects that may occur as a result of the activity.

## **2. 118.11 - NZ Fire Service Commission**

It is noted that the submission seeks that “community activities” or “fire stations” be made a permitted activity in residential zones. Community activities include a wide range of activities, such as (*inter alia*) schools, hospitals, rest homes, police stations and detention centres. It is considered that these activities may not be consistent with residential activities in terms of hours of operation, scale, noise, and character. It is therefore considered that community activities should remain an unrestricted discretionary activity in residential zones. While an exemption could be made for fire stations, it would be unreasonable to apply an exemption to fire stations without also applying the same exemption to other community activities. Given that fire stations can have similar adverse effects to other community activities in terms of hours of operation (24 hours on-call, training, and social functions), noise (sirens, alarms and social functions), scale (large scale buildings with high towers), and character, it is recommended that no exemption be made for fire stations to be permitted in residential zones. This submission is therefore rejected.

## **3. 132.115 - Canterbury Regional Council**

It is noted that when drafting the Plan, it was decided not to have any non-complying activities, in favour of greater distinction between restricted and unrestricted discretionary activities. It is considered that in this particular case, providing for this distinction still provides the necessary discretion to decline applications where adverse effects are significant, regardless of the fact that non-complying activities have been introduced into the Plan by means of Variation 2 on very site specific matters. It is also noted that the submitter did not provide the necessary relief sought to strengthen the policies for the zone in accordance with non-complying status. Acceptance of the submission will therefore result in inconsistencies between the policy and rule framework. It is considered appropriate to retain the status of unrestricted discretionary activities in the Residential Zone and the submission is therefore rejected.

### **d. Amendments necessary**

None.

**13. Table 18.7**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.21	Crown Public Health	?	Add new section "16 Drinking Water - all buildings will be connected to a potable, adequate and reliable drinking water supply complying with "Drinking Water Standards for New Zealand 1995" or its amendments.

**b. Decision**

**Reject** submission **113.21 Crown Public Health**

**c. Reason**

The suggested new rule is unnecessary, since all new allotments in the Residential Zones are required to be connected to the reticulated town water supply. All existing allotments are already connected.

**d. Amendments necessary**

None.

**14. Table 18.7.1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
118.21	NZ Fire Service Commission	oppose	Add an exemption from the heavy vehicle standards for fire stations.

**b. Decision**

**Accept** submission **118.21 NZ Fire Service Commission in part**

**c. Reason**

It is noted that this submission seeks an amendment to exempt fire engines from this provision. The submission is accepted in part to the extent that an exemption, as sought, is already provided in the definition of “heavy vehicle” which excludes fire engines.

**d. Amendments necessary**

None.

**15. Table 18.7.3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.50	Crown Public Health	oppose	Delete rule, and replace with new rules
113.51	Crown Public Health	n/a	As a consequence of submission 113.50, add "Noise Appendix O" to 18.9.
118.16	NZ Fire Service Commission	oppose	Add a new exemption for emergency sirens to the noise rules.
077.04	David & Catherine Sweeney	?	Noise from Business B zone shouldn't exceed at residential boundaries: 60 2 Max, 45 dBA max, and at the following hours - 0800 to 1700hrs Monday - Friday, and 1000 to 1200hrs Saturday, and no other time.

**b. Decision**

**Accept** the following submissions:

- 113.50            Crown Public Health**
- 113.51            Crown Public Health**
- 118.16            NZ Fire Service Commission**

**Reject** the following submission:

- 077.04            David & Catherine Sweeney**

**c. Reason**

**1. 113.50 & 113.51 - Crown Public Health**

The submitter highlights a number of deficiencies in the existing noise provisions, which result in unreasonable and unenforceable restrictions. This is acknowledged. Given this submitter's expertise in noise issues, it is decided to adopt the suggested amendments. It has also been decided to delete the definition of noise and to replace it with a new appendix showing the noise exemptions.

**2. 118.16 - NZ Fire Service Commission**

It is noted that the relief sought in this submission will be provided by the addition of a new appendix as recommended.

**3. 077.04 - David & Catherine Sweeney**

It is noted that the submitter seeks amendments to the noise provisions to effectively lower the noise limits in residential zones. It is considered that the suggested noise limits and duration may unreasonably restrict some activities. The suggested noise limits are also not in accordance with those suggested by Crown Public Health, who has the necessary expertise to determine reasonable noise levels.

**d. Amendments necessary**

1. **Delete** 18.7(3) and replace with the following:

*“All activities shall be conducted so that the following noise limits, measured at any point within any other residential site in the Residential Zone, are not exceeded during any time period for assessment within the following time-frames:*

- |   |                                    |
|---|------------------------------------|
| <i>a) Monday to Saturday 7am to 11pm</i>                    | <i>55 dBA <math>L_{eq}</math></i>  |
| <i>b) At all other times not specified in (a) above</i>     | <i>40 dBA <math>L_{eq}</math></i>  |
| <i>c) On any day between 11pm and 7am the following day</i> | <i>70 dBA <math>L_{max}</math></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.”*

2. **Add** the following to 18.9:

*“Noise Provisions & Exemptions (refer to Appendix Q) “*

**16. Table 18.7.5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
109.18	MA & JP Syme	oppose	Amend to set back buildings 10 metres form the hill edge.

**b. Decision**

**Reject** submission **109.18 MA & JP Syme**

**c. Reason**

It is noted that it was clear from Proposed Plan consultation that the community has a strong desire to preserve the un-built skyline of the peninsula, where possible. It is considered that the existing rule will avoid adverse visual effects of sky-lined buildings.

While landscaping may provide effective screening for buildings, the difficulty with landscaping is that there is no way of preventing it being removed at a later stage. Since removal of landscaping which screens a building could result in it being visible, it is considered that the existing rule, as notified, is the most effective method of avoiding adverse visual effects. The submission is therefore rejected.

**d. Amendments necessary**

None.

**17. Table 18.7.7**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
109.20	MA & JP Syme	support/ oppose	Requires clarification - is it a restriction or requirement?

**b. Decision**

**Accept** submission **109.20 MA & JP Syme**

**c. Reason**

It is considered to be sufficiently clear that this rule is a requirement for landscaping, except for the activities specified. No amendments are considered necessary. This submission can be accepted in part to the extent that it supports this provision.

**d. Amendments necessary**

None.



**18. Table 18.7.9**

**a. Submitters and hearing**

Sub No	Submitter	Status	Relief Sought
105.20	Nelson/Marlborough Branch NZ Institute of Surveyors	oppose	Amend to reduce the Residential A zone to 400m <sup>2</sup>

**b. Decision**

Accept the following submission in part:

**105.20 Nelson/Marlborough Branch NZ Institute of Surveyors**

**c. Reason**

While this argument has some merit, it is considered that the overall density should remain at 500m<sup>2</sup> to avoid smaller sites reducing the open space amenity presently enjoyed in most of the Residential Zones. However, it is considered appropriate to make some provision for multi-unit developments where some of the units exceed the minimum site size requirements, others are less, and the overall average meets the minimum requirements.

It has been decided that the minimum subdivision provisions be amended to allow multi-unit subdivisions in Residential A Zones with an *average* lot size not less than 500m<sup>2</sup>. Similarly, it has been decided to amend the density rule relating to the Residential B Zone to ensure consistency with the decision to allow multi-unit subdivisions with an *average* lot size of 1000m<sup>2</sup>. It is considered necessary to amend these density rules for consistency, and to make provision for multi-lot residential unit developments. The submission is accepted in part to the extent that a reduction in allotment size in the Residential A zone is provided for, but that an average allotment size for multi-unit subdivisions still apply.

**d. Amendments necessary**

1. **Add** the following after 18.7(9) a) Residential A Zone - Density:

“ *...except that for multi-unit developments of two or more units, the average net site area of all units shall not be less than 500m<sup>2</sup>.*”

2. **Add** the following after 18.7(9) b) Residential B Zone Density:

“ *...except that for multi-unit developments of two or more units, the average net site area of all units shall not be less than 1000m<sup>2</sup>.*”

**19. Table 18.7.11**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.25	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept submission 133.25 Marlborough Lines Ltd in part**

**c. Reason**

Amendments have been made to the utilities section of the plan (Introduction), which will have the effect that utility buildings are not subject to setback restrictions in rule 18.7(11). This submission can therefore be accepted in part, to this extent.

**d. Amendments necessary**

None.

**20. Table 18.7.12**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.26	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept** submission **133.26 Marlborough Lines Ltd**

**c. Reason**

Amendments have been made to the utilities section of the plan (Introduction), which will have the effect that utility buildings are not subject to setback restrictions in rule 18.7(11). This submission can therefore be accepted in part, to this extent.

**d. Amendments necessary**

None.

**21. Table 18.7.13**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
132.107	Canterbury Regional Council	?	Amend rules to clarify the relationship between parts (a) and (b) of the rule in the zones. Where part (b) relates to systems that do not meet the standards of (b), then specify greater separation distances of 1000m.
132.111	Canterbury Regional Council	?	Add new paragraph: "The sewage disposal system shall not exceed 2000m <sup>3</sup> per day from one installation or be located within 20 metres of a stream, river, lake, wetland or coastal water."

**b. Decision**

Accept the following submission:

**132.107**                      **Canterbury Regional Council**

Accept the following submission in part:

**132.111**                      **Canterbury Regional Council**

**c. Reason**

**1. 132.107 - Canterbury Regional Council**

It is acknowledged that the cross-reference to (a) in part (b) is a little unclear. It is therefore considered necessary to amend the rules to provide clarity and improves certainty.

**2. 132.111 - Canterbury Regional Council**

It is considered inappropriate to include the first part of this submission (discharge), as the control of discharges is a regional council function. However, the second part of that submission would be appropriate to include. In this case, the Kaikoura District Council would be controlling the location of a land use activity (the disposal system), in order to avoid or mitigate any potential adverse effects on waterbodies. The submission is therefore accepted in part. A consequential amendment is considered necessary to ensure consistency will be that this same rule will require amendment in other sections of the Plan.

**d. Amendments necessary**

1. In addition to the decisions made under Table 13.12(1)(a), amend 18.7.13 to read as follows:

*“ Sewage disposal systems shall comply with the following minimum separation distances:*

*a) 50m separation upgradient...supply intake:*

- b) where the treatment standard specified in (a) above is not met, 500m separation upgradient, or 300m in any other direction, between any sewage disposal system and any domestic water supply intake;*
  - c) 20m between any sewage disposal system and any stream, river, lake, wetland or coastal water;*
  - d) [amendment in Table 13.12(1)(a)] 100m upgradient or 50m in any other direction, between any sewage disposal system and any dwelling or habitable building not located on the same site as the disposal system.”*
2. As a **consequential amendment, amend** this rule where it occurs in sections 19, 20 and 22 of the plan, in accordance with the amendments above.

**22. 18.8.1 Internal Boundary Separation distances**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
010.22	Kaikoura District Council	oppose	Replace 18.7.10 with 18.7.11.

**b. Decision**

**Accept** submission **101.22 Kaikoura District Council**

**c. Reason**

The relief sought is considered necessary to correct an incorrect cross-reference.

**d. Amendments necessary**

**Replace** 18.7.“10” with 18.7.“11”in the first sentence under 18.8.1.

**23. Rules and Standards**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.08	Marlborough Lines Ltd	?	Clarify whether Zone Rules and Standards must be complied with by utility operators, with regard to Utility Rules.

**b. Decision**

**Accept** submission **133.08 Marlborough Lines Ltd in part.**

**c. Reason**

It is noted that the concerns of this submitter have been covered by the amendments to section 10, which will clarify which zone rules apply to utilities. This submission is therefore accepted in part to this extent.

**d. Amendments necessary**

None.

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

### Section 19 – Settlement Zone

*November 2005*



## **Section 19: Settlement Zone**

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**1. 19.2 Issue 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.82	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.82 Tourism Industry Assn NZ**

**c. Reason**

Support for the issue is acknowledged.

**d. Amendments necessary**

None.

**2. 19.2.1 Objective 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.83	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.83 Tourism Industry Assn NZ**

**c. Reason**

Support for the objective is acknowledged.

**d. Amendments necessary**

None.

**3. 19.2.2 All Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.84	Tourism Industry Assn NZ,	support	None sought.

**b. Decision**

**Accept** submission **130.84 Tourism Industry Assn NZ**

**c. Reason**

Support for the policies is acknowledged.

**d. Amendments necessary**

None.

#### **4. 19.2.3 Explanation and Reasons**

##### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
129.132	Royal Forest & Bird Protection Society of NZ	?	Amend paragraph 2 to provide a more comprehensive description of the potential adverse effects of commercial development and other land uses in the coastal settlements in particular. Refer to potential adverse effects on Part II RMA matters.
<i>F028.02.132</i>	<i>Sandy Chaffey</i>	<i>oppose</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>
<i>F030.01.132</i>	<i>W M Dowle</i>	<i>oppose</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F010.11.132</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F023.01.132</i>	<i>R &amp; J King</i>	<i>oppose</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F005.02.132</i>	<i>Simon Chaffey</i>	<i>oppose</i>	<i>the Council will not enforce this condition</i>
<i>F004.84.132</i>	<i>M &amp; J Syme</i>	<i>oppose</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F009.01.132</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>

##### **b. Decision**

**Accept** the following further submissions:

- F028.02.132 Sandy Chaffey*
- F030.01.132 W M Dowle*
- F010.11.132 Federated Farmers (East Coast)*
- F023.01.132 R & J King*
- F005.02.132 Simon Chaffey*
- F004.84.132 M & J Syme*
- F009.01.132 Fed Farmers (NZ)*

**Reject** the following submission:

**129.132            Royal Forest & Bird Protection Society of NZ**

**c. Reason**

It is noted that the submitter refers to the list on page 165 as a list of potential effects. However, it is noted that the list in fact refers to the types of activities which can cause adverse effects, not the effects themselves. In addition, effects of the activities listed also extend to the circumstances described by the submitter. Given this, it is considered that no amendments are required.

**d. Amendments necessary**

None.

**5. 19.2.3 Implementation Methods**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.85	Tourism Industry Assn NZ,	support	None sought.

**b. Decision**

**Accept** submission **130.85 Tourism Industry Assn NZ**

**c. Reason**

Support for the methods is acknowledged.

**d. Amendments necessary**

None.

**6. Table 19.5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
118.09	NZ Fire Service Commission	oppose	Retain the activity status of "Community Activities".
045.04	NZ Motor Caravan Assn Inc	oppose	Add new clauses to the permitted activity rules that allow small scale visitor accommodation, like farm/home stays and Park Over Properties as permitted activities, or amend definition of Residential Activity.
118.12	NZ Fire Service Commission	oppose	Add new provision for new "Community Activities" or for "Fire Stations".
129.133	Royal Forest & Bird Protection Society of NZ	?	Replace Restricted Discretionary 1 a) Visitor Accommodation and b) Commercial Activities with full discretionary status to enable all adverse effects of such activities to be considered.
129.134	Royal Forest & Bird Protection Society of NZ	?	Delete Restricted Discretionary 2 so that any listed permitted activity which does not comply with one of more of the performance standards in Table 19.6 is a discretionary activity.
130.86	Tourism Industry Assn NZ	?	Amend Performance Standard to read no more than one heavy vehicle parked overnight on any one site, except for farming and /or tourism activities.
132.116	Canterbury Regional Council	?	Under Unrestricted discretionary activity, add "or Non-complying", and add "Non-complying" status with "Any activity which does not comply with rule 19.6.10." in the Activity box.
<i>F023.01.133</i>	<i>R &amp; J King</i>	<i>oppose 129.133</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F004.84.133</i>	<i>M &amp; J Syme</i>	<i>oppose 129.133</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F030.01.133</i>	<i>W M Dowle</i>	<i>oppose 129.133</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F028.02.133</i>	<i>Sandy Chaffey</i>	<i>oppose 129.133</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>



<i>F009.01.133</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.133</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.133</i>	<i>Simon Chaffey</i>	<i>oppose 129.133</i>	<i>the Council will not enforce this condition</i>
<i>F010.11.133</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.133</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F004.84.134</i>	<i>M &amp; J Syme</i>	<i>oppose 129.134</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F010.11.134</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.134</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F005.02.134</i>	<i>Simon Chaffey</i>	<i>oppose 129.134</i>	<i>the Council will not enforce this condition</i>
<i>F023.01.134</i>	<i>R &amp; J King</i>	<i>oppose 129.134</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.134</i>	<i>W M Dowle</i>	<i>oppose 129.134</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F009.01.134</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.134</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F028.02.134</i>	<i>Sandy Chaffey</i>	<i>oppose 129.134</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>

**b. Decision**

**Accept** the following further submissions:

- F004.84.134 M & J Syme*
- F010.11.134 Federated Farmers (East Coast)*
- F005.02.134 Simon Chaffey*
- F023.01.134 R & J King*
- F030.01.134 W M Dowle*
- F009.01.134 Fed Farmers (NZ)*
- F028.02.134 Sandy Chaffey*

**Accept** the following submission **in part**:

- 129.133 Royal Forest & Bird Protection Society of NZ**

**Reject** the following submissions:

<b>045.04</b>	<b>NZ Motor Caravan Assn Inc</b>
<b>118.12</b>	<b>NZ Fire Service Commission</b>
<b>129.134</b>	<b>Royal Forest &amp; Bird Protection Society of NZ</b>
<b>132.116</b>	<b>Canterbury Regional Council</b>
<i>F023.01.133</i>	<i>R &amp; J King</i>
<i>F004.84.133</i>	<i>M &amp; J Syme</i>
<i>F030.01.133</i>	<i>W M Dowle</i>
<i>F028.02.133</i>	<i>Sandy Chaffey</i>
<i>F009.01.133</i>	<i>Fed Farmers (NZ)</i>
<i>F005.02.133</i>	<i>Simon Chaffey</i>
<i>F010.11.133</i>	<i>Federated Farmers (East Coast)</i>

**c. Reason**

**1. 045.04 - NZ Motor Caravan Assn Inc**

It is considered important that the Council retain control over visitor accommodation in settlement zones, particularly given the history of uncontrolled activities and the pressure to provide these activities. Control should remain, since visitor accommodation activities can lead to adverse effects in terms of loss of residential amenity through increased noise, increased traffic, a change in hours of operation, and large scale buildings. Visitor accommodation activities can also place additional demand on services (water and sewage disposal), which may not be adequate to provide the expected level of service.

To ensure that Council retains control on such activities, it is considered necessary that visitor accommodation remain a restricted discretionary activity in Settlement Zones, to enable an assessment of adverse effects through the consent process.

The submission is rejected in order to ensure consistency with other decisions in this regard.

**2. 118.12 - NZ Fire Service Commission**

It is considered that the relief sought has been provided by the provision of “community activities” as permitted. No amendments are therefore necessary.

**3. 129.133 - Royal Forest & Bird Protection Society of NZ (accept in part)**

It is considered that the existing restricted discretionary status recognises that visitor accommodation and commercial activities may be suitable, in certain cases, in Settlement Zones. This status also reflects the presence of existing visitor accommodation and commercial activities in Settlement Zones. It is considered that listing the matters of discretion still allows consideration of potential effects of such activities. However, the point is taken from this submitter that the matters of discretion do not include effects on landscape values, or ecological effects. These two matters should be added.

**4. 129.134 - Royal Forest & Bird Protection Society of NZ**

It is considered unreasonable for permitted activities to become unrestricted discretionary, when the only matters of non-compliance are the performance standards. The submission is therefore rejected.

**5. 132.116 - Canterbury Regional Council**

The submission is rejected in order to ensure consistency with other decisions in this regard – refer decision on Table 18.6.

**d. Amendments necessary**

**Add** the following two matters of discretion to restricted discretionary activities “1”, in Table 19.5:

- *“effects on landscape values*
- *ecological effects”.*

**7. Table 19.6.1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
118.22	NZ Fire Service Commission	oppose	Add an exemption from the heavy vehicle standards for fire stations.

**b. Decision**

**Accept submission 118.22 NZ Fire Service Commission in part**

**c. Reason**

It is noted that an exemption, as sought, is provided via the definition of “heavy vehicle”.

**d. Amendments necessary**

None.

**8. Table 19.6.3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.52	Crown Public Health	oppose	Delete the noise rule, and add new rules relating to noise limits, and add "Noise Appendix O" to 19.8.
113.53	Crown Public Health	n/a	As a consequence of submission 113.52, add "Noise Appendix O" to 18.9.
118.17	NZ Fire Service Commission	oppose	Add a new exemption for emergency sirens to the noise rules.
133.23	Marlborough Lines Ltd	?	As an alternative to Submission 133.22, amend noise standard to set sustainable maximum noise levels, in consultation with Marlborough lines.

**b. Decision**

Accept the following submissions:

**113.52            Crown Public Health**

**113.53            Crown Public Health**

Accept the following submission in part:

**118.17            NZ Fire Service Commission**

Reject the following submission:

**133.23            Marlborough Lines Ltd**

**c. Reason**

**1. 113.52 & 113.53 - Crown Public Health**

These submissions are accepted in order to ensure consistency with other decisions on the basis that the existing noise rules require amending for clarity and that a new appendix has been incorporated into the Plan.

**2. 118.17 - NZ Fire Service Commission**

The submission is accepted in part to the extent that an exemption is provided via the definition of "heavy vehicle".

3. **133.23 - Marlborough Lines Ltd**

As submission 133.22 has been accepted, it is not necessary to provide for the alternative relief sought in submission **133.23**.

**d. Amendments necessary**

1. **Delete** 19.6(3) and replace with the following:

*“All activities shall be conducted so that the following noise limits, measured at any point within any other residential site in the Settlement Zone, are not exceeded during any time period for assessment within the following time-frames:*

- |   |                                    |
|---|------------------------------------|
| <i>a) Monday to Saturday 7am to 11pm</i>                    | <i>55dBA <math>L_{eq}</math></i>   |
| <i>b) At all other times not specified in (a) above</i>     | <i>40dBA <math>L_{eq}</math></i>   |
| <i>c) On any day between 11pm and 7am the following day</i> | <i>70 dBA <math>L_{max}</math></i> |

*For the purposes of this rule, the measurement and assessment position shall be at any point within any site in the Settlement Zone, other than the site from which the noise is generated, or at any point within the notional boundary of any dwelling in the Rural Zone.*

***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.”*

2. **Add** the following under 19.8 – District Wide Rules:

*“ Noise Provisions & Exemptions (refer to Appendix Q)”*

**9. Table 19.6.9 (Internal boundary separation)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.27	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept** submission **133.27 Marlborough Lines in part**

**c. Reason**

Amendments have been made to the utilities section of the plan (Introduction), which will have the effect that utility buildings are not subject to setback restrictions in rule 19.6(9). This submission can therefore be accepted in part, to this extent.

**d. Amendments necessary**

None.

**10. Table 19.6.10 (Road boundary separation)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.28	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept** submission **133.28 Marlborough Lines in part**

**c. Reason**

Amendments have been made to the utilities section of the plan (Introduction), which will have the effect that utility buildings are not subject to setback restrictions in rule 19.6(10). This submission can therefore be accepted in part, to this extent.

**d. Amendments necessary**

None.



**11. Table 19.6.10 (Sewage Disposal Systems Separation)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
132.108	Canterbury Regional Council	?	Amend rules to clarify the relationship between parts (a) and (b) of the rule in the zones. Where part (b) relates to systems that do not meet the standards of (b), then specify greater separation distances of 1000m.
132.112	Canterbury Regional Council	?	Add new paragraph: "The sewage disposal system shall not exceed 2000m <sup>3</sup> per day from one installation or be located within 20 metres of a stream, river, lake, wetland or coastal water."

**b. Decision**

Accept the following submissions:

**132.108**            **Canterbury Regional Council**  
**132.112**            **Canterbury Regional Council**

**c. Reason**

These submissions are accepted in order to be consistent with decision made under Table 18.7.13

**d. Amendments necessary**

None.

**12. Table 19.6.13 (Waterbody separation)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
129.135	Royal Forest & Bird Protection Society of NZ	?	Amend Standard 12 to require all buildings to be set back 20 m from the edge of the bed of any river, 50 m from the edge of any wetland. Any building proposed within the setback should require consent as a non-complying activity.
133.38	Marlborough Lines Ltd	?	Amend to exclude utilities, utility buildings and utility support structures.
<i>F009.01.135</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.135</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.135</i>	<i>M &amp; J Syme</i>	<i>oppose 129.135</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F023.01.135</i>	<i>R &amp; J King</i>	<i>oppose 129.135</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F010.11.135</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.135</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F028.02.135</i>	<i>Sandy Chaffey</i>	<i>oppose 129.135</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>
<i>F021.13</i>	<i>Department of Conservation</i>	<i>support 129.135</i>	<i>Will minimise hazard risk and potential adverse effects on riparian and marginal areas of waterbodies.</i>
<i>F030.01.135</i>	<i>W M Dowle</i>	<i>oppose 129.135</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F005.02.135</i>	<i>Simon Chaffey</i>	<i>oppose 129.135</i>	<i>the Council will not enforce this condition</i>

**b. Decision**

**Accept** the following submission and further submissions:

***F009.01.135 Fed Farmers (NZ)***

***F004.84.135 M & J Syme***

<i>F023.01.135</i>	<i>R &amp; J King</i>
<i>F010.11.135</i>	<i>Federated Farmers (East Coast)</i>
<i>F028.02.135</i>	<i>Sandy Chaffey</i>
<i>F030.01.135</i>	<i>W M Dowle</i>
<i>F005.02.135</i>	<i>Simon Chaffey</i>

**Accept** the following submission **in part**:

**133.38**            **Marlborough Lines Ltd**

**Reject** the following submission and further submission:

**129.135**            **Royal Forest & Bird Protection Society of NZ**  
*F021.13*            *Department of Conservation*

**c. Reason**

**1. 129.135 - Royal Forest & Bird Protection Society of NZ**

It is noted that the submitter seeks to increase the setback from waterways, to a 20m setback from rivers and 50m from wetlands. A further amendment sought is that activities closer than this become non-complying.

In respect of the setback distances, the submitter cites the retention of natural character as the justification for increasing the setback. It is considered that natural character is not sufficient justification of increasing the setbacks, as not all areas where buildings are likely to be located exhibit a high level of natural character. In such cases, the suggested setbacks would place unreasonable restrictions on new buildings.

It is considered that the existing 10m setback is sufficient to protect waterways from potential adverse effects. In addition, the presence of flood risk is likely, in many cases, to require a further setback than 10m.

The submission is rejected in order to be consistent with other decisions in this regard.

**2. 133.38 - Marlborough Lines Ltd**

The submission is accepted in part to the extent that the relief sought is provided by amendments to the utilities section - “Introduction”, of the Plan.

**d. Amendments necessary**

None.

**13. Table 19.6**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.22	Crown Public Health	?	Add new section "14 Drinking Water - all buildings will be connected to a potable, adequate and reliable drinking water supply complying with "Drinking Water Standards for New Zealand 1995" or its amendments.
010.45	Kaikoura District Council	n/a	Amend to show correct numbering i.e. 9,10,11,12,13,14.
129.136	Royal Forest & Bird Protection Society of NZ	n/a	Insert a new performance standard for permitted and controlled activities which require any new buildings to be set back 200 m from MHW Springs. Any building proposed within the setback would require a resource consent as a non-complying activity.
<i>F010.11.136</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.136</i>	<i>Amendments &amp; actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F009.01.136</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.136</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F030.01.136</i>	<i>W M Dowle</i>	<i>oppose 129.136</i>	<i>Submission is mostly restrictive, unrealistic &amp; unjustifiable. proposed changes would make farming impossible.</i>
<i>F023.01.136</i>	<i>R &amp; J King</i>	<i>oppose 129.136</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F005.02.136</i>	<i>Simon Chaffey</i>	<i>oppose 129.136</i>	<i>the Council will not enforce this condition</i>
<i>F004.84.136</i>	<i>M &amp; J Syme</i>	<i>oppose 129.136</i>	<i>F &amp; B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F028.02.136</i>	<i>Sandy Chaffey</i>	<i>oppose 129.136</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope &amp; intent of the RMA, unreasonable and unrealistic.</i>

**b. Decision**

**Accept submission 010.45 Kaikoura District Council**

**Accept** the following submission and further submissions **in part**:

- |                |   |
|----------------|---|
| <b>113.22</b>  | <b>Crown Public Health</b>                              |
| <b>129.136</b> | <b>Royal Forest &amp; Bird Protection Society of NZ</b> |

**Reject** the following submission and further submission:

- |                    |                                       |
|--------------------|---------------------------------------|
| <i>F010.11.136</i> | <i>Federated Farmers (East Coast)</i> |
| <i>F009.01.136</i> | <i>Fed Farmers (NZ)</i>               |
| <i>F030.01.136</i> | <i>W M Dowle</i>                      |
| <i>F023.01.136</i> | <i>R &amp; J King</i>                 |
| <i>F005.02.136</i> | <i>Simon Chaffey</i>                  |
| <i>F004.84.136</i> | <i>M &amp; J Syme</i>                 |
| <i>F028.02.136</i> | <i>Sandy Chaffey</i>                  |

**c. Reason**

**1. 113.22 - Crown Public Health**

It is noted that as notified, the subdivision provisions already require connection to a potable water supply. They have also been amended to take into account some of this submitter's other suggestions. However, it is acknowledged that the subdivision provisions do not apply to existing lots, where a new dwelling is erected without the need for consent. There is presently no requirement in the plan for new dwellings on existing lots to be connected to a potable water supply. To cover this situation, and to ensure that there are no adverse health effects arising from non-connection to a potable supply, it is considered necessary to add a new provision as sought. However, changes are required to delete the requirement for *all* buildings to be connected (which is unreasonable), and to delete the words "adequate", and "reliable" (which are too uncertain to be enforceable). In addition, the NZ Drinking Water Standards 1995 have been replaced by the recently released 2000 standards.

**2. 010.45 - Kaikoura District Council**

It is considered necessary to correct the numbering.

**3. 129.136 - Royal Forest & Bird Protection Society of NZ**

It is noted that this submission is based on risk of coastal hazards (inundation, sea level rise and erosion). While this submission has merit, it is considered that a blanket 200m setback for all buildings from MHWS would be unreasonable. This would capture non-habitable buildings, and would place unreasonable restrictions along much of the coastline.

However, some provision should be made to avoid or mitigate potential hazards on habitable buildings in the coastal environment. Accordingly, it has been decided to adopt, by way of variation, a new "Coastal" zone as sought by the same submitter. It is considered that adoption of this zoning would provide relief similar to that sought in the submission. This submission can therefore be accepted in part.

**d. Amendments necessary**

1. **Add** the following new provision in Table 19.6:

*“13. Drinking water: 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.”*

2. **Renumber** Table 19.6.
3. As per decision under “New Provisions” to initiate a variation for a new Coastal Environment Zone.

**14. Rules and Standards**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.09	Marlborough Lines Ltd	?	Clarify whether Zone Rules and Standards must be complied with by utility operators, with regard to Utility Rules.

**b. Decision**

**Accept** submission **133.09 Marlborough Lines Ltd in part**

**c. Reason**

The submission is accepted in part to the extent that the relief sought is provided by amendments to the utilities section - “Introduction”, of the Plan.

**d. Amendments necessary**

None.

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

### Section 20 – Business Zone

*November 2005*



## **Section 20: Business Zone**

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**1. 20.1 Introduction**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
049.04	The Pier Hotel Ltd	support	Retain.

**b. Decision**

Accept submission **049.04 The Pier Hotel Ltd**

**c. Reason**

Support for the provision is acknowledged.

**d. Amendments necessary**

None.

**2. 20.1 Issue 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
049.05	The Pier Hotel Ltd	support	Retain.
130.88	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

Accept the following submissions:

<b>049.05</b>	<b>The Pier Hotel Ltd</b>
<b>130.88</b>	<b>Tourism Industry Assn NZ</b>

**c. Reason**

Support for the issue is acknowledged.

**d. Amendments necessary**

None.

**3. 20.2.1 Objective 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
049.06	The Pier Hotel Ltd	support	Retain.
130.89	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

Accept the following submissions:

<b>049.06</b>	<b>The Pier Hotel Ltd</b>
<b>130.89</b>	<b>Tourism Industry Assn NZ</b>

**c. Reason**

Support for the objective is acknowledged.

**d. Amendments necessary**

None.

**4. 20.2.2 Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.90	Tourism Industry Assn NZ	support	None sought.
049.07	The Pier Hotel Ltd	support	Retain.

**b. Decision**

Accept the following submissions:

**049.07            The Pier Hotel Ltd**  
**130.90            Tourism Industry Assn NZ**

**c. Reason**

Support for the policies is acknowledged.

**d. Amendments necessary**

None.

**5. 20.2.3 Implementation Methods**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
053.02	Walter Bolton	oppose	Delete Business B zone from Beach Road area - retain as Residential.
130.91	Tourism Industry Assn NZ	support	None sought.
049.08	The Pier Hotel Ltd	support	Retain.
<i>F036.16</i>	<i>N Walker</i>	<i>oppose 053.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>

**b. Decision**

Accept the following submissions and further submission:

**130.91**            **Tourism Industry Assn NZ**  
**049.08**            **The Pier Hotel Ltd**  
**053.02**            **Walter Bolton**

Reject the following submission and further submission:

*F036.16*            *N Walker*

**c. Reason**

**1. 053.02 - Walter Bolton**

It is noted that the submission seeks the deletion of the Business B Zone at the northern end of Beach Road. It has been decided (under Planning Map 14h) that the northern Business B Zone be deleted and the Residential A zoning be reinstated, with the effect that the existing commercial and industrial activities will be operating with existing use rights under section 10 of the Act. In order to ensure consistency with that decision, this submission is accepted.

**2. 130.91 - Tourism Industry Assn NZ**

Support for the methods is acknowledged.

**3. 049.08 - The Pier Hotel Ltd**

Support for the methods is acknowledged.

**d. Amendments necessary**

None.

**6. 20.2 Explanation and Reasons**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
049.09	The Pier Hotel Ltd	support	Retain.

**b. Decision**

Accept submission **049.09 The Pier Hotel Ltd**

**c. Reason**

Support for the explanations and reasons is acknowledged.

**d. Amendments necessary**

None.

**7. 20.3 Anticipated Environmental Results**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
049.10	The Pier Hotel Ltd	support	Retain.

**b. Decision**

**Accept** submission **049.10 The Pier Hotel Ltd**

**c. Reason**

Support for the anticipated environmental results is acknowledged.

**d. Amendments necessary**

None.



## **8. 20.4 Zone Descriptions**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
067.02	Mary & Ivan Winstanley	oppose	Delete provision 20.4 (b).
066.02	Stephen Paul & Karina Bolton	oppose	Delete provision 20.4 (b).
068.02	Raymond Keall	oppose	Delete provision 20.4 (b).
069.02	John Edward & Fiona Nicholls	oppose	Delete provision 20.4 (b).
070.02	Dougal & Connie McInnes	oppose	Delete provision 20.4 (b).
071.06	Patrick Hampton	support	Include Smiths ITM, Fords Garage, Smiths Wheelwright and VL Foster Fishing gear work shop as Specified Departures in the Town and Country Planning 19977 section 74 (2) a in a Residential A zone.
072.02	Ross Dunlea	oppose	Delete provision 20.4 (b).
073.02	Jillian Dunlea	oppose	Delete provision 20.4 (b).
074.02	Shane Dunlea	oppose	Delete provision 20.4 (b).
075.02	Zane Minson	oppose	Delete provision 20.4 (b).
076.02	Barry & Wendy Campbell	oppose	Delete provision 20.4 (b).
077.02	David & Catherine Sweeney	oppose	Delete provision 20.4 (b).
130.92	Tourism Industry Assn NZ	support	None sought.
049.11	The Pier Hotel Ltd	support	Retain.
<i>F036.06</i>	<i>N Walker</i>	<i>oppose 067.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.05</i>	<i>N Walker</i>	<i>oppose 066.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.07</i>	<i>N Walker</i>	<i>oppose 068.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.08</i>	<i>N Walker</i>	<i>oppose 069.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.09</i>	<i>N Walker</i>	<i>oppose 070.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage</i>

			<i>further commercial development.</i>
<i>F036.10</i>	<i>N Walker</i>	<i>oppose</i> <i>072.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.11</i>	<i>N Walker</i>	<i>oppose</i> <i>073.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.12</i>	<i>N Walker</i>	<i>oppose</i> <i>074.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.13</i>	<i>N Walker</i>	<i>oppose</i> <i>075.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.14</i>	<i>N Walker</i>	<i>oppose</i> <i>076.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F015.01</i>	<i>D Broadbent &amp; S Burt</i>	<i>support</i> <i>077.02</i>	<i>Performance standards will be necessary to discourage heavy/noxious industries.</i>
<i>F036.15</i>	<i>N Walker</i>	<i>oppose</i> <i>077.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F034.04</i>	<i>G Hanley</i>	<i>support</i> <i>130.92</i>	<i>Commercial development has occurred along Beach Rd. Continued growth necessitates need for Bus B Zone.</i>
<i>F036.04</i>	<i>N Walker</i>	<i>support</i> <i>130.92</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F036.03</i>	<i>N Walker</i>	<i>support</i> <i>049.11</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F034.03</i>	<i>G Hanley</i>	<i>support</i> <i>049.11</i>	<i>Commercial development has occurred along Beach Rd. Continued growth necessitates need for Bus B Zone.</i>

**b. Decision**

Accept the following submissions and further submissions:

**130.92**                      **Tourism Industry Assn NZ**

**049.11**                      **The Pier Hotel Ltd**

*F036.06*                      *N Walker*

*F036.05*                      *N Walker*

*F036.07*                      *N Walker*

*F036.08*                      *N Walker*

*F036.09*                      *N Walker*

<i>F036.10</i>	<i>N Walker</i>
<i>F036.11</i>	<i>N Walker</i>
<i>F036.12</i>	<i>N Walker</i>
<i>F036.13</i>	<i>N Walker</i>
<i>F036.14</i>	<i>N Walker</i>
<i>F036.15</i>	<i>N Walker</i>
<i>F034.04</i>	<i>G Hanley</i>
<i>F036.04</i>	<i>N Walker</i>
<i>F036.03</i>	<i>N Walker</i>
<i>F034.03</i>	<i>G Hanley</i>

**Accept** the following submission in part:

**071.06**            **Patrick Hampton**

**Reject** the following submissions and further submissions:

<b>067.02</b>	<b>Mary &amp; Ivan Winstanley</b>
<b>066.02</b>	<b>Stephen Paul &amp; Karina Bolton</b>
<b>068.02</b>	<b>Raymond Keall</b>
<b>069.02</b>	<b>John Edward &amp; Fiona Nicholls</b>
<b>070.02</b>	<b>Dougal &amp; Connie McInnes</b>
<b>072.02</b>	<b>Ross Dunlea</b>
<b>073.02</b>	<b>Jillian Dunlea</b>
<b>074.02</b>	<b>Shane Dunlea</b>
<b>075.02</b>	<b>Zane Minson</b>
<b>076.02</b>	<b>Barry &amp; Wendy Campbell</b>
<b>077.02</b>	<b>David &amp; Catherine Sweeney</b>
<i>F015.01</i>	<i>D Broadbent &amp; S Burt</i>

**c. Reason**

**1. 130.92 -Tourism Industry Assn NZ and 049.11 - The Pier Hotel Ltd**

Support for the zone description is acknowledged.

**2. 071.06 - Patrick Hampton**

It is noted that the submitter seeks to provide for existing commercial activities at the north end of Beach Rd as “specified departures”. Specified departures are no longer applicable, as the Resource Management Act replaced the Town and Country Planning Act in 1991. However, it has been decided to reinstate the Residential A zoning for the northern part of Beach Road. The effect of this would be that the current commercial and industrial uses would be allowed to continue under existing use rights. However, resource consent will have

to be obtained for any new activities, or expansion of existing activities resulting in increased effects. This submission is therefore accepted in part, to this extent.

3. **067.02 - Mary & Ivan Winstanley; 066.02 - Stephen Paul & Karina Bolton; 068.02 - Raymond Keall; 069.02 - John Edward & Fiona Nicholls; 070.02 - Dougal & Connie McInnes; 072.02 - Ross Dunlea; 073.02 - Jillian Dunlea; 074.02 - Shane Dunlea; 075.02 - Zane Minson; 076.02 - Barry & Wendy Campbell; 077.02 - David & Catherine Sweeney**

It is noted that these submissions seek the deletion of the zone description for the Business B Zone. These submissions relate to separate submissions by the same submitters seeking the deletion of the northern Business B Zone on Beach Road.

It is considered that the submitters have mis-interpreted the zone description as a rule. Rule 20.4(b) only describes the Business B Zone, as it relates to all Business B Zones in the town (not just the northern Beach Rd zone). For these reasons, this provision is retained and the submissions are rejected.

**d. Amendments necessary**

None.

**9. Table 20.5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
118.13	NZ Fire Service Commission	oppose	Add new provision for new "Community Activities" or for "Fire Stations".
071.02	Patrick Hampton	oppose	Remove "Permitted Activity"
130.93	Tourism Industry Assn NZ	support	None sought.
132.117	Canterbury Regional Council	?	Add new status "Non-complying" status with "Any activity which does not comply with rule 20.6.14." in the Activity box.
049.12	The Pier Hotel Ltd	support	Retain.
134.13	Transit NZ	oppose	Amend Table to include commercial and retail uses as restricted discretionary activities in the Business B zone.
<i>F036.17</i>	<i>N Walker</i>	<i>oppose 071.02</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>
<i>F034.01</i>	<i>G Hanley</i>	<i>oppose 134.13</i>	<i>Commercial development has occurred along Beach Rd. Continued growth necessitates need for Bus B Zone.</i>
<i>F036.01</i>	<i>N Walker</i>	<i>oppose 134.13</i>	<i>Bus B zoning is needed on Beach Rd for Kaikoura to develop and to encourage further commercial development.</i>

**b. Decision**

Accept the following submission:

- 130.93**            **Tourism Industry Assn NZ**
- 049.12**            **The Pier Hotel Ltd**
- F036.17*            *N Walker*
- F034.01*            *G Hanley*
- F036.01*            *N Walker*

Accept the following submission in part:

- 118.13**            **NZ Fire Service Commission**

Reject the following submission:

- 071.02**            **Patrick Hampton**
- 132.117**          **Canterbury Regional Council**
- 134.13**            **Transit NZ**

**c. Reason**

**1. 130.93 - Tourism Industry Assn NZ and 049.12 - The Pier Hotel Ltd**

Support for the table is acknowledged.

**2. 118.13 - NZ Fire Service Commission**

It is noted that the submitter seeks to make community activities (or fire stations) permitted in the Business A and B Zones. These activities are in fact already permitted under Table 20.5, as it is not listed. This submission can be accepted to this extent.

**3. 071.02 - Patrick Hampton**

The relief sought is considered inappropriate, unreasonable and too restrictive, as every activity would require consent in the Business A and B Zones.

**4. 132.117 - Canterbury Regional Council**

The submission is rejected in order to ensure consistency with other decisions in this regard.

**5. 134.13 - Transit NZ**

It is noted that the submitter seeks that commercial and retail uses are a restricted discretionary activity (requiring resource consent) in all Business B Zones. The reasons for the submission include potential traffic effects and insufficient car parking requirements. It is considered that the rules of the transport section of the Plan, including the minimum parking requirements and the requirement of on-site parking, will be sufficient to mitigate or avoid any potential traffic effects. Given this, it is also considered unreasonable to require consent for all commercial activities in the Business B Zone, even if discretion is restricted to traffic matters. The submission is therefore rejected.

**d. Amendments necessary**

None.

**10. Table 20.6**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.23	Crown Public Health	?	Add new section "18 Drinking Water - all buildings will be connected to a potable, adequate and reliable drinking water supply complying with "Drinking Water Standards for New Zealand 1995" or its amendments.
118.03	NZ Fire Service Commission	n/a	As an alternative to submission 118.02, amend 20.6.2 Noise: "...except that this rule does not apply to any activity associated with emergency sirens."
118.04	NZ Fire Service Commission	n/a	As an alternative to submission 118.02, amend 20.6.5 Height: "10 m maximum except that this rule does not apply to fire station training and hose drying towers which do not exceed a maximum height of 15m."
118.05	NZ Fire Service Commission	n/a	As an alternative to submission 118.02, amend 20.6.13 Verandahs: "... except that this rule shall not apply to the Kaikoura Fire Station."
049.13	The Pier Hotel Ltd	support	Retain.

**b. Decision**

Accept the following submissions:

- 118.04**            **NZ Fire Service Commission**
- 118.05**            **NZ Fire Service Commission**

Accept the following submissions **in part**:

- 118.03**            **NZ Fire Service Commission**
- 113.23**            **Crown Public Health**
- 049.13**            **The Pier Hotel Ltd**

**c. Reason**

**1. 113.23 - Crown Public Health**

It is noted that as notified, the subdivision provisions already require connection to a potable water supply. They have also been amended to take into account some of this submitter's other suggestions. However, it is acknowledged that the subdivision provisions do not apply to existing lots, where a new dwelling or visitor accommodation unit is erected without the need for consent. There is presently no requirement in the plan for new dwellings or visitor accommodation units on existing lots to be connected to a potable water supply. To cover this situation, and to ensure that there are no adverse health effects arising from non-connection to a potable supply, it is considered necessary to add a new provision as sought.

However, changes are required to delete the requirement for *all* buildings to be connected (which is unreasonable), and to delete the words “adequate”, and “reliable” (which are too uncertain to be enforceable). In addition, the NZ Drinking Water Standards 1995 have been replaced by the recently released 2000 standards.

**2. 049.13 - The Pier Hotel Ltd**

Support for the table is acknowledged. The submission is accepted in part to the extent that the table is retained but has been amended as a result of submissions.

**3. 118.04 & 118.03 & 18.05 - NZ Fire Service Commission**

It is noted that the submitter in submissions **118.03**, **118.04** and **118.05** seek alternative relief to submission 118.02. Submission 118.02 relates to scheduling the existing fire station site. It has been decided (refer “General”) to accept this submission in part, to the extent that fire stations (as community activities) are permitted in Business Zones. However, provision has not been made for scheduling the site as sought.

It is noted that submission **118.03** relates to a suggested noise exemption. It is considered inappropriate to allow a blanket exemption to this effect for all new activities, as these could potentially have adverse effects, especially in terms of visual effect. The submission is accepted in part to the extent that noise provisions have been amended so that an exemption is provided for the existing fire station along the Esplanade.

It is noted that submission **118.04** relates to height of training towers and hose drying towers and that submission **118.05** seeks an exemption for verandahs. It is considered appropriate to provide new exemptions for hose drying / training towers, and for verandahs, as this will reflect the existing situation, and will recognise the non-commercial nature of the fire station.

**d. Amendments necessary**

1. **Add** the following new provision in Table 20.6:

*“18. 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.”*

2. **Amend** 20.6.5 to read as follows:

*“10m maximum, 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.”*

3. **Amend** 20.6.13(a) to read as follows:

*“Except for fire station buildings located on Lot 1 DP 5184 (42 The Esplanade), every building with road frontage....”*



**11. Table 20.6.2**

**a. Submitters and hearing**

Sub No	Submitter	Status	Relief Sought
010.23	Kaikoura District Council	oppose	Under 2(a), replace "non-residential site" with "residential site".
113.54	Crown Public Health	oppose	Delete the noise rule, and add new rules relating to noise limits, and add "Noise Appendix O" to 20.7.
115.06	Caltex New Zealand Ltd	oppose	Amend to be reworded so as to clarify what standards are sought and in relation to what kinds of site and to be measured at what particular locations.
118.18	NZ Fire Service Commission	oppose	Add a new exemption for emergency sirens to the noise rules.

**b. Decision**

Accept the following submission:

<b>010.23</b>	<b>Kaikoura District Council</b>
<b>113.54</b>	<b>Crown Public Health</b>
<b>115.06</b>	<b>Caltex New Zealand Ltd</b>
<b>118.18</b>	<b>NZ Fire Service Commission</b>

**c. Reason**

It has been decided previously to accept the amendments sought in submission **113.54**, on the basis that the existing noise rules require amending for clarity. It is considered that this will also provide for the relief sought in submissions **115.06**, **118.18** and **010.23**.

**d. Amendments necessary**

1. **Delete** 20.6(2) and replace with the following:

*“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:*

*Within Business A Zone, or at the boundary of any Business B or Business A Zones, excluding a boundary shared with a Residential Zone:*

a) *On any day from 7am to 11pm* *65dBA  $L_{eq}$*   
*85dBA  $L_{max}$*

*At all other times* *55dBA  $L_{eq}$*   
*75dBA  $L_{max}$*

- b) *At the boundary between any Business Zone and any Residential Zone or within any residential site located within a Business Zone:*

<i>Monday to Saturday from 7am to 11pm</i>	<i>55dBA <math>L_{eq}</math></i>
<i>At all other times</i>	<i>40dBA <math>L_{eq}</math></i>
<i>On any day between 11pm and 7am the following day</i>	<i>70dBA <math>L_{max}</math></i>

*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.*

*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.”*

- 2) **Add** the following under 20.7:

“ *Noise Provisions & Exemptions* (refer to Appendix Q)”

**12. Table 20.6.6**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
118.10	NZ Fire Service Commission	support	Retain the exemption of "Community Activities" from the restrictions.
076.03	Barry & Wendy Campbell	oppose	Hours for Business zones should be defined separately for Business A (commercial) - as per 20.6.6 and Business B (Mixed Business)- 0800 to 1700hrs Monday - Friday, and 1000 to 1200hrs Saturday only.
077.03	David & Catherine Sweeney	?	Amend hours of work adjacent to residential sections - 0800 to 1700hrs Monday - Friday, and 1000 to 1200hrs Saturday, and not on public holidays. Businesses that don't affect anyone can have extended hours.

**b. Decision**

Accept the following submission:

**118.10            NZ Fire Service Commission**

Reject the following submissions:

**076.03            Barry & Wendy Campbell**

**077.03            David & Catherine Sweeney**

**c. Reason**

**1. 118.10 - NZ Fire Service Commission**

Support for the exemption is acknowledged.

**2. 076.03 - Barry & Wendy Campbell & 077.03 - David & Catherine Sweeney**

It is noted that these submissions seek to restrict the hours of operation in Business Zones to between 8am and 5pm Monday to Friday, 10am to midday Saturdays, and no operation on public holidays or Sundays. It is further noted that these concerns stem from residential activities being located within Business Zones and in some cases, adjacent to business activities. It is also noted that the hours of operation, as notified, are 7am to 9pm Monday to Friday and 9am to 5pm Saturday, Sunday and public holidays. These restrictions only apply where commercial activities are located next to a residential activity.

It is considered that the notified hours provide sufficient protection to residential neighbours. The morning start times and evening shut down times are such that adjoining neighbours are not likely to be unduly disturbed. The suggested hours of operation are considered to be unduly restrictive on commercial activities.

Combined with the noise limits, it is considered that the hours as notified provide adequate protection, and that no changes are necessary. It is also noted that that existing business activities adjacent to residential activities have existing use rights.

**d. Amendments necessary**

None.

**13. Table 20.6.9**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
010.32	Kaikoura District Council	n/a	Replace Appendix F with Appendix H.

**b. Decision**

**Accept** submission **101.32 Kaikoura District Council**

**c. Reason**

The amendment is appropriate, as it will correct a cross-reference.

**d. Amendments necessary**

In rule 20.6.9, **replace** “Appendix F” with “Appendix H”.

**14. Table 20.6.11**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
012.01	Glynn & Kathryn Beets	oppose	Amend in Table 20.6(11) (Internal boundary separation): "No building shall be located closer than 5m to the boundary of a residential zone."
133.29	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept** the following submission:

**012.01                    Glynn & Kathryn Beets**

**Accept** the following submission in part:

**133.29                    Marlborough Lines Ltd**

**c. Reason**

**1. 012.01 - Glynn & Kathryn Beets**

The concern raised by the submitter relating to the application of the setback provisions within the Business A Zone is acknowledged. The Esplanade Business A Zone contains a number of sites that are of a long rectangular shape, ranging from sites of around 15m wide. It is noted that the 5m separation requirement means that development on narrow sites (15m wide) will never be practical, given that a 10m total separation distance leaves only a 5m wide development strip. With some of these sites fronting The Esplanade, the permissive commercial aspect of the Business A Zoning is to a certain extent frustrated by the 5m setback provision.

It is therefore considered that a 2m setback in the Business A Zone would be more appropriate, and would still protect adjoining residential activities (and the school) from adverse effects. It is noted that the height and recession plane provisions will also still apply. Given this, it is decided to amend the setback provisions so that a 2m setback applies to the Business A Zone.

**2. 133.29 - Marlborough Lines Ltd**

The submission is accepted in part to the extent that the utility section – “Introduction” has been amended to clarify which zone rules apply to utilities.

**d. Amendments necessary**

**Amend** rule 20.6.11 to read as follows:

*“ No building shall be located closer than 5m in the Business B Zone, or 2m in the Business A Zone, to the boundary of an adjoining site....”*

**15. Table 20.6.12**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.30	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept** submission 133.30 Marlborough Lines Ltd **in part**

**c. Reason**

Amendments have been made to the utilities section of the plan (Introduction), which will have the effect that utility buildings are not subject to setback restrictions in rule 20.6(12). This submission is therefore accepted in part, to this extent.

**d. Amendments necessary**

None.

**16. Table 20.6.14**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
132.109	Canterbury Regional Council	?	Amend rules to clarify the relationship between parts (a) and (b) of the rule in the zones. Where part (b) relates to systems that do not meet the standards of (b), then specify greater separation distances of 1000m.
132.113	Canterbury Regional Council	?	Add new paragraph: "The sewage disposal system shall not exceed 2000m <sup>3</sup> per day from one installation or be located within 20 metres of a stream, river, lake, wetland or coastal water."

**b. Decision**

**Accept** the following submissions in part:

**132.109**            **Canterbury Regional Council**

**132.113**            **Canterbury Regional Council**

**c. Reason**

It has been decided to amend the sewerage disposal setback rule to provide better clarification. These submissions are accepted in part in order to ensure consistency with other decisions in this regard.

**d. Amendments necessary**

None.



**17. 20.7 General Rules**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.55	Crown Public Health	n/a	As a consequence of submission 113.54, add "Noise Appendix O" to 20.7.
113.57	Crown Public Health	n/a	As a consequence of submission 113.56, add "Noise Appendix O" to 20.9.
049.14	The Pier Hotel Ltd	support	Retain.

**b. Decision**

Accept the following submissions:

**113.55            Crown Public Health**  
**113.57            Crown Public Health**

Accept the following submission in part:

**049.14            The Pier Hotel Ltd**

**c. Reason**

**1. 113.55 & 113.57 - Crown Public Health**

It has been decided to add a new appendix as sought in these submissions – refer decision on the definition of noise in section 4.

**2. 049.14 - The Pier Hotel Ltd**

Support for the rules is acknowledged. The submission is accepted in part to the extent that the rules are retained but have been amended as a result of submissions.

**d. Amendments necessary**

None.

**18. Table 20.8.5(6)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.56	Crown Public Health	oppose	Delete the noise rule, and add new rules relating to noise limits, and add "Noise Appendix O" to 20.9.

**b. Decision**

Accept the following submissions:

**113.56                      Crown Public Health**

**c. Reason**

It has been recommended (recommendation 20.11) to amend the noise rules relating to activities in the Business Zones. The noise rules for the scheduled activity should also be amended for consistency.

**d. Amendments necessary**

1. **Delete** 20.8.5(6) and replace with the following:

*“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:*

*Within Business A Zone, or at the boundary of any Business B or Business A Zones, excluding a boundary shared with a Residential Zone:*

a) *On any day from 7am to 11pm* *65dBA L<sub>eq</sub>*  
*85dBA L<sub>max</sub>*

*At all other times* *55dBA L<sub>eq</sub>*  
*75dBA L<sub>max</sub>*

b) *At the boundary between any Business Zone and any Residential Zone or within any residential site located within a Business Zone:*

*Monday to Saturday from 7am to 11pm* *55dBA L<sub>eq</sub>*  
*At all other times* *40dBA L<sub>eq</sub>*

*On any day between 11pm and 7am the following day* *70dBA L<sub>max</sub>*

*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.*

*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.”*

2. **Add** the following to 20.9:

“ *Noise Provisions & Exemptions* (refer to Appendix Q)”

**19. General**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
114.01	Lynette Buurman	?	Group similar types of businesses which in turn would avoid any incompatibility problems which may develop over time.

**b. Decision**

**Reject** submission **114.01 Lynette Buurman**

**c. Reason**

This submission seeks to make the Business B Zone rules more specific so that similar types of business are grouped (co-located). It is considered that this could only be achieved through more prescriptive rules, or through new business zones relating to different types of activities. Environment Court case law (*Marlborough Ridge v Marlborough District Council*) suggests that district plans should avoid directing activities where to locate. While the difference between requiring activities to locate in a specific location and zoning is quite subtle, it is considered that it would be inappropriate to *require* certain types of commercial activities to co-locate. Co-location often occurs anyway through market mechanisms such as a shared customer base and location.

Given that the zone rules should avoid or mitigate potential adverse effects of concern to the submitter, and given the guidance from the Environment Court, the suggested amendments should be rejected.

**d. Amendments necessary**

None.

**20. New Rule**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
132.122	Canterbury Regional Council	?	Add new Rule 20.10 Natural Coastal Hazard (Scheduled Activities - New Wharf), relating to Hazard 1 and 2 lines of the Proposed Regional Coastal Environment Plan and consents are required for certain activities.

**b. Decision**

Accept the following submission in part:

**132.122                      Canterbury Regional Council**

**c. Reason**

It is considered that the suggested new rule may cause problems as drafted, as it brings specific provisions from the Regional Coastal Environment Plan (RCEP) into the Proposed District Plan. This may lead to confusion over interpretation, and uncertainty of the legal status of such as rule.

However, it is considered that some reference should be made to the RCEP in this section of the Plan, since as pointed out, no consent can be applied for prohibited activities under the RCEP once that plan becomes operative. The submission is therefore accepted in part, to the extent that reference is made to the rules and prohibited status of certain activities in the RCEP.

**d. Amendments necessary**

Add the following at the end of 20.9:

“ **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. Rules and Standards**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.10	Marlborough Lines Ltd	?	Clarify whether Zone Rules and Standards must be complied with by utility operators, with regard to Utility Rules.

**b. Decision**

**Accept** submission **133.10 Marlborough Lines Ltd**

**c. Reason**

Amendments have been made to the utilities section of the plan (Introduction), which will have the effect that utility buildings are not subject to certain zone rules. This submission is therefore accepted in part, to this extent.

**d. Amendments necessary**

None.

# PROPOSED KAIKOURA DISTRICT PLAN



## DECISIONS

### Section 21– Marine Facilities Zone

*November 2005*

## **Section 21: Marine Facilities Zone**

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**1. 21.1 Introduction**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
025.02	Jack & Gillian Stanton	conditional support	Re third paragraph: That the use of the Old Lime Stone Quarry be limited to overflow recreational daytime parking; and amend to include the prevention of any construction, storage of combustible materials, or permanent recreational parking.
119.151	Department of Conservation	oppose	Delete references to the ‘former limestone quarry’.
036.02	Ian Woodward	support	Re third paragraph: Supports use of quarry site for overflow daytime recreational parking only. Keep area in natural state, with no commercial facilities, fences, lighting etc to be constructed.
037.02	Rosemary Allan	oppose	Use quarry site for overflow daytime recreational parking only - no permanent commercial or recreational parking. Keep area in natural state, with no commercial facilities, fences, lighting etc to be constructed, or storage of any combustible materials.
039.02	Claire Twose	oppose	Delete provision in third paragraph.
040.01	Ernest Twose	oppose	Re third paragraph: Quarry area should not be developed for short or long term parking.
048.02	Neil Webb	oppose	Need to separate recreational and commercial boat parking i.e. recreational boats east of public slipway, and commercial and recreational boats west of slipway in the first paragraph.
048.03	Neil Webb	support	Re third paragraph: Suggest that the limestone quarry be used for boating club members. Dust problem needs to be alleviated, and fencing is needed to prevent stock problems.
056.02	Mrs Colleen Rogowski	support	Re third paragraph: Separate recreational from commercial boat parking, commercial parking from Moa Point to lifeguard, recreational parking west of lifeguard.

**b. Decision**

**Accept** the following submissions **in part**:

- 025.02            Jack & Gillian Stanton**
- 036.02            Ian Woodward**

<b>037.02</b>	<b>Rosemary Allan</b>
<b>048.03</b>	<b>Neil Webb</b>
<b>056.02</b>	<b>Mrs Colleen Rogowski</b>
<b>48.02</b>	<b>Neil Webb</b>

**Reject** the following submissions:

<b>039.02</b>	<b>Claire Twose</b>
<b>040.01</b>	<b>Ernest Twose</b>
<b>119.151</b>	<b>Department of Conservation</b>

**c. Reason**

**1. General – all submissions**

It is noted that the quarry site is gazetted as Scenic Reserve vested in DOC. It is further noted that in drafting the Plan, the Council considered the parking problems in South Bay, particularly during busy seasons, and identified the quarry as a potential site for recreational boat parking. The quarry is no longer actively used as a quarry, has easy access, is relatively flat (some earthworks may be required) and contains no special values (conservation or archaeological) that the Council is aware of. Although gazetted as Scenic reserve, it is in fact part of a larger Scenic reserve running along the top of the quarry, above South Bay Parade and around the peninsula. These qualities and the increasing pressure for parking areas means that the quarry is a logical site for parking, requiring minimal modification. It is clearly stated in the introduction that any development would need to be in accordance with the Plan provisions and may require other consents.

In respect of the Reserves Act, it is considered that this situation is no different than zoning over many other reserves in the District, where permission is also required from DOC under the Reserve Act even though the Proposed Plan may permit the activity. On balance, it is considered that the MF Zoning on the quarry site is appropriate. However, it is noted that the 3<sup>rd</sup> paragraph does not refer to DOC or approval required under the Reserves Act. The 3<sup>rd</sup> paragraph is therefore retained, but has been amended to include reference to its reserve status and approvals required from DOC. These changes will provide clarity and improve certainty to plan users that the provision of car parking is subject to two different processes.

Submissions **119.151**, **039.02** and **040.01** oppose the use of the quarry for parking and seek the deletion of the third paragraph. Submission **119.151** (Department of Conservation - "DOC") gives the reason for their submission as that the quarry site is vested in DOC, and any activity requires their permission and approval under the Reserves Act 1977. For the above reasons it is considered inappropriate to delete reference to the 3<sup>rd</sup> paragraph, and these submissions are therefore rejected.

It is noted that submissions **025.02**, **036.02** and **037.02** support the use of the old quarry for recreational boat parking (third paragraph), but seek amendments, so that any construction (buildings etc) and any storage of combustible materials or liquids in the quarry is prevented. In respect of concerns over buildings, fences and storage of materials, the rules relating to the MF Zone and the district-wide rules restrict activities (and buildings) which may be carried out in the quarry, such that adverse effects will be avoided or mitigated.

Submissions **048.03** and **056.02** also support this paragraph, but seek respectively, that parking be limited to boat club members (and fencing for stock problems, and that recreational and commercial boat parking be separated. The relief sought is considered

appropriate, however the submissions are accepted in part to the extent that the exact wording has not been included.

Submission **048.02** seeks to separate recreational boat parking from commercial boat parking in paragraph 1. This submission is accepted in part, as the separation as sought would clarify the distinction between the two types of parking.

**d. Amendments necessary**

1. **Amend** the second sentence of the first paragraph of the Introduction to read:

*“ The main activities in the MF Zone include recreational boat parking, **commercial boat parking (restricted to certain areas)**, the Kaikoura Coast Guard, tourist operators and recreational marine activities.”*

2. **Amend** the first sentence of the third paragraph of the Introduction to read:

*“ The former limestone quarry, **which currently forms part of a Scenic Reserve administered by the Department of Conservation**, has been zoned....*

3. **Add** the following sentence at the end of the second sentence of the third paragraph of the Introduction:

*“ 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.”*

4. **Amend** the last sentence of the third paragraph of the Introduction to read:

*“ **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.*

**2. 21.2 Issue 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.94	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.94 Tourism Industry Assn Ltd**

**c. Reason**

Support for the issue is acknowledged.

**d. Amendments necessary**

None.

**3. 21.2.1 Objective 1**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.95	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.95 Tourism Industry Assn Ltd**

**c. Reason**

Support for the objective is acknowledged.

**d. Amendments necessary**

None.

#### **4. 21.2.2 Policy 7**

##### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
025.03	Jack & Gillian Stanton	support	Commercial boat parking to be limited to one boat only per residential section.
030.03	Kieron Kerr	oppose	Commercial boat parking to be one boat per section, at any one time, and private car and boat trailer parking on roads and grass verges to be limited to during the day and not overnight.
092.01	John W McPhail	support	Amend to read: "To prohibit the development...."
036.03	Ian Woodward	support	Limit one commercial boat parking on any one section only.
037.03	Rosemary Allan	support	Limit one commercial boat parking on any one section only.
039.03	Claire Twose	support	Support this proposal re parking on foreshore, but need to include provision to ensure that it is strictly adhered to, and leave area as grassed.
040.02	Ernest Twose	support	Support, it is important to restrict parking from dawn to dusk in the area between 1 Kaka Road and the sea, and the boat ramp and the park. Utilisation of the park should be charged on an hourly basis during peak seasons.
040.03	Ernest Twose	support	Discourage permanent parking in any public area, especially along the foreshore.

##### **b. Decision**

**Accept** the following submissions:

**039.03**            **Claire Twose**  
**040.03**            **Ernest Twose**

**Accept** the following submissions in part:

**025.03**            **Jack & Gillian Stanton**  
**030.03**            **Kieron Kerr**  
**036.03**            **Ian Woodward**  
**037.03**            **Rosemary Allan**  
**040.02**            **Ernest Twose**

**Reject** the following submission:

**092.01**            **John W McPhail**

**c. Reason**

1. **025.03 - Jack & Gillian Stanton; 030.03 - Kieron Kerr; 036.03 - Ian Woodward; 037.03 - Rosemary Allan; and 040.02 - Ernest Twose**

It is noted that these submissions seek to amend Policy 7 so that commercial boat parking is limited to one boat per property, and so parking is restricted to certain times. It is considered that the issue raised by these submitters relates to an activity in zones other than the Marine Facilities Zone, and Policy 7 would therefore not apply. The hours of parking in the Marine Facilities Zone are already covered by the existing South Bay bylaw. While the amendments are rejected, the submissions are accepted in part, to the extent that they support Policy 7. A consequential amendment is also required, that a new implementation method be added referring to the existing South Bay bylaw.

2. **092.01 - John W McPhail**

It is considered inappropriate to amend Policy 7 so that commercial boat parking is prohibited. It is considered that this would be too restrictive, given that there are a number of existing operators who park their boats overnight near the slipway. Since this activity is permitted under the South Bay resource consent, it would be inconsistent to prohibit commercial boat parking. Also, as commercial boat parking requires resource consent in the Marine Facilities Zone, Council has the ability to control any proposals for new commercial parking. The submission is therefore rejected.

3. **039.03 - Claire Twose**

It is noted that this submitter supports this policy provided it is adhered to, and seeks to retain the grassed parking area. The parking of commercial boats is permitted under the South Bay resource consent and any amendments to the parking facilities will require resource consent. It has also been decided in a) below to amend Policy 7 to not only discourage the development of further commercial boat parking, but also discourage any permanent boat parking on public land in South Bay.

4. **040.03 - Ernest Twose**

It is considered appropriate to accept the relief sought, as permanent parking is prohibited by the existing bylaw and could lead to adverse effects on traffic and amenity. It has also been decided in a) below to amend Policy 7 to not only discourage the development of further commercial boat parking, but also discourage any permanent boat parking on public land in South Bay.

**d. Amendments necessary**

1. **Amend** 21.2.2 Policy 7 to read:

*“ To discourage the development of further commercial boat parking, **and to discourage any permanent boat parking on public land in South Bay**, in order to avoid adverse effects...”*

2. As a **consequential amendment**, **add** the following new Implementation Method to 21.2.3:

*“5. To control parking duration and location through appropriate bylaws.”*

**5. 21.2.2 Policies**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.96	Tourism Industry Assn NZ	support	None sought.
048.04	Neil Webb	support	Suggest that only one commercial boat and trailer be parked on residential sections.
056.03	Mrs Colleen Rogowski	oppose	No more than one commercial vessel parked on any residential property in South Bay.

**b. Decision**

**Accept** the following submissions:

**130.96**            **Tourism Industry Assn NZ**  
**048.04**            **Neil Webb**

**Reject** the following submission:

**056.03**            **Mrs Colleen Rogowski**

**c. Reason**

**1. 048.04 - Neil Webb and 056.03 - Mrs Colleen Rogowski**

It is considered that the issue raised by these submitters relates to an activity in zones other than the Marine Facilities Zone, and is therefore not applicable to the policies of the Marine Facilities Zone. Submission **056.03** is therefore rejected and submission **048.04** can be accepted to the extent that it supports the policies.

**2. 130.96 - Tourism Industry Assn NZ**

Support for the policies is acknowledged.

**d. Amendments necessary**

None.



**6. 21.2.3 Implementation Methods**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.97	Tourism Industry Assn NZ	support	None sought.

**b. Decision**

**Accept** submission **130.97 Tourism Industry Assn NZ**

**c. Reason**

Support for the methods is acknowledged.

**d. Amendments necessary**

None.

**7. 21.4 Zone Description**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
119.152	Department of Conservation	?	Delete references to the 'former limestone quarry'.

**b. Decision**

**Reject submission 119.152 Department of Conservation**

**c. Reason**

The submission is rejected in order to be consistent with the decisions for the 3<sup>rd</sup> paragraph of the Introduction.

**d. Amendments necessary**

None.

**8. Table 21.5**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
010.43	Kaikoura District Council	n/a	Amend 21.12 to 21.6, and in b) replace "or" with "of".
118.14	NZ Fire Service Commission	oppose	Add new provision for new "Community Activities" or for "Fire Stations".
096.04	Damon McPhail	oppose	Add a prohibition on commercial activities on residential properties, including garage, shops, offices, commercial boat parking. Activities must be limited to "sole home self employed" only. Limit one boat per section, and one employed per residence.

**b. Decision**

Accept the following submission:

**010.43            Kaikoura District Council**

Reject the following submissions:

**118.14            NZ Fire Service Commission**

**096.04            Damon McPhail**

**c. Reason**

**1. 010.43 - Kaikoura District Council**

The relief sought is appropriate, as it will correct an incorrect reference and a typo.

**2. 118.14 - NZ Fire Service Commission**

This submission is rejected, given the limited available land in the Marine Facilities Zone for these activities, and the potential effects of those activities on the amenity of residents. It is also considered that there is no need to specifically provide for such activities in the zone, the purpose of which is to provide for existing recreational and commercial boating activities.

**3. 096.04 - Damon McPhail**

It is noted that the issue raised by this submitter relates to an activity in zones other than the Marine Facilities Zone. Commercial activities, including those associated with commercial boat parking, are already controlled by the Residential Zone rules. It is considered unreasonable to prohibit commercial activities on residential sections. The resource consent process allows Council to consider effects, and to control, restrict, or decline proposals for commercial activities, as necessary.

**d. Amendments necessary**

1. **Replace** 21.13 in the conditions column of permitted activities with 21.6.
  
2. **Replace** “or” in Permitted Activities b) with “of”.

**9. Table 21.5(b)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
130.98	Tourism Industry Assn NZ	support	Amend Permitted Activity status b) to read: Commercial activities limited to the loading and unloading of fish and passengers from tourism activities.

**b. Decision**

Accept the following submission in part:

**130.98            Tourism Industry Assn NZ**

**c. Reason**

It is considered appropriate to provide the relief sought. The submission is accepted in part, to the extent that provision has been made for the unloading of passengers from land-based transport (i.e. buses). However, it has not been extended to include unloading from boats on trailers, as this is covered by a separate resource consent. It is also considered that passengers should be disembarking onto to new marina from vessels in the sea.

**d. Amendments necessary**

**Amend** 21.5 b) (commercial activities) to read:

*“ Commercial activities limited to the loading and unloading of fish and the embarking and disembarking of passengers from land-based transport only.”*

**10. Table 21.5(d)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
092.03	John W McPhail	oppose	Amend to include a restriction on structures to those that are seen as essential and restrict the area where buildings are allowed - to areas where commercial activity is already established.
051.01	John Hayward	oppose	Delete point d) from Table 21.5.
052.01	Patricia Kilpatrick	oppose	Delete point d) from Table 21.5.
055.01	South Bay Ratepayer's and Residents Assn	oppose	Amend and include conditions from the consent given to establish a marine facility at South Bay.
055.02	South Bay Ratepayer's and Residents Assn	oppose	No slipway or marine structures be built in the area from the Mermaid Pool, coastguard Whakatu Rocks and adjacent beach.

**b. Decision**

**Accept** the following submissions **in part**:

- 092.03            John W McPhail**
- 051.01            John Hayward**
- 052.01            Patricia Kilpatrick**
- 055.02            South Bay Ratepayer's and Residents Assn**

**Reject** the following submissions:

- 055.01            South Bay Ratepayer's and Residents Assn**

**c. Reason**

1. **051.01 - John Hayward; 052.01 - Patricia Kilpatrick; and 055.02 - South Bay Ratepayer's and Residents Assn**

It is acknowledged that provision d) may lead to some inconsistency with the Regional Council Coastal Environment plan rules. As resource consent will be required for any such structure from the regional council, permitting the activity in the District Plan could also cause some confusion. In addition, it is unlikely that new facilities will be required in the short term, given the existing slipways and the new marina. However, some provision should be retained for a new slipway for coastguard vessels. It is therefore considered appropriate to retain d), but that it be limited to a new coastguard slipway.

**2. 092.03 - John W McPhail**

The submission is accepted in part to the extent that the relief sought has already been provided by the provisions of the MF Zone.

**3. 055.01 - South Bay Ratepayer's and Residents Assn**

It is considered inappropriate to include the conditions of the existing resource consent in the Plan as they are specific to the consent, and do not necessarily relate to other activities in the Marine Facilities Zone. The relationship of the consent with the Plan is clearly stated in the introduction to section 21.

**d. Amendments necessary**

**Amend d)** to read as follows:

“ *Marine structures limited to any boat ramp or slipway for the principal use of coastguard vessels.*”

**11. Table 21.5(e)**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
025.01	Jack & Gillian Stanton	oppose	Delete activity e), as it is already covered under a), and no permanent parking or commercial activities to be permitted in Kaka Road, boat ramp, quarry and domain areas in South Bay.
079.03	Kenneth Swift	oppose	Delete d) and e).
059.01	Wayne Morrison & Marianne Middleton	oppose	Area between the boat ramp to the Domain be limited to day time parking only, and oppose any commercial development of the foreshore between Moa Point and the Domain.
096.03	Damon McPhail	oppose	Amend to allow only daytime recreational parking (except existing designated commercial parks).
036.01	Ian Woodward	oppose	Delete activity e), as it is already covered in activity a).
037.01	Rosemary Allan	oppose	Delete activity e), as it is already covered in activity a).
039.01	Claire Twose	oppose	Delete activity e), as it is already covered in activity a).
040.04	Ernest Twose	oppose	None sought.
048.01	Neil Webb	oppose	Delete e) as it is already covered under a).
056.01	Mrs Colleen Rogowski	oppose	Delete e) as it is already covered under a).

**b. Decision**

Accept the following submissions:

- 036.01 Ian Woodward**
- 037.01 Rosemary Allan**
- 039.01 Claire Twose**
- 040.04 Ernest Twose**
- 048.01 Neil Webb**
- 056.01 Mrs Colleen Rogowski**

Accept the following submissions **in part**:

- 025.01 Jack & Gillian Stanton**



**079.03                    Kenneth Swift**

**Reject** the following submissions:

**059.01                    Wayne Morrison & Marianne Middleton**

**096.03                    Damon McPhail**

**c. Reason**

**1. 059.01 - Wayne Morrison & Marianne Middleton and 096.03 - Damon McPhail**

It is considered that the matters raised by these submitters are already covered by, or are better covered by, bylaws. The relief sought is therefore considered inappropriate and the submissions are rejected.

**2. 036.01 - Ian Woodward; 037.01 - Rosemary Allan; 039.01 - Claire Twose; 040.04 - Ernest Twose; 048.01 - Neil Webb; 056.01 - Mrs Colleen Rogowski**

It is acknowledged that item e) is a duplication of item a), which is considered unnecessary, as it only creates confusion. It is therefore appropriate to delete item e) in order to provide clarity and improve certainty.

**3. 025.01 - Jack & Gillian Stanton and 079.03 - Kenneth Swift**

These submissions are accepted in part to the extent that item e) has been deleted and item d) has been amended.

**d. Amendments necessary**

**Delete** 21.5 e) (recreational boat parking) and renumber accordingly.

**12. Table 21.6**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.24	Crown Public Health	?	Add new section "11 Drinking Water - all buildings will be connected to a potable, adequate and reliable drinking water supply complying with "Drinking Water Standards for New Zealand 1995" or its amendments.
096.05	Damon McPhail	oppose	Amend to restrict building height to single story low roof line and partially below ground level.
079.04	Kenneth Swift	oppose	Amend to include all mitigation measures indicated in the February 1998 Consent for Redevelopment of Moa Point.

**b. Decision**

Accept the following submission in part:

**096.05                  Damon McPhail**

Reject the following submissions:

**113.24                  Crown Public Health**

**079.04                  Kenneth Swift**

**c. Reason**

**1. 096.05 - Damon McPhail**

It is considered that the relief sought is partially provided by the 5.5m height limit.

**2. 113.24 - Crown Public Health**

It is considered that the relief sought is unnecessary in the Marine Facilities Zone, as buildings of the kind contemplated are not permitted.

**3. 079.04 - Kenneth Swift**

The submission is rejected in order to be consistent with other decisions.

**d. Amendments necessary**

None.

**13. Table 21.6.2**

**a. Submitter and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.58	Crown Public Health	oppose	Delete the noise rule, and add new rules relating to noise limits, and add "Noise Appendix O" to 21.9.
118.19	NZ Fire Service Commission	oppose	Add a new exemption for emergency sirens to the noise rules.

**b. Decision**

Accept the following submissions:

<b>113.58</b>	<b>Crown Public Health</b>
<b>118.19</b>	<b>NZ Fire Service Commission</b>

**c. Reason**

It is considered appropriate to provide the relief sought in submission **113.58**, as the existing noise provisions are inadequate and uncertain. This will provide for the relief sought in submission **118.19**.

**d. Amendments necessary**

1. **Replace** 21.6(2) with the following

*“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.*

*Monday to Saturday, 7am to 11pm* *55dBA L<sub>eq</sub>*

*At all other times* *40dBA L<sub>eq</sub>*

*On any day between 11pm and 7am the following day* *70dBA L<sub>max</sub>* “

2. **Add** the following under 21.8:

*“ Noise Provisions & Exemptions (refer to Appendix Q)”*

**14. Table 21.6.3**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
092.02	John W McPhail	oppose	Amend to reduce the 5.5m maximum height in the Marine Facility Zone to the minimum height required for a single story structure with minimal roof pitch (3m) where commercial activity is established.

**b. Decision**

**Reject** submission **092.02 John McPhail**

**c. Reason**

It is considered inappropriate to provide the relief sought, as the 5,5 metre height rule already limits all buildings to single storey.

**d. Amendments necessary**

None.

**15. Table 21.6.7**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.31	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept submission 133.21 Marlborough Lines Ltd in part**

**c. Reason**

The submission is accepted in part to the extent that the utilities section (Section 10 - Introduction) has been amended to clarify that certain zone rules do not apply to utilities.

**d. Amendments necessary**

None.

**16. Table 21.6.8**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.32	Marlborough Lines Ltd	?	Amend to ensure "utilities, utility buildings and utility support structures are exempted from this standard, if necessary the exemption could be limited to utilities associated with the supply of electricity.

**b. Decision**

**Accept** submission **133.32 Marlborough Lines Ltd in part**

**c. Reason**

The submission is accepted in part to the extent that the utilities section (Section 10 - Introduction) has been amended to clarify that certain zone rules do not apply to utilities.

**d. Amendments necessary**

None.

**17. 21.8 General Rules**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
113.59	Crown Public Health	n/a	As a consequence of submission 113.58, add "Noise Appendix O" to the list.

**b. Decision**

**Accept submission 113.59 Crown Public Health**

**c. Reason**

The submission is accepted in order to ensure consistency with the decision under section 4 – definitions to include a new appendix in the Plan dealing with noise exemptions.

**d. Amendments necessary**

None.

## **18. General**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
104.02	Roger Hunt	?	Delete designation "Marine Resources" from the existing recreational reserve on all land outside the commercial area originally granted as per consents of 1992 and 1998, or alternatively include these consents in the Plan.
058.01	Dr John Simpson	oppose	Retain the resource consent currently in place along the Moa Road frontage, and that the current marine/industrial /boat parking not be extended to the north from its boundary.
064.02	Azalea Hunt	oppose	Incorporate the resource consent of 1992 and 1998 relating to the South Bay marina and recreational reserve in the Plan.
065.03	Whale Watch Kaikoura Ltd	n/a	The Plan should take into account current contractual agreement that exists between Whale Watch Kaikoura Ltd and the District Council re the management and operation of South Bay Harbour and marine facilities.
065.04	Whale Watch Kaikoura Ltd	n/a	The Plan should take into account that Whale Watch Kaikoura Ltd's commercial activities at South Bay should not be hindered in any way.
<i>F035.13</i>	<i>Tourism Industry Association</i>	<i>support 065.03</i>	<i>Submitter has current legal contract in place re South Bay.</i>

### **b. Decision**

**Reject** the following submissions and further submission:

<b>104.02</b>	<b>Roger Hunt</b>
<b>058.01</b>	<b>Dr John Simpson</b>
<b>064.02</b>	<b>Azalea Hunt</b>
<b>065.03</b>	<b>Whale Watch Kaikoura Ltd</b>
<b>065.04</b>	<b>Whale Watch Kaikoura Ltd</b>
<b><i>F035.13</i></b>	<b><i>Tourism Industry Association</i></b>

### **c. Reason**

It is noted that these submissions all relate to matters which are separate and distinct from the District Plan (the South Bay resource consents and the Operators' agreement). It is considered that the consents and the operators' agreement are separate from the Plan, and it would therefore be inappropriate to incorporate that into the Plan.

### **d. Amendments necessary**

None.



## **19. New Provision**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
048.05	Neil Webb	n/a	Make the area between Turners slipway and the stay post at the corner of Kaka Road a no parking area.
132.123	Canterbury Regional Council	?	Add new Rule 21.9 Natural Coastal Hazard relating to Hazard 1 and 2 lines of the Proposed Regional Coastal Environment Plan and consents are required for certain activities.

### **b. Decision**

Accept the following submission in part:

**132.122                      Canterbury Regional Council**

Reject the following submission:

**048.05                      Neil Webb**

### **c. Reason**

#### **1. 048.05 - Neil Webb**

It is considered that the relief sought would be better covered through the Traffic Control bylaw.

#### **2. 132.122 - Canterbury Regional Council**

It is considered that the suggested new rule may cause problems as drafted, as it brings specific provisions from the Regional Coastal Environment Plan (RCEP) into the Proposed District Plan. This may lead to confusion over interpretation, and uncertainty of the legal status of such a rule.

However, it is considered that some reference should be made to the RCEP in this section of the Plan, since no consent can be applied for prohibited activities under the RCEP once that plan becomes operative. The submission is therefore accepted in part, to the extent that reference is made to the rules and prohibited status of certain activities in the RCEP.

### **d. Amendments necessary**

Add the following at the end of 21.8:

“ **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.*”

**20. Rules and Standards**

**a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
133.11	Marlborough Lines Ltd	?	Clarify whether Zone Rules and Standards must be complied with by utility operators, with regard to Utility Rules.

**b. Decision**

**Accept submission 133.11 Marlborough Lines Ltd in part**

**c. Reason**

The submission is accepted in order to ensure consistency with the decision under section 4 – definitions to include a new appendix in the Plan dealing with noise exemptions.

**d. Amendments necessary**

None.

## **21. Whole Section**

### **a. Submitters and hearing**

<b>Sub No</b>	<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>
032.02	Ross & Joy Blakely	oppose	Remove the proposed "Marine Facilities Zone" from the former limestone quarry area.
083.01	Tony Nixon	?	Amend to add that the Mermaid Pool and Wakatu Rocks and adjacent Beach Road be protected from any development.
083.03	Tony Nixon	?	Add the resource conditions to the Plan.
033.02	Steven & Judith Carstairs	oppose	Remove the proposed "Marine Facilities Zone" from the former limestone quarry area and Moa point.
079.05	Kenneth Swift	oppose	Include in any Marine Facilities Zone (for Moa Point) all terms and conditions as per the February 1998 Consent for Redevelopment of Moa Point.

### **b. Decision**

**Reject** the following submissions:

<b>032.02</b>	<b>Ross &amp; Joy Blakely</b>
<b>083.01</b>	<b>Tony Nixon</b>
<b>083.03</b>	<b>Tony Nixon</b>
<b>033.02</b>	<b>Steven &amp; Judith Carstairs</b>
<b>079.05</b>	<b>Kenneth Swift</b>

### **c. Reason**

#### **1. 032.02 - Ross & Joy Blakely and 033.02 - Steven & Judith Carstairs**

These submissions are rejected, as it has been decided to retain the Marine Facilities Zone in the quarry site.

#### **2. 083.01 - Tony Nixon**

It is considered inappropriate to provide the relief sought, as this is a regional council matter.

#### **3. 083.03 - Tony Nixon and 079.05 - Kenneth Swift**

It is considered inappropriate to provide the relief sought, as it has been recommended above not to incorporate the resource consent into the plan.

### **d. Amendments necessary**

None.