

22 Rural Zone

22.1 Introduction

22.1.1 General

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

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

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

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

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

22.1.2 Conservation Values

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

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

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

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

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

22.1.3 Margins of Waterbodies

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

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

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

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

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

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

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

22.2.1 Objective 1 - Rural Amenity and Quality of the Environment

To encourage and provide for activities that sustain the amenity and

environmental values which are part of the rural environment and which maintain and enhance the quality of the rural environment, while recognising that parts of the Rural Zone are also a working environment involving activities such as farming and forestry.

22.2.2 Policies

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

22.2.3 Implementation Methods

To achieve policies 1-9 through:

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

Explanation and Reasons

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

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

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

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

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

- landscape degradation arising from earthworks and overburden dumping;
- noise, dust and vibration;
- groundwater interference and surface water contamination;

- erosion and potential subsidence of surface land and inadequately restored tailings;
- degradation of waahi taonga and mahinga kai.

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

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

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

22.3.1 Objective 2

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

22.3.2 Policies

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

22.3.3 Implementation Methods

To achieve policies 1 and 2 through:

1. Provision of rules to control earthworks, clearance of vegetation and the establishment of buildings or structures in areas which are adjacent to or within waterbodies.
2. The use of resource consent conditions to mitigate, avoid or remedy the effects of activities that may have adverse effects on the coastal landscape, outstanding natural features, water quality or the natural character of the District's waterbodies.

3. Through the Council's annual planning process to provide funds to encourage land owners to retain and enhance existing vegetation adjacent to or within waterbodies, through the provision of information to landowners regarding the importance of these areas.
4. To consider waiving resource consent fees where areas of significant indigenous plants or the habitats of indigenous animals are to be enhanced or maintained.
5. The Council will register in a separate information schedule, riparian areas and esplanade strips and reserves established by survey, voluntary retirement, covenant, statute, the resource consent process or any other management method.

Explanation and Reasons

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

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

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

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

22.4.1 Objective 3

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, and associated biodiversity, from adverse effects of activities.

Objective 4

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

22.4.2 Policies

1. To promote the protection and management of areas of significant indigenous vegetation and significant habitats of indigenous fauna through a range of management methods.
2. To increase public awareness of the potential adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna that may arise from: human activities; plant and animal pests; fire; and natural hazards.

3. To nominate possible areas of significant indigenous vegetation and significant habitats of indigenous fauna based on a variety of sources, such as information from the Significant Natural Areas Working Party and the Department of Conservation.
4. To ensure that a non-statutory register of confirmed areas of significant indigenous vegetation and significant habitats of indigenous fauna is established in consultation with affected landowners, and that this register is regularly updated and the information made available to the community.
5. To facilitate the establishment of landcare group(s) to assist landowners in the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
6. To provide information on guidelines and protocols for landowners/managers to enable them to better identify, protect and monitor significant natural areas.
7. To encourage landowners of areas of significant indigenous vegetation and significant habitats of indigenous fauna to actively manage and enhance these areas in partnership with other agencies such as the Department of Conservation and the Canterbury Regional Council.
8. To encourage the Canterbury Regional Council, as part of their approach to achieving integrated management of the natural and physical resources of the region, to maintain an effective strategy for the containment and eradication of undesirable plants and animal pests which, among other things, threaten areas of significant indigenous vegetation and significant habitats of indigenous fauna.
9. To avoid, remedy or mitigate the effects of activities, including earthworks, structures and the clearance of indigenous vegetation, in order to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.
10. To promote the protection of the ecological values of all indigenous habitat types in the District, having particular regard to the rarity and representativeness of particular community types.
11. To avoid, remedy or mitigate the effects of activities including earthworks, vegetation clearance, forestry and the establishment of buildings near rivers, streams, lakes and wetlands, in order to protect the values of riparian areas.
12. To encourage integrated resource management through plan rules which avoid duplication and which reduce administration (and associated costs), through liaison with the Regional Council.
13. To use existing information held by the Department of Conservation as a basis for the preparation of a non-statutory list of nominated areas of significant indigenous vegetation and significant habitats of indigenous fauna, and to use the ecological matters listed in Schedule 1 to this section to assess the list of nominated areas.
14. To avoid, remedy or mitigate adverse effects on the natural resource values by controlling the clearance of indigenous vegetation throughout the district.
15. To include in the indigenous forest and vegetation clearance rules, by way of variation or plan change, provision for sustainable management plans and permits under Part III of the Forests Act 1949 once a confirmed list of internationally, nationally and regionally significant natural areas has been developed.

22.4.3 Implementation Methods

To achieve policies 1-13 through the following:

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

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

2. Through the Council’s annual planning process to provide resources to undertake consultation with landowners and promote community awareness on the importance of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna. Methods include:
 - (a) Undertaking consultation with landowners, other agencies and Te Runanga o Kaikoura to develop a register of confirmed areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Kaikoura District. The register shall be;
 - (i) established based on a list of nominated (possible) areas of significant indigenous vegetation and significant habitats of indigenous fauna derived from a variety of sources;
 - (ii) confirmed following the landowner consultation process outlined in implementation method 3;
 - (iii) generally available to the community except that the Council will consider individual requests for privacy, with copies located at the library, council

offices and offices of other government agencies such as the Department of Conservation and the Canterbury Regional Council;

- (iv) reviewed at least every two years by the Council and the Significant Natural Areas Working Party or nominated successors, with provision for agreements on new sites and deletions and to allow new entries to be added to and deleted from, the register of nominated sites on a continuous basis. The sites making up the register of confirmed sites will be monitored on a revolving basis at no more than five-year intervals. Updating will occur as necessary.
 - (b) Provision of written material or visual displays in the form of pamphlets or display boards in community centres or libraries.
 - (c) Investigating the establishment of a group such as a landcare group, as a successor group or having complementary functions to the Significant Natural Areas Working Party, comprising landowners, Federated Farmers, Council staff and other agencies such as the Department of Conservation and Canterbury Regional Council, to oversee the management and monitoring of identified areas of significant indigenous vegetation.
 - (d) Encouraging a partnership agreement between Kaikoura District Council, landowners and the Department of Conservation. Council and the Department of Conservation will provide advice and assistance to landowners in the management of individual sites identified in the register and assist in the investigation of opportunities for financial and other appropriate assistance. Assistance such as fee exemptions may also be negotiated with owners of confirmed sites as positive acknowledgment of management plans, covenants or other commitments made by landholders/managers to protect the site.
 - (e) Allocation of financial contribution funds for protection, where appropriate.
 - (f) Supporting community initiatives by considering incentives such as community environmental awards.
 - (g) Where appropriate, encouraging other forms of protection and management over sites of significant indigenous vegetation and significant habitats of indigenous fauna, such as QEII covenants, conservation covenants, Reserves Management Plans, Management Agreements and voluntary land purchase.
 - (h) Liaison with the Canterbury Regional Council regarding the management and eradication of undesirable plants and animals which threaten areas of significant indigenous vegetation and significant habitats of indigenous fauna with reference to the Bio-security Act 1993.
 - (i) Continuing consultation with landowners of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
3. The Kaikoura District Council will establish, separate from the District Plan, a non-statutory register of confirmed areas of significant indigenous vegetation and significant habitats of indigenous fauna using the following “Consultation Protocol”:
- (a) Nominate possible areas of significant indigenous vegetation using a variety of base information such as data from the Department of Conservation;
 - (b) Identify the priority for protection and time guidelines for completing the consultation process (refer to Schedule 1 of this section of the Plan). For areas nominated in the

Department on Conservation 1997 document, “Areas of Significant Conservation Value”, priority has been identified as follows:

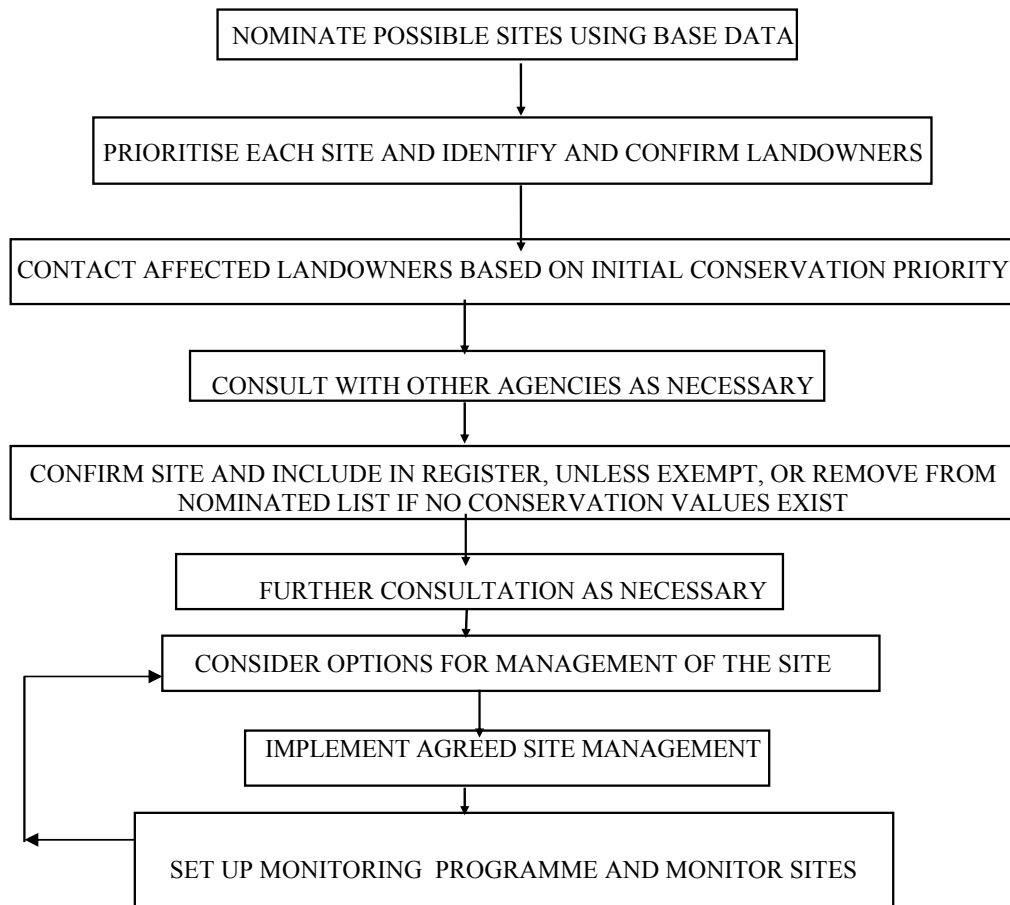
- (i) internationally significant sites - critical priority
initiate consultation within 12 months of District Plan being notified
 - (ii) nationally significant sites - high priority
initiate consultation within 18 months of District Plan being notified
 - (iii) regionally significant sites - medium priority
initiate consultation within 2 and a half years of District Plan being notified
Note: *Regional significance here means of significance within an ecological region, not necessarily within the Canterbury region.*
 - (iv) locally significant sites - low priority
initiate consultation within 3 and a half years of District Plan being notified
 - (v) in identifying the priorities for protection, any other matters which may require a site to be given high priority, including the imminence of any threat, will be taken into account.
- (c) identify and confirm affected landowners / occupiers for each site;
 - (d) contact each landowner / occupier individually and discuss with them, in consultation with the Department of Conservation, the following:
 - (i) accuracy of the site boundaries and size
 - (ii) reasons for identifying the site including any conservation values
 - (iii) significance of the particular site as assessed against the MFE “Criteria For Assessing Ecological Significance Under Section 6(c) of the Resource Management Act”, 22 January 1999, or any subsequent replacement or amendment to that criteria.
 - (iv) current management of the site
 - (v) importance of the site to the overall farm economy
 - (vi) any future plans for developing the site
 - (vii) options for protecting the conservation values contained within the site or removing the sites from the nominated list or confirmed register if no conservation values exist
 - (e) consult with other agencies as necessary, such as the Department of Conservation, the Regional Council and Te Runanga o Ngai Tahu;
 - (f) negotiate options for managing the sites with the landowner / occupier and enter into a partnership management agreement where necessary. Kaikoura District Council will consider requests from individual landowners not to make public any sites which are sensitive or where public identification would not be in the best interest of the protection of the site;
 - (g) confirm the sites by including them in the register of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, unless inclusion in the public register is deemed inappropriate by the Council;
 - (h) set up a monitoring programme with each landowner / occupier to monitor the conservation values within each site;

- (i) undertake ongoing monitoring of the state of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Monitoring will cover:
 - (i) sites on the non-statutory register of confirmed sites;
 - (ii) sites on the non-statutory register of nominated sites (where necessary);
 - (iii) compliance with conditions of resource consents;
 - (iv) the effectiveness of the general rules and methods of the District Plan.

Monitoring methods will include:

- (i) Reviewing a random representative sample of nominated sites for the purpose of ascertaining how these sites are changing over time in respect of the values for which they have been confirmed or nominated;
 - (ii) Reviewing confirmed sites at least once every five years including reviewing the agreed management regime;
 - (iii) Reviewing at least every two years, the effectiveness (including acceptability) of the register and agreed management regimes with landholders / managers.
4. District wide rules for the clearance of indigenous vegetation and forest and vegetation on wetlands, alluvial land, limestone substrates, bluffs, rocklands, dune lands, alpine environments, beds of rivers/lakes and on coastal areas.

**AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT
HABITATS OF INDIGENOUS FAUNA:
CONSULTATION PROTOCOL FLOW CHART**



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

Explanation and Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22.5 Anticipated Environmental Results

1. Retention of a lower density of development in the general rural area, without undue levels of complaints or conflicts relating to rural amenity.
2. Retention of the amenities, quality and character of the different rural environments within the District.
3. Retention of the District's landscape values, particularly along the coastline.
4. Protection of the natural character of the coastal environment, wetlands, lakes, rivers and streams and their margins.
5. Retention and enhancement of the existing vegetation within wetlands and on the margins of lakes, rivers and streams.
6. Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be protected for present and future generations.
7. Adverse environmental effects of activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna will be avoided, remedied or mitigated.
8. Community awareness of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the District will be enhanced.
9. The establishment of a process that is both affordable and acceptable to the community and landowners for the management of areas of significant indigenous vegetation and significant habitats of indigenous fauna and recognises the private property rights of landowners.
10. The indigenous biodiversity of the District is retained.
11. Indigenous ecosystem functions are maintained and enhanced

Rural Zone Rules

22.6 Zone Description

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

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

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

22.7 Activities

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

Table 22.7

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

22.8	Standard
	iii. The residential unit shall comply with all the performance standards under 22.8, except 22.8.5a) does not apply.
6. Ancillary Residential Unit	<p>One ancillary residential unit may be established on a rural site, provided that all of the following conditions are met:</p> <ol style="list-style-type: none"> The ancillary residential unit is less than 100m² in gross floor area, The ancillary residential unit is located within 25m of the residential unit on the same site, The ancillary residential unit shall comply with all the performance standards under 22.8, except for the purposes of 22.8.5, one ancillary unit may be established in conjunction with any complying residential unit. The use of the ancillary residential unit is incidental to the residential unit, and A shared effluent disposal system is utilised for both units. <p>Note: Where one of more of these conditions cannot be met, the activity is deemed to be a second residential unit on the site. See table 22.7 Restricted Discretionary Activity, d).</p>
7. Residential curtilage	Residential curtilage shall not exceed 2000m ² on any site.
8. Road boundary separation	<p>No building shall be located closer than the following minimum distances to any road boundary:</p> <ol style="list-style-type: none"> buildings used for retail sales - 25m; all other buildings - 10m <p>except that this rule does not apply:</p> <ul style="list-style-type: none"> where buildings are 6m² or less in gross floor area or; where the exceptions under rule 22.10 apply.
9. Sewage disposal separation distances.	<ol style="list-style-type: none"> Sewage disposal systems shall comply with the following <u>minimum</u> separation distances: <ul style="list-style-type: none"> 50m separation up gradient, or 30m separation in any other direction, between any sewerage disposal system with treatment to a standard of 1000 or less faecal coliforms per 100ml, and any domestic water supply intake or; where the treatment standard specified in (a) above is not met, 500m separation up gradient, or 300m separation in any other direction, between any sewerage disposal system not specified in 7(a) and any domestic water supply intake; 20m between any sewage disposal system and any stream, river, lake, wetland or coastal water. Sewage disposal systems shall be separated from any dwelling or habitable building not on the same site as the disposal system, by a minimum of 100m upgradient of the dwelling or habitable building or 50m on any other direction.
10. Gravel extraction	Gravel extraction shall not exceed cumulatively 1000m ³ in any one hectare within any two year period, except that this rule does not apply to gravel extraction relating to the maintenance or flood control of any waterbody or drain.
11. Intensive farming	Activities involving intensive farming and accessory buildings shall be located at least 50 metres from any residential unit.
12. Commercial, conservation and protection forestry	a) Trees shall not be planted or allowed to grow in a position which will shade the carriageway of any road between the hours of 1000 and 1400 on the shortest day of any year, except where the topography is already preventing direct access of sunlight onto the carriageway during these hours.

22.8	Standard
	<p>For Commercial Forestry only:</p> <p>b) No tree shall be planted within 10 metres of any internal boundary or where shading of the adjacent site would occur between the hours of 1000 and 1400 on the shortest day of any year, unless the written consent of the adjoining property owner is deposited with the Council or unless the adjoining land and the forestry land are in the same ownership and;</p> <p>c) No tree shall be planted within 50 metres of any residential unit located on an adjacent site, unless the written consent of the adjoining property owner is deposited with the Council or unless the adjoining land and the forestry land are in the same ownership.</p>
<p>13.Indigenous forest clearance</p>	<p>1. Clearance of indigenous forest shall not exceed the following thresholds, unless permitted under rule 22.8(11)(2):</p> <p>a) clearance of cumulatively more than 100m² in any one hectare of indigenous forest:</p> <ul style="list-style-type: none"> • on alluvial land or limestone substrate; • within Outstanding and Significant Landscape Areas and; • where the indigenous forest is comprised of coastal broadleaved vegetation <p>b) Clearance of cumulatively more than 1ha of indigenous forest in any 3 year period per title or 15% of the title area, whichever is the lesser.</p> <p>2. Rule 22.8(11)(1) shall <u>not apply</u> to any of the following activities:</p> <p>a) removal of 50m³ or less of roundwood per 10 year period per Certificate of Title from any area of indigenous forest (including windthrown and standing dead trees), for <u>non-commercial use</u>, or for use by Te Runanga o Ngai Tahu for cultural purposes (eg building of waka) or;</p> <p>b) clearance of indigenous forest planted specifically for the purposes of commercial, protection or conservation forestry or;</p> <p>c) trimming of trees associated with the operation and maintenance of existing tracks and utilities, utility buildings and utility support structures or;</p> <p>d) removal of trees which are dangerous to human life or property or;</p> <p>e) clearance of kanuka or manuka species less than 8m in height and with forest cover of less than 80% of the area to be cleared.</p>
<p>14.Indigenous vegetation clearance</p>	<p>1. Clearance of indigenous vegetation shall not exceed the following thresholds, unless permitted under rule 22.8(12)(2):</p> <p>a) clearance of indigenous vegetation from any wetland where the wetland has an area exceeding 2000m² (including estuaries) or;</p> <p>b) clearance of more than 100m² of indigenous vegetation in any one hectare in any 5 year period where the vegetation is:</p> <ul style="list-style-type: none"> • tall tussock communities dominated by the genus Chionochloa or; • vegetation located on dunelands, beds of rivers or lakes or rocklands, including bluffs or; • non-forest coastal broadleaved vegetation <p>Note: this rule does not apply to vegetation that is dominated by one of more of the pioneer species of manuka, kanuka, tauhinu, matagouri, bracken, fern, silver tussock or tall fescue.</p> <ul style="list-style-type: none"> • non indigenous vegetation on alluvial land, limestone substrate, and within Outstanding and Significant Landscape Areas. This rule does not apply to vegetation that is dominated by one or more of the pioneer species manuka, kanuka, tauhinu, matagouri, bracken, fern, silver tussock or tall fescue. <p>2. Rule 22.8(12)(1) shall <u>not apply</u> to any of the following activities:</p> <p>a) clearance of indigenous vegetation which has been planted and managed specifically for the purposes of harvesting or clearance or;</p>

22.8	Standard
	b) the trimming of trees associated with the operation, maintenance, replacement and upgrading of existing tracks, utilities, utility buildings and utility support structures or; c) removal of vegetation which is dangerous to human life or property or; d) clearance of regrowth indigenous vegetation growing beneath existing commercial forestry plantations.
15. Riparian management	On any land within the bed of any lake, river or stream or; within any naturally occurring wetland or; within 20m of the margin of the coast or any wetland or; within 10m of the bed of any river, stream, or lake: a) earthworks, except for flood protection works, shall not exceed 10m ³ in any one hectare in any 5 year period or have a maximum depth of cut or fill exceeding 0.5m and; b) buildings or utility buildings shall not exceed 9m ² in area and/or 2m in height and; c) vegetation clearance shall not exceed 100m ² in any one hectare in any one year, except that this does not apply to the clearance of noxious plants or plant pests, maintenance or upgrading of existing tracks and fence lines, or the trimming of trees ancillary to the operation, maintenance, and upgrading of utilities, utility buildings and utility support structures.
16. Separation Distance, High Voltage Electricity Transmission Line	No building shall be located within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher.
17. 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.
18. Waste Disposal	All activities, other than residential activities, in the Rural Zone shall comply with the Waste Management Protocol in Appendix G.

22.9 Duplication of Consents

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

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

22.10 Exceptions to Performance Standards

22.10.1 Residential Unit Separation

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

- (a) Eaves, porches, chimneys, bay windows, stairways, steps, landings, and balconies may be located within the separation distances subject to the following limits:
 - eaves may intrude into the separation distance by no more than 1m;
 - porches and windbreaks opposite a doorway may intrude into the separation distance by no more than 1m;

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

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

22.10.2 Road Boundary Separation

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

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

22.10.3 Residential Unit Density

Rule 22.8.5 (density) shall not apply to the following:

One residential unit may be established on any site which doesn't comply with the minimum net site area outlined in Rule 22.8.5 (density), where the site existed, or a subdivision creating the site had been granted, at or before 2nd November 2005.

22.11 District-Wide Rules

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

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

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

22.12.1 Statement

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

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

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

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

22.12.2 Activities

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

22.12.3 Scheduled Activities

Scheduled Industrial Activities are as follows:

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

22.12.4 Permitted Activities

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

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

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

22.13 Performance Standards

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

Table 22.13

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

Rural Zone: Schedule 1

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

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

- (i) Internationally Important Site(s)
 - (a) supports a species endemic to that site;
 - (b) contains the best example of a community type that was once common and is now rare;
 - (c) contains a unique community;
 - (d) supports an endangered species;
 - (e) contains habitat vital for the survival of a species in the wild or has the realistic potential to be restored to one of the above.
- (ii) Nationally Important Site(s)
 - (a) contains a nationally rare community type;
 - (b) nationally, supports one of the best examples of a community type;
 - (c) contains habitat important to a nationally vulnerable species or endangered species;
 - (d) supports a subspecies endemic to that site, or a species largely endemic to that site;
 - (e) a corridor between nationally important areas;
 - (f) absence of a suite of major introduced predator/herbivores from habitable site;
 - (g) satisfies three or more regionally important site criteria.
- (iii) Regionally Important Site(s)
 - (a) contains a regionally rare community type;
 - (b) regionally, supports one of the best examples of a community type;
 - (c) supports a nationally vulnerable species, or contains habitat important to a nationally rare species;
 - (d) absence of a major introduced predator/herbivore from habitable sites;
 - (e) a long standing natural area greater than 100ha in size;
 - (f) supports a local endemic species or subspecies (restricted to 1-3 ecological districts);
 - (g) a corridor between regionally important areas, or link with a major vegetation gradient;
 - (h) satisfies three or more locally important set criteria.
- (iv) Locally Important Site(s)
 - (a) contains a community type rare to the ecological district;
 - (b) contains one of the best examples of a community type in the ecological district;
 - (c) supports a nationally rare local species;
 - (d) supports a species which is threatened within South Marlborough;
 - (e) supports a South Marlborough Endemic;
 - (f) a long standing natural area between 20 and 100 hectares in size;