

Rhea Lind

From: Jayne Macdonald <jmacdonald@mactodd.co.nz>
Sent: Friday, 4 March 2022 10:37 am
To: Ann Rodgers
Subject: FW: NZ Cherry Corp PC14 - amended provisions following mediation (Matter: 2201634)
Attachments: 20211116165839870.pdf; JEM-285978-266-114-1 Revised PC14 provisions following mediation.docx

Kind regards

Jayne Macdonald
Director & Notary Public
Mactodd Lawyers
P O Box 653, Queenstown
DDI: 03 441 0127
Fax: 03 442 8116
Mob: 0274730874
Email: jmacdonald@mactodd.co.nz
Web: www.mactodd.co.nz
[View my LinkedIn profile](#)
[Like us on Facebook](#)



From: Jayne Macdonald
Sent: Tuesday, 16 November 2021 5:07 PM
To: Vicki Jones <vicki@visionplanning.co.nz>; 'Jon Styles' <jon@stylesgroup.co.nz>
Subject: FW: NZ Cherry Corp PC14 - amended provisions following mediation (Matter: 2201634)

Hi Vicki and Jon,

I would be grateful to receive any feedback you have on the proposed rule-set, noting the appellant has sought feedback by Thursday.

I have made a few comments in the attached word doc, and attach a plan showing Lots 1 – 4 DP 344529, referred to in the subdivision section of the rules for the zone (which I have commented on) and which are to have the benefit of the non-complaints covenant.

I'm in a mediation until about 2pm tomorrow, and then have another on Thursday for the better part of the day, but will try to fit a call in if needed. You are also most welcome to discuss any matters direct with your counter parts rather than via me, if that would facilitate agreement on provisions.

Kind regards

Jayne Macdonald
Director & Notary Public
Mactodd Lawyers
P O Box 653, Queenstown

DDI: 03 441 0127
 Fax: 03 442 8116
 Mob: 0274730874
 Email: jmacdonald@mactodd.co.nz
 Web: www.mactodd.co.nz
[View my LinkedIn profile](#)
[Like us on Facebook](#)



From: Sarah Eveleigh <sarah.eveleigh@al.nz>
Sent: Wednesday, 10 November 2021 6:01 PM
To: Jayne Macdonald <jmacdonald@mactodd.co.nz>; Louise Ford <Louise.Ford@ahmlaw.nz>; Helen Atkins <helen.atkins@ahmlaw.nz>; Jordyn Landers <Jordyn.Landers@hortnz.co.nz>; James Gardner-Hopkins <james@jghbarrister.com>; James Dicey <james@grapevision.co.nz>; Phil Page <Phil.Page@gallowaycookallan.co.nz>; Alex Bartrum <cromtbclub@gmail.com>
Cc: Matt Casey <matt@casey.co.nz>; Jessica Hardman <jessica.hardman@al.nz>
Subject: NZ Cherry Corp PC14 - amended provisions following mediation (Matter: 2201634)

Dear parties,

Please find attached for your review revised PC14 provisions to give effect to the agreement reached at mediation. Changes resulting from mediation are shown in [blue](#) while the original PC14 text is shown in [red](#). A revised structure plan is also attached. The table below identifies the changes made to give effect to each of the mediation outcomes.

In addition to the changes arising from mediation, we have included an amendment to Rule 4.7.3(viii) which relates to restricted discretionary residential activities, to exclude controlled activities in the Rural Resource Area (5). This was an omission in the original drafting that needs to be corrected.

In relation to Rockburn's interests we note that the requirement that dwellings not be located within 80 metres of Rockburn's boundary continues to be contained in rule 4.7.6(A)(l)(v), as previously proposed.

My apologies that we are behind schedule in providing the amendments to you. As a result, we propose that parties propose any further amendments to reflect the mediation agreement by Thursday 18 November, with a MS Teams meeting convened in the week of 22 November if required to finalise the amendments. We are happy to discuss suggested amendments or respond to any questions in the meantime.

Issue	Mediation outcome	Amendments made
Productive soils and land use	The following amendments to the revised proposal are agreed: (a) RLA 6 will be renamed to reflect rural production intent.	Now renamed "Rural Lifestyle Production Area" (RLPA) throughout provisions and on the revised Structure Plan.
	(b) Within RLA6, there will be a requirement for 50% productive planting of an allotment prior to residential activity being established on that allotment. This requirement will apply for 15 years from grant of subdivision consent. It is to be secured by a rule, which further requires a corresponding consent notice or covenant in favour of Council (details of the mechanism to be further agreed between the parties).	<u>Land use rules:</u> Rule 4.7.2(ib)(c) – Controlled activity rule for residential activity in the Rural Resource Area (5) (RRA(5)) zone. We have deleted the previous (c) which related to planting of the Horticulture Block as this planting is complete. (c) now relates to planting of the Rural Lifestyle Production Area. Breach of this rule defaults to non-complying status – see rule 4.7.5(viii) <u>Subdivision rules:</u>

		Rule 4.7.2(ii)(a)(vi) – Controlled activity rule for subdivision in the Structure Plan area, new bullet point 6.
	(c) Within RLA6, the existing rules will otherwise be retained, including rules prescribing that subdivision below 4ha is a non-complying activity. Parties agreed to consider strengthening the policy directed to achieving this outcome.	Policy 4.4.18 – see suggested new (k) relating to retention of productive soils for productive use. Note that the policy already directs: (a) development in general accordance with the structure plan; and (c) adherence to minimum lot sizes
Reverse sensitivity (including noise, spray drift)	The following amendments to the revised proposal are agreed: (a) Within RLA6, there are to be no fixed frost fans or bird scaring devices. Portable frost fans are provided for. These changes are to be implemented through additional rules.	Rule 4.7.6E(b) – Standards for bird scaring devices amended Rule 4.7.6E (c) – Standards for wind machines – new clause (4)
	(b) Within the Horticulture block – NZ Cherry commit to a maximum of three 5-blade frost fans, no closer than 135m to boundary with the Rural Resource Area (5). This commitment is to be secured by a rule.	Rule 4.7.6E(b) – Standards for wind machines – new clause (5)
	(c) No complaints covenants are to be applied throughout all RLAs.	Rule 4.7.2(ii)(a)(iv) – Controlled activity rule for subdivision within the Structure Plan area – new bullet point 10. Lots 1-4 DP 344529 cover the majority of the current operational area of the NZ Cherry Corp orchard. We have also added a new bullet point 9 that requires a consent notice or other notation of the certificate of title recording requirements for acoustic insulation.
	(d) The Ripponvale Road amenity edge is to be relocated to boundary of RLA6 and RLA1 in the location shown on the Indicative Masterplan as Lots 2 – 4 and 23 – 27.	Shown on the revised Structure Plan.

Kind regards,
Sarah

Sarah Eveleigh (she/her)
Partner

Anderson Lloyd

d +64 3 335 1217 m +64 27 204 1479 f +64 3 379 0039
Level 3, Anderson Lloyd House, 70 Gloucester Street, Christchurch 8013
PO Box 13831, Christchurch 8141, New Zealand
e sarah.eveleigh@al.nz | al.nz

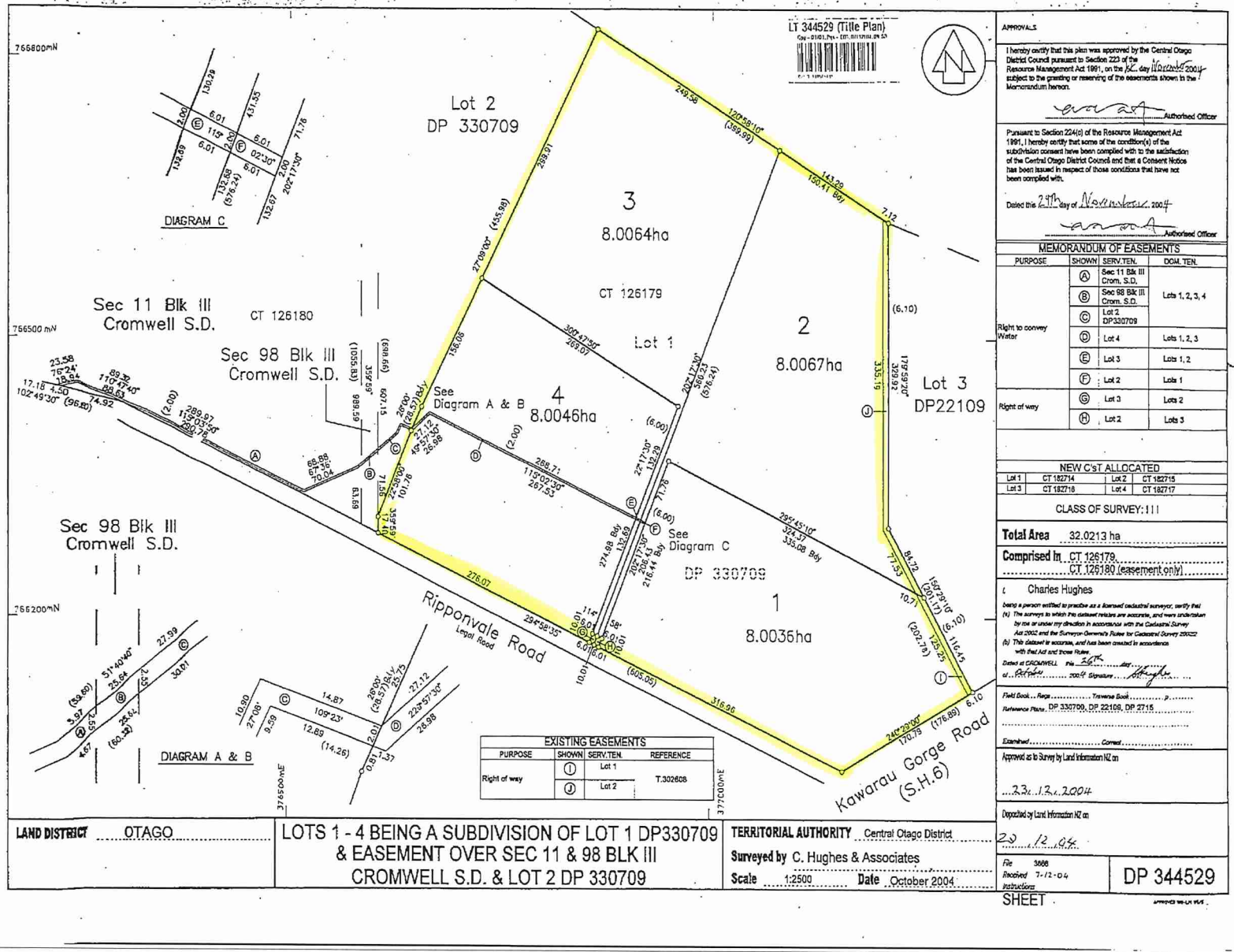
TOITŪ



ISO 14064-1
ORGANISATION

**Anderson Lloyd is committed to operating sustainably
and is proud to be Toitū carbonzero certified.**

This email is confidential and may be legally privileged. If you have received this email in error then please:
do not disclose the contents to anyone; notify the sender by return email; and delete this email from your system.
Please consider the environment before printing this e-mail.



LT 344529 (Title Plan)
 59 - 8161.P14 - (M. 01/07/04) 24 53
 6:1 1890-147



APPROVALS
 I hereby certify that this plan was approved by the Central Otago District Council pursuant to Section 223 of the Resource Management Act 1991, on the 22nd day of November 2004 subject to the granting or reserving of the easements shown in the Memorandum hereon.
 [Signature] Authorized Officer

Pursuant to Section 224(d) of the Resource Management Act 1991, I hereby certify that some of the condition(s) of the subdivision consent have been complied with to the satisfaction of the Central Otago District Council and that a Consent Notice has been issued in respect of those conditions that have not been complied with.
 Dated this 29th day of November, 2004
 [Signature] Authorized Officer

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERV. TEN.	DOM. TEN.
Right to convey Water	(A)	Sec 11 Blk III Crom. S.D.	
	(B)	Sec 98 Blk III Crom. S.D.	Lots 1, 2, 3, 4
	(C)	Lot 2 DP330709	
	(D)	Lot 4	Lots 1, 2, 3
	(E)	Lot 3	Lots 1, 2
	(F)	Lot 2	Lot 1
Right of way	(G)	Lot 3	Lot 2
	(H)	Lot 2	Lot 3

NEW C'St ALLOCATED

Lot 1	Lot 2	Lot 3	Lot 4
CT 182714	CT 182715	CT 182716	CT 182717

CLASS OF SURVEY: III

Total Area 32.0213 ha
 Comprised in CT 126179
 CT 126180 (easement only)

Charles Hughes
 being a person entitled to practice as a licensed cadastral surveyor, certify that the survey in which this plan relates was accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyors-General's Rules for Cadastral Survey 2002.
 This document is accurate, and has been created in accordance with that Act and those Rules.
 Done at DUNEDIN this 26th day of October 2004.
 [Signature]

Field Book ...
 Reference Plans: DP 330709, DP 221108, DP 27115

Examined ...
 Approved as to Survey by Land Information NZ on ... 23.12.2004

Deposited by Land Information NZ on 20/12/04

File 3608
 Received 7-12-04
 Instructions
 SHEET

EXISTING EASEMENTS

PURPOSE	SHOWN	SERV. TEN.	REFERENCE
Right of way	(1)	Lot 1	
	(2)	Lot 2	T.302608

LAND DISTRICT OTAGO
 LOTS 1 - 4 BEING A SUBDIVISION OF LOT 1 DP330709 & EASEMENT OVER SEC 11 & 98 BLK III CROMWELL S.D. & LOT 2 DP 330709
 TERRITORIAL AUTHORITY Central Otago District
 Surveyed by C. Hughes & Associates
 Scale 1:2500 Date October 2004
 DP 344529

SECTION 4: RURAL RESOURCE AREA

4.1 INTRODUCTION

The Rural Resource Area comprises the rural environment of the District. This area has been identified as distinct from the urban areas of the District on the basis of its environmental character. The amenity values of the rural environment are dominated by Central Otago's unique, semi-arid landscape of broad basins separated by low mountain ranges with sparse vegetation, covered in tussock grassland and exotic pasture, and broken by schist rock outcrops. This landscape retains a high natural character and has significant scenic values and some of it is identified in this District Plan as an outstanding natural landscape or outstanding natural feature. These values can be enhanced by human made elements which include orchards and vineyards; homesteads accompanied by stands of trees (often poplars); remnant stone cottages; small irrigation and stock water dams and water races; energy generation facilities; and shelter belts of trees. Former mining sites also give the District a distinctive character. For a full description of the District's landscape refer to Section 2.3.1 page 2:6. It is apparent that the character of the landscape is an important element in making Central Otago an attractive place to live in and to visit. For many people it is the reason they reside and recreate here, and that became particularly apparent during the community consultation phase of the Rural Study which was carried out in 2005 and 2006.

Activities that locate within the rural environment do so generally for one of four reasons.

- (i) They are reliant upon the resources of the rural area. For example, farming activities need large areas of open land, while horticulture and viticulture activities need particular soil types in combination with a number of other factors, particularly climatic conditions and irrigation.
- (ii) They need to be close to an activity that is reliant upon the resources of the area. For example, a pack house or a juice factory needs to locate near the fruit source and a winery/wine making facility needs to locate near the grape source.
- (iii) They need a large open space where they can generate effects without significantly affecting more sensitive activities. For example, an abattoir which generates discharges (including odour) or a transport yard which generates high levels of traffic.
- (iv) Persons wish to enjoy the lifestyle opportunities offered by its open space, landscape and natural character amenity values.
- (v) They need to locate directly adjacent to the resource. For example, mineral extraction and related activities do not have the ability to locate anywhere other than directly adjacent to where the deposit occurs.

The provisions of Section 4 apply within the area shown as Rural Resource Area on the planning maps.

See also Section 5 – Water Surface and Margin Resource Area and Section 13 Infrastructure, Energy and Utilities that provide for various types of development in the rural environment.

4.2 ISSUES

The significant resource management issues of the Rural Resource Area are set out below. The issues set out in Section 2 of the Plan which are relevant to the Rural Resource Area are included here with no explanation. Reference should be made to the relevant part of Section 2 for a discussion on these issues. Issue 4.2.15 and 4.2.16 are specific to the Rural Resource Area and an explanation is included.

- 4.2.1 Outstanding Natural Landscapes and Outstanding Natural Features**
The District contains a number of outstanding natural landscapes and outstanding natural features that require identification and protection from inappropriate subdivision, use and development. In determining what is inappropriate subdivision, use and development in these landscapes it must be recognised that these landscapes are often utilised by people and communities to provide for their social, economic and cultural wellbeing.
- Cross Reference*
Section 2.3.1
Objectives: 4.3.1, 4.3.2
- 4.2.2 Central Otago's Unique and Distinctive Landscape**
The Central Otago District contains many unique and distinctive landscapes. While those landscapes are constantly evolving through natural processes, farming and other land use activities the semi-arid, rocky nature of the landscape means it can be vulnerable to the visual effects of new structures (including telecommunication masts, wind farms, transmission line pylons, and other large structures), cultivation of tussock grasslands, large scale earthworks, new roads, residential built development on elevated land, establishing woodlots, production forestry or shelterbelts on elevated land and wilding tree spread. Subdivision is often the precursor of land use activities such as those listed above. The District's built heritage, particularly in the form of cottages and ruins, and remnants of the early goldmining era has also made a significant contribution to the landscape values of Central Otago.
- Cross Reference*
Section 2.3.1
Objectives: 4.3.1, 4.3.3
- 4.2.3 Natural Features**
Major development work has potential to damage or destroy outstanding natural features. It is also acknowledged that major development work if properly managed can enhance natural features. This plan seeks to manage the use, development and protection of outstanding natural features to ensure protection in terms of section 6(b) of the Act.
- Cross Reference*
Section: 2.3.2
Objectives: 4.3.1, 4.3.3
- 4.2.4 Development of Mineral Resources**
The Central Otago District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally. Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape values and has done so in the past. However, the development of these resources has the potential to have significant adverse effects upon soil, water and air resources of the District, and landscape and heritage values if not appropriately controlled. The ability to extract mineral resources can adversely affect or be adversely affected by land use, including development of other resources above or in close proximity to mineral deposits.
- Cross Reference*
Section 2.3.2
Objectives: 4.3.1, 4.3.3, 4.3.5, 4.3.7

4.2.5 Soil Resources

Some of Central Otago's soils are readily susceptible to damage from physical causes and lack of adequate care. Unimproved areas require care and management, and effective rabbit control, while areas which have been modified by cultivation, oversowing, topdressing and irrigation may require ongoing fertiliser inputs as well as effective rabbit control, if soil degradation is to be prevented. All soils are vulnerable to activities that can cause erosion, compaction or contamination, or to loss of nutrients or loss of water-holding capacity.

Cross Reference

Section 2.3.3

Objectives: 4.3.1,
4.3.7

4.2.6 Special Land Resources

There are some areas of land in the District that because of particular soil characteristics and quality that in combination with the local climate and irrigation are considered to be a special resource. The potential of this resource to meet the reasonably foreseeable needs of future generations should be sustained. This potential is capable of being compromised by activities which have the effect of reducing the life supporting capacity of these soils.

Cross Reference

Section 2.3.3

Objectives: 4.3.1,
4.3.7

4.2.7 Effects on Water bodies

Many of the District's water bodies are significant recreational, ecological and economic resources. These values are capable of being compromised by land use (including water surface activities) which may have the following adverse effects:

Cross Reference

Section 2.4.3

Objectives: 4.3.1,
4.3.4, 4.3.5, 4.3.6

- (a) a decrease in the stability of the beds and banks of water bodies,
- (b) degradation of plant and animal habitats within or adjacent to water bodies,
- (c) a decrease in the stability of structures located in or near water bodies,
- (d) degradation of amenity, natural character, landscape and historic values of water bodies and their margins,
- (e) an increase in the incidence of plant and animal pests,
- (f) threats to the safety of other users,
- (g) adverse noise effects, and
- (h) restrictions on public access to and along the margins of lakes and rivers.

These effects can also lead to a reduction in water quality, water quantity and cultural values.

4.2.8 Access to Lakes and Rivers

Public access to and along the margins of the District's lakes and rivers is important to existing and future residents and visitors to the District. Such access is not always available and is capable of being obstructed by development adjacent to lakes and rivers.

Cross Reference

Section 2.4.4

Objectives: 4.3.1,
4.3.4

Section 15

Financial

Contributions

Section 16

Subdivision

4.2.9 Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

Cross Reference

Section 2.5.1

The Central Otago District contains a number of areas of significant indigenous vegetation and significant habitats of indigenous fauna which have their own intrinsic values that are not always recognised. Some of these areas can also have value for activities enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety. The potential for conflict in protecting these intrinsic values and utilising them is a significant issue facing the community in the sustainable management of the natural and physical resources of the District.

*Objectives: 4.3.1,
4.3.8*

4.2.10 Statutorily Managed Sports Fish and Game Resources

The District contains a number of trout, salmon and game bird habitats which are a valuable recreational resource of the District. Some forms of land development are capable of having a detrimental effect on the quality of these habitats and access to them.

*Cross Reference
Section 2.5.2
Objectives: 4.3.1,
4.3.4, 4.3.5, 4.3.6*

4.2.11 Transportation Network

The Central Otago District is dependent on an efficient transport network to utilise and develop its resources and to provide mobility and access for its people and communities. However, the development of transportation networks and the forms of transport themselves can have significant adverse environmental effects particularly in terms of introducing noise, visual intrusion, vibration, glare, discharges, and impacts on watercourses and upon the efficient use of energy. Conversely land use activities can greatly affect the safe and efficient operation of the transportation network and its sustainable management. This can occur through poorly located and designed access points, a lack of adequate parking facilities, the visual distraction of signs, and glare from buildings and activities.

*Cross Reference
Section 2.6.2,
Section 12 District
Wide Rules and
Performance
Standards, and
Section 13
Infrastructure,
Energy and Utilities
Objective 4.3.1*

4.2.12 Public Works and Network Utilities

The development and continued operation and maintenance of public works and network utilities is a vital component in providing for the social, economic and cultural wellbeing and health and safety of the people of the District. However, the construction and operation of such works can have significant adverse environmental effects particularly in terms of visual impact.

*Cross Reference
Section 2.6.2
Objectives 4.3.1,
4.3.2, 4.3.3
Section 13
Infrastructure,
Energy and Utilities*

4.2.13 Increasing Visitor Numbers

The increase in visitor numbers to the District provides opportunities for economic and social benefits that are to be recognised in the management of the District's natural and physical resources.

*Cross Reference
Section 2.8.5
Objectives: 4.3.1 to
4.3.6
Section 11 Heritage
Precincts, Section 14
Buildings, Places,
Sites, Objects and
Trees, Section 15
Financial
Contributions,
Section 16
Subdivision*

4.2.14 Heritage Resources

The Central Otago District contains a significant number of heritage buildings and areas that have a distinct historical character. The District also contains a large number of archaeological and historic sites, particularly sites associated with early Maori and goldmining activities. These buildings, precincts and sites contribute to community wellbeing through their historical and cultural values, and also economically in terms of their worth to the tourism industry. However, modification and loss of significant historic buildings, sites, structures, precincts and streetscapes can occur due to a general lack of awareness and appreciation of historic values or the financial inability to maintain such resources.

Cross Reference

*Section 2.7.1
Objectives: 4.3.1,
6.3.5, 11.2.1, 11.2.2,
14.3.1*

4.2.15 Development in Rural Areas

Increased development in the rural environment may have adverse effects, such as:

- compromising landscape and amenity values of the rural environment especially on prominent hillsides and terraces;
- adversely affecting the sustainable management of natural and physical resources (in particular, water quality and infrastructure);
- creating situations where effects of existing primary production and residential activities come into conflict.

Such development can also contribute to the sustainable management of natural and physical resources and have the positive effects of strengthening rural communities, creating diversity in the rural community and economy, and maintaining or enhancing heritage resources.

Cross Reference

*Objectives: 4.3.1,
4.3.3, 4.3.4, 4.3.7*

Explanation

There is increasing pressure for lifestyle and residential subdivision and development in what has historically been the rural area of the District. This development trend has the potential to create significant adverse effects that must be dealt with:

- (a) Increased pressures on the roading network, including safe and efficient operation and construction standards.
- (b) Increased pressure for development of physical resources such as sewerage, water, electrical and telecommunication services.
- (c) Potential contamination of ground water due to proliferation of septic tanks and effluent disposal systems.
- (d) Potential loss of landscape values and detracting from outstanding natural landscape and outstanding natural features and heritage items or values.
- (e) The introduction of residential subdivision and built development on hillsides, skylines and prominent places.
- (f) Conflict between the land management practices (such as spraying, pest control, frost fighting and harvesting activities carried out at night etc) of established rural activities such as orcharding or farming and residential activities.
- (g) The potential for irreversible loss of unique land resources, including areas of high class soils and high growing degree days.

Lifestyle development can also bring positive benefits to the district's rural communities and this must also be recognised."

4.2.16 Industrial and Commercial Activities (excluding energy generation activities)

Activities of an industrial and commercial nature may seek to locate in the rural environment. Together with intensive farming activities (eg. pig and poultry farms), these activities can sometimes have an adverse effect on the rural environment if effects are not avoided, remedied or mitigated. It must also be recognised that some such activities locate in the rural area so as to avoid adverse effects on more densely populated areas.

*Cross Reference
Objectives: 4.3.1,
4.3.3, 4.3.7*

Explanation

The effects of industrial and commercial type activities are not always compatible with the amenity values of the rural environment, while in some instances the rural environment is the best place for these activities.

Adverse effects associated with these activities and intensive farming activities include:

- (a) Noise, vibration, lightspill and electrical interference
- (b) Discharge to air, land and water including odour and dust
- (c) The generation of high levels of traffic and/or heavy traffic and the associated effects on the roading network.
- (d) Adverse visual impacts (including the effects associated with large structures and signs) and loss of landscape values.
- (e) The use and storage of hazardous substances.
- (f) Adverse effects on infrastructure, particularly roading.
- (g) High water requirements.
- (h) Potential for loss of unique land resources.

Note: For provisions relating to energy generation activities see Section 13 of this plan.

4.3 OBJECTIVES

The objectives contained in this section are specific to the Rural Resource Area. The objectives contained in the following sections are also relevant to the subdivision, use, development, and protection of land in the Rural Resource Area;

- Section 3.3 (Manawhenua)
- Section 12.3 (District Wide Issues)
- Section 13.3 (Infrastructure, Energy and Utilities)
- Section 14.3 (Heritage)
- Section 15.3 (Financial Contributions)
- Section 16.3 (Subdivision)
- Section 17.3 (Hazards)

- | | |
|---|---|
| <p>4.3.1 <u>Objective - Needs of the District's People and Communities</u>
To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.</p> | <p><i>Cross Reference</i>
Issues: 4.2.1 to 4.2.16
Policies: 4.4.1 to 4.4.16, 4.4.18</p> |
| <p>4.3.2 <u>Objective – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area</u>
To protect the Districts outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow Landscape Management Area (including landforms) from the adverse effects of inappropriate subdivision, use and development.</p> | <p><i>Cross Reference</i>
Issues: 4.2.1, 4.2.3, 4.2.13,
Policies: 4.4.1, 4.4.14</p> |
| <p>4.3.3 <u>Objective - Landscape and Amenity Values</u>
To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.</p> | <p><i>Cross Reference</i>
Issues: 4.2.2, 4.2.4, 4.2.12, 4.2.13, 4.2.15, 4.2.16,
Policies: 4.4.1, 4.4.2, 4.4.3, 4.4.8, 4.4.9, 4.4.10, 4.4.11, 4.4.12, 4.4.14, 4.4.18</p> |
| <p>4.3.4 <u>Objective - Recreation Resources</u>
To maintain and enhance the quality of the District's recreation resources and public access to those resources.</p> | <p><i>Cross Reference</i>
Issues: 4.2.7, 4.2.8, 4.2.9, 4.2.10, 4.2.13, 4.2.15,
Policies: 4.4.2, 4.4.4, 4.4.13, 4.4.14, 4.4.15</p> |
| <p>4.3.5 <u>Objective - Water Resources</u>
To maintain and enhance the quality of the District's water resources by avoiding, remedying or mitigating the adverse effects of land use activities adjacent to water bodies.</p> | <p><i>Cross Reference</i>
Issues: 4.2.4, 4.2.7, 4.2.8, 4.2.10, 4.2.13, 4.2.16
Policies: 4.4.2, 4.4.4, 4.4.5, 4.4.7</p> |

4.4.10

- 4.3.6 **Objective - Margins of Water bodies**
To preserve the natural character of the District's water bodies and their margins.
- Cross Reference*
Issues: 4.2.7, 4.2.8, 4.2.13, 4.2.15
Policies: 4.4.4, 4.4.5, 4.4.7, 4.4.10
- 4.3.7 **Objective - Soil Resource**
To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.
- Cross Reference*
Issues: 4.2.4 to 4.2.6, 4.2.15, 4.2.16
Policies: 4.4.6, 4.4.1, 4.4.12
- 4.3.8 **Objective - Significant Indigenous Vegetation and Habitats of Indigenous Fauna**
To recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- Cross Reference*
Issue: 4.2.9
Policy: 4.4.7
- 4.3.9 **Objective – Integrated, Comprehensive Mixed-Use Development**
To recognise and provide for an appropriately located development which integrates farming, horticulture, recreational, visitor, residential and lifestyle development and supporting infrastructure in a sustainable manner, but avoids, remedies or mitigates potential adverse effects on:
- landscape and amenity values of the rural environment;
 - natural and physical resources including soils, water and groundwater resources, and existing viticultural areas;
 - existing lifestyle amenities;
 - core infrastructural resources;
 - the functioning of urban areas.
- Cross Reference*
Policy 4.4.17
Policy 4.4.18

4.4 POLICIES

The policies contained in this section apply to the Rural Resource Area. Some of these policies also apply in the Water Surface and Margin Resource Area. The policies contained in the following sections are also relevant to the subdivision, use, development and protection of land in the Rural Resource Area;

- Section 3.4 (Manawhenua)
- Section 12.4 (District Wide Issues)
- Section 13.4 (Infrastructure, Energy and Utilities)
- Section 14.4 (Heritage)
- Section 15.4 (Financial Contributions)
- Section 16.4 (Subdivision)
- Section 17.4 (Hazards)

4.4.1 Policy - Outstanding Natural Landscapes and Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area

To recognise the District's outstanding natural landscapes and outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area which:

- (a) Are unique to the district, region or New Zealand; or
- (b) Are representative of a particular landform or land cover occurring in the Central Otago District or of the collective characteristics and features which give the District its particular character; or
- (c) Represent areas of cultural or historic significance in the district, region or New Zealand; or
- (d) Contain visually or scientifically outstanding geological features; or
- (e) Have characteristics of cultural, historical and spiritual value that are significant to Kai Tahu ki Otago;
- (f) Have high natural character values and high landscape quality that can be distinguished from the general landscapes of the Central Otago District

and provide protection for them from inappropriate subdivision, use and development.

Explanation

Section 6(b) of the Act requires Council to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance. There are activities that have the potential to compromise the values of these areas. In these circumstances resource consents will be required to enable a thorough environmental impact assessment to take place. This assessment must include recognition of the fact that people and communities often utilise these areas to provide for their social, economic and cultural wellbeing. Landscapes and natural features considered to be outstanding in the Central Otago District are identified in Sections 2.3.1 and 2.3.2 commencing on page 2:6 and are identified on the planning maps. Land in the Upper Manorburn/Lake Onslow Management Area is also identified on the planning maps.

4.4.2 Policy – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,
- (c) The ability to adequately dispose of effluent on site,

Cross Reference

Objectives: 4.3.1, 4.3.2

Method: 4.5.6

Rule: 4.7.6 L

Cross Reference

Objectives: 4.3.1, 4.3.3, 4.3.4, 4.3.5, 4.3.8

Method: 4.5.6

Rules: 4.7.1 to 4.7.6

- (d) **Controlling the generation of noise in back country areas,**
- (e) **The location of tree planting, particularly in respect of landscape values, natural features and ecological values,**
- (f) **Controlling the spread of wilding trees.**
- (g) **Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.**

Explanation

Central Otago has a unique landscape in the context of New Zealand. The District is dominated by parallel mountain ranges separated by broad valley basins and has a semi-arid character. This type of landscape is sensitive to modification. To sustainably manage what is considered a significant resource of the District, for both present and future generations, care must be taken with respect to the impact of activities on landscape and natural character.

The open space and natural character of the rural environment is also seen as a significant resource of the District. These values are capable of being compromised by commercial, industrial and/or residential forms of development not traditionally found in a rural context.

Some activities, particularly those involving motorised vehicles, can also adversely impact on the amenity values of back country areas. The effects of such activities need to be addressed through the resource consent process.

4.4.3 Policy – Sustainable Management of Infrastructure

To ensure that the development of infrastructure in the rural environment promotes sustainable management by:

- (a) **Requiring developers to contribute a fair and reasonable proportion of the costs involved, and**
- (b) **Maintaining and enhancing the safe and efficient operation of the infrastructure network (including roading), while avoiding, remedying or mitigating adverse effects.**

Cross Reference

*Objectives 4.3.1,
4.3.3
Policy 4.4.13
Section 12 District
Wide Rules and
Performance
Standards
Section 13
Infrastructure,
Energy and Utilities
Section 15
Financial
Contributions
Section 16
Subdivision*

Explanation

Developers will be responsible for the provision of adequate services such as water supply, roading and foul sewage disposal for any dwelling or other development in the Rural Resource Area. The Council for its part will not extend existing public services where it is not economic to do so or the general ratepayer receives no benefit. Development of new infrastructure must be

integrated with existing works to ensure safety and efficiency is not compromised. New development must also recognise and provide for the landscape quality of the District.

4.4.4 Policy - Riparian Margins

To manage the effects of the use, development or protection of land within riparian margins of water bodies (including wetlands) to ensure that the natural character and amenity of water bodies and their margins are preserved, by, as far as practicable:

- (a) Maintaining bank stability,
- (b) Protecting, and where appropriate, enhancing riparian and instream habitat quality,
- (c) Maintaining and enhancing riparian vegetation,
- (d) Maintaining water quality,
- (e) Maintaining and enhancing public access to and along the lakes and rivers,
- (f) Reducing the incidence and severity of flooding where this is achievable, and
- (g) Maintaining and enhancing the safety and efficiency of navigation on the adjacent water body where this is relevant

while recognising that some activities need to locate within riparian margins to operate efficiently.

Note: In matters relating to riparian vegetation Policies 8.7.1 and 8.7.2 of the Otago Regional Council's Regional Plan : Water are relevant.

Explanation

Water resources are critical to the economic and ecological base of the District and management of this resource must recognise the needs of present and future generations. Management should also attempt to provide optimum flexibility in the use of water resources both for the present and the future.

Riparian margins play an extremely important part in the sustainable management of water bodies. Riparian vegetation filters sediment, nutrients and surface runoff, reduces stream bank erosion and provides habitat for aquatic species. The adverse effects of activities involving earthworks, removal of vegetation, the dumping of fill and other waste must therefore be controlled.

Vegetation within riparian margins is also a significant component in the natural character of water bodies. Development of land and activities within riparian margins have the potential to compromise public access to and along the District's water bodies. It is recognised that some activities (such as bridges, jetties etc) need to locate within riparian margins to operate efficiently.

4.4.5 Policy - Effects on Water Quality

To assist the Otago Regional Council in its role of maintaining and enhancing water quality, by ensuring allotments are adequate for effluent disposal requirements

Cross Reference
Objectives 4.3.1,
4.3.3, 4.3.4, 4.3.5,
4.3.6
Methods 4.5.2,
4.5.6
Rules: 4.7.6A
4.7.6I

Cross Reference
Objectives: 4.3.1,
4.3.5, 4.3.6
Methods: 4.5.2

and encouraging the use of land management techniques that maintain and/or enhance the life supporting capacity of water.

4.5.6
Rule: 4.7.6G

Explanation

The control of discharges to water and land is a Regional Council function. Council in its role of controlling the effects of land use, will assist the Regional Council where appropriate, to ensure water quality is not adversely affected by land use activities adjacent to water bodies. The minimum site size associated with activities will often be determined by the area needed to safely dispose of effluent. Council will also encourage resource users to assess how their activities impact on water quality (see Method 4.5.2). Fencing riparian margins to prevent stock access to water bodies may be justified in some places in Central Otago such as at the Taieri River in the Maniototo. However, this method does not involve regulation as such an option is not considered cost effective, practicable or necessary in the Central Otago context.

4.4.6 Policy – Adverse Effects on the Soil Resource
To ensure that the location, construction and/or operation of land use activities and subdivision make adequate provision for the protection of the soil resource by avoiding, remedying or mitigating the adverse effects of practices which may cause:

- (a) Erosion, instability or loss of topsoil,
- (b) Loss of nutrient or incidence of soil contamination,
- (c) Loss of soils with special qualities,
- (d) A reduction in vegetation cover and moisture holding capacity, and
- (e) Soil compaction.

Cross Reference
*Objectives: 4.3.1,
4.3.7
Methods: 4.5.2,
4.5.6
Rule: 4.7.6J*

Explanation

Some land use activities (eg. mining) can have a significant impact on the soil resource. As soil resources are considered non-renewable resources and are of great significance to the District, practices that avoid, remedy or mitigate these effects are encouraged when considering land use proposals.

It must also be recognised that the rehabilitation process involved in land disturbance activities applying current technology and good practice, (such as in mining) can enhance the productive capacity of the soil resource.

4.4.7 Policy – Significant Indigenous Vegetation, Wetlands and Wildlife

To protect areas of:

- (a) **Significant indigenous vegetation,**
- (b) **Significant habitats of indigenous fauna,**
- (c) **Significant wetlands,**
- (d) **Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and**
- (e) **Habitats of statutorily managed sports fish and game.**

from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District.

Explanation

Section 6(a) of the Act requires the preservation of wetlands and their margins from inappropriate subdivision, use and development while section 6(c) requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Section 7(h) of the Act requires consideration of the protection of the habitat of trout and salmon. Activities that significantly impact on these resources will need some form of control, however, this must be balanced against the sustainable management of those resources for other purposes.

The promotion and encouragement of retaining and enhancing indigenous ecosystems within the District will also assist in maintaining biodiversity and preserving the landscape values of the District. Voluntary protection or use of covenants promoted by developers through the resource consent process will be seen by Council as a positive aspect of any development and/or subdivision proposal. Areas of significant indigenous vegetation, habitats of indigenous fauna and wetlands are listed at Schedule 19.6.1 and are identified on the planning maps. Acutely threatened and chronically threatened plant species found within the District are listed in Schedule 19.6B.

Method 4.5.2(iv) provides for a review of the areas currently listed in Schedule 19.6.1 to provide for further sites to be included, as necessary. Policy 10.5.2 of the Regional Policy Statement for Otago may apply in establishing a site's significance; as may guidelines in the anticipated national policy

Cross Reference:

*Objectives: 4.3.1,
4.3.5, 4.3.6,
4.3.8
Methods: 4.5.2
4.5.6
Rule: 4.7.6K,
4.7.6KA*

statement on biodiversity. Wetland policies in Chapter 10 of the Regional Plan : Water for Otago apply in terms of Policy 4.4.7(c).

4.4.8 Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.

To ensure that the effects associated with some activities including (but not limited to):

- (a) **Noise (including noise associated with traffic generation, night time operations), and vibration,**
- (b) **The generation of a high level of traffic, in particular heavy vehicles,**
- (c) **Glare, particularly from building finish,**
- (d) **A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,**
- (e) **The generation of odour, dusts, wastes and hazardous substances, and**
- (f) **The use and/or storage of hazardous goods or substances**

do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.

Explanation

Effects such as noise, dust, odour and impacts on the landscape have the potential to compromise the amenity values of neighbouring properties. The safe and efficient operation of the roading network can also be compromised by increased traffic generation and the proliferation of signs. These potential adverse effects must therefore be controlled.

4.4.9 Policy - Effects of Rural Activities

To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.

Explanation

With the recent trend towards country living, traditional agriculture, mining, horticulture, viticulture, utilities and energy generation and transmission activities may be subject to an increasing number of complaints in respect of the effects of their day to day activities. The effects of these activities often cannot be readily avoided, remedied or mitigated by the person undertaking the activity without causing significant adverse economic effects. If people choose to live in the rural area of the Central Otago District, they should be prepared to accept the inconveniences, discomforts, disturbances or irritation that are caused and will be caused by such operations as a normal and necessary aspect of living in a district with strong rural character and a healthy developing agricultural/horticultural/viticultural sector and utility and energy generation/transmission activities. Although such inconveniences, discomforts, disturbances or

Cross Reference

Objectives 4.3.1, 4.3.3

Policy 4.4.9

Method 4.5.6

Rule 4.7.6

Cross Reference

Objectives 4.3.1, 4.3.3

Method 4.5.6

Rules 4.7.2(i),

4.7.6E

irritations may not be acceptable in an urban area, they are to be expected in rural areas. It is therefore considered appropriate that those activities that locate adjacent to an existing rural activity should take steps to mitigate the effects that the existing rural activity may have upon them.

4.4.10 **Policy – Rural Subdivision and Development**

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- (a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges,
- (b) The natural character and values of the District's wetlands, lakes, rivers and their margins,
- (c) The production and amenity values of neighbouring properties,
- (d) The safety and efficiency of the roading network,
- (e) The loss of soils with special qualities,
- (f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,
- (g) The heritage and cultural values of the District,
- (h) The water quality of the District's surface and groundwater resources, and
- (i) Public access to or along the rivers and lakes of the District,

particularly through the use of minimum (and average) allotment sizes.

Explanation

Council's duty under the Resource Management Act is to control the effects of activities. The creation of a new allotment on a plan has, in itself, no real direct effect on the environment. However, the control of subdivision, particularly in respect of minimum (and average) allotment sizes, is a tool which assists in controlling the adverse effects of the land use that follows thereby promoting sustainable management. Minimum allotment sizes for subdivision are considered to be the best practicable methods to control adverse effects. In some instances adherence to an arbitrary minimum is not always the most appropriate approach. This is particularly true when subdivision for existing activities, network utilities, and reserves and heritage resources are considered. Furthermore, there is no difference in terms of effects on the environment between development on an 8 hectare property and the same development on property having a slightly lesser area. Because of these issues, subdivision in the Rural Resource Area is subject to a three tiered approach which will allow Council to assess the effect of the subdivision in terms of the objectives of the plan.

Subdivision control in the Rural Resource Area also recognises a number of special areas created under previous planning

Cross Reference

Objectives: 4.3.1, 4.3.3, 4.3.5, 4.3.6, 4.3.7

Method 4.5.6

Rules 4.7.2(ii) and

(ib), 4.7.4(iii) &

4.7.5(iii)

Section 16

Subdivision

instruments. These areas, identified as Rural Resource Areas (1) and (2), are located east of State Highway 8 in the Bendigo locality.

4.4.11 Policy - Subdivision for Other Purposes

To provide for subdivision for boundary adjustments, surplus buildings, reserves, the retention or enhancement of heritage values, utilities, public facilities, and other purposes that do not meet minimum area requirements provided significant adverse effects on the environment are avoided, remedied or mitigated.

Cross Reference
Objectives 4.3.1
4.3.3
Method 4.5.6
Rule 4.7.2(ii)
Section 13
Infrastructure,
Energy and Utilities
Section 14
Buildings, Places,
Sites, Objects and
Trees
Section 16
Subdivision

Explanation

This policy complements Policy 4.4.10. Requiring adherence to minimum allotment sizes for the activities identified in this policy may not facilitate sustainable management or the efficient use of resources.

4.4.12 Policy - Weed and Pest Plant and Animal Infestation

To encourage land use practices that avoid, remedy or mitigate weed infestation, in particular wilding tree spread, and the spread of pest plants and animals throughout the district.

Cross Reference
Objectives 4.3.1,
4.3.3, 4.3.7, 4.3.8
Methods 4.5.2,
4.5.3

Explanation

Weeds (including wilding trees), and pest plants and animals are an increasing problem within the Central Otago District. Spread of weeds and pest plants and animals can result in the loss of biodiversity and land productivity and can also have an adverse effect on landscape values. Landowners are responsible for pest control on their properties, through the pest management strategy requirements formulated by the Otago Regional Council. While the Regional Council has primary responsibility in the area of pest plants and animals management, the District Council can assist through actively promoting good land management practices and advocacy to regional and national authorities to ensure there is an ongoing commitment to managing the problem within the District.

4.4.13 Policy - Public Access to Significant Features

To promote the provision of public access opportunities to the Districts significant natural and physical land features including areas of value for recreational purposes.

Cross Reference
Objectives 4.3.1,
4.3.4
Method 4.5.4

Explanation

The Central Otago District contains numerous natural and physical land features that are important to many people for recreation, scientific, educational and other purposes. Many valued natural and physical resources are on land administered by the Department of Conservation and consequently access to them is controlled by the Department. Public access to and over these areas is generally unrestricted, however, commercial development and/or protection of conservation values can restrict public access to and over these areas. The District Plan cannot impose public access over privately owned or Crown pastoral lease land. However, the tenure review process does provide the opportunity to maintain and enhance public access to these areas. The resource consent process also provides an opportunity to consider this issue to a limited degree.

4.4.14 Policy - Back Country Amenity Values

To ensure that activities avoid, remedy or mitigate adverse effects on the open space, landscape, historic, natural character, natural quiet and amenity values of the quality and range of recreational opportunities available in, the District's back country and/or remote areas.

Cross Reference

*Objectives: 4.3.1, 4.3.2, 4.3.3, 4.3.4
Methods: 4.5.5, 4.5.6
Rule: 4.7.6K*

Explanation

The back country and remote areas of the District generally have significant landscape and amenity values and are often greatly valued recreation areas. These values can be compromised by the very activities that seek them out. Furthermore, these activities have the potential to conflict with one another in terms of the effects that they may generate.

4.4.15 Policy - Conflict between Recreation Activities

To recognise and avoid, remedy or mitigate the potential conflict between different types of recreation activities that occur within the District, whilst encouraging multiple use of public open space and recreation areas wherever this is possible and practicable.

Cross Reference

*Objectives: 4.3.1, 4.3.4
Method 4.5.5
Rule 4.7.4(vii)*

Explanation

The Central Otago District is a popular recreational area. The different recreation activities that occur in the district are not always compatible with one another. Conflict can arise between motorised recreation and more passive recreation activities that seek peace and tranquillity. These activities often seek the same environment which, particularly during winter months, can be limited to a few range tops.

4.4.16 Policy – Community & Emergency Service Activities

To recognise the special characteristics and needs of community and emergency service activities and to ensure that they are accessible and convenient for the community they serve, while avoiding, remedying or mitigating adverse effects on:

- (a) Amenity values,
- (b) Environmental qualities of neighbouring properties,

Cross Reference

Objective 4.3.1

- and
- (c) **The safe and efficient operation of the roading network and other community infrastructure.**

Explanation

Community facilities are important to the District as they enable the community to meet social, cultural, health and safety needs. Provision needs to be made for such activities while ensuring adverse effects on adjoining properties and services are not significant.

- 4.4.17 Policy – Integrated Development – McArthur Ridge**
To provide for integrated development in the Rural Resource Area (4) at McArthur Ridge to:

Cross Reference
Objective 4.3.9

- (a) **Develop the economic values of the rural area in a way which ensures beneficial environmental outcomes;**
- (b) **Complement, support and sustain the urban areas;**
- (c) **Integrate a range of complementary activities within the rural setting including:**
- **vineyards;**
 - **golf and other outdoor recreational activities;**
 - **travellers accommodation, including conference, health and wellbeing and associated activities;**
 - **a range of residential and lifestyle opportunities;**
 - **farming and open space;**
- (d) **Recognise and complement the rural setting;**
- (e) **Recognise the sustainable capacity of the Rural Resource Area (4) in relation to effects on landscape, effects on rural and residential amenities, servicing infrastructure and other matters related to the impact of people on land, and ensure that the area is not overdeveloped, by strictly limiting the number of dwellings within the area;**
- (f) **Ensure that development in the Rural Resource Area (4) is consistent with a development concept plan;**
- (g) **Ensure that the fundamental basis of the Rural Resource Area (4) is put in place by requiring the travellers accommodation and golf course to be constructed prior to other building development taking place;**
- (h) **Integrate development to provide co-ordinated linkages (vehicle, walking, cycling, bridle) within the development area and with other areas, which may include appropriate public access;**
- (i) **Provide infrastructural services and ensure their**

economic viability by requiring connection to those services;

- (j) Create a focus to attract a variety of visitors to the District;
- (k) Advance the principles of sustainable building and development design;
- (l) Limit supporting business and community activities so as to not undermine, but rather support, the functioning of urban areas;
- (m) Recognise and protect natural, landscape and heritage values of the area through the preparation of a development concept plan supported by site, design, infrastructure and management plans.

Explanation

The Rural Resource Area (4) applies to approximately 130 hectares of land at McArthur Ridge, located north of Springvale Road and off McArthur Road, which has a range of qualities that provide the opportunity for an integrated development. The overall design concept for the Rural Resource Area (4) is to build on the established pinot noir vineyard and high country sheep station heritage and to enable the development of a high quality vineyard and golf course development with related travellers accommodation, recreational, residential and lifestyle development.

4.4.18 Policy – Integrated Rural Lifestyle Subdivision and Development within Rural Resource Area (5)

*Cross Reference
Objectives 4.3.1,
4.3.3 and 4.3.9*

To provide for rural lifestyle subdivision and development while avoiding, remedying or mitigating adverse effects on the environment by:

- (a) Requiring subdivision and development to be undertaken in general accordance with the Structure Plan in Schedule 19.23;**
- (b) Integrating a range of complementary activities within the rural setting, including:**
 - **Rural living**
 - **Farming and agriculture**
 - **Horticulture**
 - **Recreation and Open Space**
- (c) Adhering to minimum allotment sizes for subdivision;**
- (d) Managing the character and amenity values of the Rural Resource Area (5) and surrounding areas by controlling land use activities, avoiding building within**

the no build areas shown on the Structure Plan, and avoiding urban forms of subdivision and development;

- (e) Minimising adverse effects of built form resulting from inappropriate building scale, location and external appearance;
- (f) Enhancing landscape values through the implementation of planting schemes tailored to specific areas within the Rural Resource Area (5);
- (g) Providing for an efficient access and open space network;
- (h) Providing adequate infrastructure to service development while minimising adverse effects;
- (i) Avoiding building in high risk natural hazard areas;
- (j) Managing the potential for reverse sensitivity effects on adjoining rural land uses;
- (k) Retaining the Rural Lifestyle Production Area for predominantly horticulture, viticulture, agriculture or other rural productive activities in recognition of the value of the soil resource in this area;
- (lk) Integrating and enabling horticultural and agricultural activities and productive use of the soil resource in conjunction with rural living activities; and
- (ml) Complementing, rather than competing with, urban areas in the district by providing a focus on rural living activities.

Explanation

The Rural Resource Area (5) includes approximately 142.5 hectares of land at Ripponvale Road and is located approximately 2.5km northwest of Cromwell town centre at the base of the Pisa Range. Rural Resource Area (5) enables rural lifestyle subdivision and development, providing for a range of densities that foster a sensitive and creative response within the landscape of the site while also providing for greater diversity of living opportunities that contributes to the strengthening of rural communities.

The Structure Plan in Schedule 19.23 provides for the growth of rural lifestyle development within Rural Resource Area (5) in an integrated, sustainable and planned manner. The Structure Plan enables development that will respect the unique characteristics of the area and the surrounding environment by identifying areas capable of absorbing a range of densities of rural lifestyle development commensurate to the landscape values of the area. Those parts of the site containing Waenga 5 soils are subject to additional controls to recognise the value of the soil resource and

to ensure that it is predominantly retained for productive use. The Structure Plan also identifies areas where no built development is to occur as a response to the identification of hazard areas where people and property are likely to be at greater risk. Development is required to be set back from adjoining properties containing established rural land uses to manage potential reverse sensitivity. The Outstanding Natural Landscape of the Pisa Range has been avoided through the implementation of the Structure Plan.

Minimum allotment areas have been identified for each Rural Lifestyle Area identified on the Structure Plan. The areas capable of having smaller lots and denser rural living development are on the flat and less visibly prominent core of the zone. Larger lots are located on the outer edges of the zone, responding to the landscape values within the Significant Amenity Landscape and enabling use of the soils in the southern part of the zone for productive land uses. A no build area ensures that development on highly visible locations is avoided.

The provision of a road network with pedestrian access ways will provide permeability and connectivity for a range of transport modes through the zone as well as providing safe connections within the zone for recreation and day to day users.

Protection of the generally open landscape character of the area will be addressed through standards on setbacks, external appearance controls and building height restrictions to achieve a level of amenity commensurate to its setting.

The enhancement of the landscape through application of planting schemes tailored to specific areas will add to the natural character, amenity value and ecological enhancement of the Rural Resource Area (5).

Rural Resource Area (5) is in relatively close proximity to the urban area of Cromwell and its shops, services, employment and schools. Commercial activities are limited to avoid undermining the functioning of this urban area.

4.5 METHODS OF IMPLEMENTATION

4.5.1 Creation of the Rural Resource Area

The planning maps identify the rural areas of the District as the Rural Resource Area within which the provisions of Section 4 apply. The planning maps also identify outstanding natural landscapes and outstanding natural features, significant amenity landscapes and other land in the Rural Resource Area which constitute other rural landscapes along with the Upper Manorburn/Lake Onslow Landscape Management Area.

Reason

Identifying this area as distinct from urban areas of the District best promotes the sustainable management of the natural and physical resources of the rural environment.

4.5.2 Promotion, Education and Investigation Initiatives

(i) Natural Hazard Mitigation

With respect to the use, development or protection of land, the Council shall,

- (a) Co-operate with the Otago Regional Council in establishing monitoring programmes to assess the degree to which long term trends in land use practices and patterns may increase or decrease vulnerability to natural hazards such as flooding.
- (b) Promote and encourage the revegetation and retention and enhancement of vegetative cover and the retention and enhancement of wetland areas, as natural methods of managing natural hazards.

Reason

There is some evidence to suggest that some land management practices can have an adverse effect on the water retention characteristics of land. These land uses can therefore impact downstream in times of a flood hazard event. More work needs to be carried out to determine the extent that land use patterns impact on the intensity and frequency of flood events. It is known that the maintenance of vegetation cover and the retention of wetlands can mitigate the effects of flood events in small to medium sized catchments. Council, through its various functions including civil defence can assist the Regional Council in this area.

(ii) Land Management Practices

In carrying out any activity, whether subject to specific rules in this plan or not, the Council encourages resource users to adopt the “best practicable method” to avoid, remedy or mitigate adverse effects on:

- water quality and quantity
- riparian vegetation and associated habitat
- stability of the banks of any water body
- landscape values

Cross References

All policies

Cross Reference

Policies: 4.4.4 to 4.4.6

Cross Reference

Policies: 4.4.1, 4.4.4, 4.4.5, 4.4.6, 4.4.7, 4.4.9

and to avoid, remedy or mitigate the adverse effects of:

- erosion and instability
- nutrient loss
- soil compaction
- removal of vegetation, particularly in catchment areas
- the spread of non-desirable weeds and plants (the definition of which will depend on local conditions), including wilding trees.

Council encourages resource users to give consideration to relevant guidelines and Codes of Practice, such as:

- New Zealand Forest Code of Practice (Logging Industry Research Organisation, 1993),
- South Island High Country Forestry Design, Ministry of Forestry 1994,
- Code of Practice - Pig Farming, New Zealand Pork Industry Board 1997,
- Otago Regional Council's guide on Riparian Management,
- Guidelines for the Control and Management of Wilding Trees, Ledgard and Langer, NZ Forest Research Institute (see Method 4.5.2(iii)).

In avoiding, remedying or mitigating adverse effects, the Council encourages resource users to recognise the following practices which minimise the adverse effects of land use activities on water bodies:

- Activities that intensively use land within 10 to 20 metres (depending on the particular environment) of the bank of any water body which may give rise to degradation in both the water quality of the water body and the stability of the bank structure, should be avoided.
- To such an extent as is practicable, the spreading of fertilisers should be accurate, and avoid riparian areas, and should be carried out at the correct time and at a rate matching crop nutrient uptake.
- No disturbed vegetation, soil or debris should be placed in such a position where it may enter or move into any water body.
- Agricultural and other chemicals are to be used carefully and in accordance with approved guidelines and Codes of Practices, for example NZS 8409 1995 "Agrichemical Users Code of Practice". Users of sprays are to take all reasonable and practicable steps to avoid drift onto neighbouring properties.
Note: Where spraying is to occur in close proximity to orchards, vineyards or trees, consultation is to occur with neighbouring property owners in order to protect the interests of both parties.
- Maintenance of thick riparian vegetation filters sediment and nutrients in surface runoff. Indigenous vegetation is important for the role it plays in the ecosystems of water bodies, and the habitat it provides for other native species.

- Riparian vegetation also stabilises banks.
- Wetlands should be retained for denitrification, filtration and habitat purposes. Wetlands also mitigate the effects of floods.
 - Minimise trampling damage and overgrazing.
 - Avoid stream bank erosion and direct faecal inputs by exclusion of stock from waterways and riparian margins where this is practical.
 - Adjust land use type to land capability.
 - Locate activities that have high water requirements in areas that have adequate supply.

The Otago Regional Council has also prepared a guide on Riparian Management. This document provides information on best management practices for activities within or adjacent to riparian margins. Copies of the document are available from Regional Council offices.

Resource users are advised that a number of the activities above may be subject to Regional Council controls. The following activities are also controlled by the Regional Council -

- Activities, including the operation of machinery, taking place in any water body.
- Activities, such as silage pits, farm tips, and offal pits, involving potential discharges to land or water.
- Structures, bed disturbance, introduction of vegetation, deposit of substances, drainage and reclamations on the beds of lakes and rivers.

Reason

In promoting and encouraging good land management practices, the Council wishes to avoid excessive regulation that may not be practically monitored and enforced, and may frustrate innovation in land management practices in different environments and situations. The Council also recognises that land use effects on water may also be subject to Regional Council controls which take precedence on water quality matters. The District Plan may be reviewed as riparian land use issues are better defined through the regional planning process.

Rule 4.7.6 Standards (p4:57) contains a number of rules relating to riparian management. Policies and rules in Section 15 (Financial Contributions) and 16 (Subdivision) also provide mechanisms the Council may use to protect riparian margins. The Council supports the protection of riparian margins and will work with the Otago Regional Council on this issue.

No standards regulating burning are included in this plan. The principal reason for this is that the Otago Regional Council has primary responsibility for discharges to air and for soil conservation. While burning may have an impact on landscape values this is only temporary and can be considered under the

Regional Council burning permit regime. Rule 4.7.6.K will control burning in areas of significant indigenous vegetation identified in the plan.

(iii) Wilding Tree Spread

The Council encourages all prospective tree planters to consider the possibility of wilding tree spread and to adopt methods to avoid, remedy or mitigate this occurring as a result of their activity. Prospective tree planters should pay particular attention to species choice, siting, plantation design, and surrounding land management in order to minimise the risk of unwanted spread onto adjoining properties. In essence spread-prone species should not be planted upwind of undeveloped land which has an indigenous vegetation component, bare ground or a thin vegetative cover, particularly if take-off sites are involved.

There are guidelines available for the management of wilding trees such as "Guidelines for the Control and Management of Wilding Trees" W J Ledgard and E R Langer, New Zealand Forest Research Institute Ltd. This guideline can be made available by the Council.

The following factors are involved in wilding tree spread and can assist in controlling spread.

- Spreading vigour varies according to species' competitiveness, palatability and seed weight. The order of declining spreading vigour is: lodgepole pine (*Pinus contorta*), Scots pine (*P. sylvestris*), Douglas fir (*Pseudotsuga menziesii*), Corsican pine (*Pinus nigra*), European larch (*Larix decidua*), Ponderosa pine (*Pinus ponderosa*), Bishops pine (*P. muricata*), Maritime pine (*P. pinaster*) and Radiata pine (*P. radiata*). Douglas fir is more able to invade shady situations than the pines.
- Age of seed production is predictable - generally 8-12 years. Therefore land managers have 8-12 years to remove young trees before they in turn produce seed.
- Seed dispersal is mostly by wind. On flat sites the majority of wildings occur as fringe spread within a few hundred metres of seed source. More distant spread (over 500m) and outlier trees originate from ridges, hill tops and sites on or adjacent to north or west facing slopes. These are called take-off sites.
- Most seed germinates within 2 years of dispersal. No germination occurs after 6 years.
- Spread is most likely to occur on undeveloped land, downwind of a seed source, especially where there is an indigenous vegetation component, bare ground or a thin vegetative cover.
- Spread is least likely to occur where there is a well established, dense vegetation cover (eg., improved grassland or intact forest), or where intensive grazing (mob stocking) is practiced.

Cross Reference
Policy 4.4.12

- Grazing by animals (mainly sheep) is the main human-induced controlling agent. Corsican pine is the least palatable conifer, followed by Douglas fir, Scots pine, larch, lodgepole, ponderosa and radiata pine.

The above factors indicate that conifer and other exotic tree (including eucalyptus and sycamore) spread is very predictable. Predictable natural events or sequences are usually the easiest to manage or control.

Landowners and interested agencies and groups are able to control or eradicate wilding trees through direct action. In 1998 the Wilding Tree Action Group removed wilding trees in the Cromwell Gorge area. This provides an example of action that can be taken to control or eradicate the spread of wilding trees. Such action is encouraged, particularly on areas of outstanding landscape value, in areas of significant indigenous vegetation and habitats of indigenous fauna, within historic areas and on other areas of particular landscape and ecological value to the community.

Rules are applied to assist in the control of wilding spread. These rules control the planting of certain species that have particular spreading vigour, and enable the effects of plantations of other species with propensity for wilding spread to be avoided, remedied or mitigated.

Reason

Management of wilding tree spread can be effectively and efficiently carried out. Education, the provision of appropriate information, direct action by other agencies and regulation through rules are considered the most appropriate management options in respect of this issue.

(iv) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

With respect to areas of significant indigenous vegetation and habitats of indigenous fauna, the Council shall:

- (a) Encourage and advocate to the Minister of Conservation that the Department of Conservation negotiate directly with landowners (and adjoining landowners that may be affected) whose properties may contain areas of significance, worthy of protection.
- (b) Encourage and advocate to central Government, that in consultation with affected lessees, areas of significance be appropriately protected through the tenure review process.
- (c) Encourage landowners to provide voluntary protection and enhancement for areas of significant indigenous vegetation and significant habitats of indigenous fauna and areas with particular landscape values, through the following methods:
 - Developing sustainable land management plans that take into account the values of those areas.
 - Utilising covenants under the QEII Trust,

*Cross Reference
Policy 4.4.7*

- Conservation and Reserves Acts, and other covenants.
- Sale to public bodies.
 - Fencing off such areas to enable more control over management.
 - Regular weed and pest eradication.
 - By taking account of the benefits provided by such voluntary protection and/or environmental compensation when considering applications for resource consents.
- (d) Review the extent to which significant areas are protected by being included in the conservation estate or made subject to restrictions to protect natural values within 5 years of the operative date of this District Plan. A plan change may be initiated to revise relevant provisions of the District Plan within this 5 year period.

Reason

At the time of preparing this plan [1998], in excess of 48,000 hectares of land within the District is held in the conservation estate (see Schedule 19.6.1). This figure may increase significantly as the Crown completes the tenure review process in the district. The tenure review process which involves full consultation with affected runholders, conservation, recreation and other interested groups is considered the most practical, appropriate and cost effective method of identifying and protecting areas of significant indigenous vegetation and habitats of indigenous fauna.

The tenure review process is proceeding and central Government has indicated that it is likely to prepare a national policy statement to address effects of land use on biodiversity. In these circumstances it is considered appropriate to conduct a review with respect to natural values within a 5 year period. It is anticipated that such a review and, if appropriate, the formulation of a plan change to address relevant matters will involve a process of consultation with all interested parties.

Council will also actively promote to landowners that they provide voluntary protection of areas that may have significance for their intrinsic values or landscape values. The resource consent process also provides an opportunity to consider this issue where appropriate, and a degree of regulation (through rules) is justified with respect to landscape values.

(v) Sustainable Land Management Groups

The Council will encourage and, where practicable, assist the formation of landcare groups and similar community initiatives that promote sustainable management of land and associated resources.

Cross Reference

*Policies: 4.4.4,
4.4.5, 4.4.6,
4.4.12*

Reason

In many instances the most positive environmental results are brought about by projects that are initiated and driven by the community most affected. These types of initiatives should be encouraged.

4.5.3 Advocacy on Pest and Weed Management

The Council will continue to advocate to the Otago Regional Council and Central Government to seek increased financial commitment to pest and weed control/eradication in the Central Otago District.

Cross Reference

Policy 4.4.12

Reason

Effective pest and weed eradication programmes require a significant level of commitment from not only regional agencies but also central government. Unless this is forthcoming, pest and weed infestation will continue to adversely impact on the District's natural and physical resources.

4.5.4 Advocacy for Public Access

The Council shall advocate that Central Government consider the need for public access for recreation, educational, scientific and other purposes, including the provision of financial resources for the future maintenance of such access:

- (a) During the tenure review process, and
- (b) Through the management of the conservation estate

Cross Reference

Policy 4.4.13

Reason

A large number of Central Otago's significant natural and physical land features and important recreation areas are found within the conservation estate and pastoral lease land. To a large extent, therefore, the issue of public access rests with Central Government and its management of these resources.

4.5.5 Advocacy for Wilderness and Back Country Recreation

Council shall advocate to the Department of Conservation that the Department consider the needs of recreationalists seeking wilderness and back country experiences in suitable areas in the management of the conservation estate.

Cross Reference

Policies: 4.4.14, 4.4.15

Reason

A large area of Central Otago's wilderness and back country areas are either in the conservation estate or will become part of that estate through the tenure review process. The provision of wilderness areas free of motorised commercial recreation operations and other areas that provide for back country experiences and activities such as mountain biking is able to be addressed by the Department of Conservation through the management planning process for such areas.

4.5.6 Rules

To develop rules to ensure that the adverse effects of activities are avoided, remedied or mitigated.

Cross Reference

Policies: 4.4.1 to 4.4.11, 4.4.14, 4.4.15

Reason

Council has considered and adopted a wide range of methods to promote the sustainable management of the rural environment including education and advocacy. However, in some instances the adverse effects of activities are such that some form of control is needed. Rules are the most appropriate option in these situations as they are the only methods that can be readily enforced.

Although the tenure review process may greatly increase the amount of land held in the conservation estate and to some extent may relieve the Council of some of its responsibilities in terms of sections 6 and 7 of the Act, these responsibilities remain relevant to significant parts of the district outside of the conservation estate. A systematic landscape study has been undertaken as part of the Rural Study that has assisted in the identification of outstanding natural landscapes and outstanding natural features, significant amenity landscapes and other rural landscapes. These landscapes and features are identified on the planning maps. It is noted that "other rural landscapes" constitute those landscapes in the Rural Resource Area that are not identified in any other landscape category.

4.6 PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

4.6.1 Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area.

Section 6(b) of the Act requires Council to protect outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development as a matter of national importance. The plan also recognises the landscape values of land in the Upper Manorburn/Lake Onslow Management Area. The plan provisions enable consideration of what is appropriate in these areas taking into account the impact on people and communities social, economic and cultural wellbeing. Significant inherent values including landscape values are also protected through the tenure review process. Section 6(e) is also relevant to this issue.

*Cross Reference
Objectives: 4.3.1,
4.3.2*

4.6.2 Landscape and Amenity Values

The effects of using, developing or protecting natural and physical resources on landscape and landforms is a matter that should be provided for in the District Plan. The unique landscape of the Central Otago District has been identified as an important resource of the District that is renowned internationally. Ensuring adverse effects on its values are avoided, remedied or mitigated is considered a significant resource management issue. Section 6(e) identifies the relationship of Maori and their culture and traditions with their ancestral lands, sites and taonga as a matter of national importance. There are landscapes within the district that are significant for this reason. Section 7 of the Act requires Council to have particular regard to maintaining and enhancing amenity values, and the maintenance and enhancement of the quality of the environment. Landscape qualities provide a significant contribution to the cultural and amenity values, and the environmental quality of Central Otago. The provisions of the plan have been adapted to ensure that amenity and landscape values of the District's rural environment are not compromised, while ensuring people and communities can continue to provide for their social, economic and cultural wellbeing

*Cross Reference
Objectives: 4.3.1,
4.3.3*

4.6.3 Recreation Resources and Public Access

Section 6(d) requires Council to recognise and provide for the maintenance and enhancement of public access to and along lakes and rivers. Section 7 requires the Council to have particular regard to the maintenance and enhancement of amenity values (section 7(c)). The definition of "amenity values" is "those natural or physical qualities and characteristics of an area that contribute to peoples appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes." (see Note at Section 1.2.1 page 1:7). Furthermore the purpose of esplanade reserves and esplanade strips includes enabling public recreational use of the esplanade reserve or strip and the adjacent river or lake where that use is compatible with conservation values.

*Cross Reference
Objectives: 4.3.1,
4.3.4*

The District's natural and physical resources are seen as a significant recreational resource and one that is becoming increasingly important to the District's economy. Because the majority of land valued for this activity is found within the conservation estate or will become part of the conservation estate through the tenure review process, the best way to provide for back country recreation and access to it is through advocacy to Central Government and the Department of Conservation. Control over motorised commercial recreation through the resource consent process is considered the best option to avoid, remedy or mitigate the conflict between motorised and non-motorised recreation that utilise the same environments.

4.6.4 Water Resources

The Central Otago District Council has a role in controlling the effects that using, developing and/or protecting land may have on water quality and quantity. Water resources are also of great significance to iwi and sections 6(e) and 8 of the Act are relevant to this issue. The Otago Regional Council is the principal authority in respect of maintaining and enhancing the quality and quantity of water in the District and for this reason, the provisions adopted in this plan, will complement the Regional Council's functions while ensuring duplication of controls is minimised. Issues relating to water quantity have not been directly addressed in this plan as the District Council believes that this is an issue that is most appropriately addressed by the Otago Regional Council.

*Cross Reference
Objectives: 4.3.1,
4.3.5*

Section 7 of the Act also requires Council to have particular regard to Kaitiakitanga (7(a)); the ethic of stewardship (7(aa)); the intrinsic values of ecosystems (section 7(d)); the maintenance and enhancement of the quality of the environment (section 7(f)); and the protection of the habitat of trout and salmon (section 7(h)).

4.6.5 Margins of Water bodies

Section 6(a) of the Act requires Council to recognise and provide for the preservation of the natural character of wetlands and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development as a matter of national importance. Again sections 6(e), 7(a), 7(aa), 7(d), (f) and (h) and 8 of the Act are also relevant to this issue. Land use at the margins of water bodies can have a significant impact on these issues and hence the riparian margin provisions in the plan. The Council believes education of landowners, complemented by performance standards for activities within riparian margins, will achieve the best long term environmental results. Fencing of riparian margins to prevent stock access to water bodies may be justified in some places in Central Otago, but requiring such measures by regulation is not considered cost effective, practicable or necessary in the Central Otago context.

*Cross Reference
Objectives: 4.3.1,
4.3.6*

4.6.6 Soil Resources

The District Council's functions under the RMA relates to

*Cross Reference
Objectives: 4.3.1,*

managing the effects of the use, development or protection of land and associated natural and physical resources. Soil is part of the land resource or is at least an associated natural and physical resource. The Otago Regional Council is the principal authority in respect of controlling the use of land for the purposes of soil conservation. Consequently the provisions of the plan relate to Council's role in controlling the adverse effects of land use only. The approach adopted in this plan recognises the community's need to utilise the District's soil resources to provide for social, economic and cultural wellbeing.

4.3.7

4.6.7 Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

Section 6(c) of the Act requires Council 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. These resources are also significant to iwi and sections 6(e) and 8 are again relevant. The Department of Conservation also has a role in this regard and has the function of managing the Crown conservation estate and other natural and historic resources entrusted to it. Section 7 requires Council to have particular regard to Kaitiakitanga (7(a)); the ethic of stewardship (7(aa)); the intrinsic value of ecosystems (section 7(d)) and recognition and protection of heritage values of areas (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)). Council's role in protecting such resources is considered complementary to the Department of Conservation's statutory functions and the relevant provisions of the plan are consistent with the Regional Policy Statement for Otago.

*Cross Reference
Objectives: 4.3.1,
4.3.8*

The tenure review process is proceeding and central Government has indicated that it is likely to prepare a national policy statement to address effects of land use on biodiversity. In these circumstances the Council has determined that it is appropriate to conduct a review with respect to natural values within a 5 year period.

4.7 RULES

Note: In considering a resource consent application under rules in this Plan, in the absence of specific policy in this Plan the Council may have regard to other policies related to assessment matters, including the relevant policies in the Regional Policy Statement for Otago, and regional plans.

See also Sections 3 and 14 of the Plan – Manawhenua and Heritage Buildings, Places, Sites, Objects and Trees

4.7.1 PERMITTED ACTIVITIES

*Cross Reference
Policies: 4.4.1 to
4.4.16, 4.4.18*

(i) Compliance with Standards

Any activity that is not listed as either a controlled, discretionary (restricted), discretionary, non-complying activity or prohibited activity and that complies with the rules and standards set out in Sections 12 to 15 of this Plan, and the standards set out in section 4.7.6 is a permitted activity.

Reason

The standards set out in section 4.7.6 will ensure that adverse effects on the environment are kept to a minimum. The standards relate to -

1. Bulk and location of buildings
2. Traffic generation and characteristics of activities
3. Tree planting
4. Visual effect of buildings
5. Noise
6. Storage
7. Provision of services
8. Signs
9. Riparian margins
10. Earthworks for access tracks and extractive activity
11. Areas of significant indigenous vegetation, habitats of indigenous fauna, and wetlands.
12. Outstanding landscapes, land over 900 metres and land in the Upper Manorburn/Lake Onslow Landscape Management Area.

Activities that comply with these standards and are not identified in sections 4.7.2 to 4.7.5A are considered to have no more than a minor effect on the environment.

Note: Sections 12 to 15 contain a number of general provisions and rules that apply across the district. Section 12 addresses access, parking, noise, signs, lightspill and vibration. Section 13 deals with the development of infrastructure, energy production facilities and utilities. Section 14 addresses general heritage issues. Section 15 deals with matters relating to financial contributions. Section 16 that relates to subdivision and Section 17 that relates to hazards contain general provisions to complement Resource Area rules. Section 18 contains definitions of terms used in the Plan.

(ii) **Scheduled Activities and Existing Community Facilities**

Any scheduled activity identified in clause 19.3.1, 19.3.2, 19.3.3, 19.3.4, 19.3.5 and 19.3.6 of Schedule 19.3 and identified as a scheduled activity on the planning maps and any other community facility lawfully established prior to notification of this plan is a permitted activity provided that rules and standards set out in Section 12 shall not apply to activities identified in clause 19.3.5 of Schedule 19.3 and provided that Scheduled Activity 127 (SA 127) in Schedule 19.3.6 complies with Rule 7.3.6(iii) Bulk and Location of Buildings and Rule 12.7 District Wide Rules and Performance Standards and provided that no vehicular access is achieved direct to Pisa Moorings Road.

Reason

See reference at Section 1.2.9 of this Plan (page 1:12).

Activities identified in clause 19.3.5 Schedule 19.3 are subject to Rule 13.7.3. It is therefore unnecessary for Section 12 to apply to activities listed in clause 19.3.5 of Schedule 19.3.

(iii) **Golf Course Activities in Rural Resource Area (4)**

Golf course activities, including construction, maintenance, playing golf, practice areas, driving range, landscaping, and other activities and facilities ancillary to the construction and operation of a golf course in the Rural Resource Area (4) is a permitted activity.

4.7.2 CONTROLLED ACTIVITIES

(i) **Residential Activity**

Residential activity in areas identified as “Rural Residential” (RRR), Rural Resource Area (1) and Rural Resource Area (2) on the planning maps or located on a residential building platform consented under Rule 4.7.3(vii) or located on a residential building platform identified on a plan of subdivision that has been granted subdivision consent prior to 28 May 2011 and which is set in a condition of consent subject to a consent notice is a controlled activity provided the following standards are complied with:

(a) **General Standards**

The relevant standards set out in 4.7.6 are complied with.

(b) **Residential Activities per Site**

There shall be no more than one residential activity on the relevant certificate of title unless additional residential activity is required to accommodate people working on the property and their families.

(c) **Access**

No additional formed accesses are to be created to any State Highway.

(d) **Separation Distances**

4.7.1 (cont'd)

Cross Reference

Policies: 4.4.2, 4.4.3, 4.4.5, 4.4.6, 4.4.8, 4.4.9, 4.4.10, 4.4.18

Breach:
discretionary
activity see Rule 4.7.4(i)

Breach:
discretionary
activity see Rule 4.7.4(i)

Where the dwelling is not located on a building platform established by way of resource consent the following separation distances to any existing dwelling, any dwelling under construction, any registered building platform established by way of resource consent, or any urban area shall apply;

Rural-Residential	- 50 metres
Rural Resource Area (1)	- Not applicable
Rural Resource Area(2)	- Not applicable
Elsewhere in Rural Resource Area	- Not applicable

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

Breach:
discretionary
activity see Rule
4.7.4(i)

(e) **Visibility**

Rural Resource Area (1). The dwelling and accessory buildings are not to be visible from State Highway 8.

Rural Resource Area (2) The dwelling, other residential buildings and accessory buildings are not to be visible from State Highway 8 and Lake Dunstan.

Note: This rule only applies to Rural Resource Area (1) that applies in the Bendigo area – see Maps 41D & E, 48 and 52 and to Residential Resource Area (2) that applies at Rocky Point in the Bendigo area – see Maps 41D & E.

Breach:
discretionary
activity see Rule
4.7.4(i)

(f) **Colour and Finish of Buildings**

Rural Resource Area (1) The following colour and finish of buildings (including accessory buildings) shall apply; All buildings shall be finished in any of the following materials:

- (i) Timber (vertical and horizontal)
- (ii) Plaster/Adobe
- (iii) Stone
- (iv) Corrugated iron: Desert Sand, Lichen, Sandstone Grey, Kauri, Grey Friars, New Denim Blue, (Coloursteel colours).

Detailing around verandahs, posts windows and doors may differ. The exterior walls, accents and trim for all buildings shall comply with the following colour palette:-

Ash Resene	9-099	Laser Resene	4Y020*
Schooner Resene	5B030*	Apache Resene	4Y030*
Sandstone Resene	4B030*	Sandrift Resene	2-027
Coral Resene	3-035	Teak Resene	3-043
Thistle Resene	4-047	Toast Resene	4RO10*
Putty Resene	3-042	El Salva Resene	3RO30*
Granite Green	4-049		

Note: All colours are British Standard 2660 (101 colour range) unless marked otherwise by asterisk.

* Resene colour charts. Like colours from other manufacturers' colour charts are acceptable.

- (v) Roofing shall be finished in any of the following:
Unpainted natural products, ie, timber shingles or corrugated iron in one of the following colours:
Lignite, Ironsand, Grey, Kauri, Grey Friars, New

Denim Blue (Coloursteel colours), turf.

Rural Resource Area (2) The following colour and finish of buildings (including accessory buildings) shall apply;

All buildings shall be finished in any of the following materials:

- (i) Timber (vertical and horizontal)
- (ii) Plaster/Adobe
- (iii) Schist
- (iv) Corrugated iron: Desert Sand, Lichen, Sandstone Grey, Kauri, Grey Friars, New Denim Blue, (Coloursteel colours).

Detailing around verandahs, posts windows and doors may differ. The exterior walls of all buildings shall be finished in the colour range of browns, dark greens and greys.

- (v) Roofing shall be finished in any of the following: Unpainted natural products, ie, timber shingles, slate or corrugated iron in one of the following colours:
Iron sand, Lignite, kauri, Grey Friars, New Denim Blue (Coloursteel colours), turf.

Council shall exercise its control in respect of the following matters;

1. Any impact on landscape values, including the colour of the dwelling and accessory buildings and the specific location of the building and design of the exterior in terms of impact on skylines and important views. Colours shall generally be consistent with those identified in Rule 4.7.6D on page 4:54.
 2. Methods to avoid, remedy or mitigate the effects of existing activities including the provision of screening, landscaping and methods for noise control.
 3. Provision of services, including fire fighting water supply.
- Any application made under this rule will generally not be notified or require the written consent of affected persons.

Reason

The Council acknowledges that some people seek to live in the rural environment. The increasing pressure for dwellings in the District's rural environment has the potential to compromise the landscape and amenity values of the District. Such development also has potentially adverse affects on water quality and the roading network. Control in respect of colour and location will ensure impact on landscape values is kept to a minimum. With respect to "Rural Residential" areas identified on the planning maps, Council recognises that these areas are more intensively developed and a 50 metre separation distance will provide privacy for adjoining property owners.

Council has also retained the ability to require new residential activities to make some allowance for the fact that they are located in a rural environment within which some activities generate noise, dust, odour, and use chemical sprays and the like. The new developer who locates next to an existing activity is expected to accept the disturbance, irritation, discomfort and

inconvenience of living in a developing rural area. That person may be required to take steps to mitigate the effects of the existing activity.

(ia) Residential Activity in Rural Resource Area (3)

Residential activity is a controlled activity in the Rural Resource Area (3) provided the following standards are complied with:

(a) Building Platform/Development Zone

The dwelling and any accessory building is located within a building platform as shown on the concept plan attached as Schedule 19.20 or is located in the Development Zone shown on the concept plan attached as Schedule 19.20 provided that a separation distance of 50 metres or greater is achieved between building platforms. Identified (numbered) building platform 4 as shown on the concept plan attached as Schedule 19.20 shall not exceed 10m x 28m and any other building platform shall not exceed 30m x 40m.

*Breach:
discretionary
activity see Rule
4.7.4(i)*

(b) Access/Covenant

The dwelling and accessory building is located on a site that:

- (i) Has legal access in the position shown on the concept plan attached as Schedule 19.20 provided that the position of the access to the Development Zone on Lot 18 DP 15301 is indicative only.
- (ii) Has no formed access to State Highway 8.
- (iii) Is subject to a covenant that serves to protect natural values and open space on the site or on land held in common by the owner of the site and other sites in Rural Resource Area (3) except for identified (numbered) building platform 25 as shown on the concept plan attached as Schedule 19.20. Any covenant shall be registered on the certificate of title for the site and shall permit the dwelling and any accessory building and associated curtilage to occupy no more than the following areas in relation to building platforms identified (numbered) or located in the Development Zone on the concept plan attached as Schedule 19.20-

*Breach:
discretionary
activity see Rule
4.7.4(i)*

<u>Building Platform</u>	<u>Area for Buildings and Curtilage</u>
1-7, 13-22, 26, 29, 30	3000m ²
23, 24, 27, 28 and 31	4000m ²

(c) Height

Any dwelling or accessory building shall not exceed the height specified below for building platform as identified (numbered) or located in the Development Zone on the

*Breach:
discretionary
activity see Rule
4.7.4(i)*

concept plan attached as Schedule 19.20-

<u>Building Platform</u>	<u>Maximum Height</u>
4	4 metres
1, 2 & 5	4.5 metres
3, 6, 7, 13-22, 24-26, 29 & 30	6.0 metres
23, 27, 28 & 31	8.0 metres

(d) Colour and Finish of Buildings

The following colour and finish of buildings (including accessory buildings) shall apply:

*Breach:
discretionary
activity see Rule
4.7.4(i)*

All buildings shall be finished in any of the following materials:

- (i) Timber (vertical and horizontal)
- (ii) Plaster/Adobe
- (iii) Schist Stone
- (iv) Corrugated iron: Desert Sand, Lichen, Sandstone Grey, Kauri, Grey Friars, New Denim Blue, (Coloursteel colours).

Detailing around verandahs, windows and doors may differ. The exterior walls, accents and trim for all buildings shall comply with the following colour palette:-

Schooner Resene	5B030*	Laser Resene	4Y020*
Sandstone Resene	4B030*	Sandrift Resene	2-027
Putty Resene	3-042	Teak Resene	3-043
Granite Green	4-049	Toast Resene	4RO10*
El Salva Resene	3RO30*		

provided that any part of a building on the identified (numbered) building platforms 1, 2 or 4 on the concept plan attached as Schedule 19.20 that is visible from State Highway 8 shall be clad in schist stone or stone that presents the same appearance as schist, when viewed from a distance.

Note: All colours are British Standard 2660 (101 colour range) unless marked otherwise by asterisk.

* Resene Colour Charts. Like colours from other manufacturers' colour charts are acceptable.

- (v) Roofing shall be finished in any of the following: Unpainted natural products, ie, timber shingles, slate or corrugated iron, or in an alternate manufactured roofing material, in one of the following colours:
Lignite, Ironsand, Grey Friars, New Denim Blue (Coloursteel colours).

- (e) **Residential Activities per Site**
There shall be no more than one residential activity on the site.
Breach: discretionary activity see Rule 4.7.4(i)
- (f) **Visibility from State Highway 8**
Notwithstanding Rule 4.7.2(i)(a) and (d) any dwelling or accessory building located on building platforms 1, 2 or 5 as shown on the concept plan attached as Schedule 19.20 shall not be visible from State Highway 8 to the south of a point adjacent to the common boundary of Lots 2 and 3 DP 15299.
Breach: discretionary activity see Rule 4.7.4(i)
- (g) **General Standards**
The relevant standards set out in Standard 4.7.6 shall be complied with provided that a building is permitted to encroach into the yards provided for in Rule 4.7.6A(a) and is exempt Rule 4.7.6D(a) and (b) if such building is to be erected on a building platform or erected within the Development Zone shown on the concept plan attached as Schedule 19.20.

Council may exercise its control in respect of any impact on landscape values, including the colour of the dwelling and accessory buildings and the specific location of the building and design of the exterior in terms of impact on skylines and important views and avoiding or mitigating any adverse effects on natural values.

Any application made under this rule will generally not be notified or require the written consent of affected persons.

Reason

The Rural Resource Area (3) has been applied to land adjacent to State Highway 8 and Conroys Road, north of Butchers Dam. The land was historically subdivided into 4 hectares (10 acre) blocks that has created an unsuitable subdivision pattern for future development. The concept plan attached as Schedule 19.20 takes a comprehensive approach to future subdivision and development, provides for some resubdivision and rationalisation of access to the land, and nominates building platforms to facilitate future development that is sympathetic to the natural values found in this locality. The Rural Resource Area (3) provisions reflect a balance between the interests of private landowners who wish to develop properties in this locality and the community's long standing recognition of the landscape values of the land contained in Rural Resource Area (3).

- (ib) Residential Activity in Rural Resource Area (5)**
Residential activity is a controlled activity in the Rural Resource Area (5) provided that the relevant standards set out in 4.7.6 and the standards below are complied with:

- (a) **Residential Activities**
There shall be no more than one residential activity on the
Breach: Discretionary

relevant record of title unless additional residential activity is required to accommodate people working on the property and their families.

activity see Rule 4.7.4(i)

(b) Residential Activities within Building Platforms

The dwelling and any accessory buildings within Rural Lifestyle Areas 2, 3, 4, 5 and 6—the Rural Lifestyle Production Area shall be located within a building platform as shown on an approved plan of subdivision.

Breach:
Discretionary
activity see Rule 4.7.4(i)

(c) Planting of Rural Lifestyle Production Area Horticulture Area on Structure Plan

Prior to occupation of any new dwelling on any allotment in the Rural Lifestyle Production Area shown on the Structure Plan in Schedule 19.23, a minimum of 50% of the allotment must be planted with productive horticultural or viticultural species. ~~the grant of resource consent for residential activity in Rural Resource Area (5), the Horticulture Area shown on the Structure Plan in Schedule 19.23 is to be at least 60% planted for horticultural activity, with all necessary drainage and water related infrastructure in place to enable the on-going use and sustainability of the Horticulture Area.~~

Breach:
Non-complying
activity see Rule 4.7.5(viii)

Advice note: At the completion of the planting required by this rule the landowner shall contact the Council to provide written confirmation that this rule is met.

(d) Landscape Plan

Any application for resource consent made for residential activity under Rule 4.7.2 (ib) shall include a landscape plan that addresses the following matters:

Breach:
Discretionary
activity see Rule 4.7.4(i)

- the extent of landscaping and driveway access;
- within the Rural Lifestyle Production Area ~~6~~, areas to be retained for horticultural, viticultural and agricultural use, including the minimum area for productive planting required by Rule 4.7.2(ib)(c);
- the species, location and size (at time of planting) of trees and shrubs, with the predominance of plants selected from the Planting Schedule provided in Schedule 19.25 or otherwise chosen for their productive value;
- the location, height and form of any boundary fencing;
- weed and pest management (if proposed); and
- details on how the landscaping is to be

maintained to a stage where it is to be self-sufficient.

The purpose of a landscape plan under this rule is to show high level structure planting to help integrate buildings within the site and be complementary to the landscape character of the site and surrounds.

The objective of the landscaping in Rural Lifestyle Areas 4 and 5 shall be to incorporate a plant mixture of native and deciduous planting, with natural planting arrangements to help soften built form and to integrate the building into the setting. The objective of the landscaping in Rural Lifestyle Production Area ~~Lifestyle Area 6~~ shall be to retain the soils for productive uses by limiting the area of built form and amenity plantings.

Advice note: a landscape plan may be submitted that covers multiple allotments providing the plan addresses the matters above.

In regard to Rule 4.7.2 (ib), Council may exercise its control in respect of:

- the matters contained in the relevant standard;
- any impact on landscape values, including the colour of the dwelling and accessory buildings, and design of the exterior in terms avoiding or mitigating any adverse effects on landscape values and rural character; and
- the relevant built form standards contained in 4.7.6.

Any application made under Rule 4.7.2 (ib) will not be notified or require the written consent of affected persons.

Reason

Rural Resource Area (5) is a rural living zone, with subdivision and development guided through the implementation of a Structure Plan that identifies areas of the zone suitable for rural living opportunities subject to controls on minimum allotment sizes and bulk/location of built form.

One residential activity on each allotment is considered appropriate given the intent is to incorporate agriculture and/or horticulture activity into the larger allotments. An exception to the requirement for only one residential activity is where workers accommodation is provided on the allotment.

Through the requirement to identify building platforms in Rural Living Lifestyle Areas 2, 3, 4, 5 and ~~6~~Rural Lifestyle Production Area, appropriate placement of built form is determined at the time of subdivision, therefore guiding future dwellings and accessory buildings by way of a controlled activity consent. Rural Living Area 1 on the Structure Plan does not require building platforms given the smaller allotment size (2,000m²) and less

visible location of this area.

Planting of the Rural Production Area is required to confirm the productive use of the soil resource prior to occupation of any new dwelling on these sites and to reduce the likelihood of land-banking for future subdivision.

Landscaping helps with integrating built form into the setting and the requirement for a landscape plan to be provided with resource consent applications for dwellings will enable the impacts on landscape values to be appropriately considered.

The Horticulture Area shown on the Structure Plan has been specifically set aside for horticulture activities (cherries). The planting of a substantial amount of this area is important to enable and promote horticulture activity, and make best use of the soil resource in a manner that integrates with adjacent horticultural activity. Therefore, it is considered important that there is a requirement to do this prior to the development of the zone for rural living activities. This rule does not preclude plantings changing in the future to "meet the market", rather this is a realistic expectation over time.

(ibc) Structures and Buildings : Mount St Bathans Station

Any structure (excluding post and wire fences) or building on that part of Mount St Bathans Station located to the east and south of Hawkdun Runs Road and west of the Manuherikia River is a controlled activity.

Council shall exercise its control in respect of the following matters:

Any impact on landscape values, including the colour of any structure or building and the specific location of any structure or building and design of the exterior in terms of impact on skylines and important views.

(ii) Subdivision

- (a) Except as otherwise provided in (b) below and Rule 4.7.4(iii), subdivision shall be a controlled activity provided the following standards are complied with:

(i) Minimum Allotment Sizes

Minimum allotment sizes shall be as follows;

In areas identified as "Rural Residential" ([RR]) on planning maps -

average allotment size of no less than 2 hectares.

Note – allotments in excess of 4 hectares are deemed to be 4 hectares for averaging purposes.

In the area identified as "Rural Resource Area (1)" ([RuRA(1)]) on planning maps -

10 hectares provided that the average area is 25

*Breach:
discretionary
activity see Rule
4.7.4(iii) or non-
complying activity
see Rule 4.7.5(iii)*

hectares. Note – allotments in excess of 40 hectares are deemed to be 40 hectares for averaging purposes.

In the area identified as “Rural Resource Area (2)” [(RuRA(2))] on planning maps –

any application for subdivision consent shall include a minimum area of 1 hectare within which land can be further subdivided to create allotments and units as follows:

- (a) *For residential purposes* – sufficient area to meet open space and bulk and location rules.
- (b) *For travellers accommodation* – minimum area 2000m² with sufficient area to meet open space and bulk and location rules.

In the area identified as “Rural Resource Area (3)” [RuRA(3)] on the planning maps an application for subdivision consent shall:

- (a) Provide for a minimum allotment area of 1500m² and a maximum allotment area of 3000m² to contain each of the identified (numbered) building platforms 1-3, 5-7, 13-17 and for the recreational area shown as 60 on the concept plan attached as Schedule 19.20.
- (b) Provide elsewhere in the Rural Resource Area (3) for a minimum allotment area of 4 hectares.

In the area identified as “Rural Resource Area (4)” [RuRA(4)] on the planning maps any application for subdivision consent shall be in accordance with a development concept plan incorporated in a consent granted under Rule 4.7.3(ix).

In the area identified as “Rural Resource Area (5)” on the planning maps, an application for subdivision consent shall:

- Not exceed 160 allotments used for residential activity.
- Provide for minimum allotment areas for each Rural Lifestyle Area on the Structure Plan in Schedule 19.23 in accordance with the table below:

MINIMUM ALLOTMENT AREAS	
Rural Lifestyle Area	Minimum Allotment Area
Rural Lifestyle Area 1	2,000m²
Rural Lifestyle Area 2	3,000m²
Rural Lifestyle Area 3	4,000m²
Rural Lifestyle Area 4	1 ha
Rural Lifestyle Area 5	3 ha
Rural Lifestyle Production Area 6	4 ha

(ii) Separation Distances for Dwellings

Where the development of the site is to accommodate a dwelling, the plan of subdivision shall identify a building platform for a dwelling with no less than the following separation distances from any existing dwelling, dwelling under construction, other registered building platform identified on a plan of subdivision, or any urban area:

Rural Residential	- 50 metres
Rural Resource Area (1)	- Not applicable
Rural Resource Area (2)	- Not applicable

Breach:
discretionary
(restricted)
activity see
Rule 4.7.3(i)

(iii) Concept Plans

In the area identified as “Rural Resource Area (1)” on the planning maps - subdivision shall comply with the concept plan attached as Figure 4.1B at Schedule 19:15.

Breach:
discretionary
activity see Rule
4.7.4(iii)

In the area identified as “Rural Resource Area (2)” on the planning maps subdivision shall comply with the concept plan attached as Schedule 19.16.

In the area identified as “Rural Resource Area (3)” on the planning maps subdivision shall comply with the concept plan attached as Schedule 19.20. Such subdivisions shall:

- (a) Provide for legal access in the position shown on the concept plan attached as Schedule 19.20 provided that the position of the access to the Development Zone on Lot 18 DP 15301 is indicative only.

Note: Such access may be achieved by legal road, right of ways, access strips or access allotments, as appropriate.

- (b) Provide for the land adjacent to the allotments containing the identified (numbered) building platforms 1-3, 5-7, and 13-17 and the recreational area shown as 60 on the concept plan attached as Schedule 19.20 to be held in an allotment that shall be subject to a covenant that serves to protect the natural values and open space values of the land held in that allotment.

Note: Such covenant may be a covenant pursuant to section 22 of the Queen Elizabeth the Second National

Trust Act 1977 or shall be subject to a consent notice that shall be registered pursuant to section 221(4) of the Resource Management Act 1991.

(iv) **Maximum Number of Allotments for Residential Activities**

The maximum number of allotments on a plan of subdivision likely to accommodate a residential activity shall be as follows:

Rural Residential	- 5
Rural Resource Area (1)	- 16
Rural Resource Area (2)	- No limit
Rural Resource Area (3)	- 12

Breach:
discretionary
activity see Rule
4.7.4(iii)

(v) **Access Formed**

No additional accesses are to be created to any State highway.

Breach:
discretionary
activity see Rule
4.7.4(iii)

(vi) **Structure Plan in Schedule 19.23**

Subdivision in the area identified as Rural Resource Area (5) shall be undertaken in accordance with the Structure Plan contained in Schedule 19.23.

Breach:
Non complying
activity see Rule
4.7.5 (x)

For an application for resource consent made under Rule 4.7.2 (ii), such subdivisions shall provide:

- Staging details for subdivision;
- Areas of open space that are precluded from development in accordance with the locations shown on the Structure Plan;
- A condition requiring the establishment of the Horticulture 15m Amenity Edge, Horticulture 10m Amenity Edge, ~~Bloek and Ripponvale Road~~ Amenity Edges and Shelterbelt planting prior to the issue of a certificate under section 224c of the Resource Management Act 1991, with the following parameters:
 - i. The Ripponvale Road and Horticulture ~~Bloek~~ 15m Amenity Edges shall have a width of 15 metres.
 - ii. The Horticulture 10m Amenity Edge shall have a width of 10 metres. Rural Lifestyle Area allotments adjoining the Horticulture 10m Amenity Edge shall provide a private accessway of at least 4.5m in width immediately adjoining the Amenity Edge.
 - iii. Plantings shall predominantly consist of species identified in the Planting Schedule for the Rural Resource Area (5) in Schedule 19.25.

iviii. Trees within the Ripponvale Road Amenity Edge shall be planted in two rows. At the time of planting these trees shall be at least 2.5 metres in height and shall have an anticipated growth rate of 3-4 metres within 5 years. The trees to be planted shall consist of species identified in the Planting Schedule for the Ripponvale Road Amenity Edge in Schedule 19.25. The front row of planting (adjacent to Ripponvale Road) shall have a maximum spacing of 4 metres between trees and the back row shall have a maximum spacing of 5 metres.

iv. Small-medium shrubs within the Horticulture ~~Block~~ 15m and 10m Amenity Edges shall be at least 1 metre high at the time of planting and trees and large shrubs within the Horticulture ~~Block~~ 15m and 10m Amenity Edges adjacent to the Horticulture Area shall at the time of planting be at least 2 metres in height and shall consist of species identified in the Planting Schedule for the Horticulture Block Amenity Edge in Schedule 19.25.

- A condition specified in a consent notice, or other appropriate legal instrument registered against the record of title for the land, over the allotments that contain the open space preventing buildings on that area;
- Public pedestrian and cycling connections protected by way of easements in gross or other appropriate legal instruments registered against the records of title for the land in the location shown on the Circulation Plan in Schedule 19.24, including through the Outstanding Natural Landscape area. The route of pedestrian access may be altered by the landowner(s) under the terms of easement or instrument, provided that the extent of access is not materially diminished;
- A condition specified in a consent notice, or other appropriate legal instrument recorded against the record of title for the land in favour of Council, over the allotments in the Rural Lifestyle Production Area, requiring that for a period of 15 years there is to be no occupation of new dwellings on the allotment prior to planting of a minimum of 50% of the site in horticultural or viticultural species;
- A condition specified in a consent notice, or other appropriate legal instrument recorded against the record of title for the land, over the allotment(s) that contain the Ripponvale Road and Horticulture Block Amenity Edges and Shelter Belt to ensure that the planting is maintained.
- A condition specified in a consent notice, or other

Commented [JM1]: Should there be a requirement for this planting to be maintained and for any plant that dies or becomes diseased to be replaced?

appropriate legal instrument recorded against the record of title for the land, over the allotments that contain the “no build” area preventing buildings (excluding fences and retaining) on that area;

- A condition specified in a consent notice, or other appropriate legal instrument recorded against the record of title for the land, recording requirements for acoustic insulation in accordance with Rule 4.7.6E(e);
- A condition requiring the registration of no-complaints covenants in relation to the effects of rural productive activities in the surrounding Rural Resource Area. The covenants are to be registered against the title of all rural lifestyle allotments, in favour of the owner of Lots 1-4 DP 344529.
- Roading layout, having regard to the indicative roading layout on the Structure Plan;
- Prior to the issue of a certificate under section 224c of the Resource Management Act 1991 for the 51st rural lifestyle allotment, the widening of the existing seal of Ripponvale Road to a formed width of 7.0m seal with 0.25m metalled shoulders, from the principal access to 144 Ripponvale Road, eastwards to the intersection with the State Highway, shall be completed.
- Prior to the issue of a certificate under section 224c of the Resource Management Act 1991, the provision of a 2.0m wide shared walking and cycling path within the legal corridor of Ripponvale Road from the principal access to 144 Ripponvale Road, eastwards to the intersection with the State Highway, shall be completed.
- Prior to the issue of a certificate under section 224c of the Resource Management Act 1991 for the 51st rural lifestyle allotment, a pedestrian/cyclist underpass shall be incorporated into State Highway 6 and be operational.
- Stormwater management planting details in general accordance with the planting schedule contained in Schedule 19.25; and
- Road and Reserve planting details in general accordance with the planting schedule contained in Schedule 19.25.

Advice note: Nothing in this rule precludes the areas of open space and no build areas being incorporated into allotments used for residential activity providing the purpose of those areas are protected by way of a condition specified in a consent notice or other appropriate legal instrument recorded against the record of title for the land.

Commented [JM2]: These Lots appear to be the existing fully operational Cherry orchard, jointly owned by Infinity and van der Velden. I wonder if the covenant should also be in favour of the “H” land and perhaps also the land comprising the Rural Lifestyle Production Area lots?

In regard to Rule 4.7.2 (ii)(a)(vi), Council shall exercise its control in respect of the following matters:

1. The provision of adequate network utility services (given the intended use of the allotment) and in particular the location, design and construction of these services, including water supply, wastewater disposal, power and telecommunications.
2. Subdivision design including the shape and arrangement of allotments and road alignment and design to:
 - Facilitate convenient, safe, efficient and easy access for vehicles, pedestrians and cyclists.
 - Facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate, integrated and planned development.
3. The extent of earthworks to not exceed that required for the installation of services, access and a building platform.
4. Contouring of land to be undertaken either for geotechnical and/or aesthetic reasons.
5. Methods to mitigate potential surface flooding issues including consideration of the establishment of a minimum floor height for future residential dwellings.
6. The provision of or contribution to the open space and recreational needs of the community.
7. Lighting for public or communal spaces where proposed.
8. The site-specific ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site
9. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.
10. Any amalgamations or easements that are appropriate.
11. Any other matters provided for in Section 220 of the Act.

(viii) Building Platforms within Rural Resource Area (5)

Within Rural Lifestyle Areas 2, 3, 4, 5 and 6 Rural Lifestyle Production Area of the Rural Resource Area (5), a building platform no greater than 1,000m² in area shall be shown on the plan of subdivision.

*Breach:
Discretionary
activity see Rule
4.7.4(i)*

Council shall exercise its control in respect of the following matters:

1. Shape and orientation of the building platform;
2. Location within the allotment having regard to the degree of visibility of built form from public places outside of the zone;
3. The location of building platforms in relation to hazard risk, and any mitigation that may be required;
3. The relevant built form standards contained in 4.7.6; and
4. The location of the building platform in regard to enabling horticultural and/or agricultural activity on the remainder of the site and the clustering of platforms over multiple sites.

Reason

Subdivision is often the precursor to a more intensive level of development. It also often gives rise to an expectation of being able to build on newly created allotments. As a result of this Council has controlled the density of subdivision to ensure that the amenity and landscape values of the District are not compromised. The minimum (and average) allotment sizes and separation distances identified have been adopted to maintain these values.

A Structure Plan guides land use and subdivision within an area including Rural Resource Area (5) and the Rural Resource Area. This Structure Plan is to be followed to ensure the land use restrictions and controls are provided for in the subdivision consent, with appropriate legal instruments registered on the respective titles to implement the intent of the Structure Plan.

Building platforms are required on allotments within Rural Living Areas 2, 3, 4, 5 and 6 Rural Lifestyle Production Area as a method to manage the location of built form, with consideration also given to the location to enable future horticulture or agricultural activities within the allotments.

- (b) Subdivision for the following purposes shall be a controlled activity:
- (i) Network and public utilities.
 - (ii) The creation of reserves, land to be held for conservation and/or landscape protection purposes or land to be protected by covenant for conservation and/or landscape protection purposes.
 - (iii) Existing dwellings already on the site and surplus to the requirements of a permitted activity.
 - (iv) Community facilities.
 - (v) Heritage items.
 - (vi) Boundary adjustments.

Cross Reference
Policy 4.4.11

Council shall exercise its control in respect of the following

matters:

1. The area of the proposed allotment taking into consideration the proposed use of the allotment, amenities of neighbouring properties, and the site's ability to dispose of waste (if required).
2. The location, design and construction of access, and its adequacy for the intended use of the subdivision.
3. The provision of esplanade reserves and strips.
4. The provision of services and their adequacy for the intended use of the subdivision.
5. Any amalgamations and easements that are appropriate.
6. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.
7. Any other matters provided for in section 220 of the Act.

Any application made under this rule will generally not be notified or require the written consent of affected persons.

Reason

Subdivision for these activities has only a limited effect on the environment. A minimum allotment size to control density of development is not considered appropriate given the purpose of these activities.

(iii) Retail Activity – Rural Selling Place

Except as provided for in **Rule 4.7.2(v) Retail Activity – Winery (Off Licence)** and **Rule 4.7.4(iv) Retail Activity – Winery**, retail activity shall be a controlled activity provided that this is restricted to a “rural selling place” that is defined as a rural retail facility that is EITHER:

- (a) ancillary to the growing of produce on the site and may in addition offer for sale any of the following goods:
1. fresh fruit and vegetables and nursery plants, whether grown on the property or not.
 2. processed fruit and vegetable products, including dried fruit and vegetables, jam, sauces, preserves, juices and other cold drinks (excluding alcoholic beverages).
 3. nuts, honey and eggs.
 4. fertilisers, manure and garden mixes.

OR

- (b) ancillary to the making of art and craft products on the site and offers for sale any art and craft products produced in the Central Otago District whether made on the property or not

AND IN EACH CASE,

- I** the retail activity complies with Rule 12.7.1 (page 12:13) and provided that the sale of beverages (excluding alcoholic beverages) and snack foods is permitted in conjunction with the operation of a rural selling place.

Council shall restrict the exercise of its control to the following

Cross Reference

*Policies 4.4.2,
4.4.3, 4.4.8*

Breach:

*non-complying
activity see Rule
4.7.5(iv)*

matters:

1. The provision of parking, loading and manoeuvring areas.
2. The size, design and location of any signs associated with the activity.
3. The design and colour of buildings.
4. The provision of landscaping.
5. Setback from State highways.

Any application made under this rule will generally not be notified if the written consent of the appropriate roading authority is received. In respect of State highways, Transit New Zealand is the appropriate roading authority.

Except as provided for in **Rule 4.7.2(v) Retail Activity Winery Off Licence** and **Rule 4.7.4 Discretionary Activities (iv) Retail Activity – Winery**, any activity that does not comply with this rule is a non-complying activity.

Reason

This rule recognises and provides for the social, economic and cultural wellbeing of rural producers by allowing them to retail their produce and other supplementary goods from their properties. However, large scale retail operations in the rural environment can have significant adverse effects. This is recognised by limiting the scale of these operations to being ancillary to the growing of produce or the making of crafts on the site, and controlling adverse effects on the roading network and amenity values through controlled activity status. Traditionally, these types of retail activities have also been an important component of the tourist trade.

(iv) Scheduled Activities and Existing Community Facilities

Any extension, upgrade or expansion that changes the character or increases the intensity or scale of the effects of a use that has status as a scheduled activity identified in Clauses 19.3.1, 19.3.2, 19.3.3, 19.3.4 or 19.3.6 of Schedule 19.3 and identified as a scheduled activity on the planning maps or of any other community facility lawfully established prior to notification of this plan is a controlled activity.

Any such work need not comply with the standards set out in Section 4.7.6A-H and J.

Council shall restrict the exercise of its control to the following matters:

1. The provision of access, parking, loading and manoeuvring areas.
2. The size, design and location of any signs.
3. Methods to avoid, remedy or mitigate effects on existing activities including the provisions of screening, landscaping and insulation for noise control.
4. The design and colour of buildings.
5. Impact on landscape values.

Any application made under this rule will generally not be notified where the written consent of affected persons is received.

Note: Activities listed in clause 19.3.5 of Schedule 19.3 are subject to Rule 13.7.4, page 13:17.

(v) **Retail Activity – Winery (Off Licence)**

The sale of wine for consumption off the site (excluding mail order) authorised by an off-licence in terms of the Sale of Liquor Act 1989 is a controlled activity provided it is ancillary to the growing of grapes or production of wine on the site.

Note: The sale of wines also requires authorisation under the Sale of Liquor Act 1989 and complimentary tasting is authorised at an off-licence pursuant to section 29(3) of that Act.

(vi) **Outstanding Natural Landscapes, Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area**

- (a) Except as otherwise provided for in (b) below any new bladed/excavated fence line, new fire break, new fertiliser bin, new stock yards, or fire fighting water ponds within any area identified as an outstanding natural landscape, outstanding natural feature or as land in the Upper Manorburn/Lake Onslow Landscape Management Area as shown on the planning maps is a controlled activity.

Council shall restrict the exercise of its control to the actual and potential effects on landscape values including any impact on the natural and historic values of these areas including the characteristics identified in the description of the outstanding natural features and landscapes in Schedule 19.6.2.

Any application made under this rule will generally not be notified where the written approval of affected persons is received. The Department of Conservation is deemed to be an affected person for the purposes of this rule.

- (b) Rule 4.7.2(vi)(a) shall not apply to:
- (i) reviewable land that has been freeholded under Part 2 of the Crown Pastoral Land Act 1998 subsequent to the operative date of this plan; and
 - (ii) unrenovable occupation licence land that has been designated for disposal as fee simple under Part 3 of the Crown Pastoral Land Act 1998 subsequent to the operative date of this plan; and
 - (iii) freehold land listed in Schedule 19.6.3.
- (c) For the purpose of Rule 4.7.2(vi)(b)(i) reviewable land shall be deemed to be “freeholded” when the holder’s acceptance of a substantive proposal takes effect under section 60 of the Crown Pastoral Land Act 1998.
- (d) For the purpose of Rule 4.7.2(vi)(b)(ii) unrenovable occupation licence land shall be deemed to be “designated for disposal as fee simple” when the Commissioner of Crown Land’s adoption of a substantive proposal takes effect under section 89 of the Crown Pastoral Land Act 1998.

(vii) **Accommodation Facilities**

Accommodation facilities in areas identified as “Rural Residential” ([RR]), Rural Resource Area (1) and Rural Resource Area (2) on the planning maps or located on a residential building platform identified on a plan of subdivision that has been granted subdivision consent prior to 28 May 2011 and which is set in a condition of consent subject to a consent notice and that do not exceed that required to accommodate 6 persons on a commercial fee paying basis is a controlled activity provided the following standards are complied with:

(a) **General Standards**

The relevant standards set out in 4.7.6 are complied with.

(b) **Access**

No additional formed accesses are to be created to any State Highway.

*Breach
discretionary
activity
see Rule 4.7.4(i)*

(c) **Separation Distances**

Where the accommodation facility is not located on a building platform established by way of resource consent the following separation distances to any existing dwelling, any dwelling under construction, any building platform established by way of resource consent, or any urban area shall apply;

- Rural-Residential - 50 metres
- Rural Resource Area (1)- Not applicable
- Rural Resource Area (2)- Not applicable
- Elsewhere in the Rural Resource Area
– Not applicable

*Breach
discretionary
(restricted)
activity
see Rule 4.7.3(i)*

Council shall exercise its control in respect of the following matters;

1. Any impact on landscape values, including the colour of buildings and the specific location of the building and design of the exterior in terms of impact on skylines and important views. Colours shall generally be consistent with those identified in Rule 4.7.6D on page 4:63.
2. Methods to avoid, remedy or mitigate the effects of existing activities including the provision of screening, landscaping and methods for noise control.
3. Provision of services, including fire fighting water supply.

Any application made under this rule will generally not be notified or require the written consent of affected persons.

Reason

Limited scale accommodation facilities have effects on the environment that are likely to be comparable to residential activity. The Council acknowledges that some people seek to stay in the rural environment.

The increasing pressure for such accommodation in the District's rural environment has the potential to compromise the landscape and amenity values of the District. Such development also has potential adverse affects on water quality and the roading

network. Control in respect of colour and location will ensure impact on landscape values is kept to a minimum. With respect to "Rural Residential" areas identified on the planning maps, Council recognises that these areas are more intensively developed and consequently large separation distances are impracticable. A 50 metre separation distance will provide privacy for adjoining property owners.

Council has also retained the ability to require accommodation facilities to make some allowance for the fact that they are located in a rural environment within which some activities generate noise, dust, odour, and use chemical sprays and the like. The new developer who locates next to an existing activity may be required to take steps to mitigate the effects of the existing activity.

4.7.3 DISCRETIONARY (RESTRICTED) ACTIVITIES

*Cross Reference
Policies: 4.4.1,
4.4.3, 4.4.8,
4.4.9, 4.4.10*

(i) **Breach of Standards**

Any activity that fails to comply with the following rules:

- 4.7.2(i)(d) **Separation Distances**
- 4.7.2(ii)(a)(ii) **Separation Distances for Dwellings**
- 4.7.2(vii)I **Accommodation Facilities**
- 4.7.6A **Bulk and Location Requirements**
(a), (b), I, (f), (h) (i), ~~and~~ (k) **and (n)**
- 4.7.6C **Tree Planting**
- 4.7.6F **Storage**
- 4.7.6H **Signs**

is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on the safe and efficient operation of the roading network or airport.
2. The effect on the health and safety of people and communities.
3. The effect on the amenity values of neighbouring properties.
4. The effect on landscape values.

(ii) Any activity that fails to comply with **Rule 4.7.6A Bulk and Location (g)** is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effect on the following matters:

1. Provision to avoid or mitigate the risk of injury and/or property damage.

2. The maintenance of electrical safety distances.
3. Allowance for access for maintenance and inspection of transmission lines.

(iii) Any activity that does not comply with **Rule 4.7.6D Visual Effects of Buildings** is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. Whether or not the building or structure can be appropriately screened from public view by topographical features, appropriate planting or other screening having regard to the open space, landscape, natural character and amenity values of the rural environment.
2. Whether the building or structure will breach the form of or be visually prominent in public view on any skyline or terrace edge.
3. The colour scheme for the building or structure which should in general be darker than the background in which it is set.

(iv) Any activity that fails to comply with **Rule 4.7.6E Noise** is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effects of noise on amenity values of the neighbourhood, particularly on the amenity values of adjoining properties.

(v) Any activity that fails to comply with **Rule 4.7.6G Provision of Services** is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on the quality and quantity of water.
2. The safe and efficient operation of the roading network.
3. The sustainable management of public utility resources.
4. The health and safety of people and communities.

(vi) Any activity that fails to comply with the following Rules; **4.7.6I. Riparian Margins** or **Rule 4.7.6J Earthworks For Access Tracks & Extractive Activity (a) Tracks** is a discretionary (restricted) activity

Council shall restrict the exercise of its discretion to the following matters, where applicable:

1. The effect on water quality and quantity.
2. The intrinsic values of riparian and aquatic ecosystems.
3. The habitat of native fish species, trout and salmon.
4. Indigenous vegetation and habitats of indigenous wildlife and statutorily managed sports fish and game.
5. The effects on bank and slope stability.
6. The location and timing of construction, design and density of earthworks.
7. The re-establishment of an appropriate vegetation cover.
8. The disposal and stabilisation of waste material and fill.



9. The impact on landscape values.
10. The effect on heritage sites, including archaeological sites.
11. The effect on sites of cultural value to Kai Tahu ki Otago.

Reason

Failure to conform with these standards has been identified as discretionary (restricted) activities to provide Council with a discretion whether to notify any application made under these rules. In some instances discretionary (restricted) activities will only have a minor effect and do not justify notification. Applicants have greater certainty in that attention can be focussed upon those matters identified for consideration. This in turn will increase efficiency in processing such applications.

(vii) **Residential Activity, Residential Building Platform & Accommodation Facilities**

Residential activity, a residential building platform and/or accommodation facilities that do not exceed that required to accommodate 6 persons on a commercial fee paying basis and that are not provided for in Rule 4.7.2(i), 4.7.2(ia), [4.7.2\(ib\)](#) and Rule 4.7.2(vii) is a discretionary (restricted) activity provided the following standards are complied with:

(a) **General Standards**

The relevant standards set out in 4.7.6 are complied with.

(b) **Residential Activities Per Site**

There shall be no more than one residential activity on the relevant certificate of title unless additional residential activity is required to accommodate people working the property and their families

*Breach
discretionary
activity see Rule
4.7.4(i)*

(c) **Access**

No additional formed accesses are to be created to any State Highway.

*Breach
discretionary
activity see Rule
4.7.4(i)*

(d) **Separation Distances**

Where the dwelling is not located on a building platform established by way of resource consent a 50 metre separation distance to any existing dwelling, any dwelling under construction, any residential building platform established by way of resource consent, or any urban area shall apply.

*Breach
discretionary
activity see Rule
4.7.4(i)*

Council shall restrict the exercise of its discretion to the following matters:

1. Whether or not the building and associated development or future building located on the residential building platform can be appropriately screened from public view by topographical features appropriate planting or other screening having regard to the open space, landscape, natural character and amenity values of the rural environment.
2. Whether the siting of the building and associated development or future building located on the residential building platform will give rise to earthworks including access carriageways and planting, which will adversely affect the open space, natural character and amenity values.
3. Whether the building and associated development or future building located on the residential building platform will maintain the open natural character of hills and ranges, without compromising the landscape and amenity values of prominent hillsides and terraces, including any skyline or terrace edge.

4. The colour scheme for the building which should in general be darker than the background in which it is set.
5. Whether the building and associated development or future building located on the residential building platform will have adverse cumulative effects when assessed in conjunction with existing and consented unimplemented built development including any residential building platforms established by way of resource consent.
6. Any objectives and policies relevant to the above matters.
7. Methods to avoid, remedy or mitigate the effects of existing activities including potential for reverse sensitivity, the provision of screening, landscaping and methods for noise control.
8. Provision of services, including fire fighting water supply.

Notes: 1. Any buildings (including buildings for residential activity and accommodation facilities) on Outstanding Natural Landscapes and in the Upper Manorburn/Lake Onslow Landscape Management Area are a full discretionary activity in terms of Rules 4.7.6L(1) and 4.7.4(i).

2. Applicants under this rule will be expected to erect suitable profile poles to enable the assessment of matters listed in discretionary matters (1) – (7) above.

(viii) Seasonal Workers Accommodation

Seasonal workers accommodation to accommodate a maximum of 60 persons is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. Visual effects.
2. Management of the adverse effects of noise.
3. Management of the adverse effects of activities conducted on site that are incidental to the seasonal workers accommodation.
4. The effect on the safe and efficient operation of the roading network and the provision of parking.
5. The management regime for the operation of the seasonal workers accommodation.
6. The provision of water, wastewater, electricity and telecommunication services.

(ix) Rural Resource Area (4)

A vineyard and golf course development with travellers accommodation and related residential and lifestyle development, including bars, cafes and associated facilities, conference facilities, restaurants, recreational activities such as walking, cycle and riding trails, equestrian centre, cheesery, cellar door, health spa, lodge, swimming pool ice rink, tennis courts, residential

activities and accommodation for workers on the site is a discretionary (restricted) activity within the Rural Resource Area (4) provided:

- (i) The number of residential activities shall not exceed 80 (in addition to any travellers accommodation) in the Rural Resource Area (4).
- (ii) A golf course and travellers accommodation shall be constructed prior to any other development provided for in this rule.
- (iii) Reticulated water supply and reticulated wastewater disposal is to be provided.

Any application under this rule shall be accompanied by a development concept plan for the Rural Resource Area (4).

The development concept plan shall include:

(1) Site Plan(s) to Demonstrate

- Existing natural and physical features and topography.
- Location of proposed golf course, landscaping, water features and other amenities.
- The dimensions and layout of all vehicular access, walking, cycle and bridle trails.
- Location of all buildings and their intended use.
- Location of parking areas and access to these from internal roads.
- Proposed landscaping.
- Any areas to be accessible to the public.
- Where subdivision is proposed or anticipated, all intended title boundaries.
- Yard setbacks from existing or proposed boundaries.

(2) Design Plan(s)

The design plan shall contain:

- The intended design philosophy for the development.
- The primary building design elements including:
 - Form
 - Proportion
 - Roof line and roof pitch
 - Proportion of windows
 - Vertical and horizontal modulation
- The range of materials to be used in the external cladding of the proposed buildings, including the roof.
- The range of colours to be used in the external finishing of the building.
- Details of fencing and other methods of delineating private, semi-public and public space, where necessary.
- The surface treatment and indicative cross-sections of roading proposed.

- Lighting for roads and other public or communal spaces where proposed.
- Concepts for hard and soft landscape treatment of public and communal spaces.
- Design parameters to co-ordinate signage and contribute to the overall character of the development.

(3) Infrastructure Plans and Management Plans

- (a) An Infrastructure Plan and supporting information demonstrating the intended method of servicing the buildings.
- (b) A Management Plan providing details of proposed legal ownership and management mechanisms to ensure appropriate management of areas in common ownership and/or with potential public or communal use or access.
- (c) A Flood Management Plan detailing how any flood hazard risk will be dealt with.

In considering an application and in imposing conditions, the Council shall restrict the exercise of its discretion to the following matters:

- (1) The extent to which the proposed development utilises existing topography to integrate the development into the landscape and reduces the need for earthworks and modification of the natural landform.
- (2) The extent to which buildings are configured in a cohesive manner, clearly defining private, communal and public spaces, and maintaining a sense of openness and continuity of the landscape.
- (3) The extent to which the Design Plan is based on a contemporary interpretation of the architectural and landscaping heritage of Central Otago – of both the rural high country and townships.
- (4) The extent to which the Design Plan promotes the use of a range of materials historically used in buildings in Central Otago.
- (5) The extent to which the Design Plan promotes colours that are based on the natural palette to be found in the surrounding landscape.
- (6) The extent to which the proposed landscaping appropriately mitigates visual effects of development when viewed from McArthur Road.
- (7) The extent to which the proposed landscaping maintains and/or enhances historic or cultural patterns.
- (8) The extent to which the design provides for a network of walking, cycle and bridle trails.
- (9) The extent to which the design facilitates convenient, safe and efficient vehicle access and maintains and enhances the safety and convenience of pedestrians, cyclists and motorists.
- (10) The extent to which car parking areas are convenient,

- accessible, safe and efficient for users.
- (11) The location and form of buildings, and any associated outdoor living areas or outdoor gathering areas, and walking, cycling or bridle trails, in relation to the location of the golf course, to take into account the safety of people located in areas in proximity to the golf course.
 - (12) The location of buildings and activities in relation to any vineyards and the provision of mechanisms (in the form of covenants and other legal instruments) to maintain the viability of the vineyards (bird scaring, spraying, frost fighting etc).
 - (13) The provision of adequate utility services, including water supply, wastewater disposal, power and telecommunications.
 - (14) The extent to which buildings for residential activities and their associated private open spaces are oriented to the sun and daylight access.
 - (15) The extent of private open space for residential or travellers accommodation units.
 - (16) Whether any proposed signage will be consistent with an overall theme.
 - (17) The extent to which any flood hazard has been avoided or mitigated.
 - (18) The extent to which yard setbacks between buildings and existing or proposed boundaries will maintain public and private amenities.

(x) Any activity that fails to comply with Rule 4.7.6A Bulk and Location (l) within Rural Resource Area (5) is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effect on the following matters:

1. The effect on the amenity values of neighbouring properties;
2. The effect on landscape values; and
3. Any mitigation proposed to avoid, remedy or mitigate the effects on matters 1 and 2.

4.7.4 DISCRETIONARY ACTIVITIES

(i) **Breach of Standards**

Any activity that fails to comply with the following rules:

4.7.2(i) **Residential Activities**
(b), (c), (e) and (f)

4.7.2(ia) **Residential Activities in Rural Resource Area (3)**
(a), (b), (c), (d), (e) and (f)

4.7.2(ib)(a) Residential Activities

4.7.2(ib)(b) Residential Activities within Building Platforms

*Cross Reference
Policies: 4.4.1,
4.4.2, 4.4.3,
4.4.4, 4.4.6,
4.4.8, 4.4.10,
4.4.18*

4.7.2(ib)(d) Landscaping Plan

4.7.2(ii)(a)(vii) Building Platforms within Rural Resource Area (5)

4.7.2(vi) **Outstanding Natural Landscapes, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area**

4.7.2(vii)(b) **Accommodation Facilities**

4.7.3(vii)(b)-(d) **Residential Activity, Residential Building Platform & Accommodation Facilities**

4.7.6A **Bulk and Location Requirements (c), and (d), and (n)**

- 4.7.6B **Traffic Generation and Characteristics of Activities**
- 4.7.6J **Earthworks for Access Tracks & Extractive Activity (b) Extraction and Displacement Activities**
- 4.7.6K **Areas of Significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands**
- 4.7.6L **Outstanding Landscapes, Land Over 900 metres and Land in the Upper Manorburn/Lake Onslow Landscape Management Area**

is a discretionary activity.

Any application made relating to a breach of Rule 4.7.2(ia)(a) – (c), (e) and (f) will generally be publicly notified.

Reason

Breach of the standards listed in these rules can have significant adverse effects on the environment.

(ii) **Noxious Effects**

Any activity that:

- (a) uses, stores or generates quantities of hazardous substances that exceeds the limits specified in Schedule 19.14, OR
- (b) requires a licence as an offensive trade within the meaning of the Third Schedule of the Health Act 1956, OR
- (c) provides less than 120% spill containment where hazardous substances are stored within 50 metres of any surface water body and within the Etrick or Roxburgh groundwater protection zones as defined by the Regional Plan : Water,

*Cross Reference
Policy 17.4.5 (pg
17:6)*

is a discretionary activity.

Note: This rule shall not apply to hazardous substance use or storage in association with any temporary or emergency service activities.

Reason

These activities generate significant adverse effects that can impact on adjoining properties. The resource consent procedure is considered necessary to ensure all adverse effects are assessed and considered. The hazardous substances listed in Schedule 19.14 generally follow those identified in the Explosives Act, Dangerous Goods Act, Pesticides Act and the Hazardous Substances and New Organisms Act 1996 and are listed for information purposes. Timber preservatives and chlorinated solvents have also been added because of their potential adverse

effects on the environment. The quantities that can be used or stored as of right reflect the existing legislation controlling these substances and community expectations within the various Resource Areas of the District. Exemptions for temporary and emergency service activities recognise that activities such as fire fighting appliances and military training activities involve the use of hazardous substances. The use of such substances by these organisations is generally only on a small scale but may sometimes exceed these limits and is controlled by other legislation. It is also acknowledged that industry developed design standards are also in existence to manage effects on the environment and that codes of practice and guidelines recognised by industry may be relevant to the consideration of applications. Examples include the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems 1992; Supplement No 1 Management of Existing Underground Petroleum Storage Systems. June 1995; Environmental Guideline for Above ground Bulk Tank Containment Systems; and the Australian/New Zealand Standard 1596:1997 LP Gas Storage and Handling and Supplement 1, 1994 Siting of LP Gas Automotive Outlets.

(iii) Subdivision

Except as otherwise provided for in Rule 4.7.2(ii)(b) subdivision that:

- (a) Creates an allotment fails to comply with any of the standards set out in Rules 4.7.2(ii)(a)(iii) to (vi), OR
- (b) Creates allotments with an average allotment area of no less than 8 hectares and a minimum allotment area of no less than 2 hectares in an area not identified on the planning maps as Rural-Residential, Rural Resource Area (1) or Rural Resource Area (2) or Rural Resource Area (3), OR
- (c) Creates allotments that are not in accordance with Rule 4.7.2(ii)(a)(i) in an area identified on the planning maps as Rural Resource Area (3), OR
- (d) Involves land that is subject to or potentially subject to, the effects of any hazard as identified on the planning maps, or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source,
- (e) Is not in accordance with a development concept plan incorporated in a consent granted under Rule 4.7.3(ix) in the Rural Resource Area (4),

is a discretionary activity.

For the purposes of Rule 4.7.4(iii)(b) allotments in excess of 16 hectares are deemed to be 16 hectares for averaging purposes,

Any application made under (a) and (b) will generally not be publicly notified where it is accompanied by the written approval of every person that may be adversely affected including the owners and occupiers of every adjacent property and NZ

Cross Reference
Policy 4.4.2,
4.4.10

Transport Agency where a State highway is affected and Transpower New Zealand Limited where a transmission asset is affected. When assessing an application made under (a) and (b) the following matters will be given particular consideration:

1. The effects of subdivision and future development on:
 - Open space, landscape, natural character and amenity values,
 - Reserves, all public conservation land managed by the Department of Conservation and recreation facilities, including the provision and maintenance of such facilities,
 - Heritage sites, including archaeological sites and waahi tapu, and heritage landscapes.
 - Sites, lakes and rivers and their margins and other features of cultural value to Kai Tahu ki Otago,
 - Notable trees, and areas of significant indigenous vegetation and significant habitats of indigenous fauna, and,
 - The natural character of water bodies and their margins.
2. Potential for visual absorption of future built development with particular attention being given to those areas identified as outstanding natural landscapes and significant amenity landscapes on the planning maps.
3. Capability for sustainable use of the productive land and soil resource.
4. The potential for reverse sensitivity effects and methods to address such effects on existing rural production activities and on existing infrastructure, including the use of separation distances and yards.
5. The adequacy of the allotment in respect of its ability to safely dispose of effluent and stormwater on-site, without compromising health, and the quality of ground and surface water resources.
6. The provision of an adequate water supply, given the intended use of the allotments, unless an allotment is incapable of being occupied by a dwelling.
7. The location, design and construction of access, and its adequacy for the intended use of the allotments.
8. The provision of adequate utility services, (including roading), and in particular the location, design and construction of these services.
9. Earthworks necessary to prepare the site for occupation and/or use.
10. The provision of access to back land.
11. The provision of esplanade reserves and strips and access to them.
12. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.
13. Any amalgamations or easements that are appropriate.
14. The identification of potential building platforms that are encouraged in locations that will maintain the open natural character of hills and ranges, without

- compromising the landscape and amenity values of prominent hillsides and terraces.
15. Whether or not the clustering of lots would be beneficial in terms of avoiding or mitigating adverse environmental effects.
 16. Whether or not the applicant will commit or has committed to work or services as environmental compensation (such as the control of wilding pines) and if so committed, whether it is or will be :
 - to remedy at least in part any adverse effects of onsite works; or
 - on the site or within the same general area, landscape or environment as the proposed activity; and/or
 - effective by way of conditions, bond or covenant; and/or
 - the product of public consultation or participation.
 17. The appropriate size of any allotment bearing in mind any of the above factors.
 18. Any objectives and policies relevant to the above matters.
 19. Any other matters provided for in section 220 of the Act.

Any application made in terms of Rule 4.7.4(iii)(c) will generally be publicly notified.

Any application made under (d) will generally not be publicly notified but is to be accompanied by written comment obtained from a qualified professional that addresses the risk associated with the hazard and any remedial measures necessary to avoid, remedy or mitigate the adverse effects of the hazard.

Reason

Proposals for subdivision under (a) and (b) will be subject to careful consideration in terms of its impact on landscape and amenity values. The use of an average allotment area in (b) is intended to encourage imaginative subdivision design while having regard to such values. The subdivision of land subject to the effects of a natural hazard will also be subject to careful consideration. See Section 16 Subdivision and Section 17 Hazards.

(iv) Retail Activity – Winery

Except as provided for in Rule 4.7.2(v) Retail Activity – Winery (Off Licence) the sale of wine for consumption both on and off the site (excluding mail order), the sale of goods that bear the vineyard label and the sale of food ancillary to the consumption of wine on the site is a discretionary activity provided it is ancillary to the growing of grapes or production of wine on the site.

Note: The sale of wines also requires authorisation under the Sale of Liquor Act.

Reason

This rule recognises and provides for the social, economic and

Cross Reference
*Policies: 4.4.2,
4.4.8*

Breach:
*non-complying
activity see Rule
4.7.5(iv)*

cultural wellbeing of wine producers while ensuring that the adverse effects this type of activity can have in a rural environment are avoided, remedied or mitigated through the resource consent process. This type of activity also has the potential to become an important component in the tourism industry.

(v) Tree Planting in Rural Resource Areas (1) (2) and (3)

Tree planting not associated with landscaping in the immediate vicinity of any building in the areas identified as Rural Resource Areas (1) and (2) on the planning maps is a discretionary activity.

Tree planting not associated with landscaping in the Area for Buildings and Curtilage as provided for in Rule 4.7.2(ia)(b)(iii) or with the purpose of mitigating the visual effects of access involving kowhai or other species appropriate to the locality and which is not specifically provided for in a covenant that serves to protect natural values and open space within the area identified as Rural Resource Area (3) on the planning maps is a discretionary activity.

Reason

Tree planting in these localities has the potential to create significant adverse visual effects and to lead to the spread of wilding trees.

(vi) Emergency Service Activities

*Cross Reference
Policy 4.4.2*

*Cross Reference
Policy 4.4.16*

(vii) Commercial Recreational Activity

Commercial recreational activity that:

- (a) Involves the use of motorised equipment or vehicles as part of the activity, or
- (b) Uses motorised vehicles and/or aircraft for access to the activity over private land, or
- (c) Generates more than 30 vehicle movement equivalents per day on public roads

is a discretionary activity.

Reason

Control over motorised commercial recreation activities will ensure that landscape and amenity values of wilderness and back country areas are recognised and provided for through the resource consent process.

(viii) Tree Planting

Tree planting for the purpose of establishing a woodlot, production forest and/or shelter belt that exceeds 2 hectares in area and comprises Douglas Fir (*Pseudotsuga menziesii*), European larch (*Larix decidua*), Ponderosa pine (*Pinus ponderosa*), Bishops pine (*Pinus muricata*), Maritime pine (*Pinus pinaster*) and/or Radiata pine (*Pinus radiata*) is a discretionary activity. This rule shall not apply to a shelter belt having a maximum width of 8 metres measured stem to stem.

Reason

Tree planting with species that have spreading vigour has the potential for adverse effects upon amenity and ecological values in terms of wilding spread. In considering any application for tree planting in terms of its potential for wilding spread the Council will have particular regard to:

the species of trees proposed, and their potential to naturalise and spread;

the location of the site, having particular regard to slope, and exposure to wind;

the neighbouring land use and the amenity and ecological values of the neighbouring land, having particular regard to land downwind of the site; and

whether management plans are proposed for the eradication and/or control of wilding spread.

(ix) Corsican Pine

Tree planting with Corsican pine (*Pinus nigra*) is a discretionary activity.

Reason

Corsican pine (*Pinus nigra*) has significant spreading vigour and potential for adverse effects upon amenity and ecological values on some sites particularly in the Dunstan-Hawkdun-Kakanui Mountains area. Corsican pine may be an appropriate species on sheltered sites or in particular topographical areas of the District. In considering any application for tree planting with Corsican pine in terms of its potential for wilding spread the Council will have particular regard to: the potential to naturalise and spread; the location of the site, having particular regard to slope, and exposure to wind; the neighbouring land use and the amenity and ecological values of the neighbouring land, having particular regard to land downwind of the site; and whether management plans are prepared for the eradication and/or control of wilding spread.

(x) Seasonal Workers Accommodation

Seasonal workers accommodation to accommodate more than 60 persons is a discretionary activity.

4.7.5 NON-COMPLYING ACTIVITIES

(i) Building on Land Subject to Hazards

Any building that fails to comply with **Rule 4.7.6A(j) Land Subject to Hazards** or any building to be erected upon land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source is a non-complying activity.

Reason

Locating buildings in known land subject to a hazard can compromise the health and safety of people and communities. Establishment of buildings in these areas would need to avoid, remedy or mitigate risk before being permitted.

*Cross Reference
Policy 17.4.3 (pg
17:5)*

Waste Disposal and Hazardous Substances on Land

(ii) Subject to Hazards

Any activity that involves the disposal or storage of waste or the storage or use of commercial quantities of hazardous goods or substances in any area identified on the planning maps as being subject to a hazard or involves land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source, is a non-complying activity.

Provided that this rule does not apply to cleanfill landfills, farm tips, silage pits and offal pits permitted by the Regional Waste Plan.

For the purpose of this rule “commercial quantities” means quantities used or stored for the purpose of supplying or offering a service to the general public and does not include substances or goods to be used solely on the property upon which it is kept for the purpose of maintaining or improving the health of stock, crops, land quality or for eradicating pests and/or undesirable weeds or plants from that property.

Note: Consent from the Regional Council may be required to authorise any discharge of contaminants.

Reason

The effects of these activities have great potential to cause significant environmental damage if associated with a natural hazard. Council considers the best means to avoid such effects is not to permit activities of this nature in actual or potential natural hazard sites unless all risk is avoided. Small scale farm landfills and offal pits have been excluded on the basis that they would have minimal effect as opposed to large public waste disposal areas.

(iii) Subdivision

Except as otherwise provided for in Rule 4.7.2(ii)(b), subdivisions that creates:

- an allotment or allotments with an average area less than 2 hectares in areas identified as “Rural Residential” ([RR]) on the planning maps; or
- an allotment or allotments with an average area less than 8 hectares and/or with an area less than 2 hectares in an area in the Rural Resource Area not identified on the planning maps as Rural Residential ([RR]); or
- an allotment that breaches Rule 4.7.2(ii)(a)(i) as it relates to Rural Resource Area (1) ~~or~~ Rural Resource Area (2) or Rural Resource Area (5).

is a non-complying activity.

*Cross Reference
Policy 17.4.5 (Pg
17:6)*

*Cross Reference
Policies: 4.4.2,
4.4.10*

Reason

Intensive subdivision results in future development that has a significant potential effect on landscape and amenity values, the transport network, and ground water quality.

(iv) **Retail Activity**

Retail activity not provided for by Rule 4.7.2(iii) or Rule 4.7.4(iv) is a non-complying activity.

Reason

Retail activities can have a significant adverse effect on the safe and efficient operation of the roading network through generating large volumes of traffic (including heavy service vehicles). Landscape and amenity values can also be compromised through a proliferation of signs and large buildings, and the generation of noise and waste. They can also have significant implications in terms of energy consumption and convenience by requiring people to travel significant distances to shop.

(v) **Tree Planting**

Tree planting with Scots pine (*Pinus sylvestris*) and/or Swiss Mountain pine (*Pinus mugo*) is a non-complying activity.

Reason

Tree planting with species that have significant spreading vigour has the potential for adverse effects in terms of wilding spread.

(vi) **Building on a Outstanding Natural Feature**

Any building on a outstanding natural feature as shown on the planning maps is a non-complying activity.

Reason

These features have been identified as outstanding natural features of the Central Otago landscape worthy of greater protection than the landscape as a whole. The effect of any building activity is unlikely to be suitable in visual terms.

(vii) **Rural Resource Area (4)**

Any activity that breaches any of the three provisos in Rule 4.7.3(ix) is a non-complying activity.

~~(viii) **Horticulture—Planting of Rural Lifestyle Production Area on Structure Plan for Rural Resource Area (5)**~~

~~Any activity that breaches Rule 4.7.2(ib)(c) is a non-complying activity.~~

~~(ix) **Building within no build area on Structure Plan for Rural Resource Area (5)**~~

~~Any activity that breaches Rule 4.7.6A(m) is a non-complying activity.~~

~~(x) **Subdivision in accordance with Structure Plan**~~

~~Subdivision that is not in accordance with the Structure Plan in~~

Schedule 19.23 is a non-complying activity.

Acoustic Insulation in Rural Resource Area (5)

- (xi)** Any activity that breaches Rule 4.7.6E(e) is a non-complying activity.

4.7.5A PROHIBITED ACTIVITIES

(i) Planting of Lodgepole Pine

Tree plantings with Lodgepole pine (*Pinus contorta*) is a prohibited activity.

Reason

Lodgepole pine is a tree species that has the greatest spreading vigour and propensity to create the adverse effect of wilding tree spread. This species is not to be planted in the district.

4.7.6 STANDARDS

The following standards relate specifically to activities which occur within the Rural Resource Area. There are other rules and standards contained in Sections 12, 13, 14 and 15 of this Plan which may also apply to activities which occur in the Rural Resource Area.

A. **Bulk and Location Requirements**

Buildings and any area used for storage purposes (including the stockpiling of materials) that is not enclosed or partly enclosed by a building shall be located to conform with the following standards.

(a) **Yards**

Except as provided for in (c) **and (l)** below, a minimum side and rear yard of 25 metres and a front yard of 10 metres for buildings used for residential activity and/or an accommodation facility except on land subject to the Rural Residential notation; and a minimum yard of 10 metres for all other buildings and buildings used for residential activity and/or an accommodation facility on land subject to the Rural Residential notation shall be provided to all adjoining property boundaries (including roads) provided that a minimum yard of 20 metres shall be provided to all State highways and Arterial Roads listed in Schedule 19.7.

Note: See also Rule 4.7.6A(h) and Rule 12.7.7.

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

(b) **Open Space in Rural Resource Area (2)**

Every dwelling, or travellers accommodation unit shall have an open space of not less than 45m² in area with a minimum dimension of 5 metres. Such open space is to be located adjacent to the lounge and/or dining area and is to be for the exclusive use of the occupants. This rule shall not apply to apartments or travellers accommodation units located entirely at or above the first floor level.

A landscaped area of 500m² is to be provided on the same site occupied by travellers accommodation. This area shall be planted in trees and shrubs or otherwise landscaped.

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

(c) **Water bodies**

No building shall be located within 20 metres of the bank of:

- any stream or river
- any wetland identified in Schedule 19.6.1
- any lake (excluding irrigation dams within a farm property) 0.5 hectares or greater in area

Breach:
discretionary
activity see Rule
4.7.4(i)

Provided that this does not apply to

- (i) Navigational aids, beacons and other structures whose sole or primary purpose is to provide for public safety.
- (ii) Fences provided that where public access is permitted adequate provision is made for continuance of that access (eg the use of gates, stiles, etc).

- (iii) River monitoring and recording facilities. Such facilities may include a stilling tower and/or instrument housing not exceeding 2.5m x 2.5m, a catwalk directly from the adjacent river bank to the housing and associated telemetry and power supply housing. The stilling tower, instrument housing(s) and catwalk are to be not more than 2.5 metres in height above the predicted maximum flood level and are to be finished in a colour or colours that blend with the surrounding landscape.
- (iv) Warning and safety information signs not exceeding 3m² in area.
- (v) Bridges and culverts provided fish passage is not restricted and scouring is avoided.
- (vi) Structures necessary for the taking and carrying of water, including intake structures, races, pipelines, and associated irrigation works, pumphouses and treatment plants no larger than 9m² in area and 2 metres in height and provided their design and colour blends with the environment.
- (vii) Maimai provided that:
 - (a) The structure is a maximum size of 4m²;
 - (b) The structure is open piled;
 - (c) The placement of the structure complies with regulations controlling maimai promulgated in terms of the Wildlife Act.

4.7.6A(c)
(cont'd)

Provided that the erection of structures identified in (i) to (vii) above does not:

1. adversely effect public access to or along the margins of the water body
2. create a disturbance to the margin of the water body that is more than minor
3. compromise safe and efficient navigation

Note: Where any of these structures are to be attached to the bed of any water body consent may be required from the Regional Council. Activities permitted in terms of the rules stated in Section 13.7 of the plan are not subject to Standard 4.7.6A(c).

(d) Housing or Intensive Confinement of Animals or Plants

Buildings designed and/or used to house animals shall comply with the following yard requirements;

Pigs (up to 5 pigs beyond weaner age (8 weeks))	-	50 metres
Other animals	-	30 metres

provided that "intensive farming" (as defined) shall not occur within 2 kilometres of any urban area or Rural Residential part of

Breach:
discretionary
activity see Rule
4.7.4(i)

the Rural Resource Area, or within 500 metres of any isolated rural residence or other building designed to accommodate people (excluding any such buildings that are ancillary to the intensive farming activity itself) except that in the case of intensive pig farming for more than 5 pigs beyond weaner age (8 weeks) the following buffer zones shall apply;

4.7.6A(d)
(cont'd)

Description	Minimum distance in metres	
	(up to 2000)	(2001 – 5000)
Piggery to the boundary of an urban area	2000	P x 1.00 metres
Piggery to the boundary of a Rural Residential area, or place of public assembly; (eg public hall, church, school, recreation area)	1500	P x 0.75 metres
Piggery to an isolated rural dwelling (excluding any dwelling ancillary to the piggery itself)	500	P x 0.25 metres

(e) **Separation Distances from Water Races and Irrigation Pipelines**

- (i) On slopes of 0-12 degrees no buildings, excavations or tree planting shall be permitted within 6 metres of the water's edge of a water race or irrigation pipeline.
- (ii) On slopes of 13-20 degrees no buildings, excavations or tree planting shall be permitted within 7 metres of the water's edge of a water race or irrigation pipeline.
- (iii) On slopes of greater than 20 degrees no buildings, excavations or tree planting shall be permitted within 10 metres of the water's edge of a water race or irrigation pipeline.
- (iv) No fences shall be erected within 6 metres of a water race or irrigation pipeline except for those which cross the race/pipeline and then a gate will be included across any access berm or tracks.

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

Note: Reference to buildings and excavations in this standard does not include maintenance, replacement and/or reconstruction of water races and associated irrigation works.

Activities permitted in terms of the rules stated in Section 13.7 of the plan are not subject to Standard 4.7.6A(e).

(f) **Height**

~~Except in the area shown as Rural Resource Area (1) on the planning maps where the maximum height shall be 5 metres, as Rural Resource Area (2) on the planning maps where the maximum height for dwellings shall be 5 metres and for travellers accommodation the maximum height shall be 7 metres, and as Rural Resource Area (4) on the planning maps where the~~

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)



~~maximum height for travellers accommodation, conference facility and golf club house shall be 15 metres and the maximum height for all other buildings shall be 10 metres.~~

The maximum height is as follows:

4.7.6A(f)
(cont'd)

<u>Landscape Category</u>	<u>Dwellings and buildings accessory to dwellings</u>	<u>Other Buildings including buildings accessory to farming activity</u>
Outstanding Natural Landscape (ONL)	5.5m	6m
Significant Amenity Landscape (SAL)	6m	7.5m
Other Rural Landscapes (ORL)	7.5m	10m

~~Provided that frost fighting fans are exempt the maximum heights stated above and are subject instead to a maximum height of 15 metres.~~

The following exceptions apply:

- Rural Resource Area (1), where a maximum height for all buildings of 5 metres.
- Rural Resource Area (2), where the maximum height for dwellings shall be 5 metres and for traveller's accommodation the maximum height shall be 7 metres.
- Rural Resource Area (4), where maximum height for traveller's accommodation, conference facility and golf club house shall be 15 metres and the maximum height for all other buildings shall be 10 metres.
- Rural Resource Area (5), where the maximum height shall not exceed 7.5 metres in Rural Lifestyle Areas 1, 2, 3 and ~~6~~Rural Lifestyle Production Area, and 5.5 metres in Rural Lifestyle Area 4, and 5 metres in Rural Lifestyle Area 5.
- Frost fighting fans, a maximum height of 15 metres.

Note: see also Rule 4.7.6A(i) and Rule 13.7.11(iii) page 13:23.

(g) Transmission Lines

Separation from high voltage transmission lines that are part of the transmission network shall be in accordance with Rule 12.7.8 (pg 12:25).

Note: High Voltage Transmission Lines that are part of the transmission network are identified on the planning maps.

(h) Road Intersections

No structure (excluding post and wire fences), building or stockpile of materials shall be sited in that triangle of land formed

*Breach:
discretionary
(restricted)*



by the straight line between two points measured 15 metres in each direction from the intersection point of the legal road boundaries.

Note: See also Rule 4.7.6C Tree Planting

(i) **Airport Protection Zone**

No building or structure of a height greater than 2 metres above RL 228.4 metres above mean sea level shall be located within the Airport Protection Zone shown on the planning maps as these relate to the Alexandra Airport; and no building or structure of a height greater than 2 metres above RL 151.5 metres above mean sea level shall be located within the Airport Protection Zone shown on the planning maps as these relate to the Roxburgh Aerodrome.

(j) **Land Subject to Hazards**

No building (excluding fences) shall be located within an area identified on the planning maps as land subject to a hazard.

activity see Rule 4.7.3(i)

*Breach:
discretionary
(restricted)
activity see Rule 4.7.3(i)*

*Breach:
non-complying
activity see Rule 4.7.5(i)*

(k) Oxidation Ponds and Sewage Treatment Facilities

No residential building shall be located closer than 150 metres to any oxidation pond or sewage treatment facilities with the capacity of serving the equivalent of 100 or more people.

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

(l) Yards – Rural Resource Area (5)

(i) Except as provided for in (c) above, all buildings within Rural Resource Area (5) shall comply with the yard requirements in the table below.

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(x)

MINIMUM YARDS	
RURAL LIFESTYLE AREA	MINIMUM YARD
Rural Lifestyle Area 1	6m
Rural Lifestyle Area 2	6m
Rural Lifestyle Area 3	6m
Rural Lifestyle Area 4	10m
Rural Lifestyle Area 5	10m
6Rural Lifestyle Production Area	10m

(ii) Where any site adjoins Ripponvale Road, buildings shall be a minimum of 30 metres from the road boundary.

(iii) ~~With the exception of buildings located in Rural Lifestyle Area 3, or~~ Except as otherwise required below, buildings on any sites within Rural Resource Area (5) that adjoin the Rural Resource Area shall be setback a minimum of 25 metres from the zone boundary.

(iv) Except as otherwise required in (v) below, all buildings on sites within Rural Resource Area (5) and adjacent to the Shelter Belt as shown on the Structure Plan in Schedule 19.23 shall be setback a minimum of 30 metres from the boundary with the Rural Resource Area.

(v) All buildings within the Rural Resource Area (5) shall be setback a minimum of 80 metres from the boundary of Lot 1 DP 362547.

(m) No Build Areas

No buildings shall be located within the areas marked as “No Build” on the Structure Plan in Schedule 19.23.

Breach: non-
complying
activity see Rule
4.7.5(ix)

(n) Fencing within Rural Resource Area (5)

(i) No fences shall be located within the Indicative Open Space and Stormwater Corridor.

(ii) Where a site adjoins the Indicative Open Space and Stormwater Corridor shown on the Structure Plan, fences on or within 10 metres of the Indicative Open Space and Stormwater Corridor (excluding side boundary fences)

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

shall be constructed of unpainted timber post and rail to a maximum height of 1.2 metres.

(o) Exterior Lighting

Exterior lighting on buildings shall be fixed, no higher than 1 metre above finished ground level, capped, filtered or pointed downwards and screened so as to reduce lux spill. There shall be no lighting of vehicle accessways within any sites.

*Breach:
Discretionary
activity see Rule
4.7.4(i)*

(p) Road Lighting

Street lighting within the internal roading network within Rural Resource Area (5), as shown on the Structure Plan in Schedule 19.23, shall be no higher than 1 metre above finished ground level, capped, filtered or pointed downwards and screened so as to reduce lux spill.

*Breach:
Discretionary
activity see Rule
4.7.4(i)*

Reason

Bulk and location standards have been established for buildings for a number of reasons. These include maintenance of amenity values of adjoining properties, mitigating adverse landscape effects and maintaining good visibility along roads and at intersections. Controls in respect of transmission lines have been imposed to ensure that the public is reasonably protected in the event of line failure. It also enables ease of access for maintenance and upgrading purposes. Building restrictions adjacent to water bodies have been imposed to ensure that the natural character of water bodies and their margins is maintained and that adverse effects on riparian margins are avoided, remedied or mitigated.

B. Traffic Generation and Characteristics of Activities

- (a) Home stay or accommodation facilities on a property shall not exceed that required to accommodate 6 persons on a commercial fee paying basis.

*Breach:
discretionary
activity see Rule
4.7.4(i)*

Notes: 1. Consents under other legislation (eg health requirements) may be needed for these activities.

2. The Environment Court has declared in Dec C177/2003 that the provision of sites for tents, campervans and caravans for more than six people on a fee paying basis is a discretionary activity; and that for the purpose of this plan the payment of a reduced wage to employees using such sites constitutes provision of sites on a fee paying basis.

- (b) (i) No more than 3 persons shall be engaged in any activity of a commercial, industrial or manufacturing nature except in areas identified as "Rural Residential" ([RR]) on the planning maps. For the purpose of this rule, farming, horticulture, viticulture, network utilities and forestry activities are excluded from an activity of a commercial, industrial or manufacturing nature.

- (ii) Within areas identified as “Rural Residential” ([RR]) on the planning maps no person shall be engaged in any activity of a commercial, industrial or manufacturing nature. For the purpose of this rule, farming, horticulture, viticulture, network utilities and forestry activities are excluded from an activity of a commercial, industrial or manufacturing nature.
- (c) No activity shall involve the attraction of the public to a site for community related services or events other than for temporary activities.

Reason

Activities of a commercial, industrial or manufacturing nature have the potential to significantly compromise the amenity values of the rural environment, and in particular, landscape values and the lack of obtrusive noise. They can also adversely impact on the safe and efficient operation of the roading network.

The number of persons or vehicle movements stated in this rule have been selected on the basis that over and above this scale of operation, adverse effects have the potential to become significant. These controls provide flexibility by allowing small scale activities that have no more than a minor effect while requiring consent for large scale activities that generate adverse effects.

4.7.6B

(cont'd)

C. Tree Planting

- (a) No trees shall be planted on a property in such a manner that they obstruct the vision of motorists on the road or cause the root system to have an adverse effect on the road surface.
- (b) No trees shall be planted adjacent to any road in a position that will shade the carriageway between the hours of 1000 and 1400 on the shortest day of the year where the speed limit is above 50km/hour and the topography is not already preventing direct sunlight onto the carriageway.

Breach:
*discretionary
(restricted)
activity see
Rule 4.7.3(i)*

Note: If existing trees and trees planted in positions not covered by this rule are shown to be having an adverse effect in terms of a thawing of ice road surfaces, Council has the ability to remove offending trees pursuant to section 355 of the Local Government Act 1974.

- (c) No trees shall be planted in those areas of land identified in **Rule 4.7.6A(h) Road Intersections** and **Rule 4.7.6A(i) Airport Protection Zone**, above, or that on maturity will project into the surfaces described in Schedules 19.8 and 19.8A.
- (d) No evergreen trees with dark green, blue and gold foliage (ie. conifers, in particular species from the Pinus genus) or species with wilding spread and self seeding capabilities shall be planted in the areas identified as Rural Resource Area (1) or Rural Resource Area (2) on

the planning maps.

- (e) No tree shall be planted on a property in such a manner that it is likely to have an adverse effect on the existing electricity network.

(f) Within Rural Resource Area (5):

- i. No trees or shrubs (only tussocks as per the planting schedule included in Schedule 19.25) shall be planted in the "No Build" areas identified on the Structure Plan in Schedule 19.23; and
ii. No trees or shrubs (only tussocks as per the planting schedule included in Schedule 19.25) shall be planted on boundary lines within Rural Lifestyle Area 5.

Note: See also Rule 4.7.6A(e) for tree planting adjacent to water races and Method 4.5.2(iii) page 4:22 on wilding tree spread and control

Reason

There are sound reasons for controlling the location of plantings. These include reducing impediments to ice thaw on road surfaces; and ensuring good visibility at road intersections. Methods to control wilding tree spread are highlighted in Method 4.5.2(iii) at page 4:22 of this plan. The purpose of Rule 4.7.6C(f) is to prevent any shelter belts or distinct alignment of trees along property lines as this breaks up the hillside by visually demarcating the boundaries and has the effect of diminishing the open character of the hillside.

D. Visual Effect of Buildings and Structures

- (a) All buildings including new, relocated and repainted buildings and structures (excluding post and wire fences; bird netting and support structures, wind machines, pivot irrigators and sprinklers and other equipment and fixtures incidental to agriculture, horticulture and viticulture), are subject to the following:

i) Finish

All buildings shall be finished in any of the following materials:

- (i) Timber/Composite Weatherboard (vertical and horizontal).
(ii) Plaster/Adobe/Rammed Earth/Masonry Products/Concrete.
(iii) Stone.
(iv) Coloured steel excluding unpainted zincalume and unpainted corrugated iron.
(v) Weathered corrugated iron
(vi) Brick

(ii) Colour : Exterior Walls, Accents and Trim

The exterior walls, accents and trim for all buildings and structures shall be in a colour or colours selected from the following colour palette, provided that the colours of exterior walls shall be in a low sheen:

*Breach:
discretionary
(restricted)
activity see Rule
4.7.3(iii)*

Browns, greens, grey blue, greys, terracotta, tussock and dark reds provided that such colours shall have a Reflectivity Value (RV) of less than 38%.

- Notes:
1. Colours of exterior walls are to be similar to and darker than the surrounding landscape colours.
 2. It is acknowledged that RV may need to increase due to the use of natural timber.
 3. Unpainted surfaces such as brick shall be finished in colours consistent with those specified in Rule 4.7.6D(a)(ii).
 4. BS 5252 colours that are acceptable in terms of Rule 4.7.6D(a)(ii) are:

00A07	22B21	08B29	04C40
02A07	04B23	10B29	06C40
06A07	08B23	12B29	08C40
10A07	10B23	18B29	12C40
16A07	12B23	22B29	14C40
00A09	18B23	04C37	16C40
10A09	22B23	06C37	18C40
00A11	04B25	08C37	08D44
02A11	08B25	10C37	04D45
06A11	10B25	02C39	06D45
10A11	12B25	04C39	08D45
16A11	18B25	06C39	12D45
00A13	22B25	08C39	14D45
08A14	04B27	10C39	16D45
18A14	08B27	12C39	02E58
04B21	10B27	14C39	04E58
08B21	12B27	16C39	14E58
10B21	18B27	18C39	24E58
12B21	22B27	20C39	
18B21	04B29	02C40	

4.7.6D(a)
(cont'd)

(iii) Colour : Roofs

The roofs of all buildings shall be in a low sheen in any colour that has a RV of less than 32% or shall be unpainted natural products such as timber shingles or slate.

Note: Colours of roofs are to be similar to and darker than the surrounding landscape colours.

- (b)** All buildings and structures (excluding post and wire fences, bird netting and support structures, wind machines, pivot irrigators and sprinklers and other equipment and fixtures incidental to agriculture, horticulture and viticulture) shall not protrude onto a skyline or above a terrace edge when viewed from a public road or other public place at a distance not exceeding 2 kilometres from the building or structure.

Reason

The District's landscape has been identified as an important resource. Buildings have the potential to compromise the value of this resource and care must be taken with their finish and location. The colour range identified has been selected to avoid colour contrast with the surrounding landscape and to provide certainty for resource users. The colours selected are background colours of the land rather than colours associated with vegetation (particularly its seasonal variation) or other isolated features of the landscape. Colours listed above may not be appropriate in all landscape settings and such appropriateness must therefore be assessed on a site specific basis. For the avoidance of any doubt as to what colours comply, the Council holds colour charts of appropriate colour ranges at Council's offices.

E. Noise

- (a) All activities shall be conducted so as to ensure the following noise limits are not exceeded at any point within the notional boundary of any dwelling, resthome or hospital, or at any point within any Residential Resource Area or any Rural Settlements Resource Area:

Breach:
*discretionary
(restricted)
activity see Rule
4.7.3(iv)*

On any day 7:00am to 10:00pm	55 dBA L ₁₀	4.7.6E(a) <i>(cont'd)</i>
10:00pm to 7:00am the following day	40 dBA L ₁₀	
	70 dBA L _{max}	

Provided that the above noise limits shall not apply to:

1. any temporary activity (as defined)
2. devices used to protect crops from birds or frost (see (b)-(c) below)
3. sirens associated with emergency service activities.

“Notional boundary” is defined as a line 20 metres from part of any living accommodation or the legal boundary where this is closer to the living accommodation.

(b) Audible Bird Deterrent Devices

Any audible bird deterrence device shall be so sited and operated that the following noise limits shall not be exceeded at any point within the notional boundary (as defined in (a)) of any dwelling, resthome or hospital other than a dwelling on the same site as the device:

Percussive devices	65 dB ASEL provided that the noise limit is 70 dB ASEL where the device is sited 500 metres or more from any Residential Resource Area or Rural Settlements Resource Area
--------------------	---

Non-percussive devices	55 dBA L ₁₀
------------------------	------------------------

Note: 1. The term “ASEL” means the A-weighted sound exposure level which is sometimes described by the abbreviations L_{AE}, or SEL.

2. Percussive devices shall include any device which emits a shock-wave arising from an explosion generating impulsive sound, and includes gas-guns.

PROVIDED THAT

No audible bird deterrence device shall be operated:

- (i) Within 100 metres of any community facility.
- (ii) Between half an hour after sunset and half an hour before sunrise

(iii) [Within the Rural Resource Area \(5\)](#)

(c) Wind machines for Frost Control

Any wind machine used for frost control shall be so constructed and operated that any noise emission measured at a distance of 300 metres shall not exceed 65 dBA L₁₀ provided that:

1. the wind machine will be allowed to operate during the frost danger period until the leaves of the plant are dry and the air temperature has reached 1°C.

2. the speed of the wind machine must be governed such that the top speed of the rotor does not exceed the speed of sound.
3. the wind machine is located no closer than 300 metres to any Residential or Rural Settlement Resource Area, or within 100 metres of a dwelling house not located on the property
4. No fixed wind machines shall be located within the Rural Resource Area (5). This rule does not prevent the use of portable wind machines within the Rural Lifestyle Production Area in the Rural Resource Area (5).
5. Within the Horticulture Area shown on the Structure Plan in Schedule 19.23 there shall be no more than three wind machines, which must be a five-blade model located no closer than 135 metres from the boundary with the Rural Resource Area (5).

4.7.6E(c)
(cont'd)

- (d) Where any new activity locates within any part of the Rural Resource Area and that activity includes any noise sensitive activity, the activity or any building associated with the noise sensitive activity shall be sited, oriented and constructed so as to ensure that habitable spaces within the building shall be adequately isolated from any noise source on another site within the class of sources described in sub-clauses (b) – (c) of this rule. Adequate sound isolation shall be achieved by siting and constructing the building to achieve an indoor design sound level of 45 dBA L_{max} within any habitable room where the exterior noise source is within the class of sources described in sub-clauses (b) – (c) of this rule. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided, used, and maintained in operating order.

- (e) Acoustic Insulation in Rural Resource Area (5)
Dwellings shall meet the following sound insulation and ventilation standards within the identified areas shown on the Structure Plan in Schedule 19.23:

- (i) between the 40dB Sound Insulation Boundary and the Horticulture Area, the sound insulation of habitable spaces should achieve 40 dB $Rw+Ctr$ with the addition of mechanical ventilation to bedroom spaces;
- (ii) between the 35dB Sound Insulation Boundary and 40dB Sound Insulation Boundary or southern boundary of the RuRA(5) zone, the sound insulation of habitable spaces should achieve 35 dB $Rw+Ctr$ with the addition of mechanical ventilation to bedroom spaces; and
- (iii) at all other locations with the Structure Plan area - the sound insulation of habitable spaces should achieve 30 dB $Rw+Ctr$.

Breach:
Non-complying
activity see Rule
4.7.5(xi)

Commented [JM3]: I don't think this is correct. Should it be 135m from the boundary of the nearest residential activity area. As I understand it, area "H" is within and part of RRA(5)

Reason

The noise standards selected reflects the historic noise levels permitted in the District. Temporary short duration noises (such as those created by frost fighting wind machines, bird scaring devices, harvesting at night etc) have been exempt from these restrictions so as not to unduly restrict seasonal agricultural operations. It is also considered appropriate that where a new activity that may be noise sensitive locates in the rural environment next to an activity that generates noise then the developer of the new activity should take steps to mitigate the effects of that noise. The cost should not be borne by the existing activity unless it does not meet the 70dBA standard.

Specific acoustic insulation requirements apply to areas within Rural Resource Area (5) to mitigate the effects of activities within the Rural Resource Area.

F. **Storage**

Any area used for or proposed to be used for storage purposes (including contractors yards and the stockpiling of material for a period that exceeds 6 months but excluding stock feed, stock yards and grain silos) that is not enclosed or partly enclosed by a covered building shall be screened from the view of any public road, reserve, other public land or any other adjacent site boundary or resource area boundary.

Such screening shall be erected or planted to a suitable height and density so as to mitigate adverse visual effects and dust effects that have the potential to occur and shall not impede visibility on adjacent roads provided that no material (including waste) shall be stored, stockpiled or disposed of in a manner that attracts or significantly increases habitats for flies, rodents, vermin or insects and birds to a level that causes a nuisance to or adversely effects the adjoining property, and/or the general public.

Reason

Storage of materials and machinery has the potential to adversely affect landscape values and amenity values of adjoining properties. Screening storage areas will mitigate these effects.

G. **Provision of Services**

(a) **Effluent Disposal**

Any site intended to accommodate a household unit or any activity that generates human effluent shall be either connected to an existing sewerage scheme at the owners cost (provided that the scheme has the capacity to accommodate the waste generated) or if such a scheme is not available the site shall be capable of effective disposal of effluent safely within the site.

Note: This may involve consents from the Regional Council.

For sites less than 4000m² or where the activity on the site will generate in excess of 2000 litres per day of effluent as a weekly average (approximately 3 households) regardless of area Council shall require a certificate from a registered engineer, registered

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(i)

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(v)

drainlayer or other person professionally qualified in effluent disposal to confirm that effluent can be safely disposed of within the site and complies with current recognised standards.

(b) **Water Supply**

At the time of subdivision or prior to the issue of building consent to erect a residential building, the owner shall provide a safe and adequate water supply. This water supply shall be obtained from a source which is protected from contamination by animal sources and the normal activities that may cause contamination occurring or likely to occur within the catchment. The water will be of a quality which does not require any form of treatment, shall be adequate in quantity (approximately 300 litres per person per day) and where the supply is obtained outside the boundaries of the property, secured by permanent agreements and easements. The final product must meet the Ministry of Health Standards as defined in Drinking Water Standards for New Zealand 2000.

Note: Historically water for domestic use has sometimes been taken from irrigation water races. This water in some situations is known to be contaminated and presents a risk to the health of consumers. In recent years the Council has insisted on a safe water supply being provided for all new residential buildings. For all practical purposes the only water supplies which may meet the criteria outlined above are those taken from bores, wells and springs. It is only on very rare occasions that water cannot be obtained in this manner. In these instances any alternative requires scrutiny through a mechanism of a land use consent.

(c) **Access, Loading and Manoeuvring**

Access, loading and manoeuvring requirements shall be provided in accordance with Rule 12.7.1 page 12:13 and Rule 12.7.3 page 12:17.

(d) **Parking**

Parking shall be provided in accordance with Rule 12.7.2 (pg 12:16) and Table 12.3 (pg 12:25).

Reason

Developments in the rural environment have the ability to compromise amenity values, water quality and the integrity of the roading network if they are not adequately serviced. These services mitigate those effects and are to be installed at the cost of the developer rather than the general ratepayer.

H. Signs

Signs on any site shall comply with the following standards.
Signs:

1. Shall be situated on the property to which they relate provided that no more than two pre warning signs having a maximum area of 1m² each are permitted within 500 metres of the site entrance.

Breach:
*discretionary
(restricted)
activity see Rule
4.7.3(i)*

2. Shall comprise a single sign not exceeding a total of 3m² in area.
3. Shall not obscure driver visibility to and from access ways
4. Shall not be constructed using reflective material, or flashing or animated components.
5. Shall not be illuminated.
6. Shall comply with Rule 12.7.5(v) at page 12:21.

Note: Certain signs are permitted or require consent in terms of Rule 12.7.5 on page 12:21.

Reason

While signs are a necessary adjunct to many rural activities, they have the potential to adversely affect amenity values (particularly landscape values) and the safe and efficient operation of the roading network.

I. Riparian Margins

Within 10 metres of any water body, no:

- (a) dumping of fill, spoil or any substance to waste (except cleanfill),
- (b) earthworks exceeding 20m³, or
- (c) the removal of vegetation,

shall occur provided that this does not apply to:

- (i) The removal of undesirable weeds or the removal of plants or vegetation planted for commercial purposes prior to the date of notification of this plan, provided that any adverse effects on that water body and its margin are avoided, remedied or mitigated by ensuring that:
 1. No disturbed vegetation, soil or debris is placed in any water body or is placed in such a position where it may enter or move into any water body, and
 2. Riparian margins are restored and rehabilitated to a standard necessary to ensure that the margin remains in a stable condition.
- (ii) Grazing of stock.
- (iii) Activities/works permitted by any relevant Regional Plan.
- (iv) Minor maintenance required for the safe and efficient operation of roads and utility networks.

For the purposes of this Rule, water body is defined as being any stream or river or any wetland identified in Schedule 19.6.1 or any lake (excluding irrigation dams within a farm property) 0.5 hectares or greater in area.

Note: Riparian margins are defined in Section 18 of this plan. They do not include the beds of lakes and rivers that are subject to the Regional Plan : Water. Activities permitted in terms of the rules stated in Section 13.7 of the plan are not subject to Standard 4.7.6I.

Reason

Riparian margins are important components in the health of

*Breach:
discretionary
(restricted)
activity see Rule
4.7.3(vi)*

4.7.6I
(cont'd)

waterbodies and the natural character of their margins. Riparian vegetation acts as a buffer zone filtering nutrient and soil runoff, stabilises banks and provides habitat. Use of the phrase “undesirable weeds or plants” recognises that some plants that need to be removed are not necessarily “noxious” in terms of other legislation (eg. crack willow) and secondly, that “undesirability” will vary from site to site.

This rule recognises existing plantings of commercial crops and allows for their removal provided the effects are mitigated.

J. Earthworks for Access Tracks and Extraction Activities

(a) Tracks

Where any earthworks are required for or in connection with the formation or construction of any road, track, landing, firebreak, fenceline, or utility service line, the following design standards shall be met:

- (i) All formation surfaces with an inwards crossfall shall be drained by a watertable; and
- (ii) Cutoffs or culverts shall be constructed or installed so as to prevent scour, gulying or other erosion of the formed or constructed surface and to adequately provide for fish passage when such fish passage is appropriate and practicable; and
- (iii) All areas of fill including any formation surface overlying fill shall be compacted; and
- (iv) Fill batters shall be constructed and vegetated to a standard that is adequate to mitigate any adverse visual effects when viewed from any State highway and to avoid batter erosion or failure; and
- (v) Adverse effects on any stream, river or lake or permanently wet wetland are avoided, remedied or mitigated; and
- (vi) Any cut or fill batter is no more than 2 metres in height or depth (provided that this may be exceeded for 10% or less of the total track length to a maximum 3 metres).

Notes: Intersections with public roads are to be constructed in accordance with the standards set out in Rule 12.7.1 page 12:13.

Where bridges, culverts or bed disturbances are associated with activities subject to Rule 4.7.6J(a) compliance with regional rules in Chapter 13 of the Regional Plan: Water shall be met or appropriate consents obtained.

(b) Extraction and Displacement Activities

Except as provided for in 4.7.6J(a) above the extraction (including excavation and/or displacement) of material (excluding any cleanfill landfill, and farming activities such as irrigation dams and associated works, ploughing and land contouring for border dyke irrigation) shall not exceed an area of 2000m² or a quantity of 3000m³ from any one site provided that:

- (i) Where the material extracted is not to be reinstated, then the permanent visual impacts of the activity shall be avoided, remedied or mitigated by the replacing of

Breach:
discretionary
(restricted)
activity see Rule
4.7.3(vi)

4.7.6J(a)
(cont'd)

Breach:
discretionary
activity see Rule
4.7.4(i)

- (ii) topsoil and suitable subsoil, resowing, fertilising and planting or other appropriate landscaping, or When material is extracted or displaced for mining, investigative or exploitative work, all areas disturbed shall be progressively restored or rehabilitated to a standard not less than that which previously existed, and
- (iii) Adverse effects on water bodies and land stability are avoided, remedied or mitigated; and
- (iv) Extraction, other than that required for land cultivation, drilling, bore construction, the erection of fences, overhead lines or foundations for buildings is no more than 1m deep or 10m³ in volume within the groundwater protection zones for Roxburgh and Ettrick.

Notes: Chapter 14 of the Chapter 14 of the Regional Plan : Water contains rules for drilling and bore construction within the Roxburgh and Ettrick groundwater protection zones.

Policy 9.4.18(d) of the Regional Plan : Water requires the management of excavation in groundwater protection zones so that any protective soil mantle or impervious stratum is retained, replaced, or alternative groundwater protection is provided.

Reason

Earthworks for mining and the formation of tracks can have significant adverse effects on:

1. *landscape values*
2. *water quality*
3. *soil structure and quality*
4. *land stability*

However, adverse effects of small scale soil displacement activities are generally minimal and can be mitigated by appropriate landscaping and rehabilitation.

K. Areas of Significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands

No activity shall have the effect of:

- (a) Removing or adversely affecting indigenous vegetation, or
- (b) Adversely affecting significant habitat of indigenous fauna or statutorily managed sports fish and game, or
- (c) Draining or adversely affecting any wetland or its associated values, or
- (d) Erecting any structure (excluding fences and signs that conform with Rule 12.7.5(i)(e)), or
- (e) Carrying out any earthworks or cultivation of land, or
- (f) Establishing woodlots, production forestry or shelterbelts, or
- (g) Subdivision of land (except for the creation of reserves or conservation areas),

within those areas identified in Schedules 19.6.1 and 19.6A and on the planning maps and any wetlands over 800 metres, unless the work or activity is consistent with the particular Act under which the land is held, or any management strategy or plan

Breach:
discretionary
activity see Rule
4.7.4(i)

developed under that Act.

Reason

This rule ensures that activities that have the potential to compromise the values of these areas go through the resource consent procedure. The rule allows such activities on land that is held for conservation purposes under Acts such as the Conservation Act and the Reserves Act, provided it is consistent with a conservation management strategy/conservation management plan, or any other management plan established under the Conservation Act 1987 or any other Act specified in the first schedule to that Act and there is no significant adverse effect beyond the boundary of the site. These Acts also deal with the management of natural and physical resources.

Note: Schedule 19.6A includes wetlands listed in Schedule 10 of the Regional Water Plan. Such wetlands have not been assessed for Type A or Type B values in terms of the Regional Water Plan. If such values are determined to exist the wetlands concerned will be listed instead in Schedule 19.6.1 via a plan change; and if such values do not exist the wetland will be removed from Schedule 19.6A.

Artificial wetlands created by water storage dams, for example hydro-electric, irrigation, stock water, community water supply, or farm effluent dams, will not be included in Schedule 19.6.1 where their inclusion will interfere with the purpose and operation of the dam.

4.7.6K
(cont'd)

4.7.6KA Clearance of Indigenous Vegetation

I. Clearance of indigenous vegetation on land not listed for protection under Schedule 19.6.1 and subject to Rule 4.7.6K, where the vegetation-

- (a) comprises more than 10 hectares of snow tussock grassland (*Chionochloa rigida*), or half a hectare or more of other indigenous vegetation on one site; or
- (b) involves any species listed as threatened in Schedule 19.6B, and the clearance affects a site containing any such species as identified on the planning maps; or
- (c) is more than 1080m above sea level;

is a discretionary (restricted) activity.

Provided that this rule shall not apply to:

- (i) Clearance of indigenous trees that have been windthrown or are dead standing as a result of natural causes and have become dangerous to life or property.
- (ii) Clearance of indigenous vegetation on land that has been freeholded under Part 2 of the Crown Pastoral Land Act

1998.

- (iii) The Greenland Recommended Area for Protection on Little Valley Station apart from the land subject to Conservation Covenant No. 5013375.2 (Otago Land Registry).

And provided that I(b) of this rule as above shall not apply to:

- (iv) Grazing.
(v) Oversowing and topdressing.

And provided that I(a) and (c) of this rule as above shall not apply to:

- (vi) Direct drilling associated with existing pasture.
(vii) Clearance of matagouri.

II. For the purpose of this rule “clearance” is defined as the felling, clearing, or modification of any indigenous vegetation by cutting, mechanical crushing, spraying, burning and any activity causing disturbance to the soil.

III. The Council shall restrict the exercise of its discretion to the following matters, where applicable:

1. The significance of the ecological values of the site that will be affected.
2. The effect of the clearance on those values.
3. The necessity or desirability of clearance on land previously used for production.
4. The means of protecting the ecological values of the site, including consideration of positive ecological benefits that can be achieved through fencing off and protecting ecological values in conjunction with the clearance activity.

In determining the significance of ecological values, regard will be had to the following:

- (i) Representativeness – The contribution of the site to the maintenance of a full range of genetic and ecological diversity as expressed along environmental gradients. Representativeness extends beyond ecological units that are rare or unusual in a local or regional context. High representative values are given to particular communities or ecosystems which:
- Have large overall areas in the district;
 - Have been reduced from their former extent;
 - Are poorly represented in reserves.

High representative values are given to particular sites

4.7.6KA

(cont'd)

according to how well they represent particular communities or ecosystems of high representative value.

- (ii) **Rarity** – Whether the area supports or is important for the recovery of an indigenous species, habitat or community of species which is rare or threatened locally, regionally, or nationally.
- (iii) **Diversity and pattern** – The diversity of biological (species, community) biophysical (ecosystem) or physical (landform) features and of biological gradients. More diverse natural areas containing a greater range of species/communities, ecosystems, landforms and/or compositional and structural gradients tend to have greater ecological and conservation values than less diverse ones.
- (iv) **Size and shape** – the degree to which the size and shape of an existing area is conducive to it being, or becoming ecologically self-sustaining. Larger areas with more compact shape tend to have higher values than smaller, irregularly shaped ones.

- (v) Location and connectivity – the extent to which the area has ecological value due to its location and functioning in relation to its surroundings. An area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat. For example an area may act as a corridor or stepping stone for movement or migration of species between or to areas of important habitat.

4.7.6KA
(cont'd)

- IV. Unless an applicant otherwise requests, or the Council considers that special circumstances exist, an application under this rule will not require public notification, nor will any person require to be served, if information from a qualified and experienced ecologist is provided, demonstrating to the Council's satisfaction that any adverse effect upon significant ecological values will be no more than minor.

Reason

Given the high level of biodiversity loss in the Central Otago District and the continuing pattern of land use change, an interim rule (Rule 4.7.6KA) is considered necessary to assist in protecting biodiversity in the district until Schedule 19.6.1 (to which Rule 4.7.6K applies) is expanded into a suitably comprehensive state that reasonably identifies and reflects the district's resources that are of significance in terms of section 6(c) of the Act.

Rule 4.7.6KA includes burning in the definition of "clearance" for the purpose of that rule. The Otago Regional Council has developed a Code of Practice with respect to burning. The Environment Court has concluded that the Code lacks a sufficiently robust framework to qualify as a suitably reliable mechanism for addressing the protection of significant areas under section 6(c) of the Act. The Court has stated that were the Code to contain adequate investigation, review and audit procedures, with a record of successful operation and widespread acceptance by the farming community with those checks and requirements incorporated, that the Court would not exclude the possibility that the Code might suffice on its own, without a need to control tussock burn-off under the district plan. The control of burning through Rule 4.7.6KA may therefore be revisited in future, depending on initiatives to strengthen the Code and demonstrate an enhanced operational standard.

L. Outstanding Natural Landscapes, Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area

- (1) No activity shall have the effect of:
- (a) Erecting any structure (excluding post and wire fences) or building, or
 - (b) Cutting new roads, new tracks, new landings, or new utility service lines, or
 - (c) Excavating material in excess of 20m³ (volume) and/or disturbing any land 50m² in area or greater in any one hectare in any continuous period of 5 years but excluding cultivation of areas previously cultivated (for the

*Breach:
discretionary
activity see Rule
4.7.4(i)*

4.7.6L

(cont'd)

- avoidance of doubt this does not apply to the maintenance of roads, tracks, landings, fire breaks and other works), or
- (d) Establishing woodlots, production forestry or shelter belts, or
 - (e) Subdivision of land (except for the purpose of creating reserves or conservation areas),

within any area identified as an outstanding natural landscape, outstanding natural feature or land in the Upper Manorburn/Lake Onslow Landscape Management Area as shown on the planning maps except as provided for by Rules 4.7.5(vi), 13.7.6 and 13.7.8.

(2) Rule 4.7.6L(1) shall not apply to:

- (a) reviewable land that has been freeholded under Part 2 of the Crown Pastoral Land Act 1998 subsequent to the operative date of this plan; and
- (b) unrenovable occupation licence land that has been designated for disposal as fee simple under Part 3 of the Crown Pastoral Land Act 1998 subsequent to the operative date of this plan; and
- (c) freehold land listed in Schedule 19.6.3.
- (d) The area identified as Rural Resource Area (3) on the planning maps to the extent that:
 - (i) Rule 4.7.6L(1)(a) shall not apply to any dwelling and any accessory building authorised in terms of Rule 4.7.2(ia).
 - (ii) Rule 4.7.6L(1)(a) shall exclude unpainted post and wire fences only and stacked schist or stone fences that shall not exceed a height of 1.2 metres.
 - (iii) Rule 4.7.6L(1)(b) shall not apply to underground services or to the cutting of new roads or tracks as shown on the concept plan attached as Schedule 19.20 or to any water tank that is finished in natural tones to blend with the landscape.
 - (iv) Rule 4.7.6L(1)(c) shall not apply to earthworks involving up to 450m² of cut or fill per site provided that the maximum height of cut or fill is to be 0.75m unless lined with schist or to earthworks required to construct a building platform or to form access to a building platform as shown on the concept plan attached as Schedule 19.20 or where a building platform is located in the Development Zone shown on the concept plan attached as Schedule 19.20 (in compliance with Rule 4.7.2(ia)(a); no rocks over 2m³ (as visible above natural ground level) are to be removed or otherwise modified except to construct a building platform or to form access to a building platform as shown on the concept plan attached as Schedule 19.20 or where a building platform is located in the Development Zone shown on the concept plan attached as Schedule 19.20 (in compliance with Rule 4.7.2(ia)(a)); all un-walled cut or fill slopes are to be recontoured to blend with the surrounding natural landform and to provide for

4.7.6L
(cont'd)

successful revegetation; all retaining walls are to be lined with schist; and a geotechnical report is required with respect to any earthworks for identified (numbered) building platform 4 and its associated access as shown on the concept plan attached as Schedule 19.20.

- (v) Rule 4.7.6L(1)(e) shall not apply to any subdivision authorised in terms of Rule 4.7.2(ii)(a)(i), 4.7.2(ii)(a)(iii) and 4.7.2(b)(i), (ii), (iv), (v) and (vi).
- (e) Prospecting and exploration on land subject to Exploration Permit 40817 (or any subsequent permit) being part Crown Land, part Run 354A, part Section 7 SO 332516 and part Garston – Nevis Road situated in Block I Lorn Survey District.
- (3) For the purpose of Rule 4.7.6L(2)(a) reviewable land shall be deemed to be “freeholded” when the holder’s acceptance of a substantive proposal takes effect under section 60 of the Crown Pastoral Land Act 1998.
- (4) For the purpose of Rule 4.7.6L(2)(b) unrenovable occupation licence land shall be deemed to be “designated for disposal as fee simple” when the Commissioner of Crown Land’s adoption of a substantive proposal takes effect under section 89 of the Crown Pastoral Land Act 1998.
- (5) Rule 4.7.6L(1)(a), (b) and (c) shall not apply to that part of Mount St Bathans Station located to the east and south of Hawkdun Runs Road and west of the Manuherikia River.
- (6) No activity shall have the effect of erecting any structure (excluding post and wire fences) or building on that part of Mount St Bathans Station located to the east and south of Hawkdun Runs Road and west of the Manuherikia River.

*Breach:
controlled
activity see Rule
4.7.2(ib)*

Reason

The effects of these activities have the potential to compromise the values of these landscapes and features. Resource consent will enable all effects of the activity to be considered in terms of its impact on the special values of these areas and impact on the natural and historic values of these areas including the characteristics identified in the description of the outstanding natural features and outstanding natural landscapes in Schedule 19.6.2.



The properties freeholded under tenure review are excluded from the application of Rule 4.7.6L(1) because the tenure review process provides an alternative statutory means to identify and address on a site specific basis the values which are the subject of this Rule.

4.7.6L
(cont'd)

4.8 ENVIRONMENTAL RESULTS ANTICIPATED

- 4.8.1** The adverse effects on the Central Otago landscape and natural character of any new structure or works are avoided, remedied or mitigated.
- 4.8.2** Retention of healthy riparian vegetation adjacent to the District's water bodies that promotes the maintenance of their natural character and associated values.
- 4.8.3** A variety of uses utilising the District's soil resource without adversely affecting its life-supporting capacity.
- 4.8.4** Safe and efficient operation of the roading network through improved safety and a reduction in conflict with adjoining land uses.
- 4.8.5** The ongoing protection of significant indigenous flora and significant habitats of indigenous fauna for the benefit of present and future generations.
- 4.8.6** Ongoing improvement in public access where appropriate to recreation and other resources of the District.
- 4.8.7** A continuing reduction in conflict between land uses occurring in the rural environment.
- 4.8.8** Ongoing provision for back country/remote recreation opportunities with minimal conflict between recreation activities.
- 4.8.9** Improved pest control programmes.
- 4.8.10** Built development being designed and located so that the open, natural character of the District's hills, ranges, terraces, prominent places and natural features is maintained without compromising the landscape and amenity values of prominent hillsides and terraces.