



## 4. RESOURCE AREAS

### 4.1. RURAL RESOURCE AREA

#### 4.1.1. OVERVIEW

The Rural Resource Area has been identified as distinct from the built-up Urban Resource Areas of the District on the basis of its existing amenity values, which generally comprise a natural, open environmental character. The majority of activities are located within this area because they rely upon the physical characteristics of the area (eg. forestry), or need to be close to an activity that is reliant upon the resource character of the area (eg. a sawmill), or need a large open area where they can generate adverse effects without significantly affecting more sensitive activities (eg. an airport).

It must be recognised that such activities need the physical and natural resources of the Rural Resource Area to survive. The purpose of the Rural Resource Area is to provide a flexible framework that allows these activities to continue while ensuring that they do not adversely affect the physical and natural resources upon which they rely. This enables these resources to be managed in a sustainable manner.

Resource use activities in the Rural Resource area can, as well as compromising their own sustainability, adversely affect other resource users and intrinsic ecosystem values.

#### 4.1.2. THE ISSUES

The following are seen as the significant issues relating to the Rural Resource Area:

- **Rural land uses can have a significant adverse effect on water quality and quantity and soil quality.**

##### Explanation

Rural land uses rely heavily on the District's soil and water resources. However inappropriate management practices can undermine the viability of the resource base by:

- increasing nutrient and sediment run-off into waterbodies,
- by interception of precipitation
- the chemical or biological contamination of soil.
- Increasing the risk of erosion and instability
- Nutrient loss from soil
- Soil compaction

*(Refer also Section 3.6 Water page 123).*

- **Some activities undertaken in the rural area, can in some instances, create noise, dust, odour, traffic generation and other similar objectionable characteristics, which can adversely affect amenity values in some rural locations.**

### Explanation

The nature of rural activities is such that adverse effects will occur and are generally acceptable in the rural environment. However, these effects are generally not acceptable to residential and commercial type activities in the Rural Resource Area.

- **Indigenous plant and animal habitats are under continual threat from the effects of development.**

### Explanation

The remnant areas of indigenous vegetation and habitat now assume a greater importance due to its relative scarcity in a large part of the District. Rural land use continues to pose a threat to its continued survival.

- **A shift in emphasis in the use of the Rural Resource Area from traditional pastoral based agricultural to activities such as production forestry, dairy farming and deer farming, is changing the nature of the effects agriculture has on the environment.**

### Explanation

Recent years have seen an increase in forestry planting and the establishment of dairy units and deer farm units, and these trends appear set to continue. This has implications for natural resources particularly the effects on water quality.

- **Inappropriate land management practices can adversely affect the aesthetic environment of the Rural Resource Area.**

### Explanation

The diverse and attractive rural landscape of the Clutha District is seen as a significant natural resource which can be adversely affected by inappropriate land management practices.

- **Buildings and structures can compromise the natural, open-space character of the rural environment.**

### Explanation

In terms of visual amenity, buildings can have an adverse effect on two levels. Firstly, the building itself can have an adverse visual effect resulting from inappropriate design, location or colour in the rural landscape. Secondly, the cumulative effect of buildings in the rural environment can greatly reduce rural character by cluttering the landscape and detracting from the open-space character of the countryside.

- **Residential activities can adversely impact on soil and water quality.**

### Explanation

Dwellings located in the Rural Resource Area generally are not connected into reticulation systems, with sewerage generally being disposed of via septic tank systems. Solid wastes are also disposed of on site. Both methods have obvious effects on ground water quality. Dwellings can also impact on the soil resource. The encroachment of residential activities in areas of better class soil has often been an issue of concern in the past while excavation works for building platforms and access roads can also have an adverse impact.

- **Residential activities in Rural Resource Areas can create pressure on Council to extend services which can lead to the unsustainable management of these resources.**

#### Explanation

Where dwellings are located on the urban fringe, there is a tendency for pressure on Council to extend services such as water and foul sewer. Such extensions can be uneconomic and contribute to urban sprawl.

- **The effects of development in the rural resource area can adversely impact on the habitat of trout and salmon and valued non- indigenous wildlife such as game birds.**

#### Explanation

The habitat of trout, salmon and game birds is considered a valuable resource of the District. Some forms of land development can have detrimental effects on these habitats.

### **4.1.3. OBJECTIVES AND POLICIES**

#### **OBJECTIVE RRA.1**

**To provide a management framework for the rural environment that promotes the sustainable management of the resources of the District.**

#### **OBJECTIVE RRA.2**

**To maintain and where necessary, enhance the quality of the District's water and soil resource to enable it to meet the needs of present and future generations.**

#### **OBJECTIVE RRA.3**

**To ensure that water quality standards set by regional rules are not compromised by the effects of the use, development or protection of land.**

#### **OBJECTIVE RRA.4**

**To recognise the values of and where considered necessary provide protection for the District's outstanding natural features and landscapes, areas of significant indigenous vegetation and fauna, and valued non-indigenous wildlife habitats, within the management framework.**

#### **OBJECTIVE RRA.5**

**To maintain the amenity values of the rural environment.**

#### **OBJECTIVE RRA.6**

**To achieve a resource management position in which land users and communities adopt a stewardship approach by taking responsibility for the sustainable management of the resources they use.**

#### **POLICY RRA.1**

**To avoid a restrictive development framework within the rural environment except where this will not be effective in achieving the purpose of the Resource Management Act.**

### Explanation

Provided effects are mitigated or controlled, the appropriate mechanism to determine where particular activities should locate is the market. Activities will locate where site criteria are most suitable to that particular activity. Activities of a commercial or industrial nature will be provided for as appropriate to the effects they generate.

### POLICY RRA.2

**To ensure that the adverse effects that activities can have on the soil resource including the adverse effects of:**

- **Erosion**
- **Instability**
- **Nutrient loss**
- **Soil contamination**
- **Soil compaction**

**are avoided, remedied or mitigated.**

### Explanation

Some land use practices can have a significant impact on the soil resource. As the soil resource is considered a non-renewable resource and is of great significance to the District, practices that minimise these effects should be encouraged.

*(Refer Rules RRA 7 and 9).*

### POLICY RRA.3

**To manage the effects of clearing vegetation so that adverse effects on**

- **Stands of significant indigenous vegetation**
- **Significant habitats of indigenous fauna**
- **Outstanding natural features and landscapes**
- **Stability of soil**

**are avoided, remedied or mitigated.**

### Explanation

Vegetation plays a significant role in mitigating the adverse effects of development. It stabilises hillsides, reduces adverse effects on water quality and provides habitat for native fauna. Exotic vegetation is generally planted for commercial reasons, and the harvesting of this resource, as with clearing indigenous vegetation can have significant effects. Significant indigenous vegetation and habitats of indigenous fauna can require protection in their own right.

*(Refer Rule RRA.8 and RRA.13 and Method RRA.1)*

### POLICY RRA.4

**To ensure that the adverse effects land use activities can have on the water quality within the Districts waterbodies are avoided, remedied or mitigated by requiring the use of buffer zones or similar management methods.**

### Explanation

Water resources are critical to the economic and ecological base of the District and must be managed to ensure future generations are not disadvantaged by the actions of today's users.

Land use adjacent to water bodies can have a significant effect, particularly in terms of nutrient loading and siltation of water ways. Vegetation cover (both exotic and indigenous) minimises the severity of such effects.

*(Refer Rule RRA 8, Method RRA.1)*

#### POLICY RRA.5

**To ensure that the use, development and/or protection of land within riparian margins is managed so as to avoid, remedy or mitigate adverse effects on waterbodies including the effects of**

- **reducing bank stability**
- **increasing nutrient and sediment loadings**
- **reduction in habitat quality**

#### Explanation

Riparian margins play an extremely important part in the sustainable management of waterways. Riparian vegetation filters sediment and nutrients in surface runoff, reduces stream bank erosion and provides habitat for aquatic species. Activities involving earthworks, removal of vegetation, dumping of fill and waste often need to be controlled.

*(Refer Rule RRA 8, Method RRA.1)*

#### POLICY RRA.6

**To manage the effects of activities, buildings and structures to ensure that adverse effects on the natural character and values of the Districts coast, wetlands, lakes, rivers and their margins, are avoided, remedied or mitigated.**

#### Explanation

Council is required as a matter of national importance to preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins and protect them from inappropriate use and development. Wetlands are an extremely valuable natural resource not only for conservation and ecological values but also for economic and recreational reasons. Wetlands provide habitat and act as a nursery for fish and wildlife, and provide for associated recreational activities. Economically they are important for the production of clean, fresh water, and greatly reduce the impacts of flooding.

These resources are also of significant cultural value to Kai Tahu.

*(Refer Rule RRA 8, RRA.13, and Rule COA.7 page 221 Method RRA.1 and Section 3.5 Heritage page 99).*

#### POLICY RRA.7

**To manage the effects of activities and buildings to ensure that any adverse effects on the open-space and natural character amenity values of the rural environment are avoided, remedied or mitigated.**

#### Explanation

The relatively quiet, open-space amenity values of the rural environment can be significantly affected by some effects of activities.

With the market influencing the location of activities, adverse effects of activities will be addressed in the Plan by the use of performance standards.

*(Refer to Section 4.1.4 Rules and 4.1.5 Other Methods)*

#### POLICY RRA.8

**To ensure the adverse effects that buildings, structures and vegetation can have on**

- i. amenity values of adjoining properties, and**
- ii. the safety and efficiency of the roading network**

**are avoided, remedied or mitigated.**

##### Explanation

Buildings or structures erected directly on the boundary can have a significant effect on adjoining properties and the operation of public roads. Bulk and location requirements will be developed to reduce these impacts. Plantings directly on boundaries can have an adverse effect by shading neighbouring properties which can prolong the icing of pasture and roading.

*(Refer Rule RRA 11, 12 and 14, Rule TRAN.7 page 79 and Method RRA.1)*

#### POLICY RRA.9

**To control the emission of noise in the rural area to ensure adverse effects are avoided, remedied or mitigated.**

##### Explanation

The rural area of the District is generally considered to be relatively quiet. However as it is recognised as a working environment, noise associated with rural activities (e.g. farming, forestry, contractors yards etc) that does occur is accepted as part of rural life. Such noises however, should not unduly impact on residential, educational, or health related activities located in the Rural Resource Area.

*(Refer Rule RRA 10)*

#### POLICY RRA.10

**To manage the erection of signs to ensure that adverse effects on amenity values and on the safety and efficiency of the roading network are avoided, remedied or mitigated.**

##### Explanation

The objective of a sign is to attract attention and this can distract motorists attention from the driving task. Signs can also have a significant visual effect

*(Refer Rule RRA 5, and Section 3.12 Signs page 179)*

#### POLICY RRA.11

**To avoid, remedy or mitigate the adverse effects of effluent disposal from residential and other activities.**

### Explanation

Dwellings and other activities can have a significant effect on amenity values through the disposal of effluent.

Performance standards will ensure that adverse effects are minimised.

*(Refer Rule RRA 11)*

## POLICY RRA.12

**To manage the development of public services in the rural environment to ensure any such development promotes sustainable management.**

### Explanation

Developers will be responsible for the adequate provision of services such as water supply, roading and foul sewage disposal for any dwelling erected in the Rural Resource Area. Council, for its part, will not uneconomically extend existing public services.

*(Refer Rule RRA 11).*

## 4.1.4. RULES

### RULE RRA.1 GENERAL STANDARDS

Any activity must conform with the provisions of Section 3 of this Plan

The following Sections are of particular relevance:

**3.2 Manawhenua** - note in particular Rules MAO. 1 to 5 (page 66).

**3.3 Transportation** - note in particular Rules TRAN 1, 4-7 and 12 (page 74).

**3.5 Heritage** - (page 103) note in particular Rules HER. 1 and 3 and Method HER.5.

**3.6 Water** - note in particular Rules WAT.3, and 4 and 5 (page 133).

**3.9 Natural Hazards** - note in particular Rules NHZ 1 and 2 Method NHZ.2 (page 168).

**3.11 Other Environmental Issues** (page 173). Note: Rules relating to previously used buildings, landscaping, odour, glare, dust, existing effects, electrical interference.

### RULE RRA.2 RURAL ACTIVITIES

Any activity that utilises and/or disturbs the soil resource including structures which comply with Rule RRA.12 (page 208) ancillary to such an activity, and

- is not provided for in Rules RRA.3 to 8, 13 and 15 below, or any other rule in Section 3 of the Plan, and
- complies with all other rules relevant to the activity contained within this plan is a permitted activity

For the purpose of this rule "ancillary structures" are those structures reasonably necessary for the efficient functioning of the activity and may include haybarns, woolsheds, implement sheds etc but do not include dwellings.

## REASON

The majority of activities located in the Rural Resource Area have established there because they rely on the soil resource. This rule recognises that need and provided the adverse effects of those activities are minimised through the performance standards contained in this plan, their operation in the Rural Resource Area will continue to be permitted.

### RULE RRA.3. RESIDENTIAL ACTIVITIES

#### (I) PERMITTED ACTIVITIES

Any residential activity that complies with the relevant rules of this Plan (note in particular Rule RRA. 11, 12 and 15) is a permitted activity on the following basis;

- (a) 1. One dwelling per certificate of title created prior to the date this Plan was notified, excluding certificates of title associated with historic settlements (refer 2.3.4 page 27) and those certificates of title associated with historic subdivision excluded from any Urban, Transitional or Rural Settlement Resource Areas,

OR

2. One dwelling not closer than 200 metres to any existing or proposed dwelling or to an Urban, Transitional or Rural Settlement Resource Area,

#### PROVIDED THAT

An addition dwelling for the purposes of accommodating the staff of any property owner is permitted where that dwelling remains on the same certificate of title and shares the same access road as a dwelling permitted above.

- (b) A dwelling may be erected on a site which previously accommodated a dwelling.  
(c) Where a dwelling is subdivided from, any title referred to in (a) 1. above no further development is permitted on the parent title unless it conforms with the requirements of (a) 2. or (b) above UNLESS consent is granted to an application for a discretionary activity (see Rule RRA.3(iv)).

#### (II) CONTROLLED ACTIVITY

Multi-unit Papakaika housing is a controlled activity and will be assessed in accordance with the standards, terms and controls set out in Rule MAO 4 page 67.

#### (III) RESTRICTED DISCRETIONARY ACTIVITIES

Except as otherwise provided for in (i) and (ii) above, dwellings to be located between 150 metres and 200 metres of any existing or proposed dwelling or any Urban, Transitional or Rural Settlement Resource Area is a restricted discretionary activity, provided it complies with the relevant site criteria rules of this Plan. Council shall restrict the exercise of that discretion to the matters of:

- access;
- effect of waste disposal (including cumulative effect); and
- impact on the amenity values of the particular location.

Any application for resource consent made under this rule will generally not need notification or the written approval of affected persons unless Council determines that there may be a significant effect on the roading network or water quality or amenity values of the particular location.

Regardless of whether an application under this rule is to be notified, where access is to be a State Highway, Transit New Zealand will be asked to comment.



## REASON

Intensive residential development in the rural area can adversely affect rural amenity values of open space and natural character, and can also impact on water quality and road safety. The criteria selected gives a certain amount of flexibility while ensuring rural character is still maintained. The separation distance used under 1(a)2 allows further development on large titles which would be restricted under 1(a)1.

Minimum site size is controlled by the performance standards relating to effluent disposal. When a suitable site is identified which conforms with the relevant criteria, subdivision would be permitted as no minimum subdivision size is stipulated. Restricted discretionary activity status for a 150 metre separation distance enables Council to consider activities that may have a minor effect due to topography etc without notification.

### (IV) DISCRETIONARY ACTIVITIES

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- (a) Any residential activity which does not conform with the relevant performance standards, of (i) to (iii) above is a discretionary activity.

#### Assessment Criteria - Not part of this rule

In assessing any application under this rule Council in addition to those matters set out in Section 104 of the Act will also consider the following:

- density of dwellings in the locality
- the effect on soil and water quality
- the effect on indigenous flora and fauna
- the effect on the roading network
- the visual impact of the development
- the effect on public services

- (b) Any residential activity which is to locate within 1 kilometre of any activity that:

- generates excessive or nuisance noise types
- is defined as an intensive farming activity
- requires a licence in terms of Section 15 of the Dangerous Goods Act 1974
- requires a licence as an offensive trade within the meaning of the Third Schedule of the Health Act 1956, or
- uses, produces or stores commercial quantities of hazardous substances

is a discretionary activity.

**PROVIDED THAT** this does not apply to any dwelling ancillary to an activity generating these effects.

*Note: The following material does not form part of the rule.*

In consenting to any application made under this rule, Council may impose conditions that require the applicant to mitigate any adverse effects that any neighbouring activity may have on the activity subject to the application and may utilise section 108(1)(c) of the Act (which relates to the use of covenants in respect of performance of conditions of resource consents).

## REASON

Intensive residential development can have a significant effect on the resources of the Rural Resource Area, particularly water. Discretionary status allows consideration of all the issues.

## RULE RRA.4 COMMERCIAL AND INDUSTRIAL ACTIVITIES

### (I) PERMITTED ACTIVITIES

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(a) Roadside stalls of 2m<sup>2</sup> or less in dimension are permitted activities provided:

- they are not located on road reserve
- clear visibility along the road is provided which complies with the standards set out in Table 11 at page 77 of the plan
- they are located and designed in a manner that will minimise disruption to the safe and efficient operation of the adjoining road off road parking is provided that is adequate for the number of vehicles attracted to the site.

(b) Except as otherwise provided for in (iii) Discretionary Activities below, activities which have the effect of attracting raw material or livestock to the site for further processing are permitted activities, provided:

- the activity complies with the rules of this Plan relevant to the activity
- adverse effects on indigenous vegetation and habitat are avoided
- adverse visual impacts are mitigated.

### REASON

Provided activities comply with the relevant rules of the Plan Council considers that these activities will have minimal effect. Resource users, however, must ensure that the rules relating to access, parking, signage, noise, effluent disposal, financial contributions etc are complied with before the activity is permitted.

Council does not envisage a large number of activities of this nature locating within the rural Resource Area and therefore the separation distance used to regulate the effects of dwellings was not considered necessary. Furthermore, the majority of these types of activities will take place in association with residential activities.

### (II) RESTRICTED DISCRETIONARY ACTIVITY

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Except as otherwise provided in (i)(a) above, any activity which has the effect of attracting the general public to the site to utilise facilities or services provided, (including roadside stalls) are restricted discretionary activities provided it complies with relevant site criteria rules of this plan and the selling of goods is not the principal activity on the site.

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

- the effect on the safe and efficient operation of the adjoining road
- effects on indigenous vegetation and habitats of wildlife
- effects on amenity values, including visual amenities
- access and parking
- signage

### (III) DISCRETIONARY ACTIVITIES

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(a) Any activity whose effect is the attraction of people to the site for the purpose of purchasing goods, where that is the principal use of the site, is a discretionary activity.

#### Assessment Criteria - Not part of the rule

In assessing any application under this rule, Council, in addition to those matters set out in Section 104 of the Act will also consider the following:

- the effect on the community or any group within the community
- the effect on the transportation system, and in particular the activities effect on energy efficiency
- the ability of a site to dispose of waste servicing of the site and its effect on public services, and any extension of them.

#### **REASON**

Activities of this nature can have a significant adverse effect on the rural amenity by attracting high vehicle numbers. This also impacts on the efficient use of energy. Discretionary activity status will enable full consideration of effects.

(b) Any activity that:

- generates excessive or nuisance noise types, or
- is defined as an intensive fanning activity, or
- requires a licence in terms of Section 15 of the Dangerous Goods Act 1974, or
- requires a licence as an offensive trade within the meaning of the Third Schedule of the Health Act 1956, or
- uses, produces or stores commercial quantities of hazardous substances,

is a discretionary activity.

#### Assessment Criteria - Not part of this Rule

In assessing any application under this rule Council in addition to those matters set out in Section 104 of the Act will also consider the following matters;

- the ability of the site to dispose of waste safely and adequately;
- the effects on any waterbody, heritage site, or area of indigenous vegetation or habitat;
- the effect on more sensitive activities in the receiving environment.

#### **REASON**

These types of activities have a significant effect on the environment and status as discretionary activities will ensure full consideration of effects.

However, once consent is received for such an activity, Council considers that the operation of that consent should not be jeopardised by a more sensitive activity locating with range of any effects generated.

### **RULE RRA.5 SIGNS**

#### **(I) PERMITTED ACTIVITIES**

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(a) Signs that are:

- situated on the property to which they relate
- do not exceed a total of 3 m<sup>2</sup> in area
- are erected at right angles to the roadway frontage but angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting into the motorists vision, and

- are not constructed using retroreflective material, flashing or animated signs, including those employing revolving lights, and/or
- are only illuminated when the premises are open for business, and/or
- comply with Section 3.12 Signs page 179.

are permitted activities.

- (b) "Heritage Trail" fingerboard signs that comply with Heritage Foundation Standards for such signs as set out in the document "Heritage Trail Signs Manual" (as held in Council's office) are a permitted activity provided that they are attached to existing fingerboard sign posts.

It should be noted that the written approval must be received from the owner of the existing sign before any such sign is erected. In the case of State Highways, Transit New Zealand's written approval must be sought.

## REASON

Signs can be a necessary activity in the Rural Resource Area. The adverse effects of signs can be avoided or mitigated by appropriate performance standards.

Except as provided for in (ii) below Council does not believe there is any valid reason that signs should be located off-site in the Rural Area. These rules should reduce the effect signs have on the safety and efficiency of the roading network.

## (II) RESTRICTED DISCRETIONARY ACTIVITIES

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Signs that do not comply with (i) permitted activities above and advance warning and directional signs are restricted discretionary activities.

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

- the size of the sign
- the design, colour, and figures used in the sign
- the specific location of the sign

having regard to:

- road alignment
- the classification and use of the road
- proximity of intersections and access points
- the existence and location of any existing signs

and how the:

- safe and efficient operation of the road, and
- the amenity values of the location will be affected.

Any application under this rule will generally not be notified or require the written approval of affected persons except where the sign affects a State Highway in which case the written approval of Transit NZ will be required.

This rules does not apply to warning signs of a temporary nature (eg stock warning signs, tree felling signs, road works signs, flood hazard signs etc) or any other sign provided for by Rule SIGN.2(iv) page 181 or Rule SIGN.2(vii) at page 181.

## REASON

Off-site signs can compromise traffic safety and amenity values. However, advance warning, and directional signs (which have the sole purpose of alerting the road user of a place ahead or a turn off for a facility) can play an important role in the social, economic and cultural wellbeing of the District's people and communities. Restricted discretionary II status allows a more focused consideration of effects and is more efficient to administer.

### RULE RRA.6 HEAVY TRAFFIC GENERATION

#### (I) PERMITTED ACTIVITIES

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Any activity that generates the effects of a Heavy Commercial vehicle (HCV) concentration, that exceeds 80 HCV movements in any one month period, or 210 HCV movements in any one year onto a public road that:

- (a) is a State Highway or a nominated Heavy Traffic Route as established by the Rooding Hierarchy at Method TRAN.1 (page 81) or
- (b) is not a State Highway or a nominated heavy traffic route but 18 months notice is given to Council that such an effect will be on a public road

is a permitted activity.

For the purposes of this rule, notice under (b) above shall be in writing and shall state the following:

- name and address of resource user
- public road to be utilised
- type of vehicle to be used
- likely volume and weight of product
- frequency of vehicle movements
- likely date of commencement
- neighbouring territorial authorities roads that may be affected

The name and address of the cartage contractor will also be required at the time the effect is to be generated.

See Schedule 6.4 (page 299) for a standard Heavy Vehicle Impact Notice.

*Note: Council will in turn notify adjacent territorial authorities that may be affected.*

For the purposes of this rule, heavy commercial vehicle means either a diesel powered truck and trailer or articulated vehicles with or without trailers with five or more axles in total or a vehicle of manufacturers gross weight exceeding 3.5 tonnes.

#### (II) RESTRICTED DISCRETIONARY ACTIVITIES

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Where less than 18 months of notice is given under (i) (b) above the activity shall be considered as a restricted discretionary activity. Council shall restrict the exercise of its discretion to the effect such activities have on the roading network.

## REASON

A high concentration of heavy vehicles using any particular road can have a significant impact on the roading resource. Damage to carriageways can be costly to repair, and may be a traffic hazard to other users. Development of a heavy traffic network and the use of a notification period is seen as the most practicable option to mitigate these effects.

It should be made clear however that Council is under no obligation to upgrade roads when the 18 month notice is given. Financial circumstance may mean this is not possible. However it enables Council to assess the road and the likely damage caused by the activity. The road user will be advised if damage is likely and what other alternatives are available to the road user.

If the road is damaged or is likely to be damaged in these circumstances Council has the option of downgrading or temporarily closing the road being used or the road to be used as the case may be and if appropriate, charge the person or body responsible for any such damage that may have occurred.

## RULE RRA.7 SOIL DISPLACEMENT ACTIVITIES

### (I) SCHEDULED QUARRIES - PERMITTED ACTIVITIES

The quarrying, mining and processing of material from those previously used quarries listed in Schedule 6.10 is a permitted activity subject to the following standards:

- No quarrying or mining activities shall be carried out within 10 metres of any waterbody.
- No material should be stock piled within 10 metres of any waterbody or placed in a position or manner where it may enter the waterbody (including natural stormwater channels).
- That if during the quarrying activity previously unidentified archaeological material or sites of possible interest to manawhenua are identified or disturbed then the following shall occur:
  - a. All work that may affect the archaeological site shall cease; and
  - b. The consent holder shall contact the New Zealand Historic Places Trust and obtain all necessary authorisations in terms of Section 14 of the Historic Places Act 1993.
  - c. Contact the Iwi Office, Dunedin in the event that the sites are of significance to Iwi
  - d. Undertake an archaeological survey of the site by a qualified archaeologist prior to mining activity resuming with any archaeological findings being described and assessed.
- Where soil is to be removed to enable extraction of the material, all top soil or sub-soil suitable or land reinstatement shall be separately removed and stock piled so that it is not lost to wind-blow or run-off. If possible such soil shall be used to reinstate the quarry floor.
- The quarry operator shall take all practical measures to mitigate any adverse visual effects of the quarrying activity including appropriate landscaping and planting around the perimeter of the site.
- Those quarries identified in the schedule as having road restrictions shall be limited by the conditions attached to the schedule.
- Those quarries identified in the schedule, as having access limitations shall not be worked until access points are upgraded to a standard satisfactory to Council.
- The working of the quarry shall recognise and provide for the ongoing safe and efficient operation of any network utilities and stormwater channels that traverse or adjoin the quarry site.
- Those quarries identified in the schedule as being subject to a Management Plan shall be worked in accordance with the provisions of the Plan relevant to that individual quarry.
- Those quarries identified in the schedule as being subject to resource consent conditions shall continue to be subject to such conditions where stated.
- Prior to any work commencing, the operator shall provide Council with a Management Plan that outlines how the above standards are to be addressed during the operation of the quarry and how the quarry is to be efficiently worked and managed over time.

*Note: Aspects of this activity will be required to comply with the standards set out in the **Regional Plan: Water**. That plan generally requires that no sediment or contaminant shall be permitted to enter*

any water body, where that would give rise, after reasonable mixing, to a conspicuous change in the colour or visual clarity of the receiving water. Reference should be made directly to that Plan.

## REASON

The majority of quarries identified in this Schedule are not used on a regular basis but contain a reasonably significant volume of resource. However, the existing use right provisions of the Resource Management Act do not adequately provide for the ongoing use of these quarries with the consequence that resource consents are often needed to continue access to the resource. Given that the effects of these quarries are already in existence, this has become an inefficient process. To overcome these inefficiencies, these quarries have been identified as suitable for use without resource consent. To be placed in this category the quarries met the following criteria:

- The site is serviced by a road that is of adequate construction and design capable of accommodating vehicles likely to visit the site. Where this is borderline restrictions have been placed on the amount of material that can be extracted.
- Access to the road complies with the appropriate Plan rules in relation to design and site distances. Where access needs to be improved no work can be carried until it is upgraded to the appropriate Council standard.
- No waterbodies, areas of significant indigenous vegetation or habitat are likely to be affected by the working of the quarry.
- There are no known sites of heritage or cultural importance likely to be affected by the quarry.
- Dust, glare or noise will not cause a nuisance to any neighbouring property owner.

### Schedule 6.11 – Existing Quarries (Refer Rule RRA.7(i))

Name	Location – Grid Reference and Road	Legal Description	Restrictions
Akatore	Akatore Road H45 916 522	Pt Sec 46 Blk 6 Clarendon SD	
Allisons	Elliotvale Road H45 698 439	Part Section 6 Block 36 Tokomairiro SD	
Andersons	Old Lake Road G45 342 405	Pt Lot 20 DP 1133	
Awamangu	Awamanga Road H45 506 502	Lot 6 DP 1996	
Barnards	Clutha River Road, north of Clydevale G44 377 628	Section 16 Blk 6 Ranleburn SD	
Black Swamp (Blakely Pacific Ltd)	Black Swamp Road H45 94 650	Lot 1 DP 16383	
Blackridge	Blackridge Road G45 412 465	Lot 2 DP 1193	Access Limitations – Road user safety
Blair Road	Blair Road G45 42 465	Pt Sec 75 Blk 8 Pomahaka SD	
Buckleys	Kempthorne Road G44 202 794	Lot 1 DP 26856 Greenvale SD	
Burgess No 1	Purakunui Falls Road G47 476 055	Section 21 Blk 7 Woodland SD	
Burgess No 2	Puketiro Road G47 405 077	Sec 26 Blk 5 Woodland SD	Access Limitations – road user safety
Calder Stewart	Glenledi Road, Glenledi H45 817 460	Section 14 Block 7 Akatore SD	
Caldwells	Caldwells Road G45 428 530	Sec 70A Greenfield Settlement SD	
Carmicheals	Black Gully Road G44 196 760	Section 4 Blk 4 Greenvale SD	Road Limitations – Load restriction on west bound traffic. Consult Council.

City Forests – Wild Horses #1	Wild Horses Road H46676342	Sec 21 Blk 8 Kaitangata SD	
City Forests – Wild Horses #2	Wild Horses Road H46 690 346	Sec 18 Blk 8 Kaitangata SD	
City Forests – Bull Creek	Off Bull Creek Road H45 821 442	Lot 2 Dp 301422	
City Forests – The Dell	The Dell Road h44 735 721	Sec 11 Blk 7 Waipori SD	
City Forests – Race	Race Road H44 730 736	Sec 1 Blk 7 Waipori SD	
City Forests – Begg	Begg Road H46 746 395	Sec 21 Blk 3 Kaitangata SD	
City Forests – Cinibar	Cinibar Road H44 723 710	Sec 6 Blk 9 Waipori SD	
City Forests – Emerald Heights #1	Emerald Heights Road H44 729 715	Sec 11 Blk 7 Waipori SD	
City Forests – Emerald Heights #2	Emerald Heights Road H44 731 715	Sec 6 Blk 9 Waipori SD	City Forests – Emerald Heights #2
City Forests – Glenledi	Off Glenledi Road H45 806 422	Lot 2 DP 301422	
City Forests – Hetherington #1	Hetherington Road H46 686 378	Lot DP 25980	
City Forests – Hetherington #2	Hetherington Road H46 688 394	Lot 1 DP 25980	
City Forests – Powe # 1	Powe Road H45 754 409	Sec 37 Blk 3 Kaitangata SD	
City Forests – Powe #2	Powe Road H45 754 408	Sec 37 Blk 3 Kaitangata SD	
City Forests – Stockyards	Stockyards Road H46 684 390	Lot 1 DP 25980	
Clarks Quarry	Quartermain Road G45 274 461	Lot 1 DP 20406	
Clarendon Quarry	Limeworks Road	Sec 2 of 36, Pt Sec 37, 35 & 1 of 36 & part closed road Block VIII Clarendon District and Pt Sec 35 & 36 Block V, Sec 37 & Pt Sec 38 Block VI & part closed road Waiholo District	
Coal Gully Quarry	Coal Gully Road H4 782 451	Sec 23 Blk 1 Akatore SD	
Cochranes No 1	Port Molyneux Road H46 594 230	Lot 2 DP 5421	
Cochranes No 2	Port Molyneux Road H46 602 227	Lot 2 DP 5421	
Conical Hill Quarry	West Otago Road G45 172 525	Sec 83A Conical Hills Settlement SD	
Coopers Quarry No 1	Lambourne Road G45 437 474	Lot 6 DP 3007	
Coopers Quarry No 2	Lambourne Road H46 659 396	Pt Sec3 Blk 5 Kaitangata SD	Access Limitations – Access road to be upgraded
Delmont/Cochrane	Owaka valley Road G46 259 339	Section 10, Block 5, Kuriwao SD	
Dents Quarry	Awakiki Road H46 560 268	Sec 6 Blk 19 Clutha SD	
Dewe	Tahakopa Valley Road	Lot 2 DP 18625	Specific resource consent conditions



Divers Quarry	Waipahi Highway (SH1)	Pt Lot 4 DP 1969	
Drivers Road	Driver Road H45 785 571	Lot 4 DP 1765	
Duffs	Abrams Road G44 132 758	Section 2 and 19, Block 13, Greenvale SD	
Easons	Owaka valley Road G46 391 198	Pt Sec 29 Blk 4 Catlins SD	
Easons	Akatore Road H45 821 453	Lot 4 DP 960	
Ernslaw – Road 100	Road 3, Beaumont Forest G44 335 754	Lot 1 DP 21422	
Ernslaw – Redshirt Track	Road 2, Beaumont Forest G44 358 756	Lot 1 DP 21422	
Ernslaw – Packers Corner	Manuka Ridge Road, Beaumont Forest G44 334 736	Lot 1 DP 21422	
Ernslaw – Cookies	Cookies Road, Rankleburn Forest G45 340 664	Lot 1 DP 21418	
Ernslaw – Telford Tops new	Telford Tops Road, Rankleburn Forest G45 294 627	Lot 1 DP 21418	
Ernslaw – Fish Creek	Fish Creek Road, Rankleburn Forest G45 294 627	Lot 1 DP 21418	
Ernslaw – Cooney Creek	Cooney Creek Road, Rankleburn Forest G45 317 618	Lot 1 DP 21418	
Ernslaw – Telford Tops old	Telford Tops Road, Rankleburn Forest G45 275 598	Lot 1 DP 21418	
Ernslaw – Dusky	Blind Break Road, Dusky Forest G44 109 791	Lot 1 DP 21251	
Ernslaw – Ridge Road	Mitchells Gully Road, West Tapanui Forest G45 198 553	Lot 1 DP 21251	
Ernslaw – Mitchells Gully	View Road, Conical Forest G45 215 583	Lot 1 DP 21411	
Ernslaw – Conical	Main Break Road, Conical Forest G45 217 568	Lot 1 DP 21249	
Ernslaw – View Road	Cattle Flat Road, Rankleburn Forest G45 2269 590	Lot 1 DP 21249	
Ernslaw – Main Break	Main Break Road, Conical Forest G45 217 568	Lot 1 DP 21249	
Ernslaw – Cattle Flat	Cattle Flat Road, Rankleburn Forest G45 269 590	Lot 1 DP 21418	
Ernslaw – Middle Road	Middle Road, Rankleburn Forest G45 292 588	Lot 1 DP 21422	
Ernslaw – 4-9's	Rongahere Road between Clydevale and Beaumont, Beaumont Forest G44 376 725	Lot 1 DP 21418	
Ernslaw – Sharps	Sharps Road, Rankleburn	Lot 1 DP 21418	

Road	Forest G45 314 651		
Ernslaw – Harraways	Blackcleugh Road, Rankleburn Forest G45 357 656	Lot 1 DP 21418	
Ernslaw – Landsend	Landsend Road, Rankleburn Forest G45 324 637	Lot 1 DP 21418	
Ernslaw – Grindstone	Grindstone Road, Beaumont Forest G45 358 677	Lot 1 DP 21422	
Florence Hill	Chaslands Highway G47 387983	Sec 11 Blk 4 Tautukku SD	
Forthill	Forthhill Road H45 763 578	Sec 41 Blk 1 Table Hill SD	
Fox	Berwick Road, Berwick H45 836 690	Lot 1 DP 12283 Pt Sec 2 of 28 Blk 3 Manugatua	Specific resource consent conditions
Fulton Hogan (Barnego)	Barnego H46 562 385	Lot 1 DP 12186	Management Plan
Gardners	Puerua Valley Road H6 506 255	Lot 2 DP 18033	Access Limitations – road user safety
Goldinghams	Tahakopa Valley Road G47 376 073	Pt Sec 14, Blk 10, Rimu SD	Resource consent conditions – 20 metre buffer to Tahakopa River
Golds Quarry	Brookdale Road H46 505 416	Pt Sec 1 Blk 8 Sth Molyeux SD	
Greers	State Highway No 1 – Critchon Corner H45 675 463	Sec 1 SO 18219	
Harrisons	Newhaven, then unnamed Council road H46 581 458	Pt Sec 45 Blk 6 Glenoamaru SD	
Harrisons	Waipahi Station Road G45 202 458	Sec 88 Blk 7 Waipahi SD	
Hazeldale	Hazeldale Road G45 235 292	Sec 6 SO 24500	
Heriot Earth Moving Quarry	Morris Road, Heriot Township G44 071 786	Sec 21 Blk 4 Greenvale SD	
Heriot Plantation	Black Gully Road, West G44 198 762	Pt Sec 3 Blk 4 Greenvale SD	Roading Limitations – Load restriction on westbound traffic. Consult Council
Hina Hina	Hina Hina Road H47 536 102	Pt Sec 66 Blk 8 Glenoamaru SD	
Hollands	West Otago Road G45 185 534	Sec 68A Conical Hills Settlement SD	
Hursts	Dodds Road G46 189 362	Sec 3A Blk 1 Slopedown SD	
Inder No 1	Freezing Works Road H46 576 319	Lot 2 DP 22588	
Inder No 2	Freezing Works Road H46 576 317	Lot 2 DP 22588	
Johnsons Quarry	Critchon Road H45 681 498	Part Sections 4 Block 42 Tokomairiro SD	
Johnstones	Mount Mistake Road G45 273 486	Pt Lot 1 DP 1276	

Kakapuaka Quarry	High Street, Kakapuaka H46 566339	Lot 87 DP 170	
Kemphornes	Old Switzers Road G44 140828	Sec 3 Blk 15 Greenvale SD	
Kitto's Quarry	Karoro Creek Road H46 613 176	Sec 37 Blk 4 Glenoamaru SD	
Lakeside	Lakeside Road H47 515 080	Sec 1 of 14 Blk 3 Woodland SD	
Landcorp	Owaka Highway, adjacent to South Roads Quarry H46 589 244	Sec 1 SO 23486	
Little Barnego	Clutha Valley Road, Balclutha H46 561 373	Sec 48 Blk 2 Hillend SD	
Lochindorb	Intersection of Owaka Valley Road and Lochindorb Runs Road G46 306 285	Pt Sec 18 Blk 9 Kuriwao SD	Management Plan
MacGills	Cannibal Bay Road H46 548 129	Sec 37 Blk 6 Glenoamaru SD	
Mackenzie No 1 (Farm)	Chaslands Highway G47 273 963	Sec 8 Blk 12 Tautuku SD	
Mackenzie No 2	Chaslands Highway G47 300 955	Sec 8 Blk 10 Tautuku SD	Access Limitations – Road user safety
Marretts	Hunts Road G46 478 186	Sec 31 Blk 2 Catlins 2	Access Limitations – Road user safety
Marshalls	Baker Road H45 822 617	Lot 3 DP 22834	Management Plan
MacGaws	McGaws Road H45 613 682	Pt Sec 25 Blk 6 Tuapeka East SD	Management Plan
McIntyre	Slopedown Road G46 249 323	{t Sec 18 Blk 5 Kuriwao SD	
McLachlans	Pomahaka River Road G45 350 484	Pt lot 56 DP 1963	
Milton Borough	Bush Gully Road H45 778 471	Sec 29 Blk 1 Akatore SD	
Mitchells	Old Switzers Road G44 205 832	Pt Sec 1 Blk 10 Greenvale SD	Note: Rural water pipeline at risk
Nyhon Pit	Wangaloa Road, Kaitangata H46 676 316	Pt Sec 14 Blk 9 Kaitangata SD	Specific Resource consent conditions
Old Waipahi Transport Quarry	West Otago Road G45 186 501	Sec 52A Conical Hills Settlement SD	
ORC	Barnego Road, Barnego H46 575 373	Secs 74 & 75 Blk 2 Hillend SD	
Paisleys Pit	Burkes Ford Road G45 332 565	Pt Lot 46 DP 1956	
Powley	Jeff Road G46 200 384	Pt Sec 14 Blk 5 Waipahi SD	Management Plan
Ritchies Gravel Pit	Gabriels Gully Road, Gabriels Gully H44 523 752	Pt Sec 162 Blk 19 Tuapeka East SD	Management Plan
Roadex	Paradise Flat Road G44 144 748	Lot 1 DP 21181	Note: Stormwater buffer zone
Rocky Point	Berwick Road H45 839 670	Pt Sec 32 Blk 7 Clarendon SD	
Shaws	Burkes Ford Road G45 312 559	Sec 30 Blk 2 Rankleburn SD	Specific resource consent conditions
Sims Road	Sims Road	Sec 24 Blk 11	

	G44 274 811	Crookston SD	
South Roads	Owaka Highway H46 591 246	Sections 1 and 2 SO 23486	
Stoney Creek	State Highway No 1 H45 622 420	Lot 1 DP 25282	Management Plan
Stott	Harrington Mill Road G47 187 540	Lot 1 DP 26034 Pt Lot 1 DP 3052	Access Limitations: Road user Safety
Stratfords	West Otago Road G45 187 540	Lot 2 DP 25153	
Taieri Beach No 1	Taieri Beach Road H45 868 589	Lot 2 DP 21414	Access Limitations: Road user Safety
Taieri Beach No 2	Taieri Beach Road H45 875 568	Lot 7 DP 21414	Access Limitations: Road user Safety
Tapanui Railway Quarry	Old Tapanui Railway line G45 179 685	Pt Sec 1 Blk 13 Glenkenich SD	Management Plan
Tautuku Waikawa Lands trust	Chaslands Highway G44 238 948	Pt Sec 3 Blk 13 Tautuku SD	Management Plan
Taylor Quarry	Lawrence Waitahuna Highway (SH8)	Sec 150 & 161 Blk II Tuapeka East SD SO 1749	
Thomsons	Off State Highway G44 269 749	Lot 5 DP 1329	
Waipahi Quarry	Old Main Road G45 200 496	Pt Sec 1 Blk 8 Waipahi SD	Management Plan
Wairuna	Wairuna Siding/State Highway No 1 G45 250 428	Pt Sec 62 Blk 3 Waipahi SD	
Warnocks Quarry	Warnock Road G47 472 056	Sec 22 Blk 7 Woodland SD	Management Plan
Watsons Road	Watsons Road H45 869 470	Pt Sec 27 Blk 4 Akatore SD	
Watts Quarry	Fisher Road H46 554335	Pt Lot 94 DP 170	
Wenita	Dip Road H45 780 671	Lot 6 DP 21317	
Wenita – ‘Magons’	East Boundary Road H45 806 634	Lot 4 DP 21317	
Wenita	Skyline Road H45 866 566	Lot 3 DP 21414	
Wenita	Taieri Beach Road 1 H45 876 569	Lot 2 DP 21414	
Wenita	Taieri Beach Road 2 H45 872 572	Lot 2 DP 21414	
Wenita – ‘Waronui’	Littles Road H45 734 407	Lot 1 DP 8028	
Wenita	Extension Road H45 846 540	Lot 1 DP 21414	
Wenita	Centre Road H45 869 515	Lot 1 DP 21414	
Wenita	Ridley Road H45 858 506	Lot 1 DP 21414	
Wenita	Staircase Road H45 875 508	Lot 1 DP 21414	
Wenita	Big Bush Road H45 835 501	Lot 1 DP 21414	
Wenita	Trig Road H45 832 528	Lot 1 DP 21414	
Wenita	Harris Road H45 762 644	Lot 6 DP 21317	

Wenita	Run Road H45 751 671	Lot 1 DP 21317	
Wenita	Pleasant Road H45 897 511	Lot 1 DP 21414	
Wenita	Boundary Road H45 881 526	Lot 1 DP 21414	
Wenita	Ridley Road 2 H45 866 491	Lot 1 DP 21414	
Wenita	Side Road H45 680 722	Lot 6 DP 21317	
Wenita	Banishiel Road H45 729 694	Lot 6 DP 21317	
Wenita	Cocksburn Path Road H45 714 723	Lot 6 DP 21317	
Wenita	Whitemire Raod H45 656 655	Lot 6 DP 21317	
Wenita	Ayton Road H45 704 704	Lot 6 DP 21317	
Wenita	Cairnbank Road H45 694 683	Lot 6 DP 21317	
Wenita	Quarry Road H45 876 580	Lot 3 DP 21414	
Wenita	Run Road Pit H45 750 655	Lot 1 DP 21317	
Wenita	Halfway road H45 794 671	Lot 6 DP 21317	
Wilson, D.R.	Slopedown Road G46 180 260	Lot 2 DP 3409	Access Limitations – Road user safety
Wilsons	Bush Gully Road H45 776 467	Section 32 Blk 1 Akatore SD	
Winters Quarry	Tuapeka Road, Clydevale G45 418 541	Pt Sec 26A Greenfield Settlement SD	
Wooded Hill	Wooded hill Road, Kelso G44 176 710	Pt Sec 32 Blk 1 Greenvale SD	

## (II) MINING ACTIVITIES - PERMITTED ACTIVITIES

Except as provided for by (i) above prospecting, exploration and mining activities are permitted activities provided that:

- The volume of material extracted shall not exceed 1,000m<sup>3</sup> per 10 hectares from one contiguous land holding (farmed or utilised as one unit) provided that no more than a maximum of 5,000m<sup>3</sup> shall be exceeded. (*Note: The volume calculation is a maximum figure, not a per annum figure*). Any overburden or topsoil extracted shall be considered part of the volume calculation if it is not to be reinstated
- The material extracted shall only be used on the land holding from which it is extracted, provided that this does not apply to prospecting.
- Areas disturbed by prospecting or exploration activities shall be progressively restored and rehabilitated to a standard not less than that which previously existed.
- The conditions set out in (i) above (excluding the first bullet point) are complied with.
- There is no significant risk of erosion or slope instability on the site to be disturbed.
- No mining activity shall take place within 500 metres of mean high water springs.
- No mining activity shall take place within 50 metres of any waterbody. For the purposes of this particular rule "waterbody" is defined as a natural water course being 3 metres or greater in width, any wetland or lake identified in Table 13.5, page 177 of this plan or any wetland identified in Table 5 of the Otago Regional Council's Regional Plan: Water, any waterbody

identified in Schedule 6.6 of this Plan, or any other wetland or lake of 2 hectares or greater in area, and all coastal water.

*Note: The Regional Council Air Plan also contains controls on mining activities. In general these activities must not result in a discharge of smoke, odour, particulate matter or dust that is noxious, dangerous, offensive or objectionable at or beyond the boundary of the property. Direct reference should be made to the Regional Plan: Air.*

*Any drilling must comply with rules in the Regional Plan: Water for Otago, for example that which occurs on land over an aquifer identified in Maps C13 – C17 in that Plan requires a resource consent under Rule 14.2.2.1 of that Plan.*

## **REASON**

The adverse environmental effects of small-scale mining and soil displacement activities are generally minor and can be controlled through appropriate standards.

### **(III) MINING ACTIVITIES - DISCRETIONARY ACTIVITIES**

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Prospecting, exploration and mining activities that do not comply with the standards set out in (i) and (ii) above, and the construction of tunnels shall be discretionary activities

## **INFORMATION REQUIREMENTS**

An application under this rule, in addition to the information required under Section 3.1.3 (page 58), shall include a Management or Operation Plan in such detail as corresponds with the scale and significance of the actual or potential effects.

### ***Assessment Criteria – not part of the rule***

In assessing any application under this rule, Council in addition to those matters set out in Section 104 of the Act will also consider the following:

- a. Compliance with the rules contained within the District Plan, (in particular, rules in relation to heritage sites, including waahi tapu.)
- b. Operations for removal, storage and future use of topsoil and subsoils.
- c. Proposals for stockpiling material and its effect on the environment.
- d. Water requirements, disposal of water and control of runoff.
- e. Leachate control and treatment and the effect on any groundwater aquifer.
- f. Engineering structures.
- g. Hours of operation.
- h. Transportation and access requirements.
- i. The effects of noise, vibration, dust and odour.
- j. Effect on essential services such as roading and utility reticulation.
- k. Possible future use of the property.
- l. Progressive restoration and rehabilitation of the site including landscaping.
- m. Fire safety requirements.

- n. Likely effect on residents in the locality.
- o. The provisions of the Operation Programme or Management Plan developed.

## REASON

The environmental effects of large-scale mining operations can be significant. Discretionary status enables a full assessment of such activities to ensure environmental quality is maintained.

### (IV) ACCESS TRACKS - PERMITTED ACTIVITIES

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The construction and maintenance of access roads (including bridges and culverts associated therewith) for the purposes of internal access are permitted activities provided that:

- (a) No site of heritage value listed in Table 13.1 to Table 13.8 (page 108), or archaeological site is adversely affected.
- (b) The location is not or is not likely to be subject to material damage by erosion, subsidence, slippage or inundation and the proposed development is not likely to not initiate or accelerate any of these processes.
- (c) That where such a road or track is to be visible from a public road, or public place that permanent visual effects are mitigated against by vegetating fill batters.
- (d) Intersections with public roads are to be constructed in accordance with the standards set out in Rule TRAN.4.
- (e) The following design and construction standards are complied with:
  - All formation surfaces with an inwards crossfall shall be drained by a watertable; and
  - Cutoffs or culverts shall be constructed or installed so as to prevent scour, gullyng, or other erosion of the formed or constructed surface and to comply with Section VI of the Freshwater Fisheries Regulations 1983 (which requires adequate provision for fish passage); and
  - All areas of fill including any formation surface overlying fill shall be compacted; and
  - Fill batters shall be constructed and vegetated, to a standard that is adequate to avoid batter erosion or failure.

Any activity that does not meet the standards above shall be a restricted discretionary activity with Councils discretion restricted to the matters of non-compliance. Any application under this rule will generally not be publicly notified or served on any affected parties.

*Note: Where access tracks cross waterbodies, compliance with the statutory plans of the Otago Regional Council and with Rule RRA.8 of this Plan will also be required*

*Note: The Regional Council Air Plan also provides that road construction and maintenance must not result in a discharge of smoke, odour, particulate matter or dust that is noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.*

## REASON

The sustainable management of resources clearly anticipates adequate access to them. The environmental effects of access tracks are generally short term and can be adequately mitigated with appropriate conditions.

## RULE RRA.8 RIPARIAN MARGINS

### (A) PERMITTED ACTIVITIES

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The following earthworks or vegetation removal activities are permitted within 10 metres of any natural watercourse:

- (i) Earthworks permitted in accordance with the activities permitted under Rule WAT.3, page 130 (structures and buildings).
- (ii) Earthworks necessary in the construction and maintenance of defences against water authorised by the Regional Council.
- (iii) Earthworks and the stockpiling of material associated with gravel extraction activities authorised by the Regional Council.
- (iv) Earthworks required in the maintenance and construction of access tracks, roading, walkways and reserves.
- (v) Removal of undesirable weeds or plants.
- (vi) Vegetation removal required to give effect to consents under this plan or any other plan developed under the Act,
- (vii) Removal of vegetation planted for commercial purposes prior to the date of notification of this plan
- (viii) Removal of forage seed and herbage crops either by stock grazing or other harvesting means
- (ix) The grazing of stock (excluding mob stocking practices)

Provided that any adverse effects on the water body and its margin are avoided, remedied or mitigated by ensuring that:

- (a) No disturbed vegetation, soil or debris is placed in the water body or is placed in such a position where it may enter or move into the water body
- (b) Riparian margins are restored and rehabilitated to a standard necessary to ensure that the margins remain in a stable condition.

*Note: For guidance on what may be considered an “undesirable weed or plant” in terms of (v) above, please refer to the Otago Regional Council’s Regional Pest Management Strategy*

### (B) RESTRICTED DISCRETIONARY ACTIVITIES

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Any activity that is not provided for in (a) above or does not comply with this rule shall be considered a restricted discretionary activity.

Council shall restrict the exercise of its discretion to the effects the activity may have on:

- The quality of water within the watercourse.
- The intrinsic values of riparian and aquatic ecosystems.
- The habitat of native fish species, trout and salmon.
- Indigenous vegetation and habitat of both indigenous and valued non-indigenous wildlife.
- Landscape values, natural character and amenity values
- Recreational values afforded by the water body
- Public access
- Maori cultural values
- Historic Heritage values
- Bank stability.
- The impact on the movement of water within the water body (especially in terms of flood-carrying capacity).



Any application under this rule will generally not be publicly notified or served on any affected parties. Where any person or public body is considered to be affected for cultural, recreational or ecological reasons, the notice of the application will be served on them unless all those persons who may be adversely affected have given their written approval to the application.

For the purposes of this rule natural water course is defined as being of 3 metres or greater in width, any wetland or lake identified in Table 13.5, page 100 of this plan or any wetland identified in Table 5 of the Otago Regional Council's Regional Plan: Water, any waterbody identified in Schedule 6.6 of this Plan, or any other wetland or lake of 2 hectares or greater in area, and all coastal water.

*Note: See also Rule WAT.3 (page 130), Rule WAT.4 Special Water Supply Catchments (page 132) and Method RRA.1 Appropriate Land Management Practices (page 211).*

## **REASON**

Controls in respect of vegetation removal and earthworks in riparian margins have been imposed to protect water quality. Riparian vegetation acts as a buffer zone filtering nutrient and soil runoff, stabilises banks and provides habitat. The rule does recognise and provide for a number of essential activities that must occur within riparian margins (including the removal of existing plantations of commercial crops) provided that adverse effects on water bodies are minimised.

## **RULE RRA.9 LAND USE EFFECTS ON SOIL**

- (a) Where an area of ground exceeding 30° slope has been made bare by the removal of vegetation that area of bare ground shall be revegetated or otherwise protected from soil erosion as soon as practicable and in no case later than twelve months after the disturbance.

## **REASON**

The removal of vegetation cover, particularly on steeper slopes, can have significant effects in terms of topsoil loss, stability and effect on water quality. This rule will ensure bare ground is not left for any significant period but allows flexibility as to how the problem is to be dealt with.

- (b) Where any soil disturbance or earthworks is required for or in connection with the formation, construction, reconstruction, or maintenance of any road, track, landing, firebreak, fenceline, survey line, or utility service line:
- all formation surfaces with an inwards crossfall shall be drained by a watertable; and
  - cut-offs or culverts shall be constructed or installed so as to prevent scour, gullyng, or other erosion of the formed or constructed surface; and
  - fill shall not be placed over woody vegetation; except where the woody vegetation has been specifically placed for corduroying purposes; and
  - all areas of fill including any formation surface overlying fill shall be compacted; and
  - fill batters shall be constructed and vegetated, to a standard that is adequate to avoid batter erosion or failure; and
  - spoil shall be disposed of by end-hauling where the formation by sidecasting of any road or track crosses any unstable site or crush zone.

## **REASON**

This rule controls the adverse effects that track cutting activities can have on water quality, soil stability, vegetation, and visual amenity.

## **RULE RRA.10 NOISE STANDARDS**

- (i) The provision of Section 3.13 (page 185) shall apply unless otherwise stated by these rules

- (ii) Corrected noise levels (L10) at the boundary of a site shall not exceed 65dBA provided that corrected noise levels (L10) shall not exceed the following limits at the boundary of any Urban Transitional or Rural Settlement Resource Area or at the notional boundary of any residential, hospitality, tourist, educational or health activity site located in the Rural Resource Area provided this rule does not apply to temporary short duration emissions of noise that are a one off occurrence:

**Weekdays and Weekends**

7am to 10pm	L10	-	55dBA
10 pm to 7 am	L10	-	45dBA

“Notional boundary” in respect of a residential activity means a line 20 metres from the facade of the building or the legal boundary of the site on which the building is located where the boundary is closer to the building than 20 metres.

“Notional boundary” in respect of hospitality, tourist, educational or health activities, means the legal boundary of the site.

- (iii) Where an activity is established and a new activity locates where it will be affected by the 65dBA noise maximum level (referred to in (ii) above), it shall be the responsibility of the developer of the newly located activity to ensure that buildings associated with that use are designed in such a manner that the day time and night time noise levels are met within that new activity.
- (iv) Any activity that fails to comply with these standards is a restricted discretionary activity. Council shall restrict the exercise of its discretion to this matter. In considering any application under this rule, regard will be had to Method NSE.2 on page 187.

**REASON**

These noise levels have been established by Council's 1993 Noise Study of the District. Standard (iii) has been added to ensure that noise sensitive activities cannot locate within close proximity to an established activity and claim to be affected by the noise it generates.

**RULE RRA.11 SITE CRITERIA**

All sites within the Rural Resource Area that are to accommodate buildings designed to provide for the living or working space of people shall comply with the following criteria:

- (i) the site shall be capable of the effective disposal of effluent safely within the site

**PROVIDED THAT**

for sites less than 4,000m<sup>2</sup> or where the activity on the site will generate quantities of effluent in excess of three household units or the equivalent thereof regardless of area Council shall require a certificate from Council's Environmental Health Officer or from a person professionally qualified in effluent disposal that effluent can be safely disposed of within the site.

*Note: Resource users must also comply with any standards set by the Otago Regional Council. Consent may be needed from the Regional Council for any proposed discharges.*

**REASON**

Effluent can have significant environmental effects in terms of odour, contamination of water supplies or pollution of water courses, and can be a health hazard.

- (ii) An adequate supply of potable water is provided for the needs of the occupier. Where a Rural Water Supply Scheme is servicing the property, Rule WAT.5 Rural Water Supply Schemes at page 133 of this Plan shall apply.

(iii) No uneconomic extension or development of public services will occur.

## REASON

Where Council services are available (for example, a Rural Water Supply Scheme) use or extension of them should not be at a cost to the general ratepayer.

## RULE RRA.12 THE EFFECTS OF BUILDINGS AND STRUCTURES AND STORAGE OF MATERIALS

(i) Where the site of a building or structure (other than a roadside stall) adjoins the site of a residential, hospitality, commercial, tourist, educational or health related activity, the bulk and location requirements of Rule URB.4.1, Rule URB.4.2, and Rule URB.4.3 shall apply provided that Rule URB.4.3 shall not apply to non-residential buildings. For the purpose of this rule chimneys and stacks with a diameter of 2.5 metres or less are exempt from this height restriction.

(ii) Storage

Any area used for or proposed to be used for storage purposes (including the stockpiling of material) 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

- (a) No waste material, including animal waste shall be stored, stockpiled, or disposed of in a manner that attracts or increases habitats for flies, rodents, vermin or insects and birds.
- (b) Where such an area adjoins the site of a residential, hospitality, commercial, tourist, educational or health related facility, the bulk and location requirements of Rule URB.4.1 and Rule URB.4.2 shall apply unless such a storage area is ancillary to such a site or facility.

(iii) Where the site of a building, structure (excluding a roadside stall), or a stockpile of materials does not adjoin the site of any other building or structure, the minimum standards shall be as follows;

- (a) Height - maximum of 12 metres. For the purpose of this rule chimneys and stacks with a diameter of 2.5 metres or less are exempt from this height restriction.
- (b) Front yard - 4.5 metres provided that where loading, unloading or servicing of a building occurs in the front yard, it shall be of sufficient size to ensure there are no adverse effects on the safety and efficiency of the adjoining road, and does not require reversing manoeuvres onto, or off, the property.

Note: This does not apply to unformed roads.

## REASON

The bulk and location requirements set out in Rule URB.5 have been developed to reduce the adverse effects of activities on the privacy and amenity values of neighbouring properties.

Where a structure, building or stockpile of materials is erected or stored on a site that adjoins a site free of any buildings used by people, it is not considered necessary to impose side and rear yards. If a development occurs on the adjoining property at a later date then it will be for the developer of the activity to provide the appropriate separation standards. Front yards are seen as necessary to avoid adverse effects on the safe and efficient operation of public roads.

Chimneys are exempt from height restrictions because they have minimal effect in terms of shading and privacy etc. The operational requirements of many industries are such that chimneys are required to ensure that discharges to air are appropriately dispersed.

- (iv) Where buildings, structures or stockpiles of materials front State Highways or under width roads, the following standards apply:
- (a) Where buildings, structures or stockpiles of materials, front a State Highway a minimum front yard of 6 metres shall be provided.
- (b) Where buildings or structures front an under width road, a minimum front yard of 14.5 metres measured from the original centreline of the road shall be provided. Any reduction in this requirement shall be considered as a discretionary activity. In assessing any application under this Rule Council shall consider the likelihood of road widening in the foreseeable future and the effect on the safe and efficient operation of the road of fly such reduction.

### **REASON**

State Highways generally have a greater flow of traffic and in Rural Resource Areas, the speed limit will be high. A six metre set back will ensure better visibility along the road edge.

The restriction on under width roads recognises that road widening may be required in the future. The 14.5 metre distance from the road centre allows for a 20 metre legal road reserve and 4.5 metre front yard.

- (v) No structure, buildings or stockpile of materials shall be sited in that triangle of land formed by the straight line between two points measured 18 metres in either direction from the intersection point of the legal road boundaries.

### **REASON**

Development or structures on intersections impairs vision of on-coming traffic and can greatly affect traffic safety.

- (vi) The addition to or construction of buildings and structures within 20 metres each side of the centre line of high voltage transmission lines designed to operate at or over 110 kv is a discretionary activity

### **PROVIDED THAT**

This rule does not apply to fences or buildings not occupied by human or animals for whatever purpose.

### **REASON**

This rule will ensure that the public is reasonably protected from live transmission lines in the event of an emergency which results in a line failure. It will also enable ease of operational access by the network utility operator for maintenance and upgrading purposes.

Fences and buildings that are not occupied or used by humans or animals are not subject to this restriction

- (i) The use, modification and erection of buildings and structures must comply with the following rules:
- Rule HER. 1 page 103, Method HER.3 page 105,
  - Rule WAT.3 page 130, Rule AME.2 page 174,
  - Rule AME.5 page 175, Rule AME.6 page 175,
  - Rule AME.7 page 176, Rule RRA.13 and Rule RRA.15 to 17.

## REASON

Buildings and structures can have an adverse impact on the values of heritage sites.

- (vii) Activities that do not comply with the standards set out in Rule RRA.12 (i) to (vi) above shall be considered as restricted discretionary activities. Council shall restrict the exercise of its discretion to the standard breached and the effects this may have on the environment.

<b>RULE RRA.13 - INDIGENOUS VEGETATION AND HABITATS OF INDIGENOUS FAUNA</b>
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### (A) PERMITTED ACTIVITIES

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The following are permitted activities:

- (i) The complete clearance or clear felling of up to 1 hectare of indigenous vegetation from land contained within one certificate of title or from land held as one property except as provided for in (b) (ii) to (v) below.
- (ii) The selective removal or selective modification of indigenous vegetation over an area of up to 5 hectares of indigenous vegetation located within land contained within one certificate of title or within land held as one property except as provided for in (b) (ii) to (v). The selective removal or selective modification of such vegetation shall not exceed 20% of the total vegetation.
- (iii) The clearance, modification or harvesting of indigenous vegetation which:
- has been planted and managed specifically for the purpose of harvesting or clearing; or
  - is reasonably necessary to enable the management, harvesting or replanting of any area of planted indigenous or exotic vegetation; or
  - has been planted and/or managed as part of a garden or gardens or has been planted for amenity purposes.
- (iv) The clearance, modification or destruction of indigenous vegetation which has regrown naturally on land which was lawfully cleared of vegetation or has been utilised as production land as defined in the Act since 1 January 2000.
- (v) The clearance, modification or destruction of indigenous vegetation necessary for the operation and/or maintenance of:
- Existing farm tracks; existing fire breaks; and existing fence lines;
  - Existing utilities and infrastructure and associated existing access tracks;
  - Existing high voltage transmission lines
- but excluding the expansion or upgrading of these activities except where otherwise permitted by this Plan.
- (vi) The clearance, modification or destruction of indigenous vegetation for the purposes of maintaining existing formed roads and other existing transportation networks, and for traffic, marine or aviation safety (including the maintenance of related signs and navigational structures) and which is undertaken by or on behalf of the authority responsible for maintaining that safety excluding the expansion or upgrading of these activities except where otherwise permitted by the plan.
- (vii) The removal of wind thrown trees or dead standing trees which have died as a result of natural causes and present a direct threat to safety of people or property.

- (viii) The clearance, modification or removal of exotic and/or defined plant pests species undertaken for the purpose of maintaining or enhancing the existing state of the remaining indigenous vegetation.
- (ix) The clearance, modification or removal of indigenous vegetation that is consistent with a reserve management plan approved under the Reserves Act or is consistent with an approved conservation management strategy.

Subject to compliance with the following rules and conditions:

- (a) That no less than one month prior to any clearance or modification work to be carried out pursuant to (a) (i) and (ii) above, notice is provided to Council that identifies on a plan the extent of land that is to be cleared and the extent of the property from which the land has been cleared;
- (b) Rule RRA.8 and Rule RRA.9;
- (c) Rule WAT.4;
- (d) For clarification purposes, any clearance permitted under (a) (i) and (ii) is permitted to occur once only from the subject property. It is not a yearly maximum.

## (B) DISCRETIONARY ACTIVITIES

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The following are discretionary activities:

- (i) Any activity that exceeds the restrictions set out in Rules (a) (i) and (ii) above.
- (ii) Clearance, modification or removal of indigenous vegetation from any area listed in Table 13.8 or any table substituted in its place.
- (iii) Clearance, modification or removal of indigenous vegetation from any area which provides habitat for indigenous plants, animals and fungi that are classified by the Department of Conservation as having a threat classification of either "Threatened" or "At risk: declining".
- (iv) Clearance, modification or disturbance of wetlands identified in Table 13.5 (or any table substituted in its place) or other wetlands 1 hectare or greater in area.
- (v) Clearance, modification or removal of indigenous vegetation from any Esplanade Reserve, Existing Crown Land Margin, Riverbank Reserve or unformed Legal Road adjoining a river or stream except in the circumstances provided for under (a) Permitted Activities (a)(v) to (a) (ix) above.

<b>RULE RRA.14 TREE PLANTING ON BOUNDARIES</b>
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No trees shall be planted in the following circumstances:

- (a) within 10 metres of an adjoining property boundary in rows of more than two deep (excluding road boundaries), or
- (b) within 5 metres of any main pipeline of any Rural Water Supply Scheme, or
- (c) within 50 metres of an Urban, Rural Settlement Transitional Resource Area boundary in rows of more than two deep, or
- (d) within 50 metres of any existing dwelling (excluding those located on the subject property), in rows of more than two deep.

Any proposal to plant trees that does not comply with this rule shall be considered a restricted discretionary activity.

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

- The effects of shading.
- The effects of root encroachment.
- The effects of harvesting.

Any application under this rule shall generally not be notified where the written approval of affected persons is received.

*Note: Rule TRAN.7 (page 79) applies to roads.*

## REASON

Plantings directly on boundaries can lead to shading of adjoining properties and can cause soil nutrient depletion and soil disturbance due to root encroachment. However, shelterbelt plantings and amenity plantings can also have positive effects. Any adverse effects relating to these types of plantings are best left to the individuals involved to resolve. With respect to plantations, however, because significant economic investment is involved, and effects are generally on a much larger scale, a set back is considered appropriate, particularly in respect of urban areas where harvesting could generate significant adverse effects in terms of noise and traffic generation, also increase the fire risk. Plantings over pipelines causes damage to the pipes and hinders access for maintenance purposes.

RULE RRA.15 STANDARDS FOR ACTIVITIES IN OUTSTANDING LANDSCAPES - TABLE 13.3A
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For those landscapes listed in Table 13.3A the following standards are conditions of permitted activities:

### (I) BUILDINGS AND STRUCTURES (EXCLUDING FENCES)

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- shall not be located on skylines, ridgetops or promontories when viewed from a public place
- shall be finished in tones or colours which do not contrast with the surrounding landscape.

*Note: boxed material does not form part of the rule but should also be considered*

In siting and designing buildings and structures the following should also be considered:

- site, buildings near a change in landform and/or with a backdrop of trees to blend the building into the landscape
- make use of existing vegetation as a background. Additional planting should be bold, large and dense enough to relate to the scale of the building, at the same time being in sympathy with the landscape.
- minimise excavation and reduce the need for large foundations by following the landform with the building and/or stepping the building into the slope
- align the building with the land so the length of the roof line runs parallel to the contour of the land
- group buildings and structures together. Link small structures with other structures.
- keep buildings well back from the road where possible

### (II) POWER LINES AND TELECOMMUNICATION LINES

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- are to be laid underground

### (III) EXCAVATION, TRACKS, PERMANENT DISTURBANCES ETC

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*Note: see also Rule RRA.7*

- excavation and other permanent disturbances shall be designed and located so as to retain as far as practicable the appearance of an undisturbed natural form as a permanent effect
- where cuts have to be created, they shall be graded or battered back into surrounding landform
- cut and fill batters shall be revegetated and screened by appropriate plantings as soon as practicable

*Note: boxed material does not form part of the rule but should also be considered*

Where possible the following should be considered:

- follow natural contour lines to reduce the height of cut and fill batters to maintain easier grades and reduce scouring and runoff problems
- keep earthworks to a minimum
- locate adjacent to vegetation slopes or edges of landforms
- avoid crossing steep slopes or open places. If there are no edges to follow then use clumps of trees for example,
- blend with existing vegetation, avoid felling where possible
- avoid compaction of excavated material where possible to retain soil fertility and enhance revegetation

### (IV) WOODLOTS, SHELTER BELTS AND PLANTATIONS

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New plantings shall:

- link to existing plantings including native and riparian vegetation
- avoid planting that will obscure or screen important views

*Note: boxed material does not form part of the rule but should also be considered*

In siting and designing new plantings, consideration should also be given to the following:-

- group plantings rather than plant individual trees
- use plantings to integrate existing scattered plantings or wildings
- vegetation which adds to the natural or historical character of an area should be retained and enhanced with similar planting
- ornamental plantings around the edge are not always the answer to beautification. Good overall planting design following the natural patterns of the land will usually give better looking results.

### RULE RRA.16 OUTSTANDING NATURAL FEATURES. TABLE 13.3.B (PAGE 114)

Any work or activity that would or is likely to have an adverse effect on, or destroy, remove or damage any of the sites or features listed in Table 13.3.B is a discretionary activity.

#### **REASON**

These sites are either internationally or nationally important for their scientific and/or educational values, or are an outstanding natural feature of the district. It is therefore necessary to fully evaluate any activity that may effect the values of these sites.



## 4.1.5. OTHER METHODS

### METHOD RRA.1 APPROPRIATE LAND MANAGEMENT PRACTICES

In carrying out any activity Council, over and above the rules of this plan, encourages resource users to adopt the "best practicable method" to avoid or mitigate adverse effects on:

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

and to avoid or mitigate the adverse effects of:

- erosion and instability
- nutrient loss
- soil compaction
- the spread of non-desirable weeds and plants, including wilding pines

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

- activities that intensively use land within the 10 to 20 metre buffer zone from the bank of any waterbody which may give rise to degradation in both the water quality of the waterbody and the stability of the bank structure, should be avoided.
- 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 or coastal water.
- agricultural and other chemicals should be used carefully and in accordance with approved guidelines and Codes of Practices, for example; NZS 8409 1995 Agrichemical Users Code of Practice
- 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 waterbodies, and the habitat it provides for other native species. Riparian vegetation also stabilises banks.
- riparian wetlands should be retained for denitrification, filtration and habitat purposes. Such 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.
- adjust land use type to land capability.

Council would also advise resource users 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 course;
- activities, such as silage pits and ofal pits, involving discharges to land or water.
- the disturbance of, or the deposit of, any substance on the beds of rivers and lakes.

*Note: Refer to Schedule 6.8 (page 307) for the full list of Regional Council functions.*

### REASON

In identifying and encouraging good land management practices, Council wishes to avoid excessive regulation that may not be easily monitored and enforced, and may not allow flexibility in land

management practices in different environments and situations. Council also recognises the 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.

Financial measures such as subsidising the fencing off of riparian margins, or the outright purchase of such margins were not considered feasible.

## METHOD RRA.2 VISUAL AMENITY

Council encourages resource users to recognise the benefits of the District's rural and open character amenity values, and to consider the following guidelines when carrying out activities in the District's rural areas;

### (I) BUILDINGS AND STRUCTURES

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- The siting of buildings near a change in landform and/or with a backdrop of trees blends the building into the landscape.
- Buildings sited on ridgelines or skylines tend to dominate the landscape thereby spoiling the overall rural quality of the District. This is obviously more significant when the site is visible from a major road or an area of high public usage.
- Finishing buildings in tones and colours which do not contrast with the surrounding landscape and which do not reflect light at a greater intensity than the natural background, creates good continuity in the landscape. This is easily achieved with colours that are darker than background colours. Bright, stark colours tend to dominate when used on large facades sited on slopes or ridgelines and are best used for highlighting purposes (for example, around windowsill and doors).

### (II) EXCAVATIONS AND PERMANENT DISTURBANCES

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Excavation and other permanent disturbances (e.g. a road line) should be designed and located so as to retain, as far as practicable, the appearance of an undisturbed natural form as a permanent effect. This can be achieved by:

- following contour lines where possible, as this will alleviate the effect of "striping" which can occur where roads etc run in a straight line up a hillside.
- where cuts have to be created, grade the cut back into the surrounding landform
- utilise screening plantings of appropriate shrubs and trees at time of construction
- revegetate cuts and fills.

### (III) WOODLOTS, SHELTERBELTS AND PLANTATIONS

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Some general guidelines for siting and design of plantings

- relate the planting to the landscape pattern
- try to follow natural boundaries with planting avoid artificial boundaries
- plant trees around the contour line rather than in straight rows running vertically up and down the slope
- link new plantings to existing plantings, including native and riparian vegetation.

The following documents, which are available from Council's office, are useful guides for planting design and location.

- "Woodlots in the Landscape" D. Lucas, Landscape Publication Limited, 1987
- "Farm Forestry: A Landscape Guideline", Trees and Timber: Forest Management Practices No. 2 New Zealand Forest Service, 1984

- "On the Edge", Management Options for Plantation Edges., Ministry of Forestry, 1991.
- "South Island High Country Forestry Design", Ministry of Forestry, 1994.

## **REASON**

The amenity value of the open, rural nature of the Clutha District landscape has been identified as a significant resource and with the increasing numbers of tourists visiting New Zealand seeking this type of landscape, it is also seen as increasingly important to the District's economy.

Buildings, structures, tree planting and other development can, in some instances, have a significant effect on the visual quality of the environment. Given that opinion varies on what is visually inappropriate, Council considered any regulation on this aspect would be inflexible, subjective and would restrict freedom of choice, and therefore has promoted "guidelines" that it hopes resource users will consider when carrying out activities in the rural area.

## **METHOD RRA.3 MONITORING**

To assess the effectiveness of these policies and rules Council intends to

- analyse the location, number and type of building consents
- survey the quality and quantity of water in important catchments
- monitor the impact of heavy traffic generation on the District's roads
- where deemed necessary, and in association with the Otago Regional Council, monitor the effects of rural activities on the quality of the District's soil and water resources.
- encourage and provide for industry self monitoring in association with Council and other authorities in order for all parties to gain a broader understanding of policy effectiveness and to assist resource users in understanding the effects of their activities.

## **REASON**

Council needs to establish that the approach taken in this plan is promoting the sustainable management of the rural environment.

## **METHOD RRA.4 NOTIFICATION REQUIREMENTS**

Except as otherwise stated, controlled activities and restricted discretionary activities will generally be considered without notification or the need to obtain written approval of affected persons. Where the activity may have an adverse effect on a residential, hospitality, tourist, educational or health related activity in the vicinity, or on any cultural or heritage values of a site or on a State Highway, written consent may need to be obtained and the application may be notified.

## **REASON**

Where such activities will have an adverse effect on a neighbouring property, it is unlikely to be able to satisfy the performance standards of the plan. Consequently, written consent of the adjoining owners is necessary.

## **METHOD RRA.5 WILDING TREE SPREAD**

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. Particular attention should be paid to species choice, siting, plantation design, and surrounding land management, in order to minimise the risk of unwanted spread onto adjoining properties. To avoid wilding tree spread, spread prone species should not be planted upwind of undeveloped land which has a light vegetation cover, particularly if "take-off" sites are involved.

Guidelines for the management of wilding tree spread (for example. "Guidelines for the Control and Management of Wilding Trees" W J Ledgard and E R Langer, New Zealand Forest Research Institute) are available from Council if required.

The following factors are involved in wilding tree spread and can assist in the control of spread:

- Spreading vigour varies according to species competitiveness, palatability, and seed weight. The order of declining spreading vigour is Lodgepole Pine, Scots Pine, Douglas Fir, Corsican Pine, European Larch, Ponderosa Pine, Bishops Pine, Maritime Pine and Radiata Pine. Douglas Fir is more able to invade shady situations than pines.
- Age of seed production is predictable – generally 8 to 12 years. Therefore land managers have 8 to 12 years to remove young trees before they in turn produce seeds.
- 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 distance spread (over 500 metres) 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 seeds germinate within two years of dispersal. No germination occurs after 6 years.
- Spread is most likely to occur on undeveloped, ungrazed land downwind of seed source especially where there is incomplete vegetation cover.
- Spread is less likely to occur where there is a well established dense vegetation cover (e.g. improved grassland or intact forest) or where intensive grazing (mob stocking) is practiced.
- Grazing by animals (mainly sheep) is the main human-induced controlling agent. Corsican Pine is the less palatable followed by Douglas Fir, Scotch Pine Larch, Lodgepole, Ponderosa and Radiates Pine.

The above factors indicate that conifer spread is very predictable. Predictable natural events or sequences are usually the easiest to manage or control.

## **REASON**

It is possible to effectively and efficiently manage the spread of wilding trees. However, the uncertainty involved in identifying the origin and responsibility for wilding trees means it is not possible to use regulation to control the problem. Education, the provision of appropriate information, and direct action by other agencies, are considered the most appropriate management options in respect of this issue.

## **METHOD RRA.6 - MITIGATING THE EFFECTS OF PLANTING TREES**

The Council encourages all prospective tree planters to consider the potential adverse effects that trees can have on neighbours (particularly residential neighbours). Trees can shade neighbouring properties, obscure views, cause soil nutrient depletion and soil disturbance due to root encroachment.

Failure to recognise these potential problems could be costly as affected parties (including Council) can utilise the following remedies.

### **(I) COMMON LAW NUISANCE**

Common law provides a remedy where private nuisance is involved. If shading, overhanging branches or encroaching roots interrupt reasonable use and enjoyment of the land, they may constitute private nuisance.

If an adverse effect is shown, the Resource Management Act can address these issues through enforcement orders (section 314) or abatement notices (section 322). While only Council may use the abatement notice procedure, any person can use the enforcement order process.

## (II) PROPERTY LAW AMENDMENT ACT

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Section 129 C of the Property Law Amendment Act provides for a person to apply to the District Court to remove or trim trees growing or standing on land whether or not they constitute a legal nuisance. This provision provides another remedy when trees cause an undue interference with reasonable enjoyment of land for residential purposes.

## (III) FOREST AND RURAL FIRES ACT 1977

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Under the Forest and Rural Fires Act 1977, exotic trees can be declared "forest areas" (section 17). This identifies that the forest is a fire hazard requiring continuous protection, equivalent to a restricted season. In order to be declared a forest area, exotic forest must, amongst other things, be at least 20 hectares in area and have a fire break of 10 metres to external boundaries of the forest. Fire authorities can also require a land owner of any land on which exotic trees are allowed to grow for the purpose of producing timber, to make fire breaks in such positions as the Fire Officer considers necessary for the purpose of fire control (section 27).

## (IV) FENCING ACT 1908

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Under section 26A of this Act, the Council has jurisdiction to order the removal or trimming of trees if it can be shown that this is necessary to remove or prevent the recurrence of any undue interference with the reasonable enjoyment of land.

### **4.1.6. ANTICIPATED ENVIRONMENTAL RESULTS**

1. Maintenance of the open-space and natural amenity values of the District
2. Reduced impact on the Districts water and soil resource
3. Minimal adverse effects on the amenity values and public roads of the District from buildings and structure
4. Preservation of the natural character of wetlands, lakes, rivers and their margins.