

## ***SECTION 4***

# ***RESOURCE AREAS***

## 4.1 RURAL RESOURCE AREAS

### 4.1.1 - OVERVIEW

During the initial phases of developing the District Plan, Council identified seven broad landscape character types within the District as follows:

- Fiordland
- Stewart Island
- Coast
- Mountains
- Hills
- Catlins
- Plains

Each of these landscape types have a readily identifiable character. However, within each type there are many variations in ecology and landscape, and these areas can therefore be broken down further into landscape character units.

Fiordland, Stewart Island and the coast have been dealt with in separate sections. The remaining areas are to be dealt with as subgroupings within this Section as the issues, objectives and policies are, in the main, similar for each particular area. The methods to achieve these objectives and policies are, in some cases, different between each subgrouping.

It should also be noted that a further area needed to be identified to manage the effects of sporadic residential development on the fringe of several urban areas. This area has been identified as the Transitional Resource Area and applies to areas around Te Anau, Riverton and Winton.

The Rural Resource Areas comprising the sub-grouping of Mountains, Hills, Catlins, and the Plains shown on the District Planning Maps, 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 resources 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 the potential of that resource to be available for continued and sustainable use in the future.

Sections 4.1.2 and 4.1.3 will outline the issues, objectives, and policies that are common to the four subgroupings. Each subgroup will then be considered individually.

### 4.1.2 - THE ISSUES

#### (i) General

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

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

#### Explanation

*Rural land uses rely heavily on the District's soil and water resource. However inappropriate management practices can undermine the viability of the resource base by increasing nutrient and sediment runoff into waterbodies, or increasing the risk of erosion.*

- **Rural activities can have an adverse effect on the amenity values of the rural resource area due to the creation of noise, dust, odour, traffic generation and similar objectional characteristics.**

#### Explanation

*The nature of rural activities is such that effects will occur and are generally acceptable in the rural environment. However, these effects are generally not acceptable when they occur adjacent to residential and commercial activities located within the rural resource area. Refer also to Section 3.10 Amenities.*

- **Remnant indigenous flora and animal habitats are under threat from land use conversion.**

#### Explanation

*The remnant areas of indigenous vegetation and animal habitats existing in the Rural Resource Area now assume greater importance both for its amenity value and in particular to provide corridors for native vegetation to allow for the migration of native plants from one area to another.*

While not as threatened as in the past, some areas of significant indigenous habitat remain at risk from both rural and urban development and land use intensification.

- **The need for adequate protection for bog pine shrublands in the Te Anau Basin.**

**Explanation**

Throughout the Te Anau Basins there are remnants of bog pine shrublands which illustrate the original ground cover that existed in the Te Anau Basin area prior to its extensive development for agricultural purposes.

In some cases these areas of bog pine are protected by way of appropriate reserve status. Some other quite significant areas do not have that protection and Council wishes to investigate and provide appropriate status and protection for those areas.

- **The shift in emphasis in the use of the Rural Resource Area from traditional rural activity to production forestry and dairy farming is changing the nature of the effects land use has on the environment.**

**Explanation**

Recent years have seen an increase in forestry planting and the establishment of dairy and deer farming units, and these trends appear set to continue. These changes of rural activity have both positive and negative effects and have implications on the natural resources, particularly the effects on water quality.

- **Inappropriate land management practices can adversely effect the aesthetic environment of the Rural Resource Area, which is an important component in the District's growing tourism industry.**

**Explanation**

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

- **Residential activities can compromise the natural, open-space character of the rural environment.**

**Explanation**

In terms of visual amenity dwellings can have an adverse effect on two levels. Firstly the dwelling itself can have an adverse visual effect resulting from inappropriate design, location or colour in the rural landscape. Secondly, the cumulative effect of dwellings in the rural environment can greatly reduce the 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 are generally not connected into reticulation systems, with sewage 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 activity in Rural Resource Areas can create pressure on Council to extend services.**

**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.

**(ii) Issues Specific To The Hills and Catlins Resource Area**

- **There are a number of significant habitats, areas of natural value, and landscapes in this resource area that are threatened by a number of inappropriate activities.**

**Explanation**

The Hokonui Hills, the North Range, the Longwood Range, Pourakino Valley, and the Waitutu, Dean and Rowallan Forests are all significant habitats and landscapes. In addition to these aspects the Rowallan and Dean Forests are habitat for long tailed bat, a species that is endemic and vulnerable. There are shrublands in the Hokonui Hills which contain the threatened species *Olearia Hectorii* South Island. The Taringatua has New Zealand Falcon and Kereru which are both threatened.

The Garvie Range has 10 threatened species and beech forest on it, and *Olearia Hectorii* is also found there. The dune systems in the Catlins are dominated by maram. Activities such as the erection of structures on the skyline and the clearance of native vegetation can adversely effect these areas. This leads to a loss of specie diversity and habitat fragmentation throughout the valley.

(Cross reference Section 3.4 Heritage.)

### **(iii) Issues Specific to The Mountain Resource Area**

- Erosion is a problem in specific areas of this steep environment due to the effects of inappropriate land uses, road development, other similar types of earthworks and from natural causes.

#### **Explanation**

The steep and fragile nature of this environment makes the area particularly susceptible to erosion. This has obvious effects on water and soil quality and visual amenity. The erosion that occurs at West Dome is a good example of this problem.

- This environment dominates the views from other resource areas of the District and is therefore an environment sensitive to changes in land use.

#### **Explanation**

The scenery of Southland is considered a major physical resource. The scenery is dominated by the Mountains Resource Area and while landscape is a subjective judgement it has different significance to different people. Sustainable management of this area needs to recognise the effects of large scale land use changes which have the potential to destroy the visual coherence of this Area.

- The headwaters of many of the District's major rivers originates in this area and the effects of land use in these headwaters can significantly impact on the incidence and the intensity of flooding.

#### **Explanation**

Inappropriate land use practices can often have a significant effect on freshwater fish habitat and flooding by increasing the intensity and incidence of such events. The permanent clearance of wooded vegetation and drainage of wetlands and catchment areas are two activities that impact on these issues.

(Cross Reference Section 3.5 Water.)

- The headwater valleys have intrinsic and natural values, as well as providing downstream benefit by providing low water flows and controlling natural flood events.

#### **Explanation**

Retaining natural vegetation in headwater valleys will protect aquatic and terrestrial habitat and contribute towards control of flood events. A good example of this value is in the Upper Mararoa which has many wetlands and tussock areas.

### **4.1.3 - OBJECTIVES AND POLICIES**

#### **(i) General**

##### **Objective RU.1**

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

##### **Objective RU.2**

To maintain the quality of the District's water and soil resource to enable it to meet the needs of future generations.

##### **Objective RU.3**

To recognise the values of the District's outstanding landscape and significant indigenous habitats and ecosystems within the management framework.

##### **Objective RU.4**

To maintain where practicable and efficient, the amenity values of the rural environment.

##### **Objective RU.5**

To promote that land users and communities adopt a stewardship approach to resource management.

##### **Objective RU.6**

To establish a monitoring framework which will measure the effectiveness of this section.

### **Policy RU.1**

**To minimise the adverse effects activities can have on the soil resource and to encourage activities that enhance the soil resource.**

#### **Explanation**

*Some land use practises can cause soil loss or soil contamination. 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 PRA.2, 4 and 6, Rule MRA.2 and Method PRA.4)*

### **Policy RU.2**

**To minimise or avoid the adverse effects activities can have on water quality.**

#### **Explanation**

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

*Land use can have a significant effect in terms of nutrient loading and siltation of water ways.*

*With respect to ground water quality, Southland's local authorities are developing an "Accord" to investigate the effects of land use and ways of reducing contamination of this supply. It should also be noted that the Southland Regional Council is preparing information on water bodies that may impact on the Plan. Until these investigations indicate that currently held concerns are invalid, Council will adopt a precautionary approach in assessing proposals.*

*(Refer Rule PRA.5 and Section 3.5 Water of this Plan)*

### **Policy RU.3**

**To avoid remedy or mitigate the adverse effects of vegetation removal and soil disturbances from riparian areas.**

#### **Explanation**

*Riparian vegetation plays an extremely important part in the sustainable management of waterways. Such vegetation filters sediment and nutrients in surface runoff, reduces stream bank erosion and provides habitat for aquatic species.*

*(Refer Rule PRA.5)*

### **Policy RU.3(a)**

**To encourage restoration of riparian areas by planting.**

### **Explanation**

*Riparian vegetation is extremely important for the reasons listed elsewhere in the Plan (See Policy RU.3) Voluntary replanting of riparian areas, particularly in native species, will be supported by Council.(Refer Rule PRA.5)*

### **Policy RU.4**

**To avoid, or if unavoidable minimise, the adverse effects of clearing indigenous vegetation provided that nothing in this policy shall prevent the clearing of regenerating indigenous vegetation underneath a commercial forestry activity.**

#### **Explanation**

*Indigenous vegetation is one form of vegetation which can play a significant role in mitigating the adverse effects of development. It stabilises hillsides, reduces adverse effects on water quality and provides habitat for indigenous fauna. It is not the intention of this policy to provide protection for indigenous vegetation regenerating underneath commercial forestry. (Refer Rule PRA.5 and 6, Method PRA.2 and Section 3.4 Heritage).*

**[Note: This policy has been created by way of Environment Court Decision A039/01 (19 April 2001)].**

### **Policy RU.5**

**To avoid, and if unavoidable minimise, the adverse effects activities have on wetlands.**

#### **Explanation**

*Council is required as a matter of national importance to preserve the natural character of wetlands 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.*

*(Refer Section 3.4 Heritage, 3.5 Water and Rule PRA.5)*

### **Policy RU.6**

**To provide a development framework within the rural environment which is effects driven.**

#### **Explanation**

*Provided effects are mitigated or controlled, the appropriate mechanism to determine where particular activities should locate is the market place. Activities will locate where site criteria are most suitable to that particular activity.*

*Activities of a commercial or industrial nature will be accommodated as appropriate depending on the effects they generate.*

*(Refer Rules PRA.2, 3, 4, 5, and 6, and MRA.1 and 2)*

### **Policy RU.7**

**To mitigate or avoid the adverse effects activities have on the amenity value of the rural environment.**

#### **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 The Plains, Hills, Catlins and Mountains Resource Areas. Methods and Rules)*

### **Policy RU.8**

**To mitigate the adverse effects buildings, structures and vegetation can have on amenity values and the safety and efficiency of the roading network.**

#### **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.*

*(Refer Rules PRA.3 and MRA.1)*

### **Policy RU.9**

**To avoid the adverse effect of noise in the rural area.**

#### **Explanation**

*The rural area of the District is generally considered to be relatively quiet, however it is recognised that as a working environment, noise associated with legitimate rural activities (eg farming, forestry, contractors yards etc) does occur and is accepted as part of rural life.*

*Such noises however, should not unduly impact on legitimate residential, educational, or health related activities located in the Rural Resource Area.*

*(Refer Rule PRA.8 and Section 3.12 Noise)*

### **Policy RU.10**

**To mitigate or avoid the adverse effects that signs can have on amenity values and the safety and efficiency of the roading network.**

#### **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 and be of benefit to the drivers as a source of information.*

*(Refer Rule PRA.7 and Section 3.11 Signs)*

### **Policy RU.11**

**To mitigate the adverse effects of activities on the significant landscapes of the District.**

#### **Explanation**

*The District contains many landscapes that are significant. Outstanding landscapes are protected under Council's heritage register, while guidelines for sensitive use will be developed for other significant landscapes. This approach recognises that not all landscapes need formal protection and that most landscapes are also a working environment in which people live, work and partake in recreation. Council's register of outstanding landscapes in the District is included as Schedule 6.13 of the District Plan.*

*(Refer Method PRA.2 and Section 3.4 Heritage)*

### **Policy RU.12**

**To mitigate the adverse effects of dwellings.**

#### **Explanation**

*Dwellings can have significant effects in terms of disposing of waste, visual impact, and effects on the roading network.*

*Performance standards will ensure that adverse effects of dwellings on the rural environment will be minimised.*

*(Refer Rule PRA.3 and Rule MRA.1)*

## **Policy RU.13**

To avoid the unsustainable development of public services in the rural environment.

### **Explanation**

*Developers will be responsible for the adequate provision of services such as water supply, roading and foul sewerage disposal for any dwelling erected in the Rural Resource Area. It is contrary to Council Policy to un-economically extend existing public services.*

*(Refer Section 4.2 Transitional Resource Area)*

## **(ii) Objectives And Policies Specific to The Mountains Resource Area**

The objectives and policies contained in Section 4.1.3 are also applicable to this Area.

### **Objective MRA.1**

To maintain, where practicable the visual effect, the existing mountain landscape.

### **Objective MRA.2**

To maintain the sustainability of the mountain soil resource.

### **Objective MRA.3**

To reduce the threat of flood hazards to the lower lying areas.

### **Policy MRA.1**

To mitigate or avoid where practicable, the adverse visual effects of land use on the existing mountain landscape.

### **Explanation**

*The siting, design and location of buildings and structures, can have a significant visual effect. Sensitive management of these activities can generally avoid or minimise those effects. (Refer Rule MRA.1)*

## **Policy MRA.2**

To minimise the adverse effects of land use activities in catchment headwaters.

### **Explanation**

*Careful land management practices can minimise the effects particular activities have on flooding. This issue is also a concern of the Regional Council.*

*(Refer Method MRA.1)*

## **Policy MRA.3**

To mitigate or avoid the adverse effects of Wilding Trees in the Mountains Resource Area while recognising the need for the repair and/or maintenance of existing soil conservation and river protection works undertaken pursuant to Rule MRA.3a.

### **Explanation**

*Certain tree species in the Mountains Resource Area can adversely affect other properties and values.*

*(Refer Rule MRA.2 and Rule MRA.3)*

## **4.1.4 - METHODS AND RULES**

### **Plains, Hills, Catlins and Mountain Resource Areas**

A brief description of the Plains Resource Area is contained in Section 1.1 Landscape Area, while reference to the Hills, Catlins and Mountain Resource Areas can be found in Section 1.1.

The Issues, Objectives and Policies relative to these Resource Areas are identified in Section 4.1.2 and 4.1.3. The Methods and Rules implementing those Objectives and Policies in this Section are found in Section 4.1.4 and apply to all four Resource Areas except for Rule MRA.1 and Method MRA.1 which relate only to the Mountain Resource Area.

### **Rule PRA.1 - General Standards**

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

The following Sections are of particular relevance:

**3.1 Manawhenua** - note in particular Rules MAO.1 to 5.

**3.2 Transportation** - note in particular Rules TRAN.1, 4-7 and 12.

**3.4 Heritage** - note in particular Method HER.6, 8 and 9 and Rules HER.1-3.

**3.5 Water** - note in particular Rule WAT.5.

**3.8 Natural Hazards** - note in particular Rules NHZ.1 and 4.

**3.10 Amenity Protection** - note in particular Rule AME.5.

**Rule PRA.2 - Rural Activities**

**(i) Permitted Activities**

- (a) Any activity whose effect is to disturb, impact upon, or utilise the soil resource (excluding those activities that more appropriately fall under the categories listed below) including structures ancillary to such activities, subject to the compliance with the rules and standards of this Plan.

**Reason**

*The majority of activities located in the Plains 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 Plains Resource Area will continue to be permitted.*

- (b) Any activity whose effect is the attraction of the general public to the site for the purpose of purchasing goods from an unmanned stall that is:
- no greater than 12 m<sup>2</sup>
  - displays goods and produce grown on that site only, and
  - is not located on the road reserves.
- (c) Any activity whose effect is the attraction of the general public to a site for the purposes of purchasing goods which is
- ancillary to a residential activity permitted under Rule PRA.3, and
  - the display area does not exceed 30 m<sup>2</sup>.

Provided that activities under (a) and (b) comply with all relevant rules and performance standards of this Plan.

**Reason**

*Council considers that the effects of these activities will be minor and consequently controlled activities status is not necessary.*

**(ii) Controlled**

- (a) Controlled 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 and health related activity in the vicinity, written consent must be obtained and the application will be notified. Council reserves the right to notify any application for a controlled activity where it is considered reasonable to do so.

**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 or any identifiable interest group is necessary.*

- (b) Any activities whose effect is the attraction of the general public to the site for the purpose of

- purchasing goods (where that activity is not the primary activity on the site), or
- using the services provided by health (including animal), education, hospitality and tourist facilities,

provided all relevant rules and performance standards of this Plan are complied with, and are controlled in respect of :

- access, parking and any impact on the safety and efficiency of the roading network
- signage
- ability to dispose of wastes adequately
- noise
- visual impact on the neighbouring amenity
- mitigation of effects on indigenous vegetation and habitat.

**Reason**

*Council does not envisage a large number of activities of this nature will locate within the Rural Resource Area. The environmental effects of such activities is generally minimal and it is considered that the controlled activity criteria in respect of those matters listed above will avoid or mitigate any potential adverse effects.*

- (c) Activities that have the potential effect of creating nuisance because of noise, smell, vermin and like objectionable characteristics due to the housing or intensive confinement of animals or plants, provided all relevant rules and performance standards are complied with and are controlled in respect of:

- the ability to dispose of both solid and liquid wastes as determined by the Regional Solid Waste Management Plan

- the effects on any waterbody
- the effects on any heritage site
- the effect on visual amenity
- mitigation of noise, smell, vermin and other similar objectionable characteristics and possible health hazards
- its relationship and effect on any residential or commercial activity
- proximity to land of significant conservation value.

**Reason**

*These activities, by nature, are rural activities. While they can have adverse effects, which are sometimes significant, Council believes that provided they conform with the relevant performance standards and appropriate conditions are attached in respect of the matters defined above, they should not be unduly restricted.*

**(iii) Discretionary Activities**

- (a) Any controlled activity that Council considers will or may potentially have a significant adverse effect on the environment or adjoining properties not provided for by this Plan, will be considered as a discretionary activity and where Council considers it necessary to do so, will be publicly notified.

In assessing any application under this rule, Council will consider the following:

- 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 activities 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. The following matters will be considered in any assessment of effects of such an operation;
- the objectives, policies and rules of the Plan
  - 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. Large scale developments may have difficulties gaining consent, however, discretionary status gives Council flexibility where special circumstances can be shown.*

**Rule PRA.3 - Residential Activities**

**(i) Permitted Activities**

Any residential activity that complies with the relevant Rules of this Plan 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;
- or
- 2 One new dwelling not closer than 150 metres to any existing or proposed dwelling (with a ‘proposed dwelling’ being a dwelling for which a resource consent or building consent has already been granted either within the Southland District or within an adjoining local authority area) or Urban or Transitional Resource Area.

**PROVIDED THAT**

An additional dwelling for accommodating the staff of any property owner is permitted where that dwelling remains on the same Certificate of Title and shares the same access roads as a dwelling permitted above.

- (b) A dwelling may be erected on a site which previously accommodated a dwelling.

Where a dwelling is subdivided from any title referred to in (a)(1) above, no further development is permitted on the original title unless it conforms with the requirements of (a)(2) above OR consent is granted to an application for a discretionary resource consent.

## **(ii) Controlled Activities**

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.

## **(iii) Discretionary Activities**

Any residential activity which does not conform with the relevant Performance Standards of (i) and (ii) above is a Discretionary Activity.

In assessing any application under this Rule Council will consider the following:

- density of dwellings in the locality either within or outside the District
- 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.

### **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.*

## **(ii) Prohibited Activities**

“Noise sensitive activities” as defined below are prohibited within an area around the perimeter of the Manapouri Airport identified on Map 68 (Noise Sensitive Activity Exclusion Zone, Manapouri Airport) of the District Plan.

“Noise sensitive activities” for the purposes of this rule are defined as including dwellings, commercial residential activities, office blocks (excluding offices ancillary to activities not prohibited), retail activities, schools, hospitals, places of assembly, and indoor recreation.

### **Reason**

*The Council has foreshadowed in “Method NSE.5 - Airport Noise Boundaries” that it will be investigating the development of an airport noise boundary and outer control boundary, for the District’s airfields. It has investigated the need for such boundaries at the Manapouri Airport and determined in the short term (over the next ten years) that such controls are not necessary while this airport is in its early growth stages and it is surrounded by farmland.*

*Accordingly, introducing a prohibition so noise sensitive activities may not be established within an exclusion sub-zone around the airport perimeter will ensure that the effects of aircraft noise on such activities (and reverse sensitivity matters) are avoided. This prohibition will apply until 2013 when it is envisaged that the potential introduction of noise boundaries will be reconsidered.*

## **Rule PRA.4 - Soil Displacement Activities**

### **(i) Permitted Activities**

Any activity whose effect is to displace soil, subsoil or rock on a property for the purposes of extracting gravel, rock or soil is a permitted activity provided that:

- (a) Where material is extracted for use the following shall apply
  - Volume displaced shall not exceed 1,000 m<sup>3</sup> over a 12-month period provided that the total amount extracted over any time period does not exceed 3,000 m<sup>3</sup> from one site unless a resource consent is received under Rule PRA.4(iii)
  - Where the site is no longer used for such purposes, visual impacts shall be mitigated by planting or other appropriate landscaping.
- (b) Where material is extracted or displaced in the process of investigative or explorative work in respect of mining or other works requiring geological information, the following shall apply:
  - Volume displaced shall not exceed 200 m<sup>3</sup> per 5 hectares for pits and 1,000 m<sup>3</sup> per 5 hectares for trenches
  - Areas disturbed by such activities shall be progressively restored and rehabilitated to a standard not less than that previously existing.
- (c) That all such activities shall
  - avoid adverse effects on water courses or continually flowing water bodies of at least 1 metre in width;
  - avoid adverse effects on land stability;
  - comply with all other relevant rules of this Plan.

- (d) That this rule does not apply to any waste disposal activity permitted or provided for by the Regional Waste Plan, or a consent granted under that Plan.
- (e) There is no significant risk of erosion or slope instability on the site to be disturbed.
- (f) That this rule does not apply to the maintenance of existing drainage ditches.

**Reason**

*The adverse effects of small scale soil displacement activities are generally minimal. Long term visual effects can be mitigated by appropriate plantings.*

**(ii) Restricted Discretionary Activities**

Any activity (other than those activities permitted under (i) above) involving the recontouring of land and earthworks on private property where:

- (a) any cut or fill that is more than 2 metres in height or depth; and/or
  - (b) the area of recontouring is more than 2 hectares within any 12 month period,
- is a restricted discretionary activity,

**PROVIDED THAT:**

- this rule does not apply to any activity that only contravenes (a) above for 10% or less of its total length of cut or fill batters where a 3 metre cut or fill batter is not exceeded.
- this rule does not apply to forestry roading in the Plains and Hills Resource Areas, which is a permitted activity (the environmental effects of this roading are dealt with under Rule PRA.6(c).

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

The effects on cultural or heritage values of the site;

- The effects of noise and dust emission;
- The extent, timing, and duration of bare ground;
- The location, timing of construction, design, and density of earthworks including roads, tracks, or landings;
- The re-establishment of an appropriate vegetation cover;
- The disposal and stabilisation of waste material or fill;
- The effects on:
  - (i) any continually flowing water bodies of at least one metre in width,

- (ii) any wetland or lake identified in Schedule 6.14 - Significant Wetland and Wildlife Habitats,
- (iii) any other wetland or lake 8 hectares or greater,
- (iv) any waterbody within those water supply catchments identified on the Planning Maps.

- Measures to avoid, remedy, or mitigate:

- (i) loss of or damage to soil; and
- (ii) damage to riparian vegetation or soil; and
- (iii) damage to animal or plant communities;
- (iv) visual effects.

**Reason**

*These activities can have a significant effect in terms of stability, runoff, and visual impact, and consequently control of these effects is required.*

**(iii) Discretionary Activities**

- (a) Any activity that does not comply with (i) and (ii) above is a discretionary activity
- (b) Except as provided for under (i) and (ii) above, any activity whose effect is to displace soil, sub soil or rock for the purpose of extracting or investigation into extraction of minerals (as defined by the Crown Minerals Act 1991), topsoil and peat from the ground and for the construction of tunnels is a discretionary activity.

An application under this rule in addition to the information required under Rule APP.1 shall include a Management or Operation Plan in such detail as corresponds with the scale and significance of the actual or potential effects.

The following matters will be considered in any assessment of such an activity;

- (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.
- (f) Engineering structures.

- (g) Hours of operation.
- (h) Transportation and access requirements.
- (i) The effects of noise, vibration, dust and smell.
- (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**

*While activities of this nature are generally site specific, the effects of such operations can be quite significant. Discretionary status enables Council to refuse consent where it is not satisfied all adverse impacts have or will be mitigated or avoided.*

**Rule PRA. 5 - Land Use Effects on Water**

In carrying out any activity, resource users shall adopt the best practicable option to minimise any adverse effects on water quality, associated habitat, riparian vegetation, and the stability of the banks of any waterbody

**PROVIDED THAT**

- (a) the removal of vegetation adjacent to the bank of any natural water course, planted for commercial purposes prior to the date of notification of this Plan is a permitted activity provided the effect on that water body and its associated habitat is mitigated.
- (b) Except as otherwise provided for in (a) above, the removal of vegetation (other than undesirable weeds or plants, and vegetation removal required to give effect to consents under this Plan or any other Plan developed under the Act) within five metres of any natural water course or within two metres of any continually flowing water body of at least one metre in width up to three metres in width is a restricted discretionary activity.

Council shall restrict the exercise of its discretion to the effects the activity may have on the values of the waterbody and its associated habitat.

Unless Council determines otherwise for cultural, recreational or economic reasons, any application made under this rule will not be notified and will not need the written approval of affected persons.

- (c) The removal of vegetation by over grazing or mob stocking within 5 metres of any natural watercourse of 3 metres width or greater, or within 2 metres of any permanently wet or continually flowing water body of between 1 to 3 metres in width, shall be a restricted discretionary activity”.
- (d) 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 Schedule 6.14 Significant Wetland and Wildlife Habitats, or any other wetland or lake of 8 hectares or greater in area

See also Method PRA.4 Appropriate Land Management Practices.

**Reason**

*Land use activities have been found to have significant effects on water resources. These rules require resource users to adopt the best practicable option available to minimise those effects and enables a flexibility in land management practices, determined by the particular environment affected and the significance of both the effect and the receiving environment.*

*Stronger controls in respect of vegetation removal have been imposed, as riparian vegetation acts as a buffer zone filtering nutrient and soil runoff, stabilises banks and provides habitat. The rule does, however, recognise existing plantation of commercial crops and allows for their removal provided effects on significant water bodies are minimised.*

**Rule PRA.6 - Land Use Effects on Soil**

- (a) In carrying out any activity, resource users, subject to (b) and (c) below, shall adopt the best practicable option to avoid or mitigate the following effects;
  - Erosion and instability
  - Nutrient loss
  - Soil compaction
  - Spread of undesirable weeds, including wilding pines in areas of indigenous vegetation.

**Reason**

The matters listed above are identified as the most significant effects on the soil resource that can occur through inappropriate land management practises. It is acknowledged and accepted that most activities may produce a slight degree of one or all of the above effects. The aim of this performance standard, however, is to ensure that rural land management practises are developed that do not put large or significant areas of soil at risk from these effects.

- (b) Where an area of ground exceeding 30° slope has been made bare by the removal of vegetation that area of bare ground shall be substantially revegetated or otherwise protected from soil erosion as soon as practicable and in no case later than twelve months after the disturbance, unless such removal is necessary to conform with, or carry out a permitted activity or to give effect to a consent granted under this Plan or any other Plan developed under the Resource Management Act.

**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.

- (c) 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; and
  - all areas of fill including any formation surface overlying fill but excluding side casting shall be compacted; and
  - fill batters shall be constructed and vegetated where appropriate, 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 PRA.7 - Signs**

**(i) Permitted Activities**

Signs that conform with the standards required under subsection (iv) of this Rule, and Section 3.11 Signs.

**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.

**(ii) Controlled Activities**

Signs that affect a road and do not conform with Rule PRA.7(iv) provided consent of the relevant roading authority is received.

**Reason**

Where the road controlling authority is satisfied a non-conforming sign will have no adverse effect on the safety and efficiency of the road, consent can be given subject to conditions.

**(iii) Discretionary Activities**

- (a) Signs not exceeding 0.6 m<sup>2</sup> for directional or advance warning purposes.
- (b) Signs that do not conform with Rule PRA.7(iv). In assessing an application under (i) and (ii) of this rule Council shall have regard to the following:
- road alignment
  - proximity of intersections
  - location of traffic advisory or regulatory signs
  - general road conditions
  - alternative locations
  - need for the sign.

**Reason**

Advance warning signs can be appropriate in certain circumstances.

**(iv) Signs Standards**

Signs (except as provided for in (iii) above) shall:

- be situated on the property to which they relate
- not exceed a total of 3 m<sup>2</sup> in area
- be 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
- not be constructed using retroreflective material unless it is necessary, flashing or animated signs, including those employing revolving lights, and
- business signs may be illuminated when the premises are open for business.

**Reason**

*Except as provided for in this rule, 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.*

**Rule PRA.8 - Noise Standards**

- (a) The relevant provision of Section 3.12 Noise shall apply unless otherwise stated by these rules.
- (b) Corrected noise levels (L<sub>10</sub>) at the boundary of a site shall not exceed 60 dBA provided that corrected noise levels (L<sub>10</sub>) shall not exceed the following limits at the boundary of any Urban Resource Area or at the notional boundary of any residential, hospitality, tourist, educational or health activity site located in the Plains Resource Area:

Monday to Friday	
7.00 am to 10.00 pm	L <sub>10</sub> - 50 dBA
Saturday	
7.00 am to 6.00 pm	L <sub>10</sub> - 50 dBA
At all other times	
(including public holidays)	L <sub>10</sub> - 40 dBA

“Notional boundary” means a line 20 metres from the facade of any building used for residential, hospitality, tourist, educational or health activity, or the legal boundary of the site on which the building is located where the boundary is closer to the building than 20 metres.

- (c) Where an activity is established and a new activity locates where it will be affected by the 60 dBA noise maximum level, it shall be the responsibility of the developer of a 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.

**Reason**

*These noise levels have been established by Council's 1993 Noise Study of the District. Standard (c) 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 PRA.9 - Site Requirement**

All activities and structures in these Resource Areas shall comply with the following site requirement:

- (a) The site associated with the activity or structure shall be of sufficient area and capability to dispose of effluent safely on site and without affecting water quality.

Or if the disposal is to be on a site removed from where the effluent is generated then the receiving site shall meet the criteria identified above.

**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. Certain methods of disposal are culturally offensive to both Maori and Pakeha.*

- (b) A potable supply of water is provided adequate to the needs of the occupier.
- (c) No uneconomic extension or development of Council's 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.*

- (d) There shall be no adverse effect on the character or values of any natural or cultural heritage site listed at Schedules 6.8, 6.12 and 6.13.

**Reason**

*Buildings and structures can have an adverse impact on the value of natural heritage sites. Excavations for foundations and so forth can also disturb cultural heritage sites.*

- (e) Any buildings or structures shall be located, where possible and practicable, to minimise its visual impact on the rural amenity, particularly on any skyline when viewed from a public place.

**Reason**

*The visual amenity of the Rural Area can be significantly affected by buildings and structures. Careful siting of buildings can minimise the impact.*

- (f) Where the site of a building or structure (excluding a roadside stall) adjoins the site of a residential, hospitality, tourist, educational or health related activity, the bulk and location requirements set out in Rule URB.5 and Rule IND.3 shall apply.

- (g) 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 apply.

- (i) **Height** - maximum of 12 metres
- (ii) **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.

**Reason**

*The bulk and location requirements set out in Rule URB.5 and Rule IND.3 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 created 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.*

- (h) Where buildings, structures or stockpiles of materials front State Highways or underwidth roads, the following standards apply:
- (i) Where buildings, structures or stockpiles of materials, front a State Highway a minimum front yard of 6 metres shall be provided except for road stalls where the set back shall be increased to 30 metres.

- (ii) Where buildings or structures front an underwidth road, a minimum front yard of 14.5 metres measured from the original centreline of the road shall be provided. Council may, on written application from the owner, vary this front yard requirement, if it is satisfied that road widening is unlikely to be required in the foreseeable future and that any such reduction shall not interfere with traffic visibility or constitute a traffic hazard. In any application under this rule the owner shall provide documentary evidence that there is no existing building line restriction relative to the particular site.

**Reason**

*State Highways generally have a greater flow of traffic and in Rural Resource Areas, the speed limit will be high. A 6 metre set back will ensure better visibility along the road edge.*

*The restriction on underwidth 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.*

- (i) 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 road frontages.

**Reason**

*Development or structures on intersections impairs vision of oncoming traffic and can greatly affect traffic safety.*

- (j) Access, parking and road construction shall be provided in accordance with **Section 3.2.5 Transportation** of this Plan.
- (k) All loading areas shall be so located that no vehicle or machinery engaged in any loading or unloading operation shall stand on or be required to manoeuvre on any part of the road reserve.

**Reason**

*Unloading and loading vehicles can have a significant effect on the safety and efficiency of the roading network. Consequently such activities occur clear of the road reserves.*

### **Rule PRA.10 - Financial and Reserve Requirements**

Any development of a value in excess of \$500,000 shall be liable for a contribution in terms of Section 3.7 Financial Contributions and Reserve Requirements. Council retains a discretion as to whether it will charge any such contribution.

### **Rule PRA.11**

Any development on any Crown land as provided for by Section 4 of the Act.

#### **Reason**

*These areas are generally environmentally sensitive and a full consideration of effects is required.*

*The provision is directed towards the establishment of concessions within areas of public land administered by the Crown.*

### **Rule MRA.1 - Structures and Buildings**

#### **Mountain Resource**

All structures and buildings that are visible from any public road or place (which includes esplanade reserves, marginal strips and public land) are controlled activities provided all relevant rules and performance standards of this Plan are complied with and are controlled in respect of the following:

- Siting of the structure in relation to any skyline, any physical feature, or natural character of the area
- Design in respect of any structures visual obtrusiveness
- The removal of vegetation
- Earthworks.

#### **Reason**

*The effects of structures on the visual amenity and soil stability can be mitigated by the imposition of appropriate conditions.*

### **Rule MRA.2 -Wilding Trees**

Planting of the following species in the Mountains Resource Area

- Scots Pine                      Pinus sylvestris
- Corsican Pine                Pinus nigra, subsp laricio
- Douglas Fir                    Pseudotsuga menziesii
- All larches                      Larix species

is a restricted discretionary activity provided all relevant rules and standards of this Plan are complied with.

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

- Wilding Trees Risk Assessment.
- Wilding Trees Management Plans.
- Location, plantation configuration and species selection to avoid Wilding Tree spread.
- Setback from adjoining properties.
- Shading of roads.
- Protection of riparian and wetland areas.
- The location of access roads, tracks and earthworks.

### **Rule MRA.3 - Prohibited Trees**

Except as provided for by Rule MRA.3a planting of the following species in the Mountains Resource Area

- Lodgepole pine              Pinus contorta
- Mountain Pine              Pinus mugo and its subspecies uncinata
- Grey Willow                 Salix cinerea
- Crack Willow                Salix fragilis
- Sycamore                      Acer pseudoplatanus

is a prohibited activity

### **Rule MRA.3a - Crack Willow**

1. The planting of Crack Willow (*Salix fragilis*) for the purpose of the repair and/or maintenance of existing soil conservation and river protection works undertaken pursuant to the Soil Conservation and Rivers Control Act 1941 by Southland Regional Council is a permitted activity in each of the river reaches shown on the maps in Schedule 6.24, provided the planting is sourced from that reach.
2. For the purposes of this rule repair and/or maintenance includes lopping and layering (the process of felling existing trees on the ground while maintaining an adequate connection with the stump such that vigorous regrowth is encouraged), retrieval and replanting or removing whole trees to fill gaps in river edge protection as a result of flood events.

#### **Reason**

*Crack Willow (*Salix fragilis*) is only to be used by the Southland Regional Council within the reaches and shown on the maps in Schedule 6.24 where it already exists. No tree will be transported to another catchment or to those parts of the catchment where it does not already exist or where through consultation with river management liaison groups the decision has been to eradicate and/or use other species or means for management of their river control problems.*

As part of the river management programmes that use Crack Willow (*Salix fragilis*), Southland Regional Council manages any escaped or unwanted growth with annual programmes of chemical application. These programmes have a long term funded commitment to prevent build-up of unwanted vegetation within the flood fairways which by default eradicate any unwanted growth and/or escape of Crack Willow (*Salix fragilis*) from installed river edge erosion protection works.

### **Method PRA.1 - Research**

In conjunction with Invercargill City Council, Gore District Council and the Southland Regional Council, to investigate the effects land use is having on groundwater.

#### **Reason**

*There is a great deal of concern in the District that land use activities are adversely affecting ground water supplies. Before any formal action is taken, the territorial and regional authorities of the Southland Region propose to investigate this issue. Until these investigations indicate that currently held concerns are invalid, Council will adopt a precautionary approach in assessing proposals.*

### **Method PRA.2 - Conservation of Indigenous Vegetation**

Refer Rule HER.3 and Method HER.9 of this Plan.

### **Method PRA.3 - Monitoring**

Council intends to develop a monitoring framework to assess whether these objectives, policies, methods, rules are having the desired effect. This framework will be developed in conjunction with other territorial authorities of the District, and relevant Government Departments.

#### **Reason**

*Council needs to establish that the approach taken in this Plan is promoting the sustainable management of the rural environment. As a number of organisations have a role in this issue, it is considered appropriate that all organisations co-operate on this matter to reduce the burden on any one group.*

### **Method PRA.4 - Appropriate Land Management Practices**

In assessing the options available under Rule PRA.4 (Soil Displacement), Council encourages resource users to recognise the following practices which minimise the adverse effects of land use activities on water bodies:

- activities that intensively use land within 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 where practicable or possible
- 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
  - (a) into any water body, coastal water, or
  - (b) 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: NZFOA “Code of Practice for the Use of Pesticides in Plantation Forest Operations”
- 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 offal pits, involving discharges to land or water.

#### **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.*

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

### **Method MRA.1 - Education and Promotion**

Council will encourage the development of education programmes and land management guidelines for the Mountains Resource Area to reduce the effects activities can have on the:

- flooding
- soil stability
- water quality
- establishment and distribution of Wilding Trees.

### **Reason**

*A number of organisations including the Southland Regional Council, Minister of Agriculture and Fisheries, Federated Farmers, Department of Conservation etc all have a role to play in the management of the Mountains Resource Area. Education and development of industry accords are seen as the most practical and effective method to reduce the adverse effects of activities in these areas.*

## **2. - ANTICIPATED ENVIRONMENTAL RESULTS**

- (a) Maintenance of the open-space and natural amenity values of the District.
- (b) Reduced impact on the District's water and soil resource.
- (c) Minimal adverse effects on the amenity values and public roads of the District from buildings and structures.
- (d) Retention of significant indigenous vegetation and habitats.