

## Section 3.5 Fiordland/Rakiura Zone

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The Fiordland/Rakiura Zone encompasses the Fiordland and Rakiura National Parks and part of Mt Aspiring National Park. It also includes areas of privately owned land which adjoin the National Parks, the District's off shore islands and conservation land that adjoins the National Parks. The Zone is recognised for its outstanding natural and wilderness qualities, of particular note are those parts of the Zone within the Fiordland, Rakiura and Mt Aspiring National Parks. The Fiordland/Rakiura Zone affords aesthetic, ecological, landscape, open space, recreational and amenity values and many areas of the Zone also have cultural and historic associations. The Zone forms part of the District's coastal environment with all off shore islands including Stewart Island/Rakiura and those parts of Fiordland subject to coastal processes identified as being within the Coastal Environment. The Fiordland/Rakiura Zone supports largely unmodified areas of significant indigenous vegetation and significant habitats of indigenous fauna and is identified in the District Plan as being an area of Outstanding Natural Features and Landscapes. Fiordland is recognised as internationally significant by UNESCO as Te Wahipounamu South West New Zealand World Heritage Area.

In contrast to Rakiura National Park, Fiordland National Park supports nationally and regionally significant infrastructure. This includes the Manapouri Power Station and

State Highway 94 - the 'Milford Road'. It also contains the only established settlement in the Fiordland/Rakiura Zone, Milford, which is located at Milford Sound/Piopirotahi which acts as a key tourist hub servicing large numbers of visitors to Fiordland National Park.

Inappropriate subdivision, land use and development activities can compromise the natural and wilderness qualities of the Zone and the outstanding qualities of the National Parks. Subdivision, land use and development activities should give particular consideration to the protection of significant indigenous vegetation and habitats of indigenous fauna, the preservation of natural character, the protection of outstanding natural features and landscapes and the relationship of tangata whenua with the area. Areas in the Fiordland/Rakiura Zone on Stewart Island/Rakiura contain land held by Māori under the Te Ture Whenua Māori Act 1993 including South Island Landless Natives Act 1906 (SILNA) land. Council recognises the purpose of granting the land held by Māori under the Te Ture Whenua Māori Act 1993 including SILNA land so that the grantees might provide for their own support and maintenance.

Through the Zone provisions, Council recognises different thresholds for activities within and activities outside of, the National Parks. While activities within the National Parks are managed by Council under the District Plan, they are also administered by the Department of Conservation under the National Parks Act 1980 and Conservation Act 1987 and more specifically, the Mainland Southland/West Otago Conservation Management Strategy, the Fiordland National Park Management Plan, the Stewart Island/Rakiura Conservation Management Strategy and the Rakiura National Park Management Plan.

Council recognises the Department of Conservation's role within this resource management framework. Council acknowledges that activities and works of the Crown can be undertaken within the boundaries of any area of land held or managed under the Conservation Act 1987, so long as it is consistent with the relevant Conservation Management Strategy or National Park Management Plan and will not give rise to significant adverse effects beyond the boundary of the area of land.

### Objective FRZ.1

The natural and wilderness qualities of the Fiordland/Rakiura Zone are maintained.

## **Objective FRZ.2**

The outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks and Te Wahipounamu Southwest New Zealand World Heritage Area are protected.

### **Policy FRZ.1**

Avoid subdivision in the Fiordland, Rakiura and Mt Aspiring National Parks.

**Explanation:** Subdivision, including the creation of new Computer Freehold Registers and boundary adjustments, can provide a framework for future development. Further development within the Fiordland, Rakiura and Mt Aspiring National Parks could have significant adverse effects on the outstanding natural and wilderness qualities. In particular on significant indigenous vegetation and habitats of indigenous fauna, natural character and outstanding natural features and landscapes. Therefore Council considers the prohibition of subdivision an appropriate mechanism to restrict further development.

### **Policy FRZ.2**

Avoid, remedy or mitigate the adverse effects of land use and development on the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks and Te Wahipounamu Southwest New Zealand World Heritage Area.

**Explanation:** The Fiordland, Rakiura and Mt Aspiring National Parks and Te Wahipounamu Southwest New Zealand World Heritage Area are recognised and renowned for their outstanding natural and wilderness qualities, in particular their significant indigenous vegetation and habitats of indigenous fauna, their natural character and their outstanding natural features and landscapes. In order to protect these qualities, the adverse effects of land use and development should be avoided where possible or mitigated. Careful consideration should be given to the design, nature and location of activities and the way in which they integrate and respect the outstanding natural and wilderness qualities. This Policy relates to activities within National Parks and the World Heritage Area.

### **Policy FRZ.3**

Avoid, remedy or mitigate the adverse effects of subdivision, land use and development in the Fiordland/Rakiura Zone in areas outside of the Fiordland, Rakiura and Mt Aspiring National Parks.

**Explanation:** Council recognises that the characteristics of the areas within the Fiordland/Rakiura Zone, outside of the Fiordland, Rakiura and Mt Aspiring National Parks, are locally distinctive and differ from those of the National Parks. Some subdivision, land use and development activities in these areas may be appropriate, however, they should be in keeping with the natural and wilderness qualities of the Zone.

### **Policy FRZ.4**

Avoid, remedy or mitigate the adverse effects of buildings and structures in the Fiordland/Rakiura Zone.

**Explanation:** Buildings and structures within the Fiordland/Rakiura Zone can give rise to adverse effects on the environment, including effects on natural character, landscape and ecological values. They can also compromise the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks.

All buildings and structures should demonstrate their need to be located within the Zone and the examination of alternative locations undertaken. The design and location of buildings and structures,

including construction methods, should be responsive to their context and integrate and reflect the characteristics of the site and wider environment. This includes the siting and scale of buildings and structures and their associated curtilage, utilities, access, signage, earthworks and landscape plantings.

### **Policy FRZ.5**

Avoid, remedy or mitigate the adverse effects of earthworks within the Fiordland/Rakiura Zone.

**Explanation:** Earthworks within the Fiordland/Rakiura Zone can give rise to a range of adverse effects, including effects on slope and soil stability, biological diversity, visual amenity and water quality and historic heritage. Potentially, these effects could have a significant impact on the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks. Earthworks should be managed through the implementation of a robust methodology and works supervision procedures. Particular attention should be given to appropriate site remediation, including revegetation and landscaping.

### **Policy FRZ.6**

Have particular regard to any relevant Conservation Management Strategy and National Park Management Plan for activities within land managed by the Department of Conservation.

**Explanation:** It is important for decisions made under the District Plan to be made in the context of other management plans applicable to the land the activity is on and therefore consideration should be given to any relevant Conservation Management Strategy or National Park Management Plan.

### **Policy FRZ.7**

Recognise the recreational opportunities and recreational values associated with the Fiordland/Rakiura Zone.

**Explanation:** The Fiordland/Rakiura Zone and in particular the Fiordland, Rakiura and Mt Aspiring National Parks, are renowned for their range of recreational opportunities and associated recreational values. Recreational and open space opportunities promote a sense of place and identity and support public health and wellbeing.

They can also increase awareness of the outstanding natural and wilderness qualities of the National Parks, the natural character, ecological and landscape values of the area and promote the 'visitor experience'. However, increased tourism and recreational use may also compromise these qualities and values and it may be appropriate to restrict activities and access to some areas, particularly vehicle access, to preserve or protect these qualities and values.

### **Policy FRZ.8**

Recognise the importance of the development, operation, maintenance and upgrading of infrastructure, particularly nationally and regionally significant infrastructure and renewable electricity generation facilities whilst avoiding, remedying or mitigating the adverse effects of infrastructure on the environment.

**Explanation:** Infrastructure, particularly regionally significant infrastructure and renewable electricity generation facilities fulfil a key role in the functioning of the District and may have a functional, technical or operational requirement to be sited within the Fiordland/Rakiura Zone. These types of development and land use activities can give rise to adverse effects on the environment, including effects on natural character, landscape and ecological values. They can also potentially compromise the outstanding natural

and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks. These development and land use proposals should demonstrate need to be located within the Fiordland/Rakiura Zone and an examination of alternative locations should be undertaken.

### Policy FRZ.9

Recognise the purpose of land held by Māori under the Te Ture Whenua Māori Act 1993 including the South Island Landless Natives Act 1906 (SILNA) when considering subdivision, land use and development proposals within the Fiordland/Rakiura Zone that relate to Māori land.

**Explanation:** Areas of the Fiordland/Rakiura Zone on Stewart Island/Rakiura contain land held by Māori under the Te Ture Whenua Māori Act 1993 including SILNA land, most of which is under indigenous forest cover. Maori and SILNA land was transferred to South Island Māori as economic redress after land purchase agreements left some sections of the South Island Māori population with insufficient land to support themselves.

### Fiordland/Rakiura Zone Rules

The following district-wide Sections of the District Plan may apply in addition to any relevant Fiordland/Rakiura Zone Rules to activities undertaken in the Zone. If one or more of the district-wide rules is breached, the activity will require consent in respect of those rules:

- Biodiversity - Section 2.2
- Historic Heritage - Section 2.5
- Subdivision - Section 2.6
- Waste, Hazardous Substances and Contaminated Land - Section 2.8
- Energy, Minerals and Infrastructure - Section 2.9
- Noise - Section 2.11
- Signage - Section 2.12
- Water and Surface Water Activities - Section 2.13
- Financial Contributions - Section 2.14.

### Rule FRZ.1 - Permitted Activities

The following activities are **Permitted Activities** within the Fiordland/Rakiura Zone provided that they meet the General Fiordland/Rakiura Zone Standards:

1. The operation, maintenance, refurbishment, enhancement and minor upgrading of any existing renewable electricity facilities including the clearance, modification or removal of indigenous vegetation required to ensure the safety and integrity of the facility.
2. (1) Earthworks that:
  - (a) In any 12 month period, do not exceed, the disturbance of more than 200 m<sup>3</sup> (volume) of land per property; and
  - (b) (i) greater than 20 metres from a waterbody that do not alter the existing ground level by more than 5 metres in depth or 2 metres in height;
  - (ii) within 20 metres of a waterbody that do not alter the existing ground level by more than 2 metres in depth or height;are permitted provided that the activity:
  - (i) shall not be undertaken at an elevation greater than 700 metres above mean sea level, with the exception of earthworks ancillary to fencing activities;

- (ii) shall not be undertaken on slopes of more than 20° except cultivation, or domestic gardening; and/or cause slope instability;
  - (iii) shall protect any stockpiles of material and all areas of bare ground created by the activity from soil erosion as soon as practicable;
  - (iv) shall not be undertaken within 5 metres of any water body, including wetlands and coastal water, or flood protection works, except cultivation of a field or domestic gardening;
  - (v) shall not be undertaken on a contaminated or potentially contaminated piece of land unless it is in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Schedule 5.8;
  - (vi) does not affect any archaeological site identified on the District Plan maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 or confirmation is provided that no archaeological authority is required.
- (2) Earthworks within a riparian margin that:
- (a) The volume of earthworks in the riparian margin must not exceed 25 m<sup>3</sup> and must not include the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin, per property.
  - (b) Earthworks are carried out such that:
    - (i) trenches for the purpose of installing pipes, lines or cables are backfilled and compacted within 48 hours of excavation; and
    - (ii) all areas of bare ground created by the activity are protected from soil erosion as soon as practicable.

**Note:** Southland Regional Council also has requirements regarding activities in close proximity to water bodies. Please check the Regional Water Plan to ensure compliance with these is achieved.

3. Any activity or work of the Crown within the National Park or Public Conservation Land that is consistent with the relevant Conservation Management Strategy or National Park Management Plan and will not have a significant adverse effect beyond the boundary.
4. Any recreational activity that is permitted in the National Park by the relevant Conservation Management Strategy or National Park Management Plan.
5. Intermittent aircraft departures and landings that do not meet the definition of an airport under the Resource Management Act.
6. Visitor Accommodation (involving five or less paying guests) outside of a National Park.

### Rule FRZ.2 - Controlled Activities

One dwelling or building on an area of land which existed in one or more Computer Freehold Registers as at 28 November 2012, are Controlled Activities, provided that:

1. The clearance, modification or removal of indigenous vegetation does not exceed a maximum of 500 m<sup>2</sup> or 40% of the land area, whichever is the lesser.
2. The height does not exceed either:
  - (a) 7.5 metres above ground level within the 'Stewart Island/Rakiura Transitional Overlay'; or
  - (b) 6 metres above ground level elsewhere
3. The floor area does not exceed 200 m<sup>2</sup>, except within the Stewart Island/Rakiura Transitional Overlay.

- External building materials and colours are to be recessive with a maximum reflectance value of 40%. (Note: this does not apply to glazing, natural or stained timber, solar panels or building trims such as the fascia boards, soffits, and window frames).

The matters over which Council reserves its control are:

- The location and visual impact of any building, structure or dwelling on Outstanding Natural Features and Landscapes.
- The material and external finishing to be used in the construction of the dwelling or building.
- The effects of artificial lighting on the Stewart Island / Rakiura (excludes offshore islands) night sky.
- The setbacks of any building, structure or dwelling from surrounding water bodies.
- The impacts of any building, structure or dwelling on significant indigenous biodiversity.
- Effects of associated earthworks.
- The risk of natural hazards.

### Rule FRZ.3 - Discretionary Activities

The following activities are **Discretionary Activities** within the Fiordland/Rakiura Zone:

- Any dwelling or accessory building, and associated earthworks, within the Stewart Island/Rakiura Transitional Overlay that does not meet the criteria outlined in Rule FRZ.2.
- Any activity or work of the Crown within the boundaries of a National Park and public conservation land that is not consistent with the relevant Conservation Management Strategy or National Park Management Plan.
- Within areas identified in Schedule 5.5 as the Stewart Island/Rakiura Airport Approach Vectors:
  - Any activity that would prejudice the safety and satisfactory conduct of the operations of Stewart Island/Rakiura Airport by virtue of the emission of smoke, dust, glare or electrical interference or by attracting birds.
  - Any structures exceeding the heights specified by the approach vectors.
- Temporary Events.
- Coastal Protection Works.
- Any activity that does not meet the permitted activity criteria of Rule FRZ.1.

### Rule FRZ.4 - Non-Complying Activities

Any activity that is not listed as a Permitted, Controlled or Discretionary Activity is a **Non-Complying Activity**.

### Rule FRZ.5 - General Standards

All activities within the Fiordland/Rakiura Zone shall comply with the following general standards:

#### 1. Noise

Except as provided in Rule NSE.3 and Rule NSE.4 to Rule NSE.11, noise from all activities shall not exceed the following limits:

*Table 13 Noise from all activities shall not exceed the following limits*

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	LAeq (15 min)	LAF,max	LAeq (15 min)	LAF,max

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	When measured at the boundary of any property zoned:			
Fiordland/Rakiura Zone	40 dB	65 dB	30 dB	55 dB

**Note:** The day time noise limits are intended to provide amenity for outdoor activities.

Night time noise limits are intended to allow for sleep amenity.

The National Park Management Plans also contain noise limits which should be referred to, to ensure compliance with these is achieved. Where an activity shares a boundary with another Zone the activity must comply with the more restrictive noise limit.

**2. Transportation Standards including Access**

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 - relating to carparking numbers, dimensions, access, loading and manoeuvring.

**3. Signage**

The relevant signage standards as set out in Section 2.12 - Signage.

**4. Lighting**

Lighting on Stewart Island / Rakiura (excludes offshore islands), with the exception of lights for maritime and aviation navigational aids, shall meet the following:

- (a) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.
- (b) Artificial lighting colour that is 'warm white' (being equal to or less than 3000 correlated colour temperature only).

Note: lights for navigation aids are to comply with Maritime and Civil Aviation regulations and bylaws and are not required to comply with this rule.

