

SECTION 7 - RURAL ZONE

Rules shaded in yellow have been incorporated following public notification of Plan Change 18 pursuant to Clause 10(5) of Schedule 1 of the Resource Management Act 1991. Plan Change 18 as publicly notified on 24 June 2021 is subject to appeal pursuant to Clause 14 of Schedule 1 of the Resource Management Act 1991.

1 Zone Statement

The Rural Zone comprises the majority of the District, apart from the settlement areas. The Mackenzie Basin Subzone is that land within the Rural Zone identified on the map entitled “Mackenzie Basin Subzone Boundary” contained in the Planning Maps.

The Ostler Fault Hazard Area is an area west of Twizel township which lies within the Mackenzie Basin Subzone. Activities in this area will be assessed against the provisions of the subzone as well as the additional requirements specifically relating to managing fault rupture hazard within the mapped area. This area is identified on Planning Maps 33, 38, 53 and 55.

2 District Wide Rules

The following General Provisions containing District Wide Rules apply in the Rural Zone.

- | | |
|--|------------|
| • Hazardous Substances | Section 10 |
| • Heritage Protection | Section 11 |
| • Signs and Outdoor Lighting | Section 12 |
| • Subdivision, Development and Financial Contributions | Section 13 |
| • Temporary Activities and Buildings and Environmental Noise | Section 14 |
| • Transportation | Section 15 |
| • Utilities | Section 16 |

STATUS OF ACTIVITIES

The Mackenzie Basin Subzone is that land within the Rural Zone identified on the Map entitled “Mackenzie Basin Subzone Boundary” contained in the Planning Maps. All rules in the Rural Zone shall apply to the Mackenzie Basin Subzone unless otherwise stated.

All references to Low Visual Vulnerability, Medium Visual Vulnerability and High Visual Vulnerability areas in these rules are the areas shown in the Areas of Landscape Management map contained in Appendix V.

For the avoidance of doubt, these rules do not apply to utilities which are addressed in Section 16 – Utilities Rules.

The following Clauses 3 to 15A specify the status of activities under the District Plan i.e. Permitted, Controlled, Restricted Discretionary, Discretionary and Non-Complying Activities, for the following activities:

- 3 Buildings
- 4 Earthworks and Tracking
- 5 Factory Farming
- 6 Forestry
- 7 Recreational Activities
- 8 Visitor Accommodation
- 9 Retail Sales
- 10 Mining Activities
- 12 Vegetation Clearance
- 13 Scheduled Activities
- 14 Aviation Activities
- 15 Other Activities (Including farming, but not factory farming).
- 15A Pastoral Intensification and Agricultural Conversion

Any activity which is not provided for in these Rural Zone rules as either a Permitted, Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity shall be a Discretionary Activity.

3 BUILDINGS

3.1 Permitted Activities - Buildings

3.1.1 Any Building outside the Mackenzie Basin Subzone which is not specified as a Controlled Activity, Discretionary Activity or Non-Complying Activity and which complies with all the following standards:

3.1.1.a Height of Buildings

Maximum height of buildings shall be:

- | | | |
|-----|--|-----|
| i | Farm accessory buildings | 15m |
| ii | Emergency Service Facilities buildings | 15m |
| iii | All other buildings | 9m |

3.1.1.b Setback from Roads

Minimum setback from road boundaries shall be:

- i. Buildings greater than 5m² in gross floor area on sites fronting State Highway 8, 79, 80 - 50 metres
 - except that where it is not possible to site a building(s) on an allotment outside the 50 metre setback from the road, and the allotment existed at 1 February 1997, the minimum setback from the road shall be 20 metres;
- ii. Retail buildings on roads other than State Highways - 30 metres;
- iii. All other buildings greater than 5 square metres in gross floor area - 20 metres.
- iv. Emergency Service Facilities buildings - 8m

3.1.1.c Setback from Neighbours

Minimum setback of buildings from internal boundaries shall be:

- i Residential units - 20 metres

except that for allotments less than 2025m² existing at 1 February 1997, the minimum setback of residential units from internal boundaries shall be 2 metres.
- ii For buildings, other than principal residential buildings, designed and/or used for the housing of the following animals:
 - pigs 50m
 - other animals 30m
- iii Emergency Service Facilities buildings - 6m
- iv For other buildings greater than 5m² in gross floor area including non-habitable residential accessory buildings - 6m
- v For other buildings less than 5m² in gross floor area including non-habitable residential accessory buildings - 3m

3.1.1.d **Access**

Each residential unit shall have legal access to a formed road.

Refer also to Section 15 Transportation:

- Rule 2l -Standards of Vehicle Crossings
- Rule 2m - Length of Vehicle Crossings
- Rule 2n - Distance of Vehicle Crossings from Intersections
- Rule 2o - Access onto State Highways

3.1.1.e **Sites of Natural Significance, Scenic Viewing, Scenic Grasslands and High Altitude Areas**

No building shall be erected on:

- Any area identified on the Planning Maps as a Site of Natural Significance.
- Scenic viewing areas or Scenic Grasslands as identified on the Planning Maps
- Any land above 900m in altitude, other than mustering huts less than 50m² in gross floor area.

Exemptions:

This standard shall not apply to any building in a Site of Natural Significance which is provided for in any one of the following mechanisms:

- o Section 76 Reserves Act 1977 Declaration
- o Section 77 Reserves Act 1977 Conservation Covenant
- o Section 27 Conservation Act 1987 Covenant
- o Section 29 Conservation Act 1987 Management Agreement
- o Queen Elizabeth II National Trust Act 1977 Covenant

provided such mechanism:

- protects the significant natural values of the site of natural significance, and
- remains current for the duration of the building, and
- the terms of the mechanism have not been breached, and
- has been lodged with the Council.

3.1.1.f

Riparian Areas

No building shall be erected in a river, wetland or lake or within:

- 20 metres of a bank of a river, or
- 50 metres of a wetland;
- 100 metres of a lake

Exemptions:

This standard shall not apply to any building which is provided for in any one of the following mechanisms:

- o Section 76 Reserves Act 1977 Declaration
- o Section 77 Reserves Act 1977 Conservation Covenant
- o Section 27 Conservation Act 1987 Covenant
- o Section 29 Conservation Act 1987 Management Agreement
- o Queen Elizabeth II National Trust Act 1977 Covenant

provided such mechanism:

- protects the natural character and functioning of the riparian area, and
- remains current for the duration of the building, and
- the terms of the mechanism have not been breached, and
- has been lodged with the Council.

(Refer also 3.2 Controlled Activities and 3.3 Discretionary Activities.)

3.1.1.g

Airport Noise - Setback

No residential activities or visitors accommodation buildings shall be erected within 500m of the boundary of Airport Zones or the boundaries of Aviation Activity Areas identified on Planning Maps at Pukaki Downs, or Tekapo B (in the vicinity of the Salmon Farm) unless such building is sited, oriented and constructed to achieve adequate sound isolation from airport noise. Adequate sound isolation shall be achieved by constructing the building to achieve an indoor sound level of 55 dBA L_{max} and 45 dBA L_{dn} in any habitable space. The indoor design sound level shall be achieved with windows and doors open unless adequate alternative ventilation is provided, used and maintained in operating order.

3.1.1.h

Lakeside Protection Area

No building or extensions to buildings, other than stock fencing, shall be erected in Lakeside Protection Areas identified on the Planning Maps (refer Non-Complying Activities - Rule 3.4.4).

3.1.1.i **Flood Mitigation - Floor Heights/Location**

- i No habitable residential buildings shall be located in areas of 'High Flood Risk'. (Refer Discretionary Activity Rule 3.3)
- ii The minimum floor heights for habitable residential buildings in areas subject to 'Low Flood Risk' shall be 150mm above floodwaters with a 0.2% annual probability of occurring (i.e. 500 year return period flood).
- iii The minimum floor height for all commercial and industrial buildings, other than accessory buildings, farm buildings, or those referred to in 3.1.1(j)(i) and (ii) above shall be 150mm above floodwaters with a 0.5% annual probability of occurring (i.e. 200 year return period flood).

Note: "High Flood Risk", "Low Flood Risk", "Floor Height" are defined in Section 3 Definitions.

Note: To ascertain whether a property falls within a high or low flood risk area it will be necessary to obtain a flood risk assessment from a suitably qualified expert.

3.1.1.j **Flood-Erosion Risk - Kimbell Area**

- i There shall be no residential buildings erected within the area identified as Kimbell Hazard Area on Planning Map 57 - Flood Risk (Refer Rule 3.4.1 Non-Complying Activities - Building)
- ii There shall be no residential buildings erected within the area identified as Kimbell Environs Flood Risk Area on Planning Map 57 - Flood Risk. (Refer Rule 3.3.2 Discretionary Activities - Buildings).

3.1.1.k **Boat Accommodation**

No craft on the surface of the water shall be used for accommodation, other than for overnight accommodation where all effluent is contained on board the craft, except that no craft shall be used for accommodation (including overnight accommodation) on Lakes Alexandrina and McGregor.

3.1.1.l **Flight Protection Areas**

No building structure, mat, pole or tree or other object shall penetrate any of the approach surfaces, horizontal surfaces and the surrounding conical or transitional surfaces shown on the Planning Maps 58 and 59 and described in Appendix M of this Plan.

- 3.1.2 Any farm building within a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone which complies with all the following standards:

3.1.2.a Height of Buildings

Maximum height of farm buildings shall be 15m;

3.1.2.b Setback

- i Minimum setback of buildings from the boundary of the defined Farm Base Areas shall be 20m;
- ii Minimum setback of buildings from state highways shall be 100m; and
- iii Minimum setback of buildings from other roads shall be 20m.

3.1.2.c Reflectivity

The maximum reflectivity index of the exterior of any buildings shall be 40%; except that extensions increasing the floor area of farm buildings existing at 1 August 2009 by up to 50% may be clad in the same material and with the same finish as the existing building.

3.1.2.d Riparian Areas

Rule 3.1.1.f shall apply

Notwithstanding Rule 3.4.4, farm buildings may be erected in a Farm Base Area which is within a Lakeside Protection Area provided they are not located within:

- 20 metres of a bank of a river
- 50 metres of a wetland
- 100 metres of a lake

3.1.2.e Flight Protection Areas

Rule 3.1.1.n shall apply

3.1.2.f Sites of Natural Significance, Scenic Viewing and High Altitude Areas

Rule 3.1.1.e shall apply

3.1.2.g Buildings in Hydro-electricity Inundation Hazard Areas

There shall be no occupied buildings located within a hydro-electricity inundation hazard area identified on the hazard map in Appendix U.

For the purposes of this standard “occupied buildings” means a building in which people reside, occupy or work on a permanent or regular basis; and includes residential accommodation, home occupations, factory farming, wintering barns, herd homes and dairy sheds.

Provided that a building shall be deemed not to be an occupied building if:

- 1) It is demonstrated that the building, will not raise the PIC level (Low, Medium, High) under the Building Act 2004 with the consequence of a requirement to cease to operate, upgrade, modify or replace the hydroelectricity related structures or that it will significantly alter the operation of the affected portion of the hydroelectricity scheme; and
- 2) It is located at least 150 metres from the toe of the embankment of any canal in fill or any dam or associated structure; and
- 3) Is sited within an area of low hazard that would result from any dam breach within a hydro-electricity inundation hazard area; and
- 4) Is designed so that any habitable floor area of any residential structure is a minimum of 300mm above the maximum inundation level that would result from any dam breach; or
- 5) The building is a temporary structure required by the dam owner/operator to give effect to maintenance of any dam and associated structure, and the structure is in place for not longer than 12 months.

For the purpose of this rule:

“Dam” has the same meaning as the Building Act 2004 and includes canals and aqueducts.

“Low Hazard Area” means those areas that result from any dam breach which are subject to inundation where the water depth (metres) x velocity (metres per second) is less than or equal to 1, or where depths are less than 0.5 metre.

3.1.3 Small farm buildings (refer Definitions) outside a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability areas which comply with the following standards:

3.1.3.a **Setback**

Rule 3.1.2.b shall apply

3.1.3.b **Reflectivity**

Rule 3.1.2.c shall apply

3.1.3.c No building shall be erected on Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas or areas above 900m in altitude other than mustering huts less than 50m² in gross floor area above 900m in altitude.

3.1.3.d Farm buildings shall be located either within 50m of an existing building or more than 1km from an existing farm building, other than an existing building in a Farm Base Area.

3.1.3.e **Riparian Areas**

Rule 3.1.1.f shall apply

3.1.3.f **Flight Protection Areas**

Rule 3.1.1.n shall apply

3.1.3.g **Hydro Electricity Inundation Areas**

Rule 3.1.2.g shall apply

3.2 **Controlled Activities - Buildings**

- 3.2.1 Relocated buildings, other than accessory buildings, used for residential purposes to be **relocated** to or within the Rural Zone (excluding the Mackenzie Basin Subzone):

Standards and Terms for Relocated Buildings

- i All the standards in 3.1.1 above shall be complied with.
- ii The Council may require a bond from the consent holder in respect of the performance of one or more conditions of any consent granted, including any conditions relating to the alteration or removal of structures on the expiry of the consent.

Matters Subject to Council's Control

- External appearance of the relocated building.

Non-Notified Application

Any application under clause 3.2.1 will not require the written approval of other persons and shall be non-notified.

- 3.2.2 Large farm buildings (refer definitions) outside a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone Low Visual Vulnerability area.

Standards and Terms

- i Maximum height of 15m;
- ii Minimum setback of buildings from state highways shall be 100m
- iii Minimum setback of buildings from other roads shall be 20m
- iv Minimum setback from internal boundaries shall be 20m
- v No building shall be erected on Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas or areas above 900m in altitude.
- vi Farm buildings shall be located either within 50m of an existing building or more than 1km from an existing farm building, other than an existing building in a Farm Base Area.
- vii Riparian Areas – Rule 3.1.1.f shall apply
- viii Airport Noise – Rule 3.1.1.g shall apply
- ix Flood Mitigation – Rule 3.1.1.i shall apply
- x Flight Protection Areas – Rule 3.1.1.l shall apply
- xi Hydro Electricity Inundation Areas – Rule 3.1.2g shall apply

- xii The maximum reflectivity index of the exterior of any building shall be 40%
- xiii The maximum gross floor area of any single building shall be 550m²

Note: For the avoidance of doubt, this rule does not apply to farm buildings and farm dwellings within the Ostler Fault Hazard Area (refer Rule 3.3.4).

Matters Subject to Council's Control

- External appearance and location within the landscape
- Landscape and visual effects
- Earthworks and planting
- Lighting
- Impacts on natural character including on rare and threatened species
- Servicing and access

3.2.3 Non-farm buildings or extensions to non-farm buildings within defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone which comply with the following standards and terms:

Standards and Terms

- i Maximum height of 8m;
- ii Minimum setback of buildings from state highways shall be 100m
- iii Minimum setback of buildings from other roads shall be 20m
- iv Minimum setback from internal boundaries shall be 20m
- v No building shall be erected on Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas or areas above 900m in altitude as shown on the Planning Maps.
- vi Riparian Areas – Rule 3.1.1.f shall apply
- vii Airport Noise – Rule 3.1.1.g shall apply
- viii Flood Mitigation – Rule 3.1.1.i shall apply
- ix Flight Protection Areas – Rule 3.1.1.l shall apply
- x Hydro Electricity Inundation Areas – Rule 3.1.2.g shall apply
- xi The maximum reflectivity index of the exterior of any building shall be 30%
- xii The maximum gross floor area of any single building shall be 550m²

Matters Subject to Council's Control

- Building location, scale and form;

- External appearance and location within the landscape, including materials and colours;
- Impacts on natural character;
- Accessways;
- Servicing and site works, including earthworks;
- Retaining structures;
- Infrastructure, including water tanks;
- Fencing and gates;
- External lighting;
- Landform modification landscaping and planting;
- Natural hazards

Note: For the avoidance of doubt, this rule does not apply to farm buildings and farm dwellings within the Ostler Fault Hazard Area (refer Rule 3.3.4).

Notification

Any application under clause 3.2.3 will not require the written approval of other persons, service on affected parties and shall be non-notified.

3.3 Discretionary Activities - Buildings

3.3.1 Residential buildings erected in the area identified as Kimbell Environs Flood Risk Area on Planning Map 57 Flood Risk.

3.3.2 Habitable residential buildings in areas subject to 'High Flood Risk',
 Note: "High Flood Risk", is defined in Section 3 Definitions.
 Note: To ascertain whether a property falls within a high or low flood risk area it will be necessary to obtain a flood risk assessment from a suitably qualified expert.

3.3.3 Non-farm buildings outside defined Farm Base Areas (see Appendix R) within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability Areas which comply with the following standards and terms:

Standards and Terms

- i Maximum height of 6m;
- ii Minimum setback of buildings from state highways shall be 100m
- iii Minimum setback of buildings from other roads shall be 20m
- iv Minimum setback from internal boundaries shall be 20m
- v No building shall locate within Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands and High Altitude Areas
- vi Riparian Areas – Rule 3.1.1.f shall apply
- vii Airport Noise – Rules 3.1.1.g shall apply
- viii Lakeside Protection Areas – Rule 3.1.1.h shall apply
- ix Flood Mitigation – Rule 3.1.1.i shall apply

- x Flight Protection Areas – Rule 3.1.1.l shall apply
 - xi Hydro Electricity Inundation area – Rule 3.2.1.g shall apply
 - xii Maximum gross floor area of any single building shall be 550m²
 - xiii The maximum reflectivity index of the exterior of any building shall be 30%
- 3.3.4 Residential buildings (including relocated dwellings) in the Ostler Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).
- 3.3.5 (a) Any Permitted Activity Building outside the Mackenzie Basin Subzone (refer Rule 3.1.1) which does not comply with any one or more of the following standards:
- 3.1.1.a Height of Buildings
 - 3.1.1.b Setback from Roads
 - 3.1.1.c Setback from Neighbours
 - 3.1.1.d Access
 - 3.1.1.e Sites of Natural Significance, Scenic Viewing, Scenic Grasslands and High Altitude Areas
 - 3.1.1.f Riparian Areas
 - 3.1.1.g Airport Noise
 - 3.1.1.i Flood Mitigation - Floor Height/Location
 - 3.1.1.l Flight Protection Areas
- (b) Any Permitted Activity farm building within a defined Farm Base Area within the Mackenzie Basin Subzone (refer Rule 3.1.2) which does not comply with any one or more of the following standards:
- 3.1.2.a Height of Buildings
 - 3.1.2.b Setback
 - 3.1.2.c Reflectivity
 - 3.1.2.d Riparian Areas
 - 3.1.2.e Flight Protection Areas
 - 3.1.2.g Hydro Electricity Inundation Hazard Areas
- (c) Any Permitted Activity small farm building (refer Definitions) within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability areas (refer Rule 3.1.3) which does not comply with the following standards:
- 3.1.3.a Setback
 - 3.1.3.b Reflectivity
 - 3.1.3.d Separation distances
 - 3.1.3.e Riparian
 - 3.1.3.f Flight Protection
 - 3.1.3.g Hydro Electricity Inundation Areas

In considering any Discretionary Activity listed in Rule 3.3.5 the consent authority shall restrict the exercise of its discretion to those matters of non-compliance.

Note – The owner of the relevant Hydro-Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications

lodged in relation to standard 3.1.2.g within the Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under standard 3.1.2.g will not require the written approval of other persons or service on other persons and shall be non-notified.

- 3.3.6 Any Building which does not meet the Standards and Terms for Controlled Activities Buildings.
- i In considering any such Discretionary Activity, except as provided for in ii below the consent authority shall restrict the exercise of its discretion to those matters of non-compliance and to the matters of control listed for the Controlled Activity.
 - ii In considering any such Discretionary Activity arising from non-compliance with Standard 3.1.2.g, the consent authority shall:
 - a Restrict the exercise of its discretion to grant or decline consent to the assessment matters set out in 16.2.n: Buildings and Visitor Accommodation and Retail Sales within Hydro Electricity Inundation Hazard Areas in Appendix U;
 - b Restrict the exercise of its discretion to place conditions on a consent to the assessment matters referred to in clause i. above and to the external appearance and location of buildings within the landscape.

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to standard 3.1.2.g – Hydro-Electricity Inundation Hazard Areas. Except as outlined above, any application under 3.1.2.g will not require the written approval of other persons or service on other persons and shall be non-notified.

- 3.3.7. Large farm buildings outside of a defined farm base area (refer Appendix R) within the Mackenzie Basin Subzone Medium Visual Vulnerability area and all farm buildings outside of a defined farm base area (refer Appendix R) within the Mackenzie Basin Subzone High Visual Vulnerability area, which comply with the follow standards and terms:

Standards and Terms

- i Maximum height of 10m;
- ii No building shall locate within Sites of Natural Significance, Lakeside Protection Areas, Scenic Viewing Areas, Scenic Grasslands and areas above 900m in altitude
- iii Reflectivity - The maximum reflectivity index of the exterior of any building shall be 30%
- iv Farm buildings shall be located either within 50m of an existing building or more than 1km from an existing farm building, other than an existing building in a Farm Base Area.
- v Flight Protection Areas – Rule 3.1.1.l shall apply
- vi Hydro Electricity Inundation Areas – Rule 3.1.2.g shall apply

Matters Subject to Council's Control

In considering this discretionary activity, the authority shall restrict the exercise of its discretion to the following:

- All matters of control in Rule 3.2.2
- Scale of buildings and footprint size
- Whether there are threatened or “at-risk” plants (including those Appendix W) on the building site or within 30m of it.
- Whether the integrity of the ecological components in Appendix X is compromised resulting in adverse impacts on biological diversity and natural character.
- Whether wāhi taonga sites are affected.

3.4 Non-Complying Activities - Buildings

- 3.4.1 Residential buildings erected within the area identified as Kimbell Hazard Area on Planning Map 57 - Flood Risk.
- 3.4.2 Craft on the surface of water used for accommodation, other than overnight accommodation where all the effluent is not contained on board the craft.
- 3.4.3 Notwithstanding 3.4.2, craft used for accommodation (including overnight accommodation) on Lakes Alexandrina and McGregor.
- 3.4.4 All farm and non-farm buildings and extensions of these buildings within the Mackenzie Basin Subzone within the following areas identified on the Planning Maps:
- Sites of Natural Significance
 - Scenic Viewing Areas
 - Scenic Grasslands
 - Lakeside Protection Areas
 - Land above 900m in altitude, other than mustering huts less than 50m² in area
- 3.4.5 Non-farm buildings and extensions of these buildings outside of a defined Farm Base Area (refer Appendix R) within the Mackenzie Basin Subzone High Visual Vulnerability area.
- 3.4.6 Non-farm buildings outside of a defined Farm Base Area within the Mackenzie Basin Subzone Low and Medium Visual Vulnerability areas which do not comply with the standards in rule 3.3.3.
- 3.4.7 Large farm buildings outside of a defined Farm Base Area (refer Appendix R) within the Mackenzie Basin Subzone Medium Visual Vulnerability area and all farm buildings outside of a defined farm base area (refer Appendix R) within the Mackenzie Basin Subzone High Visual Vulnerability area which do not comply with the standards in Rule 3.3.7

3.5 Prohibited Activities - Buildings

- 3.5.1 **Amenity Tree Planting** – It is a Prohibited Activity for which no resource consent will be granted to plant the following species within a Farm Base Area:
- *Pinus contorta* (Lodgepole Pine)
 - *Pinus nigra* (Corsican Pine)
 - *Pinus muricata* (Bishops Pine)
 - *Pinus sylvestris* (Scots Pine)
 - *Pseudotsuga menziesii* (Douglas Fir)

4 EARTHWORKS AND TRACKING

4.1 Permitted Activities - Earthworks and Tracking

4.1.1 Any earthworks or tracking involving excavation and/or fill 300m³ or less, or bare exposed soil 1000m² or less which complies with all the following standards:

4.1.1.a **Earthworks in Sites of Natural Significance**

No earthworks in Sites of Natural Significance shall exceed:

- 20m³ (volume) per hectare in any continuous 5 year period, or
- 50m² (area) per hectare in any continuous 5 year period

Exemptions:

(i) This standard shall not apply to any earthworks which are provided for in any one of the following mechanisms:

- o Section 76 Reserves Act 1977 Declaration
- o Section 77 Reserves Act 1977 Conservation Covenant
- o Section 27 Conservation Act 1987 Covenant
- o Section 29 Conservation Act 1987 Management Agreement
- o Queen Elizabeth II National Trust Act 1977 Covenant

provided such mechanism:

- protects the significant natural values of the site of natural significance, and
- remains current for the duration of the activity, and
- the terms of the mechanism have not been breached, and
- has been lodged with the Council.

(ii) This standard shall not apply to any earthworks for the purpose of track maintenance.

4.1.1.b **Slope**

No earthworks or tracking shall be located on slopes with an angle greater than 25°. (Refer 4.2 Controlled Activities or 4.3 Discretionary Activities.)

Exemptions:

(i) This standard shall not apply to any earthworks for the purpose of track maintenance; or

(ii) This standard shall not apply to any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.

4.1.1.c **Riparian Areas**

On any land in a lake, river or wetland or within:

- 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone, or

- 10m of the bank of any other river, or
- 75m of any lake listed in Schedule B to the Rural Zone, or
- 50m of a wetland or any other lake

earthworks shall not exceed:

- 20m³ (volume) per hectare in any continuous 5 year period, or
- 50m² (area) per hectare in any continuous 5 year period.

Exemptions:

- (i) This standard shall not apply to any earthworks which are provided for in any one of the following mechanisms:
- o Section 76 Reserves Act 1977 Declaration
 - o Section 77 Reserves Act 1977 Conservation Covenant
 - o Section 27 Conservation Act 1987 Covenant
 - o Section 29 Conservation Act 1987 Management Agreement
 - o Queen Elizabeth II National Trust Act 1977 Covenant

Provided such mechanism:

- protects the natural character and functioning of the riparian area, and
 - remains current for the duration of the activity, and
 - the terms of the mechanism have not been breached, and
 - has been lodged with the Council.
- (ii) This standard shall not apply to any earthworks for the purpose of track maintenance.
- (iii) This standard shall not apply to any earthworks/tracking activity between 10m and 20m from the bank of the main stem of any river listed in Schedule B when indigenous vegetation (as per the definition) is not present.

4.1.1.d

Geopreservation Sites and High Altitude Areas

No earthworks (excluding excavations for permitted buildings) within Geopreservation Sites identified on the Planning Maps, or on land over 900metres in altitude shall exceed:

- 20m³ (volume) per hectare in any continuous 5 year period, or
- 50m² (area) per hectare in any continuous 5 year period.

Exemption:

This rule shall not apply to earthworks for the purpose of track maintenance.

4.1.1.e

Scenic Viewing Areas and Scenic Grasslands

No earthworks or tracking in the Mackenzie Basin Subzone shall be located within Scenic Viewing Areas or Scenic Grasslands identified on the Planning Maps other than for the purpose of track maintenance.

4.2 Controlled Activities - Earthworks and Tracking

4.2.1 Other than in the areas listed below, any earthworks (both excavation and fill) greater than 300m³ and less than 1000m³ per site or bare soil exposed greater than 1000m² and less than 2500m² per site, will be a controlled activity:

- areas containing Geopreservation Sites identified on the Planning Maps and listed in Appendix I;
- Sites of Natural Significance identified on the Planning Maps and listed in Appendix I;
- Areas containing Scenic Viewing Areas or Scenic Grasslands identified on the Planning Maps and listed in Appendix J
- areas above 900m in altitude or on land with a slope angle greater than 25°;
- areas within 10m of a river;
- areas within 50m of a wetland or lake.
- areas within 20m of a river listed in Schedule B to the Rural Zone

This rule shall not apply to earthworks:

- Approved as part of a subdivision or building consent
- For routine repair and maintenance of operational tracks, roads and drains
- Levelling of fence lines
- For utility services
- Approved as part of a resource consent for a building
- Approved as part of resource consent for a farming building except where the earthworks are for access

Matters Subject to Council's Control

- Siting, slope and camber of the track;
- Manner of forming the track;
- Terrain disturbance including vegetation clearance, volumes and materials to be removed;
- Rehabilitation of disturbed ground
 - Visual impact of stockpiles.
 - Impact on landscape, amenity and indigenous ecosystems

4.3 Discretionary Activities - Earthworks and Tracking

4.3.1 Any Earthworks or Tracking which are not provided for as a Permitted or Controlled Activity.

5 FACTORY FARMING

5.1 Discretionary Activity – Factory Farming

5.1.1 Factory farming other than:

- a the farming of Chinchillas; or
- b factory farming within 2 kilometres of a Residential Zone, Rural-Residential zone or the Pukaki Village Zone.

5.2 Non-Complying Activities – Factory Farming

5.2.1 Factory farming within 2 kilometres of a Residential Zone, Rural-residential Zone or the Pukaki Village Zone.

5.2.2 The farming of Chinchillas.

6 TREE PLANTING

Reference in this rule to the Mackenzie Basin means that part of the District known as the Mackenzie Basin and identified as such on the map in Appendix E.

6.1 Permitted Activities – Tree Planting

The following tree planting (6.1.1 to 6.1.7) is a Permitted Activity provided it complies with all of the general standards listed in 6.1.8 below and the specific standards listed for each Permitted Activity.

Location/Type of Planting and Specific Standards

6.1.1 Amenity Tree Planting

6.1.2 Erosion Control Planting

6.1.3 Shelter belts outside the Mackenzie Basin (Appendix E)

6.1.4 Shelter belts within the Mackenzie Basin (Appendix E) provided that

a Shelter belts shall be set back 300m from formed roads or planted at 90° to formed roads; and

b Shelter belts placed at 90° to a formed road shall be a least 1000m apart.

6.1.5 Forestry within the Catchments of either the Downlands Water Supply with the intake on the Tengawai River, or the Timaru Urban Catchment with the intake on the Pareora River provided that

a Maximum area of permitted planting is 2ha per Certificate of Title for every 5 year period.

6.1.6 Forestry within the Mackenzie Basin (Appendix E) in proximity to buildings provided that:

a Planting must be within 900m of a homestead and cluster of farm buildings associated with the homestead, and/or a cluster of farm buildings associated with the farming activity, i.e. two or more of the following: animal handling shed, implement shed, stock yards, staff accommodation, hay barn or other major farm buildings; and

b If all buildings referred to in 6.1.6.a above exist at 1 April 2001 the maximum area of permitted planting shall be 50ha or 10% of a Certificate of Title, whichever is the lesser; and

- c If any of the buildings referred to in 6.1.6.a above are erected after 1 April 2001, the maximum area of permitted planting shall be 2ha; and
 - d Planting must be set back 300m from any formed road.
- 6.1.7 Forestry outside the Mackenzie Basin (Appendix E) provided that
- a Maximum area of permitted planting is 2ha; and
 - b Planting must be setback 300m from any formed road.
- 6.1.8 **General Standards for Permitted Activity - Tree Planting**
- 6.1.8.a **Setback from Neighbours**
- No tree planting shall be located on, or within 15 metres of the boundary of any site under separate Certificate of Title without prior written permission from the landowner of that site. Where written permission is not obtained, the planting of trees within this zone shall be a discretionary activity.
- 6.1.8.b **Shading of Roads**
- Trees shall not be planted or allowed to grow in such a position that at any time they would shade the roadway between the hours of 1000 and 1400 on the shortest day of the year.
- 6.1.8.c **Scenic Viewing Areas and Scenic Grasslands**
- No trees shall be planted in Scenic Viewing Areas and Scenic Grasslands identified on the Planning Maps and scheduled in Appendix J.
- 6.1.8.d **Sites of Natural Significance**
- No trees other than restoration of native plantings shall be planted within a Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I.
- 6.1.8.e **Wilding Tree Management**
- There shall be no planting of *Pinus contorta*, *Pinus sylvestris* (Scots Pine), *Pinus uncinata* (Dwarf Mountain Pine) or *Pinus mugo* (Mountain Pine).
- It shall be the responsibility of forest owners, occupiers, lessees and licensees or other persons responsible for the forestry to eliminate tree spread and growth of wilding trees emanating from that forest on all land within 500 metres of the planted forest edge.
- 6.1.8.f **High Altitude Areas**
- No trees shall be planted above 900m above sea level.
- 6.1.8.g **Riparian Areas**
- No forestry shall be planted:

- within 100m of a lake
- within 20m of a bank of a river
- within 50m of a wetland

6.1.8.h **Wetlands**

No forestry shall be planted in a wetland

6.2 **Controlled Activities – Tree Planting**

The following tree planting (6.2.1 to 6.2.4) is a Controlled Activity provided it complies with all the general standards listed in 6.2.5 below and the specific standards listed for each Controlled Activity.

Location/Type of Planting and Specific Standards

6.2.1 Forestry outside the Mackenzie Basin (Appendix E) in areas of unimproved tussock grassland, or within an improved tussock grassland with predominately indigenous vegetation or shrubland, provided that:

- a Maximum area of permitted planting is 50ha or 10% of Certificate of Title, whichever is the lesser; and
- b Planting is within 900m of a homestead and cluster of farm buildings associated with the homestead, and/or cluster of farm buildings associated with the farming activity, i.e. two or more of the following: animal handling shed, implement shed, stock yards, staff accommodation, hay barn or other major farm building; and
- c Planting must be set back 300m from any formed road; and
- d No tree planting shall be located on, or within, 15m of the boundary of any site under separate Certificate of Title without prior written permission from the landowner of that site. Where written permission is not obtained, the planting of trees within this zone shall be a Discretionary Activity.

Matters Subject to Council's Control

The effect of forestry activities on:

- Landscape values
- Ecological values
- Potential for wilding tree spread

6.2.2 Forestry outside the Mackenzie Basin (Appendix E), provided that

- a No limit on area planted; and
- b Planting is not to be within an area of unimproved tussock grassland or within an improved tussock grassland with predominately indigenous vegetation or shrubland; and

- c No tree planting shall be located on, or within, 15m of the boundary of any site under separate Certificate of Title without prior written permission from the landowner of that site. Where written permission is not obtained, the planting of trees within this zone shall be a Discretionary Activity.

Matters Subject to Council's Control

The effect of forestry activities on

- Landscape values
- Ecological values
- Potential for wilding tree spread

- 6.2.3 Forestry greater than 2ha per Certificate of Title per 5 year period, within the catchment of either the Downlands Water Supply with the intake on the Tengawai River or the Timaru Urban Catchment with the intake on the Pareora River.

Matters Subject to Council's Control

- Effects of forestry activities on the ecological, habitat, filtering, landscape, land stability, and access functions of riparian areas and the adjoining water bodies and on the natural character of those areas and water bodies.
- Effects of plantings on the availability and maintenance of groundwater and/or surface water in the locality having regard to existing uses of land and water.
- The spread and growth of wildings emanating from the proposed forest.

- 6.2.4 Shelter belts within the Mackenzie Basin (Appendix E) which do not meet the specific conditions listed in 6.1.4.

Matters Subject to Council's Control

- The effect of the shelter belts on landscape values.

6.2.5 General Standards for Controlled Activity – Tree Planting

6.2.5.a Shading of Roads

Trees shall not be planted or allowed to grow in such a position that at any time they would shade the roadway between the hours of 1000 and 1400 on the shortest day of the year.

6.2.5.b Sites of Natural Significance

No trees other than restoration of native plantings shall be planted within a Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I.

6.2.5.c Scenic Viewing Areas

No trees shall be planted within Scenic Viewing areas identified on the Planning Maps and scheduled in Appendix J.

6.2.5.d High Altitude Areas

No trees shall be planted above 900 metres in altitude.

6.2.5.e Wilding Tree Management

There shall be no planting of *Pinus contorta*, *Pinus sylvestris* (Scots Pine), *Pinus uncinata* (Dwarf Mountain Pine) or *Pinus mugo* (Mountain Pine).

6.2.5.f Riparian Areas

No forestry shall be planted:

- within 100m of a lake
- within 20m of a bank of a river
- within 50m of a wetland

6.2.5.g Wetlands

No forestry shall be planted in a wetland

6.3 Restricted Discretionary Activities – Tree Planting

The following tree planting (6.3.1 to 6.3.4) is a Restricted Discretionary Activity.

- 6.3.1 Forestry within the Mackenzie Basin (Appendix E) other than that provided for as a Permitted Activity, Discretionary Activity (refer 6.4.1 and 6.4.2) or Non-complying Activity (refer 6.5.1 and 6.5.2).

Matters over which Council will restrict its Discretion:

- 1 Effects of plantings on landscape values and the means to avoid or reduce those impacts.
- 2 The spread and growth of wilding trees emanating from the proposed forest.
- 3 Effects of forestry activities on ecological, habitat, filtering, landscape, land stability, and access functions and natural character of riparian areas and the adjoining water bodies.
- 4 Effects of plantings on the availability and maintenance of groundwater and/or surface water in the locality having regard to existing uses of land and water.
- 5 Impact of plantings, management and harvesting on the functioning of infrastructure.
- 6 Impact of plantings management and harvesting on production and on enjoyment of neighbouring properties.
- 7 The effects of forestry activities on natural character, indigenous land ecosystems, and water ecosystems.

6.3.2 Forestry:

- Within 100m of a lake
- Within 20m of a bank of a river
- Within 50m of a wetland

Matters over which Council will restrict its Discretion

1. Effects of forestry activities on the ecological, habitat, filtering, landscape, land stability, and access functions of riparian areas and the adjoining water bodies, and on the natural character of those areas and water bodies.
 2. Effects of plantings on the availability and maintenance of groundwater and/or surface water in the locality having regard to existing uses of land and water.
 3. The spread and growth of wildings emanating from the proposed forest.
- 6.3.3 Forestry outside the Mackenzie Basin (Appendix E) within areas of unimproved tussock grassland or within improved tussock grassland with predominately indigenous vegetation or shrubland, which is not provided for as a Permitted or Controlled Activity.

Matters over which Council will restrict its Discretion:

1. Effects of plantings on landscape values and the means to avoid or reduce those impacts.
 2. The spread and growth of wilding trees emanating from the proposed forest.
 3. Effects of forestry activities on ecological, habitat, filtering, landscape, land stability, and access functions and natural character of riparian areas and the adjoining water bodies.
 4. Effects of plantings on the availability and maintenance of groundwater and/or surface water in the locality having regard to existing uses of land and water.
 5. Impact of plantings, management and harvesting on the functioning of infrastructure.
 6. Impact of plantings management and harvesting on production and on enjoyment of neighbouring properties.
 7. The effects of forestry activities on natural character, indigenous land ecosystems, and water ecosystems.
- 6.3.4 Any tree planting, including forestry, shelter belts, amenity planting and erosion control planting, which is not listed as a permitted, controlled, discretionary or non-complying activity.

In considering such an activity the Council will restrict the exercise of its discretion to the matters of non-compliance.

6.4 Discretionary Activities – Tree Planting

- 6.4.1 Tree planting above 900m above sea level.
- 6.4.2 Tree planting in Scenic Viewing Areas and Scenic Grasslands identified on the Planning Maps and scheduled in Appendix J.

6.5 Non-Complying Activities – Tree Planting

- 6.5.1 Tree planting, other than restoration of native plantings, in Sites of Natural Significance identified on the Planning Maps and scheduled in Appendix I.
- 6.5.2 Forestry in wetlands.

7 OUTDOOR RECREATIONAL ACTIVITIES – EXCLUDING ACTIVITIES ON WATERBODIES

7.1 Permitted Activities - Outdoor Recreational Activities

7.1.1 Non-commercial outdoor recreation on land, or in the air.

7.1.2 Commercial Outdoor Recreation Activities with the following character, scale and intensity:

Character: predominantly non-motorised
 Scale: up to 20 people per group
 Intensity: up to 3 groups per day

7.1.3 Group or individual visits to experience farming or rural activities.

7.2 Controlled Activities - Outdoor Recreational Activities

7.2.1 Commercial Outdoor Recreation where the activity has the following character, intensity and scale:

Character: predominantly non-motorised
 Scale: more than 20 people per group, AND/OR
 Intensity: more than 3 groups per day

7.2.2 Commercial Outdoor Recreation where the activity has the following character, intensity and scale:

Character: predominantly motorised
 Scale: up to 20 people per group
 Intensity: up to 3 groups per day

7.2.3 Matters Subject to Council's Control

In considering activities referred to in 7.2.1 and 7.2.2, the Council's control shall be limited to the impact of the activity, both directly and indirectly on:

- the enjoyment of and experience available in the area;
- landscape values;
- other recreational opportunities;
- public safety and health;
- traffic safety and efficiency;
- nature conservation and wildlife values;
- water quality;
- amenity of adjoining occupiers.

7.3 Discretionary Activities - Outdoor Recreational Activities

7.3.1 Commercial Outdoor Recreation where the activity has the following character, intensity and scale:

Character: predominantly motorised
 Scale: more than 20 people per group AND/OR
 Intensity: more than 3 groups per day

7A ACTIVITIES ON OR WITHIN WATERBODIES

7A.1 Activities on Lake Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.1 Permitted Activities on Lakes Tekapo, Benmore, Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.1.a Use of motorised and non-motorised craft for search and rescue, defence, maritime enforcement, civil emergency, scientific research and monitoring, pest control purposes, or for the purpose of ensuring, achieving or monitoring compliance with any condition of a resource consent granted prior to 17th May 2019. With the exception of pest control, all such activities must be carried out in accordance with a statutory responsibility.

7A.1.1.b Non-commercial motorised and non-commercial non-motorised activities.

7A.1.1.c Craft on the surface of waterways used for accommodation where all effluent is contained on board the craft.

7A.1.1.d Motorised and non-motorised activities related to the operation, maintenance, monitoring, upgrading and development of the Waitaki Power Scheme.

7A.1.2 Discretionary Activities on Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.2.a Commercial motorised and commercial non-motorised activities

7A.1.2.b Jetties and boat ramps

7A.1.3 Non-complying Activities on Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.3.a Craft on the surface of waterways used for accommodation where effluent is not contained on board the craft.

7A.2 Activities on Lake Pukaki

7A.2.1 Permitted Activities on Lake Pukaki

7A.2.1.a Use of motorised and non-motorised craft for search and rescue, defence, maritime enforcement, civil emergency, scientific research and monitoring, pest control purposes, or for the purpose of ensuring, achieving or monitoring compliance with any condition of a resource consent granted prior to 17th May 2019. With the exception of pest control, all such activities must be carried out in accordance with a statutory responsibility.

7A.2.1.b Non-commercial non-motorised activities

7A.2.1.c Non-commercial motorised activities which meet the following standards

- i. Motorised activities on Lake Pukaki must not occur within 3km of Peters Lookout and 5km of the Lake Pukaki Visitor Centre located at the south end of the Lake; and
- ii. The activity can only be undertaken by owners or occupiers of landholdings adjacent to Lake Pukaki; and

- iii. The owners or occupiers of land adjacent to Lake Pukaki must have undertaken motorised activities on Lake Pukaki prior to 17th May 2019.

7A.2.1. Motorised and non-motorised activities related to the operation, maintenance, monitoring, upgrading and development of the Waitaki Power Scheme.

7A.2.2 Restricted Discretionary Activities on Lake Pukaki

7A.2.2.a Non-commercial motorised activities where the activity is carried out at least 3km from Peters Lookout and 5km of the Lake Pukaki Visitor Centre at the south end of the Lake, other than provided for in rule 7A.2.1.c

Matters of discretion

- Visual, noise, vibration, lighting and traffic effects, including cumulative effects, on opportunities for passive recreation and on people's enjoyment of peace, tranquillity and sense of remoteness associated with Lake Pukaki and its surroundings.
- Impacts on natural character and values including conservation values, riparian values and water quality
- Location of launching points and any associated structures
- Impacts on public safety

7A.2.2 Non-complying Activities on or within Lake Pukaki

7A.2.2.a Commercial non-motorised activities

7A.2.2.b Jetties and boat ramps

7A.2.3 Prohibited Activities

7A.2.3.a Commercial motorised activities

7A.2.3.b Non-commercial motorised activities within 3km of Peters Lookout or 5km of the Lake Pukaki Visitor Centre at the south end of the Lake

7A.2.3.c Craft on the surface of waterways used for accommodation

7A.3 Activities on Lakes Alexandrina and McGregor

7A.3.1 Permitted Activities on Lakes Alexandrina and McGregor

7A.3.1.a Use of motorised and non-motorised craft for search and rescue, defence, maritime enforcement, civil emergency, scientific research and monitoring, pest control purposes, or for the purpose of ensuring, achieving or monitoring compliance with any condition of a resource consent granted prior to 17th May 2019. With the exception of pest control, all such activities must be carried out in accordance with a statutory responsibility.

7A.3.1.b Non-commercial non-motorised activities

7A.3.2 Discretionary Activities on Lakes Alexandrina and McGregor

7A.3.2.a Commercial non-motorised activities

7A.3.3 Non-complying Activities on Lakes Alexandrina and McGregor

7A.3.3.a Jetties and boat ramps

7A.3.3.b Craft on the surface of waterways used for accommodation

7A.3.4 Prohibited Activities on Lakes Alexandrina and McGregor

7A.3.4.a Commercial motorised activities

7A.3.4.b Non-commercial motorised activities

7A.4 Activities on the Opihi and Opuha Rivers

7A.4.1 Permitted Activities on the Opihi and Opuha Rivers

7A.4.1.a Use of motorised and non-motorised craft for search and rescue, defence, maritime enforcement, civil emergency, scientific research and monitoring, pest control purposes, or for the purpose of ensuring, achieving or monitoring compliance with any condition of a resource consent granted prior to 17th May 2019. With the exception of pest control, all such activities must be carried out in accordance with a statutory responsibility.

7A.4.1.b Non-commercial non-motorised activities

7A.4.2 Discretionary Activities on the Opihi and Opuha Rivers

7A.4.2.a Jetties and boat ramps

7A.4.2.b Commercial non-motorised activities

7A.4.3 Non-complying Activities on the Opihi and Opuha Rivers

7A.4.3.a Commercial motorised activities excluding the period 1 April to 30 September

7A.4.3.b Non-commercial motorised activities excluding the period 1 April to 30 September

7A.4.3.c Craft on the surface of waterways used for accommodation

7A.4.4 Prohibited Activities on the Opihi and Opuha Rivers

7A.4.4.a Commercial motorised activities during the period 1 April to 30 September

7A.4.4.b Non-commercial motorised activities during the period 1 April to 30 September

8 VISITOR ACCOMMODATION

8.1 Permitted Activities - Visitor Accommodation

8.1.1 Homestays (refer definition) outside the Ostler Fault Hazard Area and Hydro Electricity Inundation Hazard Areas in Appendix U which accommodate no more than 6 guests at any one time.

8.1.2 Visitor accommodation outside the Ostler Fault Hazard Area and Hydro Electricity

Inundation Hazard Areas in Appendix U which accommodates up to 20 people at any one time provided any building complies with all the standards in 3.1.1 a to n.

Note – Requirements outside the District Plan relating to Liquor, Health, and Buildings apply to visitor accommodation.

8.2 Discretionary Activities - Visitor Accommodation

8.2.1 Homestays (refer definition) which accommodate no more than 6 guests at any one time and visitor accommodation which accommodates up to 20 people at any one time, provided the building complies with all the standards in 3.1.1 a to l located within the Hydro- Electricity Inundation Hazard Areas in Appendix U.

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to hazard management.

8.2.2 Visitor accommodation not listed as a Permitted Activity or provided for under rule 8.2.1.

8.2.3 Visitor accommodation and homestays in the Ostler Fault Hazard Area (see Planning Maps 33, 38, 53 and 55).

Note – The owner of the relevant Hydro- Electric Power Generation Asset will be identified as an adversely affected party for the purposes of considering resource consent applications lodged in relation to Rule 8.2.1 and Rule 8.2.2 within the Hydro- Electricity Inundation Hazard Areas. Except as outlined above, any application under these rules will not require the written approval of other persons or service on other persons and shall be non-notified

9 RETAIL SALES

9.1 Permitted Activities - Retail Sales

Retail sales of:

- farm and garden produce grown, reared or produced on the site
- handcrafts produced on the site
- refreshments served to group visits to sites for farming or residential activities
- food and grocery items for persons accommodated on or adjacent to the site

9.2 Discretionary Activities - Retail Sales

9.2.1 Retail sales activities not listed as a Permitted Activity.

10 MINING ACTIVITIES

10.1 Permitted Activities - Mining

10.1.1 Mineral Prospecting and site investigation activities.

10.1.2 Extraction of gravel not exceeding 2000m³ per hectare and 2 metres depth in any continuous period of 5 years which complies with the following standards:

10.1.2.a Sites of Natural Significance

No extraction within areas identified on the Planning Maps a Site of Natural Significance shall exceed:

- 20m³ (volume) per hectare in any continuous period of 5 years, or
- 50m² (area) per hectare in any continuous period of 5 years.

10.1.2.b Geopreservation Sites and High Altitude Areas

No extraction within areas identified on the Planning Maps as Geopreservation Sites (excluding excavations for Permitted Buildings), or on land over 900 metres in altitude shall exceed:

- 20m³ (volume) per hectare in any continuous 5 year period, or
- 50m² (area) per hectare in any continuous 5 year period.

10.1.2.c Lakeside Protection Areas, Scenic Viewing Areas and Scenic Grasslands

No extraction within the Mackenzie Basin Subzone shall be located within Lakeside Protection Areas, Scenic Viewing Areas or Scenic Grasslands identified on the Planning Maps.

10.2 Controlled Activities - Mining

10.2.1 Mineral Exploration which complies with the following standards and terms:

10.2.1.a Sites of Natural Significance

Standard 4.1.1.a shall apply.

10.2.1.b Slope

Standard 4.1.1.b shall apply.

10.2.1.c Riparian Areas

Standard 4.1.1.c shall apply.

10.2.1.d Geopreservation Sites and High Altitude Areas

Standard 4.1.1.d shall apply.

10.2.1.e Lakeside Protection Area, Scenic Viewing Areas and Scenic Grasslands

No mineral exploration within the Mackenzie Basin Subzone shall be located within Lakeside Protection Areas, Scenic Viewing Areas or Scenic Grasslands identified on the Planning Maps.

Matters Subject to Council's Control

- terrain disturbance including vegetation clearance, volumes, and materials to be removed;
- rehabilitation of the site;
- siting of roads or any buildings;
- dust and noise.

10.3 Discretionary Activities - Mining

10.3.1 Mineral Exploration which does not comply with the following standards for Controlled Activity Mineral Exploration:

10.2.1.a Sites of Natural Significance

In considering any such Discretionary Activity the consent authority shall restrict the exercise of its discretion to the matters of non-compliance.

10.3.2 Any mining activity, not provided for as a Controlled or Permitted Activity.

11 HOME OCCUPATIONS

Note: this rule has been deleted

12 VEGETATION CLEARANCE

12.1 Permitted Activities - Vegetation Clearance

Reference in this rule to the Mackenzie Basin means that part of the District known as the Mackenzie Basin and identified as such on the map in Appendix E of the Plan

12.1.1 Clearance of vegetation is permitted where it complies with the following standards:

12.1.1.a Riparian Areas

Clearance of **vegetation** shall not exceed 100m² per hectare in any continuous period of 5 years

- within 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone; or
- within 10m of the bank of any other river; or
- within 75m of any lake listed in Schedule B to the Rural Zone; or
- within 50m of or in any wetland or other lake.

Exemptions:

- (i) This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance or habitat enhancement;

(ii) This standard shall not apply to any vegetation clearance which has been granted resource consent, excluding a water permit enabling irrigation¹ for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.

(iii) This standard shall not apply to any vegetation clearance which is provided for in any one of the following mechanisms:

- Section 76 Reserves Act 1977 Declaration
- Section 77 Reserves Act 1977 Conservation Covenant
- Section 27 Conservation Act 1987 Covenant
- Section 29 Conservation Act 1987 Management Agreement
- Queen Elizabeth II National Trust Act 1977 Covenant

Provided such mechanism:

- Protects the natural character and functioning of the riparian area, and
- Remains current for the duration of the activity, and
- the terms of the mechanism have not been breached, and
- has been lodged with the Council.

12.1.1.b Sites of Natural Significance

Clearance of indigenous vegetation shall not exceed 100m² per hectare in any continuous 5 year period within any Site of Natural Significance identified on the Planning Maps.

Exemptions:

(i) This standard shall not apply to any clearance of indigenous vegetation which are provided for in any one of the following mechanisms:

- Section 76 Reserves Act 1977 Declaration
- Section 77 Reserves Act 1977 Conservation Covenant
- Section 27 Conservation Act 1987 Covenant
- Section 29 Conservation Act 1987 Management Agreement
- Queen Elizabeth II National Trust Act 1977 Covenant

provided such mechanism:

- Protects the significant natural character of the Site of Natural Significance, and
- Remains current for the duration of the activity, and
- the terms of the mechanism have not been breached, and
- has been lodged with the Council.

(ii) This standard shall not apply to any earthworks for the purpose of track maintenance.

¹ Clause 16(2) clarification

12.1.1.c Tall Tussock and Canopy

There shall be no clearance of:

- indigenous vegetation which has an average maximum canopy height of greater than 3 metres and exceeds 500 square metres
- more than 100 square metres of tall tussock (*Chionochloa* sp.)

Exemptions:

- (i) This rule shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance;
- (ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.

12.1.1.d Wetlands

In any wetland exceeding 1,000m² in area there shall be no modification by clearance of indigenous vegetation, cultivation, or damage by deposition of material.

Exemptions:

This rule shall not apply to:

- any removal of declared weed pests; or
- any vegetation clearance for the purpose of track maintenance.

Note: Consent may be required from the Canterbury Regional Council for any damming, drainage or diversion, or vegetation clearance alongside or within waterways and wetlands.

12.1.1.e High Altitude Areas

Clearance of indigenous vegetation shall not exceed 100m² per hectare in any continuous 5 year period on land above 900m in altitude.

Exemptions:

- (i) This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance.
- (ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.

12.1.1.f Shrublands

On any site in the Mackenzie Basin in any continuous period of five years there shall be no clearance of:

- (i) Bog pine (*Dacrydium bidwillii*) shrublands

(ii) More than 2000 square metres of:

- Open indigenous shrublands containing at least three of the following indicator species where these shrubs are prominent: native broom (*Carmichaelia* species) or; tauhinu (*Cassinia* species) or; porcupine shrub (*Melicytus* species) or; *Coprosma intertexta** or; prostrate kowhai* (*Sophora prostrata*);
* Refer to Appendix N for drawings of these specific indicator species.
- Dense indigenous shrublands containing at least five of the following indicator species: *Coprosma* species or; *Corokia cotoneaster** or; climbers (*Clematis*, *Rubus*, *Parsonsia*, *Muehlenbeckia* species) or; mountain wine berry* (*Aristotelia fruticosa*) or; *Hebe* species or; *Olearia* species or; native broom species (*Carmichaelia*)
* Refer to Appendix N for drawings of these specific indicator species.
- Matagouri dominated shrublands (*Discaria toumatu*) on river flood plains, river terraces, alluvial fans or lower mountain/hill slopes which have an average canopy height of greater than 1.5 metres, where there are more than 5 shrubs of this height and where the vegetation has not been cleared since 1985, provided that any matagouri that has been induced by regular oversowing and topdressing shall be exempt. For the purposes of this rule, regular oversowing and topdressing is defined as having occurred at least three times since 1985.

Exemptions

This rule shall not apply to:

- Any removal of declared weed pests; or
- Vegetation clearance for the purpose of track maintenance or fenceline maintenance within existing disturbed formations; or
- Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991.

For the purpose of this Rule:

- Open indigenous shrublands excludes scattered individual outlier plants that do not visually contribute to the makeup of the shrubland;
- Dense shrublands are characterised by a generally closed canopy, although there will be open patches within the shrubland. As a rule of thumb, a person would have difficulty walking through a dense shrubland and would expect to get scratched;
- Lower mountain/hill slopes are characterised as being underlain by bedrock in contrast to moraine slopes which are composed of glacial till.

12.1.1.g Short Tussock Grasslands

An interim Rule that will be reviewed three years after the Plan becomes operative.

On each of the individual farm properties existing in the Mackenzie Basin Map as at 1 January 2002 in any continuous period of five years there shall be no clearance including cultivation above the following thresholds of short tussock grasslands;

consisting of silver or blue (*Poa* species), or *Elymus solandri*, or fescue tussock where tussocks exceed 15% canopy cover:

(i) 40 hectares or less — Permitted Activity

(ii) Greater than 40 hectares — Discretionary Activity

Performance Standards for Permitted Activity

- The landholder shall notify the Mackenzie District Council of the proposed clearance 4 months prior to the clearance being undertaken and shall supply a map of the proposed site.
- The clearance shall be more than 150m from the boundaries of any existing Sites of Natural Significance.

Exemptions

This rule shall not apply to:

- Any removal of declared weed pests; or
- Vegetation clearance for the purpose of track maintenance or fenceline maintenance within existing disturbed formations; or
- Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991; or
- Any short tussock grassland where the site has been oversown, and topdressed at least three times in the last 10 years prior to new clearance so that the inter tussock vegetation is dominated by clovers and/or exotic grasses. **This exemption shall not apply within the period 24 December 2016 to 24 December 2017 (inclusive). (Plan Change 17)**

12.1.1.h Indigenous Cushion and Mat Vegetation and Associated Communities

An interim Rule that will be revised three years after the Plan becomes operative.

On each of the individual farm properties existing in the Mackenzie Basin as at 1 January 2002 in any continuous period of five years there shall be no clearance including cultivation above the following thresholds of indigenous cushion, mat (*Raoulia* species) or herb and scabweed vegetation where at least 50% of the vegetation ground cover comprises vascular and non-vascular indigenous species, OR where the number of vascular indigenous species is greater than 20:

(i) 10 hectares or less — Permitted Activity

(ii) Greater than 10 hectares — Discretionary Activity

Performance Standards for Permitted Activity:

- The landholder shall notify the Mackenzie District Council of the proposed clearance 4 months prior to the clearance being undertaken and shall supply a map of the proposed site.
- The clearance shall be more than 150m from the boundaries of any existing Sites of Natural Significance.

Exemptions

This rule shall not apply to:

- Any removal of declared weed pests; or
- Vegetation clearance for the purpose of track maintenance or fenceline maintenance within existing disturbed formations; or
- Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991; or
- Any indigenous cushion or mat vegetation where the site has been oversown, and topdressed at least three times in the last 10 years prior to new clearance so that the site is dominated by clovers and/or exotic grasses. **This exemption shall not apply within the period 24 December 2016 to 24 December 2017 (inclusive). (Plan Change 17)**

For the purposes of Rule 12.1.1(g) and 12.1.1(h):

- The intention of the landholder notifying the Mackenzie District Council of permitted clearance activities is to allow interested parties to assess their interest in the proposed area, to discuss the proposal with the landholder and to undertake an inspection where appropriate. All inspections will be the result of voluntary agreement between the parties.
- The Mackenzie District Council will maintain a publicly available register of permitted clearance activities as notified by landowners under these Rules.
- For Discretionary Activities, the Mackenzie District Council will require areas of short tussock and indigenous cushion and mat vegetation to be significant in terms of the primary and secondary criteria for significance in Rural Policy 1B (i.e., the criteria used to identify Sites of Natural Significance) if these areas are to be protected from clearance. When assessing 'significance', the Mackenzie District Council shall restrict its assessment solely to the criteria set out in Rural Policy 1B.

12.1.1.i Areas outside the Mackenzie Basin

An interim rule that will be reviewed upon completion of the Eastern Mackenzie landscape and ecological values study.

There shall be no clearance of:

- Matagouri which has an average maximum canopy height greater than 1.5 metres and exceeds 500m² (in one continuous block) in any continuous period of 5 years;
- more than 100m² of tall tussock (*chionochloa* sp.)
- indigenous vegetation which has an average maximum canopy height greater than 3 metres and exceeds 500m²
- more than 5000m² of indigenous vegetation except where the clearance is carried out within an area of improved pasture

Exemptions:

This rule shall not apply to:

- any removal of declared weed pests or vegetation clearance for the purpose of track maintenance; or
- any vegetation clearance which has been granted resource consent by the Canterbury Regional Council under the Resource Management Act 1991.

For the purpose of this rule improved pasture shall mean an area where species composition and growth has clearly been significantly modified or enhanced within the last 10 years by cultivation or top dressing and over sowing or direct drilling, and where exotic species are obvious.

12.2 Discretionary Activities - Vegetation Clearance

12.2.1 Any clearance of vegetation not provided for as a Permitted Activity or Non-Complying Activity that does not meet one or more of the standards in Rule 12.1.1.a².

12.3 Non-Complying Activities

12.3.1 Clearance of more than 10% of the total area of indigenous vegetation cover present on any Site of Natural Significance identified on the Planning Maps.

13 SCHEDULED ACTIVITIES

13.1 Permitted Activities

13.1.1 Any Scheduled Activity listed in Schedule A to the Rural Zone as a Permitted Activity and which complies with the standards specified for that particular activity.

13.2 Controlled Activities

13.2.1 Any Scheduled Activity listed in Schedule A to the Rural Zone below as a Controlled Activity.

13.3 Discretionary Activities

13.3.1 Any Scheduled Activity listed in Schedule A to the Rural Zone below as a Discretionary Activity.

14 AVIATION ACTIVITIES

14.1 Permitted Activities

14.1.1 The take-off or landing of aircraft limited to emergency rescues and landings, fire fighting, farming, residential or non-commercial recreational purposes, management purposes on land administered under the Conservation Act or its First Schedule, or activities of the New Zealand Defence Force.

14.1.2 Aircraft landing sites for commercial recreation within Public Conservation Land provided:

- the landing enables the passengers to experience the area and/or participate in other recreational pursuits.
- there is no picking up of passengers.

² Mt Gerald and the Wolds

14.1.3 Infrequent landing sites for commercial aviation to enable passengers to participate in other recreational pursuits, provided that no property shall be used for this purpose for more than 5 excursions in any week. (An "excursion" means a take-off and a landing at the site).

14.2 **Controlled Activities**

14.2.1 Aviation activities on "Aviation Sites" identified on the Planning Maps restricted to

- Take off and landing of rotary wing aircraft
- Associated aircraft movement and taxi areas, navigational aids, control towers and ancillary uses
- Office and customer reception areas including baggage and freight handling facilities
- Refuelling areas
- Car parking areas

Aviation activities shall comply with the standards specified below:

Standards

14.2.1.a **Landscaping**

A landscape strip of an average depth of 3m and a minimum depth of 1m shall be established along all road boundaries, except across entranceways.

14.2.1.b **Appearance of Buildings**

All buildings associated with aviation activities shall comply with the Tekapo or Twizel Colour Palette as appropriate. (MDC 1995)

14.2.1.c **Outdoor Storage**

- i All outdoor storage of goods (excluding vehicles) shall be screened from public view by a fence of not less than 1.8m in height, or dense planting to the same height.
- ii No outdoor storage shall be located within the minimum setback from road boundaries.

Matters Subject to Council's Control

- Layout of the landing, building, parking, support facility and access areas in relation to each other and to other operators facilities and operations.
- Building design and external appearance.
- Signage
- Storage of Fuel

14.3 **Discretionary Activities**

14.3.1 Any Aviation Activity which does not comply with any of the following standards for Controlled Aviation Activity:

14.2.1.a Landscaping

14.2.1.b Design and Appearance of Buildings

14.2.1.c Outdoor Storage

14.3.2 Landing sites for commercial aviation, other than within public conservation land, to enable passengers to experience the area and/or participate in other recreational pursuits.

14.3.3 Any aviation activity which is not provided for as a Permitted, Controlled or Discretionary Activity.

15 OTHER ACTIVITIES (Including Farming Activities, but not factory farming)

15.1 Permitted Activities

15.1.1 Activities, other than those specified in Clauses 3 to 14 of the Rural Zone, which comply with all of the following standards:

15.1.1.a Irrigators and fences

- i. There shall be no irrigators (including centre pivot and linear move irrigation systems) or fences (other than replacement fences) within Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance or Lakeside Protection Areas identified on the Planning Maps within the Mackenzie Basin Subzone.
- ii. In all other areas of the Mackenzie Basin Subzone irrigators (including centre pivot and linear move irrigation systems) shall be set back at least 250m from State Highway 8, the Haldon Road from Dog Kennel Corner to the intersection with Mackenzie Pass Road, Godley Peaks Road and Lilybank Road.

Note: Controls on Pastoral Intensification and Agricultural Conversion in the Mackenzie Basin Subzone are contained in Clause 15A of the Rural Zone.

15.1.1.b Noxious and Unpleasant Activities

No activity shall involve the following:

- panel beating, transport depots, motor vehicle repairs or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection or recycling service, motor body building, fish or meat processing or require an Offensive Trade License or similar under the Health Act 1956 or its amendments.

15.1.1.c Outdoor Activity - Commercial Manufacturing

All commercial manufacturing, altering, repairing, dismantling, processing or storage of goods, articles or materials shall be carried out within a building or screened from public view by a fence of not less than 1.8m in height, or dense planting to the same height.

15.1.1.d Buildings

Refer Clause 3

15.1.1.e Retail Sales

Refer Clause 9

15.1.1.f Traffic Generation

Activities shall not generate, during any week, an average of more than 40 vehicle trips per day.

15.1.1.g Earthworks

Refer Clause 4

15.1.1h Noise

All activities, other than emergency service warning devices and sirens, shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within any Residential zone or any point within the notional boundaries of any residential unit on another site:

Daytime	55dBA L10
Nighttime	40dBA L10
	70dBA Lmax

except that for farming activities this standard shall only apply to noise from stationary motors or equipment.

15.1.1.i Offal Pits

Pits for the disposal of carcasses and offal shall be at least 200 metres from any formed public road.

15.1.1.j Power Generation Facilities

Construction, commissioning and operation of power generation facilities outputting up to 25 kilowatts outside the areas scheduled under Rule 13 above.

15.2 Discretionary Activities

15.2.1 Any activity, other than those specified in Clauses 3 to 14 of the Rural Zone, which do not comply with one or more of the following standards for Permitted Other Activities:

15.1.1.a.ii	Irrigators and fences
15.1.1.b	Noxious and Unpleasant Activities
15.1.1.c	Outdoor Activity - Commercial Manufacturing
15.1.1.d	Buildings
15.1.1.e	Retail Sales
15.1.1.f	Traffic Generation
15.1.1.g	Earthworks
15.1.1.h	Noise
15.1.1.i	Offal Pits
15.1.1.j	Power Generation Facilities

15.3 Non-Complying Activities - Other Activities

- 15.3.1 Any irrigators (including centre pivot and linear move irrigation systems) or fences (other than replacement fences) within Scenic Viewing Areas, Scenic Grasslands, Sites of Natural Significance or Lakeside Protection Areas identified on the Planning Maps with the Mackenzie Basin Subzone shall be a Non-complying activity.
- 15.3.2 The farming of chinchilla.

15A PASTORAL INTENSIFICATION AND AGRICULTURAL CONVERSION

15A.1 Permitted Activities

- 15A.1.1 Pastoral Intensification (refer definitions) outside the Mackenzie Basin Subzone shall not exceed 5% of a Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I other than on Geo-preservation sites.

Exemption

This standard shall not apply to any pastoral intensification which is provided for in any one of the following mechanisms:

- Section 76 Reserves Act 1977 Declaration
- Section 77 Reserves Act 1977 Conservation Covenant
- Section 27 Conservation Act 1987 Covenant
- Section 29 Conservation Act 1987 Management Agreement

provided such mechanism:

- protects the significant natural character of the Site of Natural Significance, and
- remains current for the duration of the activity, and
- the terms of the mechanism have not been breached, and
- has been lodged with the Council

- 15A.1.2 Pastoral Intensification and/or Agricultural Conversion (refer Definitions) within the Mackenzie Basin Subzone within a defined Farm Base Area (refer Appendix R) and which is set back at least 20m from the bank of a river and 50m from a wetland and 100m from a lake.

Notwithstanding Rules 15A.4.2, Pastoral Intensification and/or Agricultural Conversion within the Mackenzie Basin within a defined Farm Base Area (refer Appendix R) may occur within a Lakeside protection Area provided the activity is set back at least 20m from a bank of a river, 50m from a wetland and 100m from a lake.

15A.2 Controlled Activities

- 15A.2.1 Pastoral Intensification and/or Agricultural Conversion (refer Definitions) within the Mackenzie Basin Subzone which is within an area for which a water permit to take and use water for the purpose of irrigation has been granted by Canterbury Regional Council prior to 14 November 2015 and the consent has not lapsed, subject to compliance with the following standard:

15A.2.1.a Special Environments

There shall be no pastoral intensification or agricultural conversion within the following areas identified on the Planning Maps:

- Sites of Natural Significance
- Scenic Viewing Areas
- Scenic Grasslands

- Lakeside Protection Areas

Matters subject to Councils control

- i. The location and visibility of irrigation equipment relative to public vantage points including State Highways
- ii. The screening and/or mitigation of visual effects associated with the pastoral intensification and/or agricultural conversion in relation to public vantage points
- iii. The extent and form of pastoral intensification and/or agricultural conversion taking into account
 - a. The extent to which there is compensatory protection and enhancement of stream corridors on the application property
 - b. The extent to which wilding trees are removed and controlled in future on the application property
 - c. Any agreement between the Mackenzie Country Charitable Trust and landowners that secures protection of significant landscape and biodiversity values as compensation for intensification of production
- iv. Whether any threatened or at risk plants are present, including the at-risk species listed in Appendix W

15A.3 Discretionary Activities

15A.3.1 Pastoral Intensification and/or Agricultural Conversion (refer Definitions) in the Mackenzie Basin Subzone other than as provided for as a Permitted, Controlled or Non-Complying Activity.

Exemption: This rule shall not apply to subdivisional fencing in areas other than High Visual Vulnerability Areas, within Sites of Significance, Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps.

15A.3.2 Subdivisional fencing within the Mackenzie Basin Subzone High Visual Vulnerability Area.

15A.4 Non-Complying Activities

15A.4.1 Any Pastoral Intensification (refer definitions) outside the Mackenzie Basin Subzone which involves 5% or more of any Site of Natural Significance identified on the Planning Maps and scheduled in Appendix I.

15A.4.2 Pastoral Intensification and/or Agricultural Conversion (refer Definitions) in the Mackenzie Basin Subzone within Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands or Lakeside Protection Areas identified on the Planning Maps.

ASSESSMENT MATTERS - RESOURCE CONSENTS

16.1 General

- a In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out below.
- b In the case of *Controlled Activities*, and activities which are *Discretionary Activities in respect of which discretion is limited* the assessment matters taken into account shall only be those relevant to matters to which discretion is limited.
- c In the case of *Controlled Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- d In considering resource consents the Council shall have regard to compliance with District-wide rules.
- e In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited to, the following Assessment Matters.

16.2 Buildings

16.2.a Building Height and Recession Lines

- i The extent to which there is a need for the increased height in order to undertake the proposed activities on the site.
- ii The effect of the increased height in terms of visual dominance by buildings of the outlook from other sites, roads and public open space in the surrounding area, which is out of character with the local environment.
- iii The extent to which the increased height would have any adverse effect on other sites in the surrounding area in terms of loss of privacy through being over-looked from neighbouring buildings.
- iv The extent to which the increased building height will result in decreased opportunities for views from properties in the vicinity, or from roads or public open space in the surrounding area.
- v The ability to mitigate any adverse effects of increased height, such as through increased separation distances between the building and adjoining sites or the provision of screening.
- vi Long term effects on landscape values.
- vii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

16.2.b Setback from Roads

- i The extent to which the intrusion towards the road is necessary in order to allow more efficient, practical and/or pleasant use of the remainder of the site.
- ii The extent to which alternative practical locations are available for the building.
- iii The extent to which the proposed building will detract from the pleasantness, coherence, openness and attractiveness of the site as viewed from the road and adjoining sites.
- iv The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries, which will mitigate the effects of the building intrusion towards the road.
- v The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites.
- vi The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.
- vii The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from road boundaries.
- viii The degree to which existing or proposed landscaping, including plantings, mitigate the effects of limited building setback from a road.
- ix Long term effects on landscape values.
- x The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- xi The extent to which the location of a retail building closer to a State Highway will affect the safety and efficiency of adjoining roads.

16.2.c **Setback from Neighbours**

- i The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.
- ii The extent to which alternative practical locations are available for the building.
- iii Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings or reduced privacy on adjoining sites and buildings, which is out of character with the local environment.
- iv The ability to provide adequate opportunities for garden and tree plantings around buildings.
- v The extent to which residents of the proposed building will be affected by permitted activities on the adjoining sites in terms of matters such as noise, smell, glare, dust or vibration.

- vi Any adverse effects of the proximity of buildings housing animals in terms of noise, smell, flies or vermin on adjoining sites.
 - vii The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings.
 - viii Long term effects on landscape values.
 - ix The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- 16.2.d **Access**
- i The extent to which alternative formed access can be assured to the residential unit in the long-term.
 - ii The extent to which the level and nature of the use of the residential unit will make it unlikely that access by way of a formed road will ever be necessary.
 - iii The level of financial contribution required to be made to the Council towards the formation of the road to a standard suitable for residential access, taking into account the levels of traffic likely to be generated by the use of the residential unit in relation to the existing use of the road.
- 16.2.e **Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, High Altitude Areas, Shrublands, Short Tussock Grasslands and Indigenous Cushion and Mat Vegetation and Associated Communities**
- i The degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed activity. In particular:
 - a The status of a particular species, whether it is rare, vulnerable or endangered in the District, Region or nationally.
 - b The general rate of decline of a particular species in the District, Region or nationally.
 - c The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally.
 - d The range or diversity of species in a particular plant or animal community.
 - e The importance of an area providing habitat to animals.
 - ii The extent to which the activity threatens the indigenous plants or animals identified at the site.
 - iii The extent to which the environment in and adjoining the site is sensitive to modification.
 - iv The degree to which the activity will adversely affect natural features, geological and geomorphological sites.

- v The degree to which river, lake or wetland habitat is adversely affected through run-off and sedimentation caused by earthworks.
- vi The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- vii In the beds and margins of rivers, lakes and wetlands:
 - a The extent to which the activity threatens birdlife; and the degree of significance a particular bird species has to the District following the criteria in a above.
 - b The degree to which public access would be restricted.
 - c The degree to which trout, salmon or fresh water habitat are adversely affected by disturbance, including the clearance of vegetation.
 - d The extent to which the activity will result in a loss of natural character and any recreational values associated with the water body.
 - e The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- viii The extent to which previous management practices have already significantly modified the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.
- ix The effect of the activity on the overall naturalness, integrity and ecological functioning of the area.
- x Impacts of increased nutrients on waterbodies.
- xi The extent to which the structure or vegetation will restrict views within, across, or from the Scenic Viewing Area.
- xii Long term effects on landscape values.
- xiii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- xiv The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.
- xv Whether there are threatened or “at-risk” plants (including those in the list in Appendix W in the Mackenzie District Plan) on the building site or within 30m of it.
- xvi Whether the integrity of the ecological components in Appendix X is compromised resulting in adverse impacts on biological diversity and natural character.
- xvii Whether wāhi taonga sites are affected.

16.2.f Riparian Management

- i The degree to which the building or activity will restrict public access and enjoyment of the waterway margin.

- ii The degree to which the building or activity threatens indigenous plants or animals or their habitat identified in the waterway beds and margins.
- iii The degree of significance of the indigenous plant or animal communities (refer to Assessment Matter - Sites of Natural Significance).
- iv The extent of any alteration of a wetland and the subsequent loss of habitat.
- v The extent to which the natural character of the waterway margin will be retained.
- vi The extent to which the building or activity may impact on recreational values associated with the water body, including the amenity of that part of the river, stream, lake or wetland.
- vii Long term effects on landscape values.
- viii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- ix The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

16.2.g **Airport Noise**

The extent to which the health of residents and their enjoyment of their property will be adversely affected by aircraft noise.

16.2.h **Lakeside Protection Areas**

- i The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- ii Long term effects on landscape values.
- iii The extent to which siting, design and colour of buildings and structures mitigate against the loss of landscape values contained in the Lakeside Protection Areas.
- iv The impact on the natural functioning of the lake margins.

16.2.i **Flood Mitigation - Floor Heights**

- i. The likelihood of the proposed activity being threatened by flooding or ponding as a result of the proposed floor level.
- ii. The frequency of flooding events and flooding and ponding levels in relation to the site of the habitable residential buildings
- iii. The quantity and value of assets that will be vulnerable to flooding as a result of the establishment of the proposed floor level.
- iv. The ability of buildings to be relocated, and estimated cost, and the possible destination of a relocated building.

16.2.j Flight Protection Areas

- i. The extent to which the proposed structure, mast, pole or tree will penetrate the flight protection areas.
- ii. Effects on the safety and efficiency of aircraft operations
- iii. The ability to locate the proposed structure, mast, pole or tree in a location outside those area shown on Planning Maps 54 and 55, and described in Appendix M of this Plan.

16.2.k Farm buildings

- i. Whether the farm building(s) would be located away from main surfaces, ridgelines and skylines of landforms. (Refer to the report “The Mackenzie Basin Landscape: character and capacity” Graeme Densem Landscape Architects November 2007 and “Intensification and Outstanding Natural Landscape: Landscape Management of the Mackenzie Basin in the light of Court’s Decisions” Graham Densem Architects November 2015 for descriptions of areas to be avoided in terms of their vulnerability to change.)
- ii. Whether the proposed building(s) would be adjacent to a change point of the topography, such as a slope, stream course, or forest edge.
- iii. Whether the farm building(s) would be highly visible when viewed from public viewpoints such as the state highway or the surface of a lake.
- iv. The extent to which existing natural topography would be or could be used to ensure that development is located where it is not highly visible when viewed from public viewpoints.
- v. Whether the building(s) would be located so they would be highly visible in the foreground of views of the mountains surrounding the Basin or views of the lakes, from public viewpoints.
- vi. Where the siting and/or scale of proposed building(s) means they would have an adverse effect on the landscape, whether there are other sites on the application property where the building(s) could be located and serve the intended function without such adverse effect.
- vii. The extent to which any potential adverse effects on the landscape would be avoided or mitigated by appropriate design and landscaping, and/or other measures (including covenants and other restrictive instruments).
- viii. Whether the building(s) would be located where it/they would break the line and form of any skylines, ridges, hills or prominent slopes, and in particular whether buildings would appear above the skyline when viewed from any public viewpoint.
- ix. The extent to which any proposed accessways, earthworks or landscaping would follow the form and lines of the natural topography and landscape.

- x. Whether the farm building(s) would be concentrated together or in close proximity to existing buildings or other man-made structures (preferred).
- xi. Whether the colours of the roofs and walls would be recessive and of low reflectivity.
- xii. Whether wāhi taonga sites are affected.
- xiii. Whether there are threatened or “at-risk” plants (including those in Appendix W) on the building site or within 30m of it.
- xiv. Whether the integrity of the ecological components in Appendix X is compromised resulting in adverse impacts on biological diversity and natural character.

16.2.1 **Non-Farming Activities and Buildings**

- i. The extent to which building(s) would be visible when viewed from public viewpoints such as the state highway or the surface of a lake.
- ii. Whether existing natural topography would be or could be used to ensure that activities and buildings are located where not visible when viewed from public viewpoints.
- iii. Whether building(s) would be visible in the foreground of views of the mountains surrounding the Basin or of the lakes, from public viewpoints.
- iv. Whether and the extent to which the nature, scale and overall layout of the development would compromise the character of the surrounding landscape.
- v. Where the siting and/or scale of proposed building(s) means it/they would have an adverse effect on the landscape, whether there are other sites on the application property or in the wider area where the building(s) could be located and serve the intended function without such adverse effect.
- vi. The extent to which any potential adverse effects on the landscape would be avoided or mitigated by appropriate design and landscaping, and/or other measures (including covenants and other restrictive instruments).
- vii. Whether building(s) would be located where they would break the line and form of any skylines, ridges, hills or prominent slopes, and in particular whether buildings would appear above the skyline when viewed from any public viewpoint.
- viii. The extent to which any proposed accessways, earthworks or landscaping would follow the form and lines of the natural topography and landscape.
- ix. Whether building(s) would be concentrated together or in close proximity to existing buildings or other man-made structures (preferred).
- x. Whether the colours of the roofs and walls would be recessive and of low reflectivity.
- xi. Whether the site is within a Lakeside Protection Area, Scenic Viewing Area or Scenic Grassland.

- xii. Whether the application includes proposals for ecological restoration and/or the containment and control of wilding species.
- xiii. The extent to which any exterior lighting can be minimised to avoid adverse effects on amenity values.
- xiv. Any adverse effects of the proposed activity in terms of:
 - Noise, vibration and lighting from the activity and from vehicles entering and leaving the site.
 - Loss of privacy for adjacent properties.
 - Levels of traffic congestion or reduction in levels of traffic safety.
 - Noise, dust and traffic from earthworks.
- xv. Whether wāhi taonga sites are affected.
- xvi. Whether there are threatened or “at-risk” plants (including those in Appendix W) on the building site or within 30m of it.
- xvii. Whether the integrity of the ecological components in Appendix X is compromised resulting in adverse impacts on biological diversity and natural character.

16.2.m Residential Buildings in the Ostler Fault Hazard Area

- i. The location of the building and the extent to which the siting and layout of the development will reduce the effects of fault rupture and tilting on people and their property;
- ii. the extent to which geotechnical and engineering reports show that risks to buildings and the safety of occupiers and neighbours can be reduced.

16.2.n Buildings and Visitor Accommodation and Retail Sales not listed as a permitted activity within the Hydro Electricity Inundation Hazard Areas in Appendix U

- i. The potential for reverse sensitivity and adverse effects of new buildings/activities on the operation and management of existing power generation infrastructure, including any effect on the Potential Impact Classification and requirements in any dam safety assurance programme.
- ii. The risk of inundation associated with the uncontrolled release of water or operational discharges from existing power generation infrastructure and the potential effects on property and life.

16.3 Earthworks and Tracking

16.3.a Sites of Natural Significance - Refer 16.2.e

The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

16.3.b Slope

- i The extent to which the environment in and adjoining the site is sensitive to modification.
 - ii The degree to which water habitat may be compromised through runoff and sedimentation caused by earthworks.
 - iii The extent to which the activity will result in a loss of natural character of the area.
 - iv Long term effects on landscape values.
 - v The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
 - vi The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.
- 16.3.c **Riparian Management - Refer 16.2.f**
- i The extent to which floodwater conveyance will be enhanced without adversely affecting flood hazard elsewhere in the area.
 - ii The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.
- 16.3.d **Geopreservation Sites and High Altitude Areas**
- i The degree of significance of the landscape, feature or alpine or subalpine environment in the district, region or nationally.
 - ii The extent to which the site is visible by members of the public.
 - iii The extent to which the environment in and around the site is sensitive to modification
 - iv The degree to which there are alternative locations or methods for identifying the activity
 - v The extent to which previous management practices have already significantly modified the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.
 - vi The effect of the activity on the overall naturalness, integrity and ecological functioning of the area.
 - vii Impacts of increased nutrients on waterbodies.
 - viii Long term effects on landscape values.
 - ix The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- 16.4 **Factory Farming - Rural Zones**
- 16.4.a **All Concerns**

- i The extent to which the factory farming operation will be compatible with the character of the surrounding rural area, including the density of and proximity to residential units in the area.
- ii The degree to which the proposed factory farming operation is likely to lead to odour, dust, noise or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate noise or odour nuisance, including:
 - a the size of the proposed factory farming operation and its associated site;
 - b the design of the buildings, facilities, and waste and noise management systems;
 - c the management and operation of the waste and noise management systems;
 - d waste treatment measures employed;
 - e odour and noise abatement measures employed.
- iii The degree to which existing or proposed landscaping, including plantings, will shelter and screen the proposed site.
- iv The extent to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.
- v The extent to which animal housing and effluent storage is subject to inundation, and methods of limiting animal losses and effluent contamination of land and water.
- vi When assessing factory farming (intensive farming) applications the Council will consider, but not be restricted to, current codes of practices, such as the 'Code of Practice - Pig Farming', New Zealand Pork Industry Board, 2nd Edition 1993.
- vii The extent to which the activity has potential to adversely affect local nature conservation values, wildlife habitats and aquatic ecosystems.
- viii The potential extent to which escaped or released animals could adversely effect nature conservation and landscape values in the high country by:
 - the forming of wild populations; or
 - the predatory nature or feeding habitats of the animals.
- ix The methods used to ensure containment of animals.
- x The difficulty of eliminating escaped or released animals.

16.5 Tree Planting

16.5.a Setback From Neighbours

- i The extent to which the tree planting could cause shading and/or loss of production on adjoining sites.
- ii The extent to which forest operations could impact on the efficient use of adjoining sites.

- iii The impact of the tree planting on fire risk management in the area.
- iv Long term effects on landscape values.
- v The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

16.5.b **Shading of Roads**

The extent to which the location, orientation, species and maximum height of the proposed trees will result in shading of the carriageway and a potential for icing which could endanger the safety of motorists.

16.5.c **Scenic Viewing Areas, Scenic Grasslands and Shelter Belts**

- i The extent to which tree planting will restrict views within, across or from a Scenic Viewing Area or Scenic Grasslands, and in particular the views referred to in Appendix J.
- ii Long term effects on landscape values.
- iii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- iv The extent to which shelter belts will adversely affect the landscape values of the Mackenzie Basin and the enjoyment of those values.

16.5.d **Sites of Natural Significance**

Refer 16.2.e above.

16.5.e **Wilding Tree Management**

- i The extent to which wilding trees and/or the potential for wilding tree spread is to be controlled, or eliminated by the choice of species, forest location and design, grazing, and other management tools.
- ii The need to ensure compliance with conditions on wilding tree management by way of bonds or other economic instruments.
- iii Long term effects on landscape values.
- iv The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- v The potential for tree planting to threaten the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding tree spread into these areas.

16.5.f **High Altitude Areas**

- i The degree of significance of the alpine or subalpine environment in the district, region or nationally.

- ii The extent to which the environment in and around the site is sensitive to modification.
- iii The degree to which there are alternative locations and methods for the activity.
- iv The extent to which previous management practices have already significantly modified the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.
- v The effect of the activity on the overall naturalness, integrity, and ecological functioning of the area.
- vi Impacts of increased nutrients on waterbodies.
- vii Long term effects on landscape values.
- viii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

16.5.g **Tree Planting – Riparian Area and Water Catchment Areas**

The extent to which forestry planting, management, harvesting and ancillary activities will have a significant effect on:

- the ecological functioning of the riparian area and on the quality and character of the adjoining water body
- legal public access and amenity values of waterway margins
- indigenous plants or animals or their habitat in the waterway beds or margins
- a wetland or habitat
- recreational values associated with the water body including the amenity of that part of a river, lake or wetland
- the availability of water within the catchment.

Wilding Tree Management

1. The extent to which the potential for wilding tree spread is to be controlled, or avoided by the choice of species, forest location and design, grazing, and other management tools.
2. The need to ensure compliance with conditions on wilding tree management by way of bonds or other economic instruments.
3. Long term effects on landscape values.
4. The potential for tree planting to affect the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding tree spread into these areas.

16.5.h **Other Matters**

- i The extent to which the proposal complies with the Logging Industry's Code of Practice.

- ii Long term effects on landscape values.
- iii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- iv The potential for tree planting to threaten the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding tree spread into these areas.

16.5.i **Tree Planting – Restricted Discretionary Activity**

Landscape

1. The extent to which the proposed forestry could cause adverse effects on the landscape values of the Mackenzie Basin and the enjoyment of those values. These effects include but are not restricted to:
 - the loss of key views or viewpoints
 - the loss of accessibility to key views or viewpoints
 - any obscuring of landforms or natural features
 - the loss or disruption of natural landscape patterns, including the loss of underlying landform pattern
 - the loss or obscuring of present vegetation patterns
 - the loss or disruption of openness and spaciousness of the landscape, and the apparent naturalness of the landscape
2. The extent to which the planting satisfies the guidelines in Appendix K - Landscape Guidelines.
3. The extent to which plantings highlight the contrast between dominantly horizontal landscape and the vertical element of the trees.
4. The use of natural boundaries and existing cultural patterns to create forestry edges to minimise the contrast with the landscape setting.
5. The extent to which the plantings are in sympathy with topography and landforms to minimise the contrast between existing natural patterns and shapes and those of tree plantings.
6. The use of trees as a permanent amenity fringe where plantings are visible from significant viewpoints.
7. The need to avoid abrupt changes in the texture and colour of planting unless these changes relate to changes in the natural landform, landscape or existing cultural patterns.

Wilding Tree Management

1. The extent to which the potential for wilding tree spread is to be controlled, or avoided by the choice of species, forest location and design, grazing, and other management tools.

2. The need to ensure compliance with conditions on wilding tree management by way of bonds or other economic instruments.
3. Long term effects on landscape values.
4. The potential for tree planting to affect the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding tree spread into these areas.

Water Quality and Quantity and Riparian Values

1. The extent to which forestry planting, management, harvesting and ancillary activities will have a significant effect on:
 - the ecological functioning of the riparian area and on the quality and character of the adjoining water body
 - legal public access and amenity values of waterway margins
 - indigenous plants or animals or their habitat in the waterway beds or margins
 - a wetland
 - recreational values associated with the water body including the amenity of that part of a river, lake or wetland
 - the availability of water within the catchment.

Infrastructure

1. The extent to which forestry activities will impact on the establishment, maintenance and functioning of infrastructure, e.g. electricity generation.

Impact on Neighbouring Properties

1. The extent to which forestry could cause shading, impede production and/or reduce enjoyment of neighbouring properties.

Natural Character and Ecosystems

1. The extent to which forestry would adversely effect existing indigenous vegetation cover, ecological processes and/or ecosystem functioning
2. The potential for tree planting to threaten the natural values of adjoining sites, including public lands administered for their conservation values, and in particular the potential for wilding spread into these areas.

16.6 Outdoor Recreational Activities

- 16.6.a Any adverse effects of the proposed activity in terms of:
- i Noise, vibration and lighting, which is incompatible with the levels acceptable in a low-density residential or rural environment.
 - ii Loss of privacy and loss of a sense of remoteness or isolation.

- iii Levels of traffic and/or parking, congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - iv Litter and waste.
 - v Any cumulative effect from the activity in conjunction with other activities in the vicinity.
- 16.6.b The extent to which the activity is compatible with and will not adversely affect significant natural conservation values or wildlife habitat. In particular, the effects of the activity on the outstanding natural conservation and wildlife values of the District's rivers, lakes, and wetlands.
- 16.6.c The extent to which any water-based activity is particularly suited to and benefits from the natural characteristics of the particular waterway.
- 16.6.d The extent to which the recreational activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity, opportunities to provide open space and tree plantings within the built residential environment; and/or opportunities in rural areas for remote experience recreation.
- 16.6.e The extent to which the recreational activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of people partaking of those opportunities.
- 16.6.f The ability of the activity to supply water, and dispose of sewage and other wastes, in an environmentally sound manner.
- 16.6.g The extent to which the recreational activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve, and the measures to be used to ensure public safety.
- Refer also 16.12 Aviation Activities.
- 16.6.h Long term effects on landscape values.
- 16.6.i The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.
- 16.6.j The extent to which a jetty or boat ramp will adversely affect public safety, conservation values or people's enjoyment of the amenity values of a waterway.

16.7 Visitor Accommodation

- 16.7.a The extent to which the buildings meet the Design Guidelines contained in Appendix K.
- 16.7.b The extent to which the development damages, degrades or restricts the surrounding environment, in particular whether:
- it adversely impacts upon areas of natural significance, areas of indigenous flora or fauna, or high altitude areas.
 - views from, over or across the site are restricted.

- 16.7.c The extent to which the conditions for buildings in the Rural Zone are met.
- 16.7.d The extent to which visitor accommodation on the site is an integral and necessary part of other activities being undertaken on the site; will assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers on the site; or makes a practical and economical use of an existing building and facilities on the site.
- 16.7.e Any adverse effects of the likely traffic and pedestrian generation from the proposed visitor accommodation in terms of:
- i Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a rural environment.
 - ii Loss of privacy and remoteness.
- 16.7.f The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- 16.7.g Long term effects on landscape values.
- 16.7.h If the activity is proposed to be located in the Ostler Fault Hazard Area, the location of any buildings and the extent to which the siting and layout of the development will reduce the effects of fault rupture and tilting on people and their property, and the extent to which geotechnical and engineering reports show that risks to buildings and the safety of occupiers can be reduced.

16.8 Retail Sales

- 16.8.a The location and design of vehicle access, parking and loading areas are such as to protect the safe and efficient movement of vehicles on the adjoining road(s), having regard to the purpose of these road(s).
- 16.8.b The size, location and design of parking, loading areas and signs and their relationship to the retail sales, buildings and outdoor display areas are such as to encourage vehicles to park on the site and are capable of accommodating likely vehicle demand.
- 16.8.c Advertising signs are clear, well located, simple to read and understand from passing vehicles and protect the safe and efficient movement of vehicles on the adjoining road(s).
- 16.8.d The location and design of vehicle access, parking and loading areas are such as to avoid adverse effects on neighbouring properties in terms of noise, vibration and glare from vehicles entering and leaving the site.
- 16.8.e The extent to which the sale of goods or services other than those specified in the rules may affect the amenity of the environment through increased generation of vehicles, pedestrians, fumes and advertising.

16.9 Mining Activities

16.9.a **Sites of Natural Significance** - Refer 16.3.a.

16.9.b **Slope** - Refer 16.3.b.

16.9.c **Riparian Areas** - Refer 16.2.f

16.9.d **Geopreservation Sites** - Refer 16.3.d.

16.9.e **Mineral Exploration**

Conditions may be imposed on mineral exploration in order that:

- i the amount of vegetation cleared and volumes of material removed will be minimal and the adverse effects to landscape and conservation values are minimised;
- ii rehabilitation of the site is completed which ensures:
 - a the long term stability of the site;
 - b that the landforms or vegetation on finished areas are visually integrated into the landscape;
 - c that the land is returned to its original productive capacity, where appropriate.
- iii roads or buildings are located in such a way as to minimise impacts to landscape, conservation, and amenity values;
- iv dust is minimised where amenity values are at risk. Methods may include wetting down of tracks or heaped overburden;
- v noise is minimised where amenity values are at risk. Methods may include restricted hours of operation or appropriate mufflers on machinery.
- vi Long term effects on landscape values.
- vii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

16.9.f **Mining Activities**

- i The extent to which the activities of vegetation clearance and the excavation and removal of material associated with mining impact on amenity values, landscapes values and natural conservation values.
- ii The extent to which roads or buildings impact on amenity values, landscape values and natural conservation values.
- iii The ability of the proposal to rehabilitate the site after mining so:
 - a. that the long term stability of the site is ensured;
 - b. that the landforms or vegetation on finished areas are visually integrated into the landscape;
 - c. that the land is returned to its original productive capacity, where appropriate;
 - d. that water and soil values are protected.

- iv The ability of operation to minimise dust, noise, lighting and vibration so that amenity or natural conservation values are not at risk.
- v The ability of the company to provide a contingency plan for early mine closure, including an evaluation of the risk to the neighbouring community and environment.
- vi The ability of the company to provide a bond to the Council annually for the purpose of rehabilitating operation areas in the event of a premature closure.
- vii The ability of the company to adequately monitor the operations and its effects on the receiving environment.
- viii Long term effects on landscape values.
- ix The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

16.10 Vegetation Clearance

16.10.a Riparian Areas, and Clearance of Wetland Vegetation - Refer 16.2.f

The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

16.10.b Sites of Natural Significance and High Altitude Areas- Refer 16.2.e

The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

16.10.c Tall Tussock and Canopy and Wetlands- Refer 16.2.e

The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

16.10.d Shrublands, Short tussock Grasslands and Indigenous Cushion and Mat Vegetation and Associated Communities – Refer 16.2.e

- i Long term effects on landscape values.
- ii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines.

16.11 Scheduled Activities - Refer Schedule A to the Rural Zone

16.12 Aviation Activities

16.12.a Refer 16.6

16.12.b The extent to which there are economics of scale associated with co-location or joint use of facilities.

16.12.c The efficient and safe functioning of access, parking and traffic circulation.

- 16.12.d The safety of aircraft operations and passengers embarking or leaving aircraft.
- 16.12.e Safety issues in relation to proximity of other landing sites
- 16.12.f Frequency of use
- 16.12.g Aircraft type using the site
- 16.12.h Noise effect on natural quiet and amenity values

16.13 Other Activities

- 16.13.a **Pastoral Intensification** - Refer 16.2.e

The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.

- 16.13.b **Noxious and Unpleasant Activities**

The extent to which the noxious and unpleasant effects of activities on people living or working or visiting the area can be avoided, remedied or mitigated.

- 16.13.c **Outdoor Activity**

- i The extent to which materials or equipment associated with a home occupation need to be stored outside the building,

and

the extent to which all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with a home occupation need to be carried outside a building, taking account of:

- a The nature, coverage area and height of materials or equipment associated with a home occupation.
- b The intended duration of materials or equipment associated with a home occupations to be outside a building.
- c The extent to which provisions would be needed for:
- security
 - control of litter and vermin
 - prevention or containment of fire hazard.

- 16.13.d **Buildings** - Refer 16.2

- 16.13.e **Retail Sales** - Refer 16.8

- 16.13.f **Traffic Generation** - Refer 16.7.e and f

- 16.13.g **Earthworks** - Refer 16.3

- 16.13.h **Noise**
- The impact of the noise on the amenities of the area.
- 16.13.i **Offal Pits**
- The extent to which the location and operation of the offal pit is offensive to people living, working and visiting the area.
- 16.13.j **Power Generation Facilities**
- i The extent to which the building or structure will have a visual impact on the amenities of the District, including the skyline and open landscape.
 - ii The nature and type of any effects on fisheries, flora and fauna and the habitats of any flora and fauna.
 - iii The nature of any adverse effects on the environment created from construction of the building or structure including earthworks, dust, runoff, sedimentation, noise and traffic and the extent to which they may affect the quality, amenity and character of the surrounding environment.
 - iv The potential for increased recreation or other opportunities.

16.14 Pastoral Intensification and/or Agricultural Conversion

16.14.a All Concerns

- i The extent to which the structure or vegetation will restrict views within, across, or from the Scenic Viewing Area or Scenic Grassland.
- ii Long term effects on landscape values.
- iii The extent to which previous management practices have already significantly modified the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.
- iv The extent to which the activity threatens the indigenous plants or animals identified at the site. In particular the extent of impact on species which are rare, vulnerable, at-risk or endangered (including those species listed in Appendix W).
- v The extent to which the environment in and adjoining the site is sensitive to modification.
- vi The degree to which the activity will adversely affect natural features, geological and geomorphological sites.
- vii The degree to which river, lake or wetland habitat is adversely affected through runoff and sedimentation caused by earthworks.

-
- viii The degree to which any possible alternative locations or methods for undertaking the activity could occur.
 - ix In the beds and margins of rivers, lakes and wetlands:
 - a The extent to which the activity threatens birdlife; and the degree of significance a particular bird species has to the District following the criteria in Assessment Matter 16.2.e.i.a above.
 - b The degree to which public access would be restricted.
 - c The degree to which trout, salmon or fresh water habitat are adversely affected by disturbance, including the clearance of vegetation.
 - d The extent to which the activity will result in a loss of natural character and any recreational values associated with the water body.
 - e The degree to which any possible alternative locations or methods for undertaking the activity could occur.
 - x The effect of the activity on the overall naturalness, integrity and ecological functioning of the area.
 - xi Impacts of increased nutrients on waterbodies.
 - xii The extent to which the development satisfies the guidelines in Appendix K Landscape Guidelines
 - xiii The extent to which other mechanisms, agreements or consents protect the significant natural values of the site.
 - xiv Whether the integrity of the ecological components in Appendix X is compromised resulting in adverse impacts on biological diversity and natural character.
 - xv Whether wāhi taonga sites are affected.

Schedule A

1. SCHEDULED ACTIVITIES

Waitaki Hydro Power Scheme:

The Waitaki Hydro Power System can be broken into two spatial units:

- the Upper Waitaki Scheme
- the Mid Waitaki Stations

In an average year these stations will generate at least 19% of the nation's demand for electricity.

The Upper Waitaki Scheme utilises the water of Lake Tekapo, Pukaki and Ohau to generate electricity at five power stations, namely Tekapo A and B, and Ohau A, B and C, before the waters are discharged into Lake Benmore for use at the three mid Waitaki stations.

The majority of New Zealand hydro storage is contained in Lakes Tekapo and Pukaki. A system of canals links Lakes Ohau, Tekapo, Pukaki and Benmore with the head loss between the lakes being utilised to generate electricity.

A description of the main Upper Waitaki Scheme structures and facilities which are within the Mackenzie District and are scheduled in the District Plan are as follows:

Lake Tekapo Dam:

This 61 metre long reinforced concrete dam controls the flow from Lake Tekapo and allows flood waters to be stored for electricity generation. State Highway 8 passes over the crest of the dam.

Tekapo A Power Station:

This is the first in the line of stations in the Waitaki Hydro Power System. Water for electricity generation flows through a 1.6km tunnel linking the Lake Tekapo intake structure to the Tekapo A power House. The Tekapo A powerhouse contains a single 25 MW generator.

Tekapo Canal:

The Tekapo canal carries water from Tekapo A power station to the Tekapo B power station via a 26km canal.

Tekapo B Power Station:

Tekapo B Power Station utilises the 147 metre height difference between the Tekapo Canal and Lake Pukaki. Water is fed through two penstocks to the power house with a total capacity of 160 MW.

Pukaki Dam:

This dam was built to increase the storage capacity of Lake Pukaki. It incorporates a spillway structure which releases water into the Pukaki River during periods of excess water. State Highway 8 Passes over the crest of this dam.

Pukaki/Ohau Canal:

The 14km Pukaki Canal carries water from Lake Pukaki to Ohau A power Station. It is joined by a shorter 9km canal which diverts water from Lake Ohau. The potential for the installation of a power generation facility to utilise the fall between Lake Pukaki and the Pukaki Canal is being investigated by ECNZ.

Ohau Weir:

The Ohau Weir assists in the diversion of water from Lake Ohau into the Ohau Canal. A siphon on top of the weir maintains the minimum flow requirements in the Ohau River.

Ohau A Power Station:

Water for the Ohau A Power Station is taken from the lower end of the Pukaki/Ohau canal via four penstocks. This power station has a capacity of 248 MW. Water from Ohau A flows into Lake Ruataniwha.

Ruataniwha Dam:

The Ruataniwha dam consists of a main 240 metre long structure in the Ohau river gorge. Next to this is a wing dam 480 metres long. Lake Ruataniwha covering an area of 3.4 square kilometres is a world class rowing venue. State Highway 8 also passes over the crest of this dam.

Activities

The following activities are Scheduled Activities in the Rural Zone. The Site and Zone Standards of the Rural Zone and the rules for Utilities in Section 11 shall not apply to these activities within scheduled areas.

In terms of this schedule the word '**Significant**' shall have the meaning of: Any modification or addition which results in more than 20m² of additional land being utilised for building structures and ancillary activities, of the height of any existing building being increased by more than 2.5 metres.

Permitted Activities

The following activities shall be Permitted Activities in the areas identified by shading on Sheets 1,2 and 3 Hydro-Electricity Activities attached to this Rural Zone Schedule.

- a The operation, maintenance, refurbishment, enhancement and upgrading of an existing hydro electric power station or water control structure and related activities and external modification thereof except where significant external modification or addition to a structural component or building is involved.

Power station operations shall include the operation of penstocks, turbines, generators and switchyard.

- b Booms on the surface of water and their maintenance.
- c Fish and elver passes.
- d Site investigation works.
- e Activities necessary to maintain land and water bodies including activities for the purpose of erosion control, public information and environmental monitoring and enhancement.

Controlled Activities

The following activities shall be Controlled Activities in the areas shaded on Sheets 1, 2 and 3 Hydro-Electricity Activities attached to this Rural Zone Schedule:

- a Any significant external modification to an existing power station, canal structure, control structure, dam, spillway, intake, weir, automated gate, siphon or fish and elver pass which involves the addition of a structural component or a building for the purpose of efficiency enhancement or upgrading, and the construction, commissioning and operation of power generation facilities including intake, spillway and other related structures, except where the work will result in an increase the maximum operating level of a lake or water storage area permitted at the date of public notification of this Plan, or create a new lake or water storage area within the scheduled area.
- b In considering any application the Council shall have regard to the following matters:
 - i The visual impact of the building or structure on the amenities of the District, including the skyline and open landscape.
 - ii The nature of any effects on any fisheries, flora and fauna and the habitats of any flora and fauna.
 - iii The nature of any adverse effects on the environment from construction of the building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.

Any application for a controlled activity shall include a development plan showing the following information:

- the location of the proposed work and its relationship to existing structures on site.
- an elevation of the proposed work.
- vehicle access and parking.
- landscaping or revegetation proposals.

In granting consent the Council may impose conditions in respect of all or any of the following matters:

- i location, bulk, height, cladding or colour of the proposed work.
- ii landscaping, revegetation and fencing proposals.

- iii earthworks.
- iv location and construction of vehicle entry and exit points.
- v vehicle manoeuvring and parking areas.

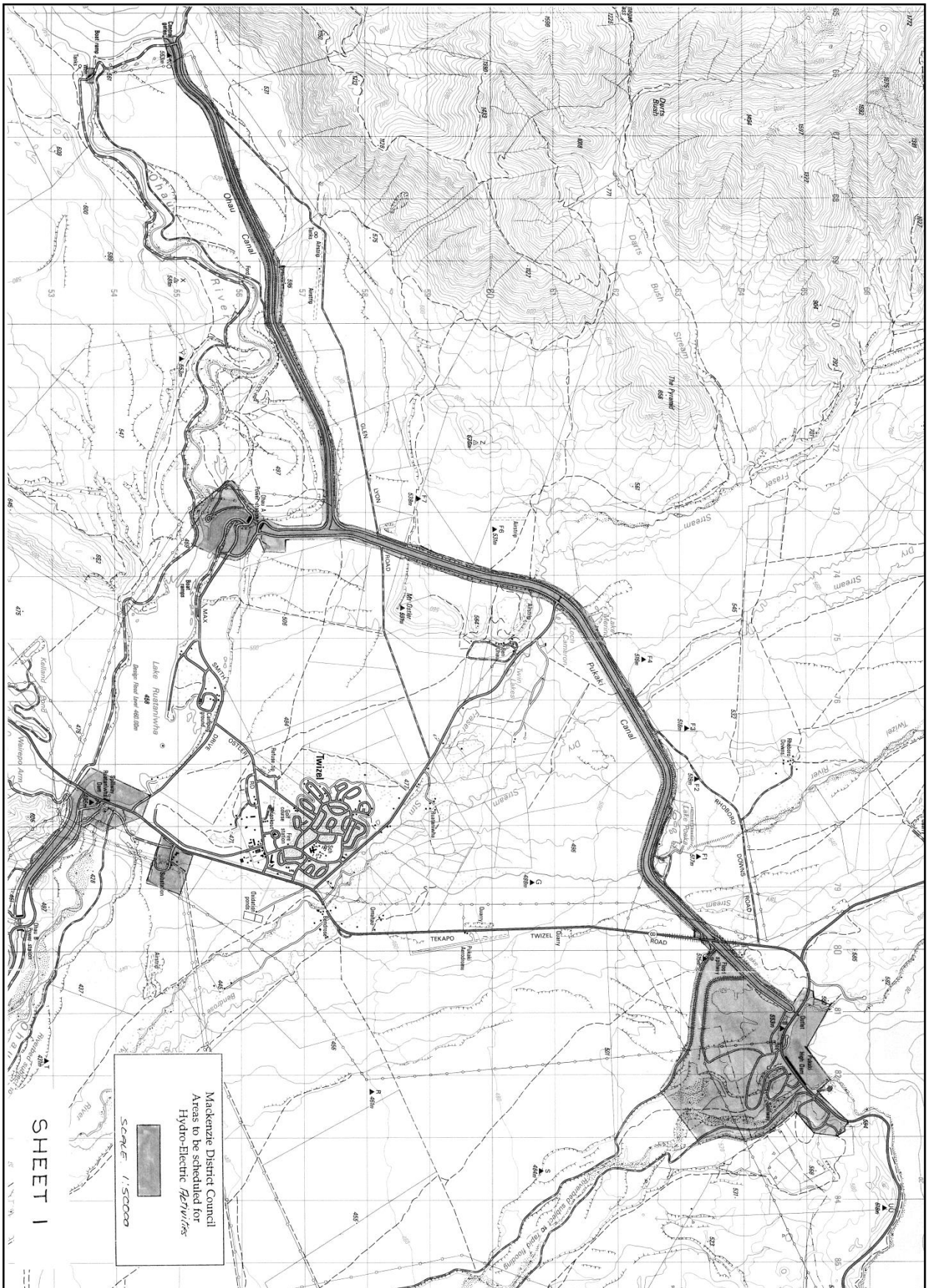
Discretionary Activities

The following activities shall be Discretionary Activities in the areas shaded on Sheets 1, 2 and 3 Hydro-Electricity Activities attached to this Rural Zone Schedule:

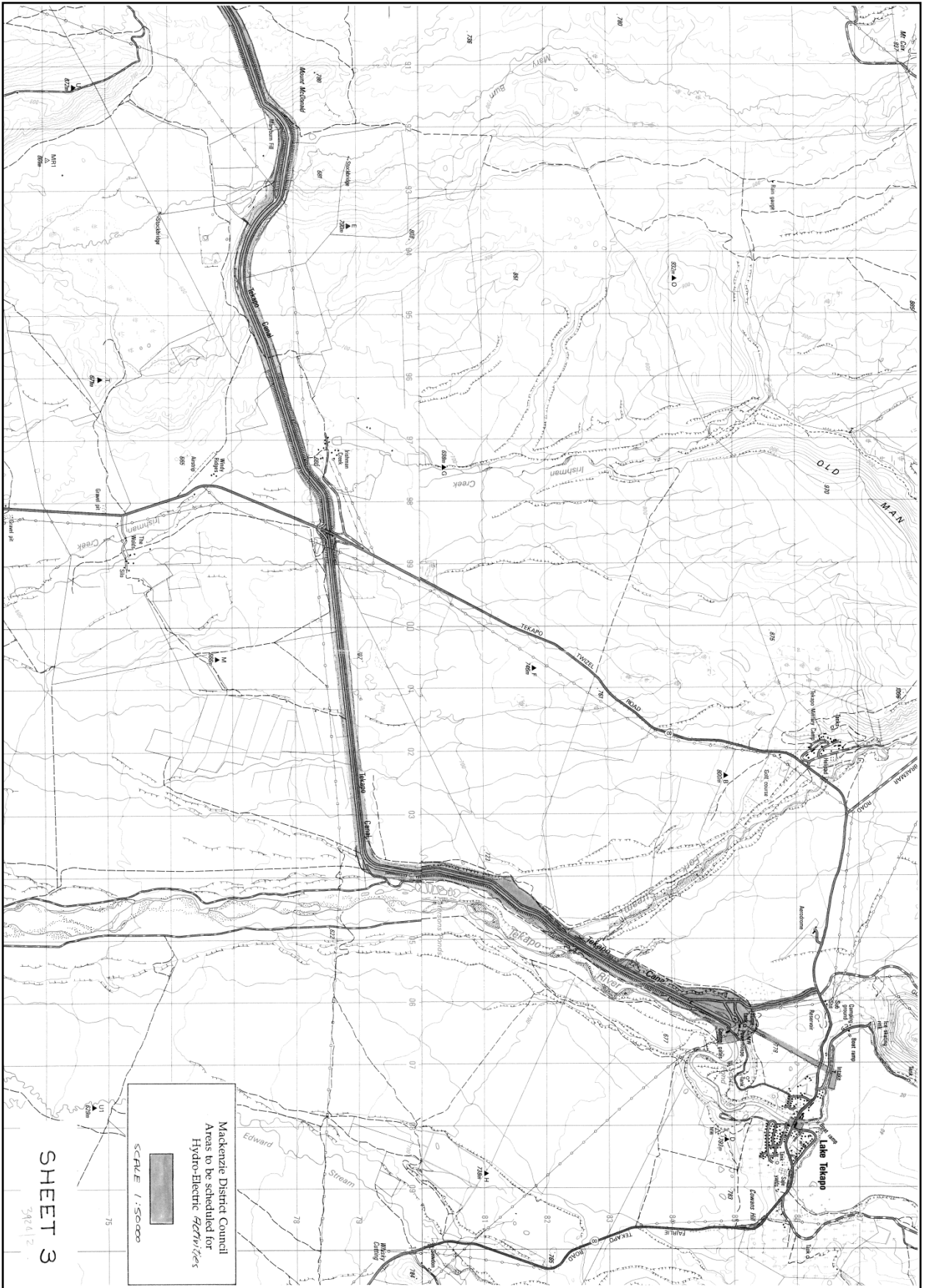
- a Any external modification to a power station, canal structure, control structure, dam, spillway, intake, weir, automated gate or siphon and the construction and commissioning of power generation facilities including intake, spillway and related structures which would result in an increase of the maximum operating level of a lake or water storage area within the scheduled area permitted at the date of public notification of this Plan or the creation of a new lake or water storage area.

In considering any application the Council shall have regard to the following matters:

- i The extent of the increase in volume and/or area of water and the extent to which surrounding land would be inundated.
- ii The quality of the soils of the area to be inundated and their potential uses.
- iii The degree to which the visual qualities of the landscape will be affected.
- iv The social and economic impact on local communities.
- v The degree to which the increased water body will affect the provision of roading and services within the locality.
- vi The potential for increased recreational opportunities.
- vii The degree to which outstanding natural features and the habitat of flora and fauna will be affected.
- viii The effect on any fisheries.
- ix The impact of the increase in water volume and/or area on the tangata whenua and their values.
- x The visual impact of roading.
- xi Effect of lakeshore erosion and weakening of hillslopes.







Schedule B

Mackenzie Basin Lakes and Rivers

For the purposes of Rural Zone Rules 4.1.1(c) and 12.1.1(a), the listed rivers are:

- Sawdon Stream
- Twizel River (below 900m and SH8)
- Grays River
- Fraser Stream
- Black Forest Stream
- Forks River
- Edwards River
- Snow River
- Maryburn Creek
- Stony/Ross River
- Dalgety River
- Irishman Creek
- Coal River
- Mackenzie River
- Dry Stream
- Pleasant Valley
- Moffat River

For the purposes of Rural Zone Rules 4.1.1(c) and 12.1.1(a), the listed lakes are:

- Lake Alexandrina
- Lake McGregor
- Lake Benmore
- Lake Tekapo
- Lake Pukaki
- Lake Ohau
- Lake Ruataniwha

This page is intentionally blank