

41.0 Conservation Zone

41.1 Permitted Activities

41.1.1 Unless expressly limited elsewhere and subject to compliance with the conditions applying to Permitted Activities the activities listed below shall be permitted without a resource consent.

- Any land use activity carried out in accordance with a Conservation Management Strategy prepared for the area.
- Any land use activity carried out in accordance with a Management Plan prepared under the Reserves Act 1977 for the area.
- Land disturbance activities.
- Discharges.
- Application of agrichemicals.
- Pest management carried out in accordance with a National or Regional Pest Management Strategy.
- Any farming or commercial forestry activity existing as at the date this Plan becomes operative.
- Special events not exceeding two days duration.
- Temporary Military Training Activities.

Conditions for Permitted Activities

41.1.2 Natural Character, Protection of Riparian Margins

41.1.2.1 All new buildings shall be set back 20 metres from the banks of any river, the margin of any lake or wetland, and where applicable the mark of Mean High Water Springs of the sea.

41.1.3 Discharges

41.1.3.1 Domestic Effluent Disposal

Provision must be made for the satisfactory disposal of all effluent and greywater in accordance with the requirements of this Plan. The requirements of this Plan are deemed to have been met where all domestic effluent and greywater is connected to a public system expressly designed for this purpose or the standards for on-site sewage disposal (Rules 41.1.3.2 and 41.1.3.3) are met.

41.1.3.2 Long Drop Toilets

The discharge of human effluent into land through a long drop toilet is a Permitted Activity subject to the following conditions:

- 41.1.3.2.1 A public sewer is not located within 60 metres of the long drop toilet.
- 41.1.3.2.2 The bottom of the pit is at least 1 metre above the highest groundwater level.
- 41.1.3.2.3 The long drop toilet is not located within 50 metres of any surface water body or drainage channel.
- 41.1.3.2.4 The long drop toilet is not located within 30 metres of any bore drawing groundwater from an unconfined aquifer.
- 41.1.3.2.5 The long drop toilet is not constructed in gravels, coarse sands, fissured rocks or other soils that allow the rapid migration of liquid waste away from the pit.
- 41.1.3.2.6 The human effluent does not accumulate to a height closer than 1 metre below the original ground surface.
- 41.1.3.2.7 The long drop toilet is constructed so that no runoff enters the pit.

41.1.3.3 On Site Sewage Disposal

The discharge of any contaminant from any domestic on-site wastewater treatment system onto or into land is a Permitted Activity subject to the following conditions:

- 41.1.3.3.1 A public sewer is not located within 60 metres of the lot boundary.
- 41.1.3.3.2 A public sewer does not exist within 60 metres of the closest building on the lot to be serviced.
- 41.1.3.3.3 The discharge is not within any catchment classed NS as defined in Appendix J.
- 41.1.3.3.4 Where discharges are to soil absorption systems (drainage fields) these shall include the following functions:
 - a) The effluent must be able to infiltrate the soil.
 - b) The effluent must be able to percolate through a sufficient distance of soil such that it is 'renovated' to have no measurable impact on any surface or ground water body, or any coastal water.
 - c) Any effluent directed to the drainage fields should be of a consistent high quality and meet the following standards:

faecal coliforms	< 10,000/100 ml
BOD ₅	< 100 g/m ³
suspended solids	< 60 g/m ³

and not be subject to episodic high values of suspended solids and BOD.
 - d) No stormwater shall enter the treatment system.
 - e) The system shall be maintained in a functional condition at all times.
 - f) The rate of discharge shall not exceed 2 m³/d, averaged over any one week period.
 - g) The discharge shall not be within 30 metres of any surface water body or drainage channel.
 - h) There shall be no surface ponding of any effluent, nor runoff of any contaminant either directly or indirectly into a surface water body.
 - i) The discharge shall be no less than 600 mm above the ground water table at all times.

- j) The discharge shall not be within 30 metres of any bore drawing ground water from an unconfined aquifer.
- k) No objectionable odours shall be able to be detected at or beyond the legal boundary of the area of land on which the contaminants are discharged.
- l) The effluent treatment unit shall be located in a manner that can be readily accessed for periodic servicing.

41.1.3.3.4.1 In the case of a septic tank being utilised that it:

- a) Shall have a minimum design life of fifteen years. (Note: The Building Act 1991 deals with other matters relating to construction and performance.)
- b) The septic tank shall have provisions for 24 hour minimum retention time of average daily flow after three years sludge/scum accumulation at full loading, i.e. sludge/scum accumulation at a rate of 80 litres per person per year as a three year average.

Note:

Sludge accumulation during the first year of operation will be at a higher rate as the biomass of digesting sludge establishes.

41.1.3.3.5 Where discharges are to a surface field (e.g. an irrigation system) the field:

- a) Must not be located in a catchment used for collecting drinking water.
- b) Must be fenced off in a manner to preclude accidental access.
- c) The effluent being discharged shall comply with the standards set out for effluent quality suitable for surface irrigation contained in Appendix O.
- d) The area of the irrigation field shall comply with the manufacturers specifications.
- e) The discharge shall not be within 30 metres of any surface water body or drainage channel.
- f) There shall be no surface ponding of any effluent, nor runoff of any contaminant either directly or indirectly into any surface water body.
- g) The discharge shall not be within 30 metres of any bore drawing ground water from an unconfined aquifer.
- h) No objectionable odours shall be able to be detected at or beyond the legal boundary of the area of land on which the contaminants are discharged.
- i) The effluent treatment unit shall be located in a manner that can be readily accessed for periodic servicing.

41.1.3.4 Discharge of Electro Magnetic Radiation (EMR)

The discharge of EMR (Electric Magnetic Radiation) is a Permitted Activity, provided the level of discharge meets the requirement/limitations of NZS 6609.

41.1.3.5 Application of Agrichemicals

The land-based application of any agrichemical (excluding deadly poisons), onto or into land is a Permitted Activity subject to the following conditions:

- 41.1.3.5.1** The application shall be undertaken in a manner which does not exceed any rate, or contravene any requirements specified on the product label.

- 41.1.3.5.2 The application shall be for the purposes of eradicating, modifying or controlling plants, animals or other organisms, and shall not include the disposal of any agrichemical concentrate onto or into land. Nothing in this rule shall authorise the discharge of concentrate onto or into water.
- 41.1.3.5.3 The application of agrichemical shall not result in agricultural spray drift being deposited on any roof or structure used as a catchment for water supply.
- 41.1.3.5.4 The application shall not result in agrichemical spray drift being deposited on any water body.
- 41.1.3.5.5 All reasonable care shall be exercised in the application of agrichemicals so as to ensure that spray drift does not pass beyond the legal boundary of the area of land on which the agrichemical is discharged. Reasonable care shall be deemed to have been exercised when the agrichemical has been mixed and applied in accordance with Part 5 of the "Agrichemical Users' Code of Practice" (NZS 8409:1995: New Zealand Agrichemical Education Trust).
- 41.1.3.5.6 The following qualifications shall be held within 12 months of the Plan becoming operative.
- a) Every person undertaking the application of agrichemicals shall hold or be under training for a current GROWSAFE Standard certificate or an equivalent qualification;
 - b) Every contractor undertaking the land-based application of agrichemicals shall be a Registered Chemical Applicator, or hold an equivalent qualification;
 - c) Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.
- 41.1.3.5.7 The property owner or manager shall keep records of agrichemical use in accordance with Section 5.9 - "Agrichemical Users' Code of Practice" (NZS 8409:1995: New Zealand Agrichemical Education Trust), and shall make such records available to the Council on request.
- 41.1.3.5.8 The property owner or manager shall on the request of the Council or any neighbouring property owner make available for inspection the current programme for the application of agrichemicals on the property.
- 41.1.3.5.9 The applicator shall notify the Council immediately in the case of accidental discharge into a water body.
- 41.1.3.6 Deadly Poisons (as listed in the First Schedule to the Toxic Substances Regulations 1983)**
- The hand application of a deadly poison is a Permitted Activity subject to the following conditions:
- 41.1.3.6.1 The application shall be undertaken in a manner which does not exceed any rate, or contravene any other requirement, specified in the deadly poison manufacturer's instructions and any instructions attached to or enclosed with the product.
- 41.1.3.6.2 The application shall be for the purpose of eradicating, modifying or controlling vertebrate animals only, and shall not include the disposal of any deadly poison onto or into land.

- 41.1.3.6.3** The applicator shall keep a written record of the location, timing and amount of the deadly poison application, and how the requirements of this Rule have been met; and provide this information to the Council on request.

Note:

Under the Pesticides (Vertebrate Pest Control) Regulations 1983, approval is required from the Medical Officer of Health and the appropriate territorial local authority for any use of deadly poisons:

- a) On a public road;
- b) In any other place to which the public is entitled to have access;
- c) Within 60 metres of a public road, or of any other place to which the public is entitled to have access;
- d) Inside (or within 400 metres of) the boundaries of any area or district that is controlled by a territorial local authority;
- e) Inside (or within 400 metres of) the boundaries of any community, as defined in the Local Government Act; or
- f) In any catchment area from which water for human consumption is drawn.

Any application of a deadly poison must also be publicly notified at least two weeks in advance, and notices erected at every public access route where people normally obtain access to the land.

The permission of affected land owners is required before any deadly poison can be used on their land.

41.1.3.7 Aerial Application of Deadly Poisons on Public Land

The aerial application of sodium monofluoroacetate (1080) on publicly owned land is a Permitted Activity subject to the following standards and conditions:

- a) The concentration of sodium monofluoroacetate in baits does not exceed 0.15% weight/weight; and
- b) The application rate of toxic bait does not exceed 6kg/ha at 0.15% weight/weight sodium monofluoroacetate concentration.

Note:

Where baits are applied to land administered by the Department of Conservation additional restrictions may be imposed by the Department.

The Medical Officer of Health may have requirements regarding the application of baits.

41.1.4 Heritage

41.1.4.1 Scheduled Heritage Resources

Refer to Rule 27.3.

41.1.4.2 Other Sites of Historical, Archaeological or Iwi Significance

Notwithstanding any permitted activity status herein, an authorisation from the New Zealand Historic Places Trust is required before any person may destroy, damage or modify the whole or part of any historical, cultural or archaeological site.

41.1.5 Rules Applying to Temporary Military Training Activities

41.1.5.1 Any Temporary Military Training Activity shall be a Permitted Activity, subject to the following conditions:

- a) The written consent of the owner shall have been obtained.
- b) No permanent structures shall be constructed.
- c) This activity shall not involve excavation (permanent or mechanical), unless provided for in this Plan.
- d) Flying activity shall be in compliance with Civil Aviation Regulations or in agreement with the local controlling authority.
- e) The activity shall be limited to a period not exceeding 31 days.
- f) Noise levels measured from a line 20 metres from and parallel to the facade of any dwelling or the legal boundary where this is closer to the dwelling do not exceed the following limits:

Time (Any Day)	Limits (DBA)		
	L ₁₀	L ₉₅	L _{MAX}
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630	55		

Impulse noise resulting from the use of explosives, explosives simulators small arms shall not exceed 122dBC.

41.1.6 Land Disturbance

41.1.6.1 Any land disturbance activity that is permitted by a rule in the Rural Zone shall be a Permitted Activity in the Conservation Zone.

41.2 Discretionary Activities

41.2.1 Application must be made for a resource consent for a Discretionary Activity for the following:

- Activities listed as Permitted Activities which do not comply with standards and/or conditions. Except that this provision shall not apply to activities listed as Non-Complying or Prohibited Activities.
- Any activity not carried out in accordance with or provided for in a Conservation Management Strategy or Management Plan or authorised by section 4 of the Resource Management Act 1991.
- Deadly poisons on public land.

- Emergency service activities.

41.2.2 General Assessment Criteria (Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

Any application for a Discretionary or Non-Complying Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria.

41.2.2.1 In Respect of Conservation Values:

- 41.2.2.1.1 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 or nationally.
 - b) The general rate of decline of a particular species in the District or nationally.
 - c) The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, 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/birds.
- 41.2.2.1.2 The extent to which the activity threatens the indigenous plants or animals/birds identified at the site.
- 41.2.2.1.3 The extent to which introduced species have the potential for weed/wilding spread.
- 41.2.2.1.4 The extent to which the environment in and adjoining the site is sensitive to modification.
- 41.2.2.1.5 The degree to which the activity will adversely affect natural features, geomorphological or geological sites.
- 41.2.2.1.6 The extent to which the vegetation is an integral part of, or enhances the landscape values and natural character of, the vicinity.
- 41.2.2.1.7 The extent to which river, lake or wetland habitat is adversely affected by discharges including run-off and sedimentation caused by earthworks.
- 41.2.2.1.8 The degree to which fresh water habitat may be compromised by a decline in water yields due to tree plantings.
- 41.2.2.1.9 The extent of any alteration of a wetland, its margins and overall natural functioning.
- 41.2.2.1.10 The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- 41.2.2.1.11 The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- 41.2.2.1.12 In the beds and margins of rivers, lakes and wetlands:
- a) The extent to which the activity threatens bird and/or native fish fauna and/or plant species and communities; and

- b) The degree of significance a particular species has to the District following the criteria in Rule 41.2.2.1.1 above.
- c) The degree to which trout or salmon are adversely affected by disturbance to a riverbed, including the clearance of vegetation.
- d) The degree to which public access would be restricted.
- e) The extent to which the activity will result in a loss of natural character and any recreational values associated with the water body.
- f) The degree to which any possible alternative locations or methods for undertaking the activity could occur.

41.2.2.1.13 The extent to which previous management practices have already significantly modified the characteristics of the site.

41.2.2.2 In Respect of Buildings and Structures:

41.2.2.2.1 Whether the building obscures natural features and vistas, and causes the loss of key view points.

41.2.2.2.2 Whether the building is visually obtrusive from any public road, recreation area or public place.

41.2.2.2.3 Whether the building and associated activity causes a loss of the natural landscape pattern or existing vegetation pattern in the rural area.

41.2.2.2.4 Whether the building is located in an area with a high potential to absorb change to the landscape.

41.2.2.2.5 Whether the design, external appearance and overall form of the building is appropriate to the context.

41.2.2.2.6 Whether the road access and internal driveways are situated in the most appropriate position, avoid excessive cuts and fills, and do not compromise the visual amenity values of the site.

41.2.2.3 In Respect of Visitor Accommodation and Commercial Activities:

41.2.2.3.1 The extent to which visitor accommodation on the site is an integral and necessary part of other activities being undertaken on the site, or, will assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site, or, makes a practical and economical use of an existing building and facilities on the site.

41.2.2.3.2 Any adverse effects of the proposed visitor accommodation in terms of:

- a) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density rural environment.
- b) Loss of privacy and remoteness.
- c) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
- d) Pedestrian safety in the vicinity of the activity.
- e) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

41.2.2.3.3 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.

41.2.2.3.4 Any potential adverse effects of the activity on the quality of ground and/or surface waters.

41.2.3 Particular Standards and Criteria Applicable to Listed Discretionary Activities (Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

The criteria specified for any particular discretionary activity listed below shall be considered in addition to the General Assessment Criteria set out in Rule 41.2.2.

41.2.3.1 Deadly Poisons (as listed in the First Schedule to the Toxic Substances Regulations 1983) on Public Land

The aerial application of any deadly poison into or onto publicly owned land is a Discretionary Activity where:

41.2.3.1.1 The application is to be undertaken in a manner which does not exceed any rate, or contravene any other requirements, specified in the agrichemical manufacturer's instructions and any instructions attached to or enclosed with the product; and

41.2.3.1.2 The application is for the purpose of eradicating, modifying or controlling vertebrate animals only, and does not include the disposal of any deadly poison onto or into land.

41.2.3.1.3 Assessment Criteria

- a) The application rate of the agrichemical;
- b) The area over which the agrichemical is discharged;
- c) The method of discharge; and
- d) Monitoring requirements.

41.3 Non-Complying Activities

41.3.1 Application must be made for a resource consent for a Non-Complying Activity for the following:

- Discharge of sewage effluent to water.
- Within any area identified as a Flood Hazard on the Planning Maps the following are Non-Complying Activities:
 - Any building.
 - Construction of stopbanks, modification of existing stopbanks or deposition of material in ephemeral channels.
 - Construction of impermeable walls, fences or similar structures which would divert water.

- Any excavation.
- Marine farming within the coastal marine area.
- Reclamations within the coastal marine area.

41.4 Prohibited Activities

41.4.1 The following are Prohibited Activities for which no resource consent shall be granted:

- The disposal of hazardous waste substances to land or water.
- The combustion of:
 - Materials associated with the recovery of metals from insulated electrical cables in the open; or
 - Materials and metals used in motor vehicles in the open; or
 - Any other PVC plastic, or rubber tyres, waste oils, treated timber, or agricultural chemical wastes in the open.

Note:

In the open means other than in an enclosed incineration device with a chimney.