

38.0 Conservation Zone

38.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Any land use activities 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;
- Application of agrichemicals, including deadly poisons;
- Disposal of cleanfill;
- Farming or forestry activity existing at the time the Plan becomes operative;
- Domestic wastewater and stormwater discharges;
- Land disturbance, vegetation clearance, cultivation, excavation;
- Pest management carried out in accordance with National or Regional Pest Management Strategies;
- Special events not exceeding two days;
- Specifically identified activities listed as permitted in Appendix J;
- Bridges and boardwalks forming part of a public walking track.

Conditions for Permitted Activities

38.1.1 Discharges

38.1.1.1 Domestic Wastewater Management

Provision must be made for the satisfactory management of all domestic wastewater in accordance with the requirements of the Plan. The requirements of the Plan are deemed to have been met where all domestic wastewater is connected to a public system expressly designed for this purpose or the conditions for on-site domestic wastewater discharges (Rule 38.1.2) are met.

38.1.1.2 The discharge of domestic wastewater into land

The discharge of domestic wastewater, through any on-site wastewater management system lawfully established without resource consent prior to 21 April 2005, into land is a Permitted Activity providing:

- 38.1.1.2.1 A public sewer is not located within 30 metres of the lot boundary or 60 metres of the closest building on the lot to be serviced.
- 38.1.1.2.2 Garbage grinders are not installed in any building that the on-site wastewater management system services.

- 38.1.1.2.3 The rate of discharge does not exceed 2000 litres per day, averaged over any one week period.
- 38.1.1.2.4 There is no increase in the rate of discharge due to an increased occupancy of the building(s) that the on-site wastewater management system serves following an extension or alteration of the building(s).
- 38.1.1.2.5 The domestic wastewater, following primary treatment, is able to infiltrate through at least 600mm of unsaturated soil or, following secondary treatment, is able to infiltrate through at least 300mm of unsaturated soil.
- 38.1.1.2.6 There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface waterbody, groundwater or coastal water or drainage channel.
- 38.1.1.2.7 The on-site wastewater management system is maintained in an efficient operating condition at all times.
- 38.1.1.2.8 No objectionable odours can be detected.

38.1.2 Stormwater Discharges (Point source and Non Point Source).

The discharge of point source stormwater, to land or natural water, by gravity and/or the discharge of non point source stormwater, to land or any natural water shall be a Permitted Activity provided that:

- a) The discharge shall not cause any significant erosion or inundation of land;
- b) The discharge shall not have any significant adverse effect on water quality;
- c) The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody; and
- d) The discharge does not contain stormwater from an area where hazardous substances are stored unless:
 - Hazardous substances cannot enter the stormwater; or
 - There is an interceptor system in place to collect hazardous contaminants or diverted contaminated stormwater to a trade waste system;

- e) The above provisions do not apply to the drainage of naturally occurring wetlands or lakes.

Note: The discharge of stormwater into the Coastal Marine Area is dealt with by the rules in the Coastal Marine Zone.

38.1.3 Application of Agrichemicals

The discharge of a contaminant or contaminants onto land or air in connection with the spray application of agrichemicals on reserves by the administering agency, or by any person authorised by the administering agency to carry out the activity, or by any other agency carrying out statutory powers in relation to the activity unless the activity involves the discharge of contaminants onto or into surfacewater, or the bed of any river or lake is a Permitted Activity provided that the following conditions are met.

38.1.3.1 Conditions

38.1.3.1.1 Adequate public notification of the intention to spray shall be provided at least seven days prior to the commencement of the activity, and the sprayed area shall be appropriately labelled following the activity for a duration that is appropriate with respect to the effects of the chemical used;

38.1.3.1.2 Due regard to:

- a) Wind speed and direction in regard to the method of application of spray;
- b) The selection of nozzle size and pressure of spray units to prevent or minimise the potential for spray drift;
- c) The dilution of spray solutions to the proper concentration for application;
- d) Upon request of the Council or neighbouring property owner make available for inspection a current programme for the application of agrichemicals;
- e) Apply sprays in accordance with the manufacturer's recommendations;
- f) Notify the Council as soon as practicable (within one hour) in the case of accidental discharge into a waterbody; and
- g) Apply sprays in a manner which does not cause or is not likely to cause significant deposition into water.

38.1.3.1.3 Woody vegetation (except for plantation trees and noxious plants under the Noxious Plants Act 1978) shall not be removed by chemical means within 8 metres of any permanently flowing river, or any lake, wetland or the sea;

38.1.3.1.4 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);

38.1.3.1.5 The following qualifications shall be held at all times after 1 January 2000 -

- 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; and
- c) Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.

38.1.3.1.6 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.

38.1.4 **Deadly Poisons (as listed in the First Schedule of the Toxic Substances Regulations 1983)**

38.1.4.1 **Application of Deadly Poisons**

The hand application of deadly poisons on all land, and the aerial application on private land, in circumstances which may result in the deadly poison (or any other contaminant emanating as a result of natural processes from the deadly poison) entering water, is a Permitted Activity subject to the following conditions.

38.1.4.1.1 **Conditions**

- a) 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;
- b) 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; and
- c) 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.

Advisory 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:

- On a public road;
- In any other place to which the public is entitled to have access;
- Within 60 metres of a public road, or of any other place to which the public is entitled to have access;
- Inside (or within 400 metres of) the boundaries of any area or district that is controlled by a territorial local authority;
- Inside (or within 400 metres of) the boundaries of any community, as defined in the Local Government Act 1974; or
- 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 landowners is required before any deadly poison can be used on their land.

38.1.4.2 Aerial Application of Deadly Poisons on Public Land

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

- a) The concentration of sodium monofloracetate in baits does not exceed 0.15%weight/weight; and
- b) The application rate of toxic carrot bait does not exceed 15kg/ha at 0.15% weight/weight sodium monofloracetate concentration bait; and
- c) The application rate of toxic cereal based bait does not exceed 6kg/ha at 0.15% weight/weight sodium monofloracetate concentration bait; and
- d) Baits will only be applied subject to conditions specified by the Medical Officer of Health.

Advisory Note

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

38.1.6 Clean fill

- The discharge into and onto land of any cleanfill contaminant other than:
- Hazardous substances;
- Combustible or organic materials;
- Any other contaminant subject to chemical or biological breakdown; or
- Liquids or sludges

is Permitted Activity provided that the following conditions are met.

38.1.6.1 Conditions

- a) That the material must not be deposited within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner or location where the General Conditions for Land Disturbance can not be complied with.
- b) That the filled area is covered with at least 200mm of topsoil, when infilling has been completed, to allow the site to return to a natural vegetated state.

38.1.7 Land Disturbance

38.1.7.1 Land Disturbance - General Conditions

Any land disturbance activity which meets the conditions below is a Permitted Activity.

- a) Any increase in the concentration of suspended sediment shall not be more than 20% as measured by the 'black disk' method, notwithstanding that the concentration of suspended sediment in run-off water shall not exceed 200 grams/cubic metre at any point of discharge to any receiving water. The effects on the receiving water are to be measured at a distance downstream of two widths of the receiving watercourse or 50 metres, whichever is the lesser;

- b) No woody material of greater than 100mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of a land disturbance operation; and
- c) All land disturbance sites are to be stable when subject to a storm event of return frequency probability of 10% or less.

38.1.7.1.1 Exception

Except any land disturbance activity that does not comply with the above conditions or is in an area identified as a hazard area that is required for the purposes of constructing or providing access to any structure requiring a building permit under the Building Act 1991, shall be a Discretionary Activity, with no restriction on the exercise of Council's discretion.

38.1.7.2 Cultivation

38.1.7.2.1 Contour Cultivation

Cultivation is to be parallel to the contour of the land, with the exception that on lands of slope greater than 20° , up to 15% of the cultivated area may be cultivated at an angle to the contour, and trenching or cable laying may be carried out at an angle to the contour.

38.1.7.2.2 Riparian Management Zones

No cultivation is to take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Volume Three Maps except trenching for cable laying and post holes for utility line support structures.

38.1.7.2.3 Revegetation

The vegetation cover of a cultivation site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place.

38.1.7.3 Excavation and Filling

38.1.7.3.1 Gradients

The gradient of any side cut excavation must not exceed an average of 9.5° (1:6) and must not exceed 11.3° (1:5) along any length of more than 20 metres.

38.1.7.3.2 Water Control and Culverts

Stormwater controls, water table cut-offs, and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side-cut excavation.

38.1.7.3.3 Stabilisation

Batters and side castings are to be stabilised by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation.

38.1.7.3.4 Run-off

Run-off from water tables or surfaces of side cut excavations is to be directed to stable land areas.

38.1.7.3.5 Crossings

River crossings are to be stable and maintained as suitable for fish passage.

38.1.7.3.6 Riparian Areas

Except for direct approaches to bridges, crossings and fords; maintenance of rail and public roads; and trenching for cable laying, no excavation or filling must take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner and location where the General Conditions for Land Disturbance above can not be complied with.

38.1.7.3.7 Slope

Any excavation or filling on land greater than 20° and less than 35° slope, provided the activity complies with Rules 38.1.1.7.3.1 to 38.1.1.7.3.6 above and not more than 1,000 m³ may be excavated/filled in any two year period.

38.1.7.3.8 Backfilling

All earth not required to be placed in a trench shall be removed from the land disturbance site, and placed in a stable location. Where a resource consent is required for placement of the fill, this shall be obtained prior to the start of work.

38.1.7.4. Vegetation Clearance**38.1.7.4.1 Vegetation clearance is a Permitted Activity provided that:**

- a) Blading or root-raking shall not be used to clear vegetation on slopes of more than 20°;
- b) Burning shall not be carried out on Class 7e or Class 8 land, when the Fire Weather Index Parameters for the burn are:
 - drought code - 200 or higher; or
 - build up index - 40 or higher;
 as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977; or
- c) The proposed vegetation clearance site is not within any Riparian Management Zone specified in Appendix I of Volume Two and the ecology maps in Volume Three of the Plan; and
- d) The vegetation clearance site shall be revegetated within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to vegetation clearance taking place;
- e) Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site;
- f) No more than 0.2 hectare of coastal broadleaved scrub and shrubland is cleared, per Certificate of Title within any 12 month period; or
- g) No more than 0.2 hectare of indigenous vegetation on ultramafic substrate is cleared, per Certificate of Title within any 12 month period; or
- h) No more than 0.2 hectares of indigenous forest cleared, per Certificate of Title, within a 12 month period; or
- i) Naturally occurring indigenous wetland vegetation or naturally occurring indigenous duneland vegetation shall not be cleared; and

If the vegetation clearance is:

- under plantation forest; or
- within 50 metres of a plantation forest;

and is reasonably necessary to enable the management or harvesting of an existing plantation forest, then conditions (f)-(i) do not apply and the vegetation clearance is permitted subject to conditions (a)-(e).

38.1.7.4.2 Riparian Management Zone

Woody vegetation, Sedges (*Carex* spp.) Native Toe Toe (*Cortaderia* spp.), and Flax (*Phormium* spp.), shall not be removed by chemical, fire or mechanical means within any riparian management zones as specified in Appendix I and Ecology Maps in Volume Three.

Exceptions to this rule are:

- (i) Existing plantations of commercial forest, or
- (ii) Other exotic trees occupying less than 100 metres per kilometre of legal riparian boundary, or
- (iii) Plant pests (including those listed in regional or national pest management strategies) or
- (iv) Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.

38.1.7.4.3 Where vegetation clearance has been undertaken in accordance with Rule (i) - (iv) above, the following conditions must be met:

- a) Any trees that can be felled as specified above shall be directionally felled away from the waterbody, except wood vegetation leaning over a waterbody, which may be felled in accordance with safety practices;
- b) Except as above no logs may be dragged through the bed of any flowing river, or through any lake or wetland;
- c) The vegetation clearance site shall be revegetated within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to vegetation clearance taking place;
- d) Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site.

38.1.8 Protection of Sites of Ecological, Archaeological and Cultural Significance

38.1.8.1 No land disturbance may damage or adversely affect any identified site of iwi significance unless expressly agreed to in writing by the iwi who have jurisdiction or manawhenua over it.

38.1.8.2 Any person unearthing or otherwise disturbing any historical, cultural, archaeological artifact or waahi tapu of significance to iwi during the course of a land disturbance operation shall cease work immediately and report the discovery to the Council. Work may not recommence unless expressly agreed to it in writing by the iwi who have jurisdiction or manawhenua over it, the NZ Historic Places Trust or a resource consent to a Discretionary Activity has been obtained.

- 38.1.8.3 No land disturbance may damage or adversely affect any historical, cultural or registered archaeological artefact or site unless an authority to do so has been granted by the New Zealand Historic Places Trust.

38.1.9 Hazards/Riparian Management

- 38.1.9.1 No building activity shall take place as a Permitted Activity within or having any adverse effect on or being affected by any natural hazard area identified on the Planning Maps.
- 38.1.9.2 Unless specified in the schedule of water bodies and Table 1 in Appendix I and the Ecology Maps in Volume Three, or to the contrary elsewhere in the Plan, all proposed buildings and structures shall be set back at least 8 metres from the top of any bank of any river, or where there is a stopbank at least 8 metres from the landward toe of that stopbank, except that this shall not apply to road structures across rivers. Buildings and structures shall be set back at least 20 metres from the coast, lakes and wetlands.

38.2 Controlled Activities

Application must be made for a resource consent for a Controlled Activity with respect to the following:

- Cultivation of riparian management zones on slopes of 0-20° as specified in Appendix I and the Ecology maps in Volume Three.

38.2.1 Cultivation of riparian management zones on slopes of 0-20° as specified in Appendix I and the Ecology Maps in Volume Three.

38.2.1.1 Matters Over Which Control is Reserved:

- The effects on the natural clarity of any river, lake, wetland or the sea;
- The effects of the entry of any woody material into any river, lake, wetland or the sea;
- The effects on natural hazard management, including stability of riparian management zones and river control matters;
- Protection of riparian habitat diversity;
- Protection of instream habitat;
- Provision of physical public access where legal public access is provided for.

38.3 Limited Discretionary Activities

Activities within Riparian Management Zones (specified in Appendix I and Volume Three Maps)

- Replanting of existing commercial forestry or woodlot;
- Vegetation clearance except for commercial forestry trees and plant pests, including those listed in the Regional or National Pest Management Strategies.
- Excavation and filling.
- Cultivation of swales and land over 20° in slope (See Table 1, Appendix I).
- The discharge of domestic wastewater authorised by Resource consent Prior to 21 April 2005, or the discharge of domestic wastewater through any on-site wastewater management system installed after 21 April 2005, into or onto land.

38.3.1 Matters to Which Council has Restricted the Exercise of its Discretion:

- a) The effects of natural clarity of any river, lake, wetland or the sea;
- b) The effects of the entry of any woody material into any river, lake, wetland or the sea;
- c) The effects on natural hazard management, including stability of riparian management zones and river control matters;
- d) Protection of riparian habitat diversity;
- e) Protection of in-stream habitat;
- f) Provision of physical public access where legal public access is provided for.

38.3.2 The Discharge of Domestic Wastewater Authorised by Resource Consent Prior to 21 April 2005, or the Discharge of Domestic Wastewater, through any On-site Wastewater Management System Installed after 21 April 2005, into or onto Land.

38.3.2.1 Standards and Terms

- (a) The domestic wastewater shall not be discharged into soil determined to be Category 1, 4, 5 or 6 soil (in accordance with the Council's guidelines for the investigation, design, installation and maintenance of on-site wastewater management systems) if it is proposed to use a conventional on-site wastewater management system; and
- (b) The term of the discharge permit shall not exceed 15 years;

38.3.2.2 Matters to which the Council has Restricted the Exercise of its Discretion

- (a) The proximity of the discharge to any surface water, groundwater or coastal water and any actual or potential adverse effects of the discharge on water quality;

- (b) The proximity of the discharge to any public sewer;
- (c) The proximity of the discharge to other discharges of domestic wastewater and the potential for cumulative effects;
- (d) The potential for the discharge to adversely affect the quality of water in any river or aquifer, or in the coastal marine area;
- (e) The potential for the discharge to initiate instability or make existing instability worse;
- (f) The extent to which the proposed on-site wastewater management system complies with the Council's guidelines for the investigation, design, installation and maintenance of on-site wastewater management systems;
- (g) The site conditions, including the nature of the soil and soil depth;
- (h) The nature of the on-site wastewater management system and the appropriateness of the system to the site conditions;
- (i) The capacity of the treatment unit and the level of treatment;
- (j) The rate and method of discharge;
- (k) The size of the land application area and alternative locations for the land application area;
- (l) The necessity for monitoring the performance of the on-site wastewater management system; and
- (m) The management and maintenance of the on-site wastewater management system, including the ability to access the on-site system for maintenance purposes; and
- (n) Alternative on-site wastewater management systems.

38.4 Discretionary Activities

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 conditions; and
- Any activity not carried out in accordance with or provided for in a Conservation Management Strategy or Management Plan prepared under the Reserves Act 1977;
- Excavation and Filling;
- Cultivation of swales and cultivation of land over 20° in slope;
- Building construction in riparian management zone as identified in Appendix I and the Ecology maps in Volume Three;
- Vegetation clearance of more than 0.2ha of coastal broadleaved scrub and shrubland, per Certificate of Title, except where plantation forestry exemptions in Rule 38.1.7.4.1 exist;
- Vegetation clearance of more than 0.2ha of indigenous vegetation on ultramafic substrate, per Certificate of Title, except where plantation forestry exemptions in Rule 38.1.7.4.1 exist;

- Vegetation clearance of more than 0.2ha of indigenous forest, per Certificate of Title, except where plantation forestry exemptions in Rule 38.1.7.4.1 exist; and
- Vegetation clearance of naturally occurring indigenous duneland vegetation or naturally occurring indigenous wetland vegetation, except where plantation forestry exemptions in Rule 38.1.7.4.1 exist.

38.4.1 Particular Criteria and Standards Applicable to Listed Discretionary Activities.

38.4.1.1 Vegetation Clearance

- a) Whether the application adequately avoids, remedies or mitigates adverse effects on indigenous vegetation and habitats of indigenous fauna.
- b) In assessing consent applications for the clearance of any indigenous vegetation, Council will consider the significance of the vegetation affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological values of the area. Council will also take into account the extent of the reduction on the indigenous vegetation type in the District, should the application proceed, and the impact on the sustainability of that indigenous vegetation type.

38.5 Non-Complying Activities

Application must be made for a Resource Consent for a Non-Complying Activity for the following:

- Any activity other than a Prohibited Activity which is neither a Permitted Activity, Controlled Activity, Limited Discretionary Activity nor a Discretionary Activity;
- Discharge of sewage effluent to water; and
- Subdivision.

38.6 Prohibited Activities - being activities for which no consent shall be granted

- The disposal of hazardous waste substances to land or water; and
- The storage of marine farming equipment on the foreshore, Sounds Foreshore Reserve, Road Reserve or Esplanade Reserve.
- The combustion of:
 - materials associated with the recovery of metals from insulated electrical cables; or
 - materials and metals used in motor vehicles; or
 - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes."
- The discharge of domestic wastewater, through any soak pit established after 21 April 2005, into land.