

Chapter 47**RIVER CONSERVATION ZONE****INTRODUCTION**

This chapter contains rules managing land uses in the River Conservation Zone. The boundaries of this zone are shown on the Planning Maps.

All rules apply throughout the River Conservation Zone unless otherwise stated.

47.1 Summary of River Conservation Zone Rules

The following is a quick reference guide that summarises the River Conservation Rule Activity Table. It is intended to be a guide only and should not be used in place of the River Conservation Zone Activity Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
47.2.1(a)	Activities identified within an Approved Management Plan under the Reserves Act 1977	Permitted	2
47.2.1(b)	Maintenance and repair of buildings and structures.	Permitted	2
47.2.1(c)	Noxious plant control activities	Permitted	2
47.2.1(d)	Planting of vegetation, river control works and associated earthworks.	Permitted	2
47.3	Scheduled sites.	Permitted	2
47.4	Land development (including subdivision, but excluding Multi Unit Development).	Controlled	2
47.5	Relocation of a building from another site.	Controlled	2
47.6	Any subdivision, use or development of land referred to in Rules 47.2 to 47.6 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	3
47.7.1(a)	Non-commercial motorised water recreation activities on the Esk River.	Discretionary	3
47.7.1(b)	Any land use not specifically provided for elsewhere in this Chapter, as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity.	Discretionary	3
47.8.1(a)	Commercial activities, unless stated by a rule elsewhere in this Chapter.	Prohibited	3
47.8.1(b)	Industrial activities.	Prohibited	4
47.8.1(c)	Residential activities.	Prohibited	4
47.8.1(d)	Refuse and landfill sites.	Prohibited	4
47.8.1(e)	Mining and quarrying.	Prohibited	4

RIVER CONSERVATION ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>47.2 Land Uses Generally</p> <p>1. The following land uses are permitted activities provided that the land use complies in all respects with the relevant conditions in the River Conservation Zone activity table and condition table.</p> <p>a) Activities identified within an approved management plan under the Reserves Act 1977.</p> <p>b) Maintenance and repair of buildings and structures.</p> <p>c) Noxious plant control activities.</p> <p>d) Planting of vegetation, river control works and associated earthworks for the purposes of river management or flood control undertaken by a local authority or any other organisation exercising functions, duties or powers required as part of their responsibilities under any relevant statutory provisions.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 47.7.</p>
<p>47.3 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <p>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).</p>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>47.4 Land Development (including subdivision, but excluding Multi Unit Development)</p> <p>1. Land development, including subdivision but excluding multi unit development is a controlled activity provided:</p> <p>a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan.</p> <p>b) It complies in all respects with the relevant conditions in the River Conservation Zone activity table and condition table.</p> <p>c) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will exercise its discretion over the matters referred to in Rule 47.7, including the assessment criteria specified in Chapter 66 (Volume II) of this Plan.</p>
<p>47.5 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <p>a) The relocation of a building complies in all respects with the relevant conditions in the River Conservation Zone activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which shall:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>ii) State the condition of the building and the reinstatement</p>	<p>The Council will restrict its discretion to the following matters referred to in Rule 47.7, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.

<p>works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity.</p> <p>iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.</p> <p>iv) Provide clear photographs of the building in its current state.</p> <p>v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work.</p> <p>The Council shall exercise its control over the following:</p> <p>c) The design, materials and timetable of the proposed reinstatement works.</p> <p>d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan.</p> <p>e) The imposition of a performance bond to complete the reinstatement of the building.</p> <p>2. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.</p>	
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>47.6 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in rules 47.2 to 47.6 that does not comply with all of the relevant conditions in the River Conservation Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the River Conservation Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 49 of this Plan where applicable.
<p>DISCRETIONARY ACTIVITIES</p>	
<p>47.7 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 49. The Council's discretion is unrestricted..</p> <p>a) Any land use not specifically provided for elsewhere in this Chapter as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity.</p>	
<p>PROHIBITED ACTIVITIES</p>	
<p>47.8 Prohibited Activities</p> <p>1. The following land uses are a prohibited activity for which no resource consent shall be granted:</p> <p>a) Commercial activities, unless stated by a rule elsewhere in this</p>	

<p>Chapter.</p> <ul style="list-style-type: none">b) Industrial activities.c) Residential activities.d) Refuse and landfill sites.e) Mining and quarrying.	
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RIVER CONSERVATION ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.										
<p>47.9 Yards</p> <p>1. The following yard conditions shall apply to all land uses:</p> <p>a) Any part of a building (including eaves and guttering) or structure, trees or shrubs must not be erected / planted closer than 6 metres to any site boundary or the landward toe of any stopbank.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on public access to the coastal marine area. - The effects on protecting conservation values. - The effects on public well being. - The effects on the maintenance and enhancement of watercourses and open drains. 										
<p>47.10 Height</p> <p>1. The following maximum height conditions shall apply to all land uses:</p> <p>a) The maximum height of any building or structure must not exceed 4.5 metres.</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 47.11.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor’s certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor’s certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The built characteristic of the area. - The extent to which the effects of height can be mitigated by setbacks, planting, design or topography of the site. - The effects on landscape values. - The effects of shading. - The effects on amenity values. - The effects on conservation values. - The effects on air traffic safety. 										
<p>47.11 Landscaped Area</p> <p>1. The following landscaping conditions shall apply to all land uses:</p> <p>a) A two metre wide landscape area must be provided adjacent to all buildings.</p> <p>b) All vehicle parking areas must be provided with a minimum of a two metre wide landscaped area.</p> <p>c) The landscaping in this area must be consistent with the existing Reserve environment and must incorporate an irrigation system.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the existing natural character of the landscape. - The effects on landscape values. - The effects on conservation values. - The effects on amenity values. 										
<p>47.12 Noise</p> <p>1. The following noise conditions shall apply to all land uses other than those exempted in Rule 57.9:</p> <p>a) The following noise limits are not to be exceeded at any point beyond the site boundary, except where expressly provided for elsewhere in this Chapter.:</p> <table border="0" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%;">Control Hours</td> <td style="width: 50%;">Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>45 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>75 dB L_{AFmax}</td> </tr> </table>	Control Hours	Noise Level	0700 to 1900 hours	55 dB L _{Aeq} (15 min)	1900 to 2200 hours	50 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	75 dB L _{AFmax}	<p>Matters:</p> <ul style="list-style-type: none"> - The sound level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility within the neighbourhood. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation.
Control Hours	Noise Level										
0700 to 1900 hours	55 dB L _{Aeq} (15 min)										
1900 to 2200 hours	50 dB L _{Aeq} (15 min)										
2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)										
2200 to 0700 hours the following day	75 dB L _{AFmax}										

<p>b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p>	
<p>47.13 Light Spill</p> <p>1. The following light spill conditions shall apply to all land uses other than for the purposes of illuminating a road:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site).</p> <p>b) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE: Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The effects on pedestrian safety. - The effects on amenity values. - The effects on the health, safety, security and wellbeing of people.
<p>47.14 Vibration</p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate any vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on public health and safety. - The effects on the structural integrity of adjoining buildings and facilities. - The effect on amenity values of the residential area.
<p>47.15 Fencing</p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Any fence erected within front, side and rear yards must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects of shading. - The effects on amenity values. - The effects on public health and safety.
<p>47.16 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed 12 metres in height.</p> <p>b) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 47.17.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are adversely affected. - The cumulative effect of additional aerial, line and/or support structures. - The prominence of site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.

<p>e) Dish antenna must not exceed 1.2 metres in diameter.</p> <p>f) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p>ii) There must be no more than one structure on the site.</p> <p>g) The aerial, line and/or support structure must comply with conditions relating to yards and height in relation to boundary in the River Conservation Zone condition table.</p>	
<p>47.17 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>47.18 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>47.19 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>
<p>47.20 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>47.21 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with, except that:</p> <p>a) Any vehicle parking areas need not comply with the sealing and marking conditions of Chapter 61.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p>47.22 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p>47.23 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>47.24 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>47.25 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>47.26 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>

<p>47.27 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>
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