
PART 5 CHARACTER AREA AND ZONE RULES

5.1. Introduction

5.1.1. For the purposes of implementation of the Plan, a range of methods has been adopted to give effect to the objectives and policies stated in Part 4. Part 5 of the Plan represents the regulations or rules that will be used to implement the objectives and policies.

5.1.2. The District has been divided broadly into character areas, within which more specific activity zones have been defined where appropriate. The approach is consistent with the methods and direction for management given in Part 4.

5.1.3. Four character areas are identified in Buller namely:

Urban Covers the settlements and towns in the District. Includes the Port Zone.

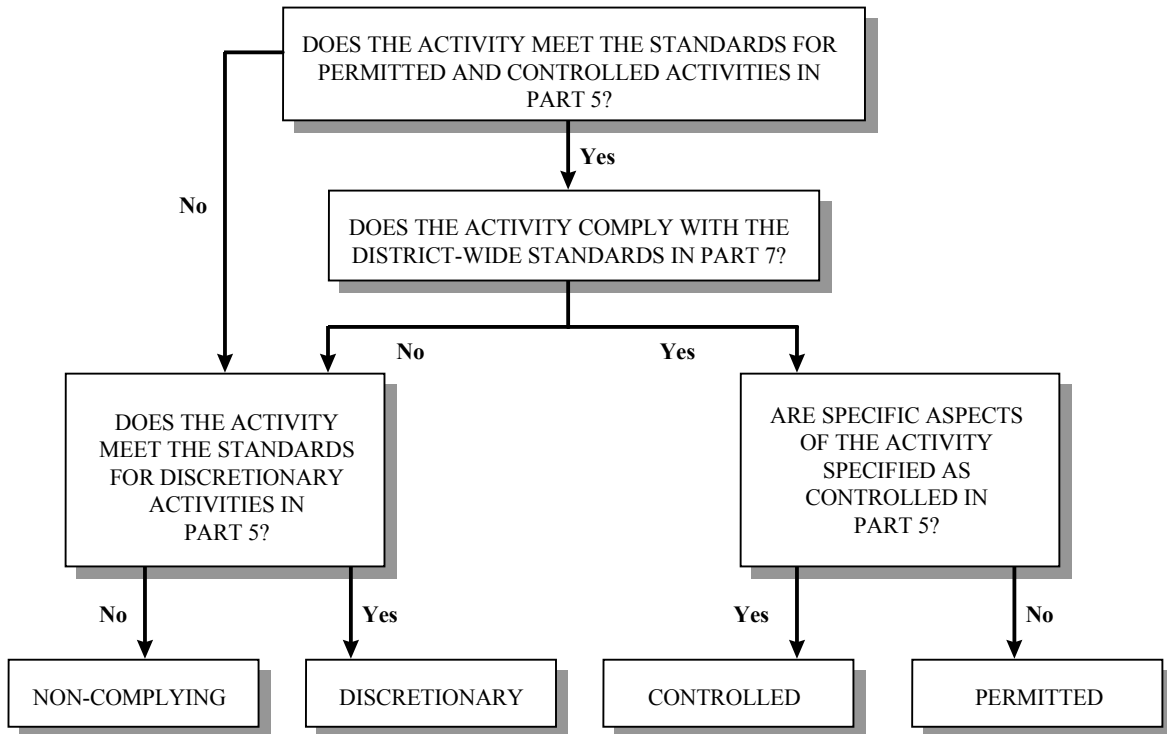
Rural Includes the non-urban land in the District (other than the Paparoa or Natural Environments areas) which is recognised as having a distinctive rural and open space character, as well as the airport. Includes the Cement Production Zone.

Paparoa Encompasses the area of the Paparoa coast where the scenic values of the coastal landscape are particularly high.

Natural Environments Covers those parts of the District with high conservation values where protection of conservation values is the primary management aim. Generally these areas will be on public conservation land.

5.1.4. Rules apply to each of these areas which aim primarily to avoid, mitigate or remedy any adverse environmental effects arising from activities. Activities will fall into either the permitted, controlled or discretionary categories (see Figure 5.1). Where an activity does not it shall automatically become non-complying.

Figure 5.1: Classification of Activities



- 5.1.5. The rules apply in the following way:
- 5.1.5.1. Permitted activities are those which:
 - 5.1.5.1.1. Fit within the definition of permitted activities.
 - 5.1.5.1.2. Do not fit within the definition of controlled activities or discretionary activities.
 - 5.1.5.1.3. Comply with the standards for permitted activities.
 - 5.1.5.2. Controlled activities are those which:
 - 5.1.5.2.1. Fit within the definition of controlled activities.
 - 5.1.5.2.2. Do not fit within the definition of discretionary activities.
 - 5.1.5.2.3. Comply with the standards for controlled activities.
 - 5.1.5.3. Restricted Discretionary activities are those which:
 - 5.1.5.3.1. Fit within the definition of limited discretionary activities.
 - 5.1.5.3.2. Do not fit within the permitted or controlled activities and are not a discretionary or non-complying activity.
 - 5.1.5.4. Discretionary activities are those which:
 - 5.1.5.4.1. Fit within the definition of discretionary activities
 - 5.1.5.4.2. Do not fit within the permitted, controlled or limited discretionary activities and are not a non complying activity.
 - 5.1.5.5. Non-complying activities are those which:
 - 5.1.5.5.1. Do not fit within the definition of permitted, controlled or discretionary activities.
 - 5.1.5.5.2. Fail to comply with the standards for discretionary activities.
 - 5.1.5.6. Prohibited activities are those which:
 - 5.1.5.6.1. Are expressly prohibited by Section 105(2)b of the Historic Places Act 1993.
 - 5.1.5.6.2. Are identified in the Plan as Prohibited activities.
 - 5.1.5.6.3. No resource consent shall be granted.
- 5.1.6. A resource consent application will be required for a controlled, discretionary, limited discretionary or non-complying activity.

- 5.1.7. In addition to the standards applying to activities in each character area, additional rules which apply to all activities within the District are included in Part 7 of the Plan. These relate specifically to the effects on the environment of subdivision, noise and transportation among other matters. Specific rules and procedures relating to telecommunication reticulation during subdivision are also set out in Part 7. All subdividers should follow these procedures and the matters in Part 14 when applying for subdivision consents.
- 5.1.8. The extent of each character area, and the site specific activity zones within each area, are marked on the Planning Maps and should be referred to initially to determine which set of rules and standards will apply to a particular activity.
- 5.1.9. Infrastructure, service activities/facilities and other activities (such as hazardous substances and signs) are subject to rules and performance standards which are separate to those in the zones comprising the character areas. These rules and standards are specified in Part 6 of the Plan and apply to all zones unless otherwise specified.

5.1.10. Interim Provisions

- 5.1.10.1. The Council has sought a range of interim provisions while it prepares a Significant Natural Areas (SNA) survey. These recognise the importance of ecosystems, natural habitats and landscapes in the Buller District in regard to Section 6 (and Part II matters) of the RMA. It is the intention of Council that the District Plan provide a scheduled approach to manage all significant natural areas. However, at the present time the Council has insufficient information upon which to identify them. Upon completion of the Significant Natural Areas survey Council will review the effectiveness of the interim Policy and standards and then promulgate a Plan Change.
- 5.1.10.2. Indigenous forestry will become a permitted activity outside the identified significant areas when these have been identified by a survey and compilation exercise. This will occur within a three year period and will be subject to the operator having a Sustainable Management Plan. At that time indigenous forestry inside the identified areas becomes a discretionary activity and a resource consent will be required. Until significant natural areas have been identified and included in the plan in accordance with policy 4.8.7.5, indigenous forestry harvesting carried out in accordance with Part IIIA of the Forests Act, or in the case of Timberlands West Coast, a sustainable management plan approved by the Ministry of Agriculture and Forestry as complying with the requirements of Part IIIA of the Forests Act, will be classified as a restricted discretionary activity. Other indigenous forestry harvesting will be a fully discretionary activity.