



Proposed Gisborne Regional Freshwater Plan - Consequential Changes to Existing Gisborne Resource Management Plans

October 2015



**Proposed Freshwater Plan – Consequential changes to existing Gisborne
Resource Management Plans**

Plan Change 62 to the Part Operative Combined Regional Land and District
Plan

Plan Change 3 to the Operative Regional Policy Statement

Plan Change 3 to the Operative Regional Plan for Discharges to Land, Water,
Waste Management and Hazardous Substances

Plan Change 2 to the Transitional Plan

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Table of Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION	3
1.1 BACKGROUND TO THE GISBORNE'S REGIONAL PLANS	3
1.2 PROPOSED FRESHWATER PLAN FOR THE GISBORNE REGION	3
1.3 PROPOSED PLAN CHANGES	4
1.4 PLAN CHANGE PROCESS	4
1.5 REPORT LAYOUT	4
2. STATUTORY AND POLICY FRAMEWORK	5
2.1 RESOURCE MANAGEMENT ACT 1991	5
2.2 REGIONAL POLICY STATEMENT	5
2.3 NATIONAL POLICY STATEMENTS	5
3. SECTION 32 EVALUATION	6
3.1 SECTION 32 REQUIREMENTS	6
3.2 PROPOSED PLAN CHANGE 62 TO THE GISBORNE DISTRICT COUNCIL COMBINED REGIONAL LAND AND DISTRICT PLAN	7
3.3 PROPOSED PLAN CHANGE 3 TO THE GISBORNE DISTRICT COUNCIL'S REGIONAL PLAN FOR DISCHARGES TO LAND AND WATER, WASTE MANAGEMENT AND HAZARDOUS WASTE	8
3.4 PROPOSED PLAN CHANGE 3 TO THE GISBORNE DISTRICT TRANSITIONAL REGIONAL PLAN	9
3.5 PROPOSED PLAN CHANGE 2 TO THE GISBORNE REGIONAL POLICY STATEMENT	9
4. CONCLUSION	11
5. APPENDICES	12
APPENDIX 1: - PROPOSED CHANGES TO THE GISBORNE DISTRICT COUNCIL COMBINED REGIONAL LAND AND DISTRICT PLAN	13
APPENDIX 2: - PROPOSED PLAN CHANGE 3 TO THE GISBORNE DISTRICT TRANSITIONAL REGIONAL PLAN	19
APPENDIX 3: - PROPOSED PLAN CHANGE 2 TO THE OPERATIVE GISBORNE REGIONAL POLICY STATEMENT	21
APPENDIX 4: - PROPOSED PLAN CHANGE 3 TO THE GISBORNE DISTRICT COUNCIL'S REGIONAL PLAN FOR DISCHARGES TO LAND AND WATER, WASTE MANAGEMENT AND HAZARDOUS WASTE	42

Executive Summary

The Proposed Freshwater Plan for the Gisborne Region (Freshwater Plan) contains the Regional Policy Statement and the Regional Plan provisions for freshwater. Its objectives, policies, rules and other non-regulatory methods manage freshwater within the Gisborne region. This report presents proposed changes to four Gisborne District Council Resource Management Plans as a consequence of the introduction of the Freshwater Plan and provides an evaluation of the proposed changes in accordance with Section 32 of the Resource Management Act 1991 (RMA).

The proposed plan changes addressed in this report are as follows:

- Proposed Plan Change 62 (PC62) to the Part Operative Gisborne District Council Combined Regional Land and District Plan (CRLDP)
- Proposed Plan Change 3 (PC3) to the Operative Gisborne District Council Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste (Discharges Plan)
- Proposed Plan Change 3 (PC3) to the Gisborne District Transitional Regional Plan (Transitional Plan)
- Proposed Plan Change 2 (PC2) to the Operative Gisborne District Council Operative Regional Policy Statement (RPS)

The proposed plan changes involve the deletion of the Discharges Plan in its entirety; the deletion of the Transitional Plan with the exception of one subsection, and amendments to and deletion of provisions in the CRLDP and RPS.

This report needs to be read in conjunction with the Section 32 report for the Proposed Freshwater Plan for the Gisborne Region.

1. Introduction

1.1 Background to the Gisborne's Regional Plans

Gisborne District Council is a unitary authority, meaning that the Council has the functions of both a regional and territorial authority as outlined by Sections 30 and 31 of the Resource Management Act (RMA) respectively. Gisborne has six Resource Management Plans to manage its unitary functions under the RMA. Table 1.1 below identifies the six plans and their purpose and functions.

Table 1.1 – Gisborne Resource Management Plans

Gisborne Plan	Purpose/Function
Part Operative Combined Regional Land and District Plan	The CRLDP is a district and regional plan that manages a wide range of district and regional land use activities as well as the management of activities in the beds of lakes; rivers and wetlands.
Operative Regional Policy Statement	Provides an overview of the resource management issues of the region and sets out objectives, policies and methods to achieve integrated management of the regions natural and physical resources.
Gisborne District Transitional Regional Plan	As its name suggests, the Transitional Plan was developed to ensure that bylaws and notices developed pre-1991 continued to operate pursuant to Section 368 of the RMA. This plan includes provisions that deal with water takes; land drainage and discharges; damming of water; maintenance of watercourses; pumping test specifications and bore construction specifications.
Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste	The Discharges Plan manages discharges, waste management, hazardous substances and contaminated sites (except within the Coastal Environment)
Regional Air Quality Management Plan for the Gisborne region (AQP)	The AQP Deals with the sustainable management of the air resource of the Gisborne Region (except the Coastal Environment). The plan contains rules that apply to activities discharging contaminants to air.
Proposed Regional Coastal Environment Plan for the Gisborne Region (RCP)	The RCP contains issues, objectives, policies and rules for the integrated management of the Coastal Environment.

1.2 Proposed Freshwater Plan for the Gisborne Region

The Proposed Freshwater Plan for the Gisborne Region Plan provides for the sustainable management of Gisborne's rivers, lakes, groundwater and wetlands as well as its integration with land and the coastal marine area. The Freshwater Plan contains the Regional Policy Statement and the Regional Plan provisions for freshwater management. The Freshwater Plan has immediate legal effect at plan notification pursuant to Section 86B (3) of the RMA.

1.3 Proposed Plan Changes

This report presents proposed changes to four Gisborne District Council Resource Management Plans as a result of the introduction of the Freshwater Plan to remove superfluous provisions; avoid duplication; and to ensure that there is consistency between the plans for the Gisborne Region. In addition to the introduction of the Freshwater Plan, the development of the CRLDP; AQP; the WMMP and the creation of new legislation since the development of the Transitional Plan and Discharges Plan has resulted in the duplication of some functions and purposes within Gisborne's plans. The Freshwater Plan has immediate legal effect and therefore the proposed plan changes must also be undertaken to avoid duplication.

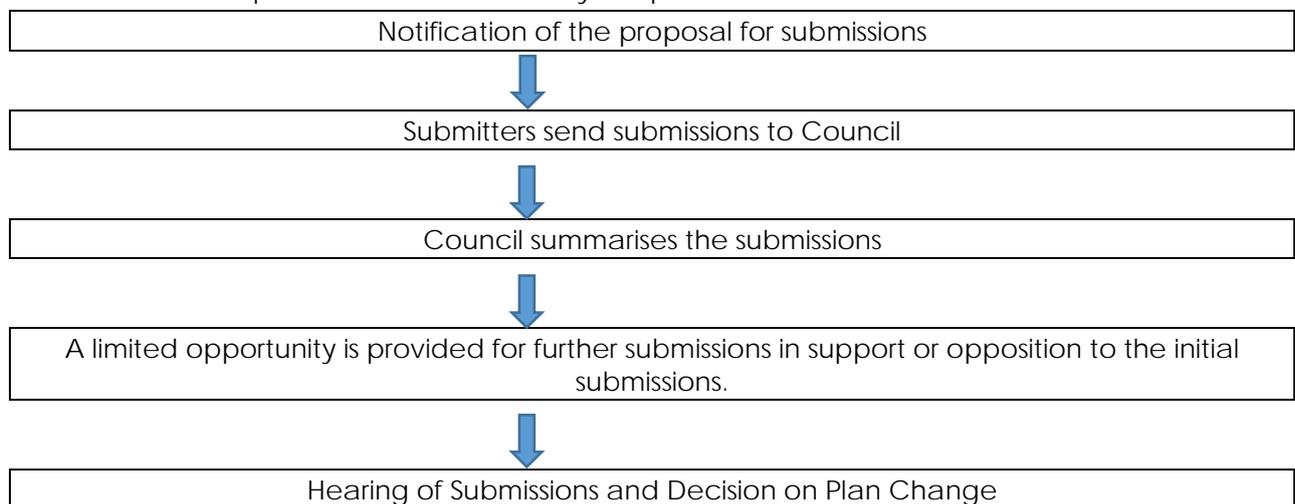
The plan changes proposed to facilitate the consequential changes are as follows:

- Proposed Plan Change 62 to the Part Operative Gisborne District Council Combined Regional Land and District Plan.
- Proposed Plan Change 3 to the Operative Gisborne District Council Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste.
- Proposed Plan Change 3 to the Gisborne District Transitional Regional Plan.
- Proposed Plan Change 2 to the Operative Gisborne District Council Operative Regional Policy Statement.

Section 4 of this report provides an evaluation of the proposed changes in accordance with Section 32 of the Resource Management Act 1991 (RMA) and details of the changes are provided in Appendices 1 to 4. This report should be read in conjunction with the Section 32 report for the Proposed Freshwater Plan for the Gisborne Region.

1.4 Plan Change Process

The First Schedule of the Resource Management Act (RMA) outlines the plan change process that Council is required to follow. Essentially the process involves:



1.5 Report Layout

This report addresses all four plan changes and includes:

- Details of the proposed changes;
- A description of the statutory and policy framework and assessment of the consistency with the policy framework;
- An evaluation of alternatives and costs and benefits pursuant to Section 32 of the RMA;
- Conclusions.

2. Statutory and Policy Framework

2.1 Resource Management Act 1991

The key legislation for environmental management in New Zealand is the Resource Management Act 1991 (RMA). The purpose of the RMA is *to promote the sustainable management of natural and physical resources*.

Council has the following relevant functions under the RMA:

- *The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*
- *the control of any actual or potential effects of the use, development, or protection of land.*

This review recommends the deletion of the Discharges Plan and Transitional Plan (with the exception of Section 2 of Part B); and amendments to the CRLDP and RPS in order to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

2.2 Regional Policy Statement

District and Regional Plans are required to give effect to any operative regional policy statement and must also have regard to any proposed regional policy statement. District Plans must not be inconsistent with a regional plan. The RPS is the main vehicle for interpreting and applying the sustainable management requirements of the RMA in a local context and guides the development of lower tier plans, including the Regional and District Plans set out in Table 1.1.

In addition to the RPS the Freshwater Plan includes a Proposed Regional Policy Statement for Freshwater. As such, the Gisborne Plans that contain provisions that manage freshwater and the integration with land, such as the CRLDP, Discharges Plan and Transitional Plan, must also have regard to the Proposed Regional Policy Statement for Freshwater.

PC62 to the CRLDP includes amendments to policies and rules to ensure consistency with the Regional Policy Statement for Freshwater.

2.3 National Policy Statements

A district plan must give effect to any National Environmental Policy Statement. There are no National Policy Statements relevant to the changes recommended in this review. The Freshwater Plan has been developed to give effect to the National Policy Statement for Freshwater Management 2014 (NPS). An analysis of the consistency with the NPS can be found in the Section 32 report for the Freshwater Plan.

3. Section 32 Evaluation

3.1 Section 32 Requirements

In achieving the purpose of the Resource Management Act 1991 (RMA), Section 32 requires an evaluation of alternatives, costs and benefits as part of a proposed plan change or variation process.

Undertaking a section 32 evaluation assists in determining why changes to existing plan provisions may be needed and formalises a process for working out how best to deal with resource management issues.

In accordance with Section 32, plan changes must be accompanied by an evaluation that:

- Examines the appropriateness of objectives in achieving the purpose of the RMA
- Examines the appropriateness of the provisions (policies and methods) in achieving the objectives, in terms of their efficiency and effectiveness, risks, and other reasonably practicable options.
- Contains a level of detail that corresponds to the scale and significance of the effects anticipated from the proposal.

Section 32(2) requires that the benefits and costs be assessed in terms of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practical, these benefits and costs should be quantified.

A section 32 summary evaluation report is required to accompany the proposed change at the time of public notification (s32(5)).

Section 32(3)(b) requires an examination of whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- (i) Identifying other reasonable practical options for achieving the objectives; and
- (ii) Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- (iii) Summarising the reasons for deciding on the provisions

The assessment must:

- a) Assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
- b) if practicable, quantify the benefits and costs referred to in paragraph; and
- c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

In this instance the four proposed plan changes seek to remove redundant provisions; avoid duplication; and ensure that there is consistency between the plans for the Gisborne Region as a result of the introduction of the Freshwater Plan. In addition there are a number of redundant provisions within the Transitional Plan and Discharges Plan that are no longer required and need to be deleted. These redundant provisions have arisen through the later introduction of the CRLDP; Air Quality Plans; the Waste Minimisation Plan and new legislation.

This Section 32 report for the Freshwater Plan includes an analysis in accordance with the above requirements and finds that the proposed provisions are appropriate for achieving the purpose of the RMA. Included below is supplementary evaluation to satisfy the requirements in Section 32 of the Act.

3.2 Proposed Plan Change 62 to the Gisborne District Council Combined Regional Land and District Plan

The CRLDP is a regional and district planning document and aims to achieve a more integrated approach to management of the region's natural and physical resources. As a regional and district planning document, the CRLDP must not be inconsistent with any national statement or environmental standards or the New Zealand Coastal Policy Statement. It should also not be inconsistent with Gisborne District Councils' own Regional Policy Statement and Proposed Regional Freshwater Policy Statement. The internal consistency must also be such that the district plan provisions are not in conflict with the regional planning aspects of the document. The CRLDP will, in conjunction with Proposed Freshwater Plan for Gisborne Region (Freshwater Plan) and the Proposed Regional Coastal Environment Plan for the Gisborne region (Coastal Plan), seek to manage the district natural and physical resources in a sustainable manner.

CRLDP has objectives, policies and rules that relate to a wide range of regional and district land use activities. Some of the regional activities include the management of uses on the beds of lakes and rivers; the management of activities in riparian margins and wetlands; the management of soil disturbing activities on waterways; and the management of stormwater quality and quantity. To ensure the better integration of effects on freshwater, the Proposed Freshwater Plan encapsulates these regional functions relating to freshwater into a single plan. As a consequence there a number of chapters and provisions in the CRLDP will be addressed by the proposed Freshwater Plan and need to be deleted, as well as provisions that need to be amended to maintain consistency between the two plans.

PC62 seeks to change the CRLDP by removing provisions that are no longer required with the introduction of the Freshwater Plan, as well as amending provisions to ensure that there is consistency between the two plans. The proposed changes are set out in Appendix 1 of this report. The most significant change involves the deletion of Chapter 7 (Beds of Lakes and Rivers) as this entire chapter has been replaced by Section 6 of the Freshwater Plan. Another notable amendment is the deletion of the rules relating to wetlands in Chapter 4 as these have been replaced by the proposed wetland rules in Section 7 of the Freshwater Plan. The evaluation of the appropriateness of the new provisions is contained with the Section 32 report for the Freshwater Plan.

The other changes proposed include amendments to several policies to ensure that they do not conflict with similar policies in the Freshwater Plan and the clarification of several rules. Amendments are also proposed to policies in Chapter 20 and 21 to ensure that the Freshwater Plan is referenced in policies that relate to the integrated management of freshwater.

Advice notes are also proposed in the zone, subdivision and infrastructure chapters to direct the reader to the Freshwater Plan with the aim of assisting with plan usability.

The proposed amendments to the policies and rules are considered to be the most appropriate means of achieving the corresponding objectives. The amendments are not expected to result in any environmental, social, cultural or administrative costs. The alternatives methods of leaving the provisions unchanged would result in administrative uncertainty and therefore would not be effective or efficient at achieving the plan objectives.

3.3 Proposed Plan Change 3 to the Gisborne District Council's Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste

The Discharges Plan manages a wide range of activities including discharges, waste management, hazardous substances and contaminated sites. Issues concerning discharges, waste management, hazardous substances and contaminated sites in the coastal environment are dealt with in the Regional Coastal Environment Plan. Each chapter of the Discharges Plan contains issues, objectives, policies and methods relating to a particular resource management matter.

The plan was developed more than 10 years ago and the content in several chapters has been overtaken by other resource management plans that were subsequently developed such as the CRLDP and the Waste Management Minimisation Plan (WMMP). A number of chapters in the Discharges Plan are now surplus to requirement. The remaining sections of the Discharges Plan have now been superseded by the Proposed Freshwater Plan. As such, it is proposed that the Discharges Plan be deleted in its entirety.

The matters contained within Chapter 2 (Waste Minimisation) has been more recently addressed within the WMMP (adopted by Council in 2012) which was developed in accordance with the Waste Minimisation Act 2008.

The provisions in Chapters 3 (Solid Discharges) relate to the activity of solid waste disposal and discharges from solid waste. Section 5 of the Freshwater Plan includes provisions relating to solid discharges and in combination with the CRLDP and AQP, which both deal with aspects of the effects of solid waste, Chapter 3 is now redundant.

Chapter 4 (Hazardous Substances) and Chapter 5 (Contaminated Land) have been superseded by provisions in the CRLDP; the AQP; Section 5 of Freshwater Plan; or relate to matters that are already sufficiently addressed under the Hazardous Substances and New Organisms Act 1996 (HSNO).

The matters covered in Chapter 6 (Liquid Discharges), Chapter 7 (Unreticulated Wastewater Treatment, Storage and Disposal) and Chapter 8 (Discharges of Uncontaminated Waste to Water) are now included in Section 5 of the Freshwater Plan and therefore are now surplus to requirements. The Section 32 report for the Freshwater Plan evaluates the replacement provisions.

The remaining chapters in the Discharges Plan are supporting chapters (Introduction, Anticipated Environmental Outcomes and Monitoring and Review) with no independent function.

The evaluation of the objectives, policies and methods that replaced the provisions in the Discharges Plan are included in the Section 32 reports relating to the successor resource management plans and reference should be made to these documents. The alternatives methods of leaving the provisions unchanged would result in administrative uncertainty and therefore would not be effective or efficient at achieving the plan objectives. It is therefore recommended that the entire Discharges Plan be deleted.

3.4 Proposed Plan Change 3 to the Gisborne District Transitional Regional Plan

The Transitional Regional Plan is made up of the following:

- Authorisations in accordance with Section 22 of the Water and Soil Conservation Act 1967.
- Bylaws made under Sections 149 and 150 of the Soil Conservation and Rivers Control Act 1941; Section 34A of the Water and Soil Conservation Act 1967 and Section 4 of the Water and Soil Conservation Amendment Act 1973.
- Transitional specifications for water quality sampling and analysis; bore construction specifications and transitional policies for assessing resource consent applications relating to discharges.

The above authorisations and bylaws were deemed the 'Transitional Plan' pursuant to Section 368 of the Resource Management Act 1991 following the commencement of the RMA in 1991.

Broadly speaking the plan deals with water takes; land drainage and associated discharges; damming of water; maintenance of watercourses; pumping test specifications and bore construction specifications.

With the exception of Section 2 of Part B, the provisions in the Transitional Plan have been replaced by Chapters 4 or 6 of the CRLDP and Schedule 12 and the Objectives and Policies of the Freshwater Plan.

Section 2 of Part B is a bylaw that relates to the maintenance of watercourses for the protection of the flow of waters. This aspect of the bylaw has not been superseded by a Gisborne resource management plan or a National Standard and is recommended for retention. Appendix 2 of this report sets out the provisions for retention.

Provisions in Transitional Plans are deemed to be regional rules pursuant to Section 369 of the Act and it is considered that the deletion of the rules, with the exception of Section 2 of Part B, and their replacement with rules and specifications in the Freshwater Plan and CRLDP are the most appropriate means of achieving the proposed objectives of the Freshwater Plan and the objectives in Sections 4 and 6 of the CRLDP.

3.5 Proposed Plan Change 2 to the Gisborne Regional Policy Statement

The RPS provides an overview of the regions resource management issues and sets out objectives, policies and methods to achieve integrated management of the regions natural and physical resources. Natural and physical resources in this context include land, water, air, soil, minerals and energy, and all forms of plants and animals.

Chapter 3 of the RPS contains the objectives, policies and methods relating to four categories of water, which are:

- Surface freshwater resources encompassing all rivers, lakes and wetlands within the District.
- Groundwater resources, most importantly beneath the Poverty Bay Flats but also beneath the coastal flats.
- Geothermal resources.
- Coastal water resources [out to the 12 mile limit].

Chapter 6 of the RPS contains the objectives, policies and methods relating to the coastal environment, and include the following matters:

- Integration between land and water.
- Natural Character of the Coastal Environment.
- Coastal Activities and Natural Processes.
- Public Access to the CMA.
- Coastal Natural Hazards

The proposed Freshwater Plan includes a Regional Policy Statement for Freshwater which supersedes the Objectives, Policies and Methods in Chapter 3 of the RPS relating to surface; groundwater and geothermal resources. As such the proposed provisions in Chapter 3 of the RPS relating solely to freshwater and Geothermal Resources have been replaced by the proposed Regional Policy Statement for Freshwater. The evaluation of the objectives, policies and methods that replaced the provisions in the RPS are included in the Section 32 reports relating to the successor resource management plans and reference should be made to these documents.

To ensure better integration of the Coastal Environment it is recommended that the provisions within Chapter 3 of the RPS relating to the coastal water resources be incorporated into Chapter 6 of the RPS. Appendix 3 of this report sets out these proposed changes. The integration of the provisions includes amendments to the wording of several objectives, policies and methods that were formerly part of Chapter 3 by removing references to freshwater where necessary and replacing with references to coastal waters.

The alternative of leaving the provisions unchanged in Chapter 3 would result in administrative uncertainty and therefore would not be effective or efficient at achieving the purpose of the Act. It is therefore recommended that Chapter 3 of the RPS be deleted and that amendment be made to Chapter 6 of the RPS as set out in Appendix 3 of this report.

4. Conclusion

In achieving the purpose of the Resource Management Act 1991 (RMA), Section 32 requires an evaluation of alternatives and costs and benefits before a proposed plan change or variation is publicly notified. This evaluation relates to PC62 to the Part Operative Combined Regional Land and District Plan; PC3 to the Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste), PC3 to the Transitional Regional Plan and PC2 to the Operative Regional Policy Statement.

This Section 32 report was undertaken as a consequence of the introduction of the Proposed Freshwater Plan for the Gisborne Region which contains provisions that largely supersede provisions in the CRLDP, Discharges Plan, the Transitional Plan and Section 3 of the RPS.

An assessment of the efficiency and effectiveness of the proposed plan changes has been undertaken in this report in conjunction with the Section 32 report for the Proposed Freshwater Plan. It is considered that the recommended changes are most appropriate means of achieving Part 2 of the Act and the proposed methods are the most appropriate methods for achieving the objectives in the Proposed Freshwater Plan and CRLDP, thereby satisfying the requirements of Section 32.

5. Appendices

Appendix 1: Proposed Plan Change 62 to the Gisborne District Council Combined Regional Land and District Plan

Appendix 2: Proposed Plan Change 3 to the Gisborne District Transitional Regional Plan

Appendix 3: Proposed Plan Change 2 to the Operative Gisborne Regional Policy Statement

Appendix 4: Proposed Plan Change 3 to the Gisborne District Council's Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste

Appendix 1: - Proposed Changes to the Gisborne District Council Combined Regional Land and District Plan

Note: In relation to the changes proposed, all deletions are ~~struck~~ through and additional text is underlined.

1.1 Amendments to Chapter 4.0 – Natural Heritage

1.1.1 Amend the advice note at the start of Section 4.6

Note

Chapter 4 contains both regional and district rules. Unless specifically stated as a regional rule, the rules of Chapter 4 are to be interpreted as district rules. Activities shall also comply, where relevant, with the regional or district rules in Chapter 3- Cultural Heritage, Chapter 5- Natural Hazards, Chapter 6- Land, ~~Chapter 7- Beds of Lakes and Rivers~~, Chapter 8 - Utilities, Chapter 9 - Contaminated Sites, Chapter 9A - Hazardous Substances, Chapter 10 – Signs and Chapter 14 – Financial Contributions.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

The rules for each overlay apply in addition to the zone rules for the area.

1.1.2 Delete the rules relating to 4.11 WETLAND AREAS

~~4.11 WETLAND AREAS~~

NOTE: ~~The following rules are both Regional and District rules.~~

~~4.11.1 Permitted Activities~~

~~The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).~~

~~4.11.1.1 Any activity not provided for as a discretionary activity in this overlay~~

~~— Provided that:~~

- ~~1. The Activity complies with the General Rules.~~
- ~~2. The area is not affected by a more restrictive rule of another overlay elsewhere in this chapter.~~

~~4.11.1.2 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)~~

~~4.11.1.3 Maintenance of lawfully established roads, fencelines, tracks or earth dams~~

~~4.11.1.4 Maintenance and repair of lawfully established structures excluding network utility structures~~

~~4.11.1.5 Vegetation clearance~~

~~Provided that:~~

- ~~a) The vegetation comprises exotic trees or shrubs or other exotic plants not exceeding 30cm d.b.h., scattered amongst pasture; or~~

- b) The clearance is by grazing; or
- c) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
- d) The clearance is hand clearing for fencelines or for restoration of wetlands, and is surficial, and not more than 4m total width; or
- e) The activity is for the purposes of customary harvest by tangata whenua; or
- f) The activity is for the purposes of control of natural hazards and the area to be cleared does not exceed 100m² per 24 months
- g) No vegetation, slash, spoil or other debris greater than 100mm in diameter shall be directly deposited in, on or under wetlands.

4.11.2 Discretionary Activities

The following activities shall be discretionary activities:

4.11.2.1 Drainage or infilling or vegetation clearance within any wetland that is greater than 200m² in area

Provided that:

1. Where two or more wetlands lie within a radius of 50 metres, their areas shall be summed for the purposes of this rule.

4.11.2.2 Any activity (excluding tree planting) within 100m of the outer edge of the margin of a wetland greater than 200m² that causes drainage or infilling of that wetland

Provided that:

1. Where two or more wetlands lie within a radius of 50 metres, their areas shall be summed for the purposes of this rule.

1.2 Amendments to Chapter 6 Provisions – Soil Conservation

1.2.1 Amend the advice note at start of Section 6.6

Note

Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, ~~Chapter 7-Beds of Lakes and Rivers~~, Chapter 8-Utilities, Chapter 9 – Contaminated Sites, Chapter 9A – Hazardous Substances and Chapter 10 – Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

The rules of Chapter 6 shall apply in addition to the zone rules for the area.

1.2.2 Amend advice note at the top of Sections 6.7, 6.8, 6.9 and 6.10

NOTE : In addition to the rules in this chapter, the Proposed Gisborne Regional Freshwater Plan includes rules that relate to activities in the Beds of Lakes and Rivers and the Riparian Management Area.

1.3 Amendments to Chapter 7 – Beds of Lakes and Rivers

1.3.1 Delete the entire Chapter

1.4 Amendments to Chapter 8 – Infrastructure

1.4.1 Amend advice note next to Policy 8.8(12)

Refer to ~~Regional Discharges Plan~~ the Proposed Gisborne Regional Freshwater Plan and Gisborne District Council's Guidelines for On Site Wastewater Treatment and Disposal in the Gisborne District.

1.4.2 Amend advice note at start of Section 8.11

Note

In addition to the rules of Chapter 8, network utility activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, ~~Chapter 7-Beds of Lakes and Rivers~~, Chapter 9 – Contaminated Sites, Chapter 9A – Hazardous Substances, Chapter 10-Signs and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.4.3 Amend advice note at start of Section 8.13

Note

In addition to 8.10 Rules for Network Utility Activities, the provision of works and services shall comply, where relevant, with the regional or district rules in Chapter 3 – Cultural Heritage, Chapter 4 – Natural Heritage, Chapter 5 – Natural Hazards, Chapter 6 – Land, ~~Chapter 7 – Beds of Lakes and Rivers~~, Chapter 9 – Contaminated Sites, Chapter 9A – Hazardous Substances, Chapter 10 – Signs and Chapter 12 – Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.4.4 Insert advice note next to 8.13.4 Stormwater Systems

Refer to the Proposed Gisborne Regional Freshwater Plan for policies and rules relating to stormwater discharges.

1.4.5 Amend advice note next to Rule 8.13.6

Refer to ~~Regional Discharges Plan~~ Proposed Gisborne Regional Freshwater Plan and Gisborne District Council's Guidelines for On Site Wastewater Treatment and Disposal in the Gisborne District.

1.4.6 Insert advice note next to Rule 8.14.7

Refer to ~~Regional Discharges Plan~~ Proposed Gisborne Regional Freshwater Plan and Gisborne District Council's Guidelines for On Site Wastewater Treatment and Disposal in the Gisborne District.

1.5 Amendments to Chapter 9A.0 – Hazardous Substances

1.5.1 Amend advice note in 9A.6 RULES FOR HAZARDOUS SUBSTANCES

Note:

1. Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, and Chapter 6-Land, Chapter 8-Utilities, Chapter 9-Contaminated Sites. and Chapter 10 – Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.6 Amendments to Chapter 12.0 – Subdivision

1.6.1 Amend Notes in 12.4 Policies (Subdivision)

Note: The provisions of the ~~Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances~~ Proposed Gisborne Regional Freshwater Plan also apply.

Policies contained in Chapter 4 will give further guidance in relation to the subdivision of land within the Protection Management Area Overlay and Coastal Environment Overlay.

1.6.2 Amend advice note in 12.6 RULES FOR SUBDIVISION

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 9-Contaminated Sites and Chapter 10 – Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.6.3 Amend advice Note in 12.9 Discretionary Activities

Note:

Attention is drawn to the provisions of the Proposed Regional Coastal Environment Plan for Gisborne Region and the Proposed Gisborne Regional Freshwater Plan.

1.7 Amendments to Chapter 17.0 – Residential Zones

1.7.1 Amend advice note in 17.16 RULES FOR RESIDENTIAL ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, and Chapter 6-Land, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, Chapter 12-Subdivision and Chapter 14-Financial Contribution.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.8 Amendments to Chapter 18.0 – Commercial Zones

1.8.1 Amend advice note in 18.10 RULES FOR COMMERCIAL ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards and Chapter 6-Land, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.9 Amendments to Chapter 19 Rules – Industrial Zones

1.9.1 Amend advice note in 19.14 RULES FOR INDUSTRIAL ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.9.2 Amend Rule 19.16.3.1 – Restricted Discretionary Activities

19.16.3.1 Activities listed as Permitted or Controlled which do not comply with the general rules relating to any two of the following:

d) Stormwater disposal **as set out in Chapter 8 (Infrastructure) of this Plan**

1.9.3 Amend advice note in 19.18.1 Permitted Activities (Petrochemical exploration and Production and Mining)

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.10 Amendments to Chapter 20 Rules – Port Management Zones

1.10.1 Amend advice note in 20.10 RULES FOR THE PORT MANAGEMENT ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 6-Land, Chapter 9-Contaminated sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.11 Amendments to Chapter 21 Rules – Rural Zones

1.11.1 Amend advice note in 21.8 RULES FOR RURAL ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, ~~Chapter 7—Beds of Lakes and Rivers~~, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

1.12 Amendments to Chapter 22 Rules – Reserve Zones

1.12.1 Amend advice note in 22.6 RULES FOR RESERVE ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Soil Conservation, Chapter 9-Contaminated sites, Chapter 9A-Hazardous Substances and Chapter 10-Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

Appendix 2: - Proposed Plan Change 3 to the Gisborne District Transitional Regional Plan

Note: In relation to the changes proposed, all deletions are ~~struck~~ through and additional text is underlined.

1.1 Amendments to Transitional Plan

1.1.1 Delete all of Part A

1.1.2 Delete all of Part B except Section 2 Watercourses

Part B shall now read as follows

2.0 WATERCOURSES

WATERCOURSE includes every river, stream, passage, and channel on the ground whether natural or not through which water flows whether continuously or intermittently in a defined course; but does not include any piped water supply, tunnel, conduit, aqueduct, or water race forming part of the reticulation of or for any water supply area or water race district or irrigation district or any water table on a public highway which is for the sole purpose of controlling the run—off from the carriageway.

2.1 Maintenance of Watercourses

- 2.1.1 Subject to the provisions of section 143 of the Soil Conservation and Rivers Control Act 1941, clauses 2.1.1 to 2.1.4 hereof shall apply to all watercourses in the district, including those where control is vested in the Authority pursuant to section 130 of the Soil Conservation and Rivers Control Act 1941 or pursuant to any other Act, but shall not apply in respect of those watercourses included in the First Schedule to this bylaw.
- 2.1.2 Every owner or occupier of land in the district through which a watercourse flows shall at all times keep the watercourse cleansed, maintained, and repaired to the satisfaction of the Authority and if he fails to do so the Authority may, by notice in writing, require such owner or occupier so to do.
- 2.1.3 Where by or under clause 2.1.2 any owner or occupier is required to cleanse, maintain, or repair any watercourse and, after notice in writing requiring him so to do, makes default in complying with the notice within the time specified in the notice in that behalf, or if no such time is specified, then within a reasonable time, does not proceed with the work, then the Authority may, if it thinks fit, either itself or acting by or through its agents cleanse or repair all or any part or parts of such watercourse.
- 2.1.4 The Authority may recover from the owner or occupier the reasonable costs of carrying out any such works as aforesaid as a debt due and payable on demand by the owner or occupier to the Authority and in default of such payment the costs shall be recoverable by the Authority from the owner or occupier in any court of competent jurisdiction.

2.6 Obstructions

2.6.1 No person shall, without the written consent of the Authority, obstruct or damage any watercourse, or obstruct the flow of flood waters therein, or impede the maintenance of the watercourse or floodway.

2.7 Miscellaneous

2.7.1 No person shall without the written consent of the Authority take or drive or cause or permit to be taken or driven any livestock, motorized vehicles or machinery on any flood control stopbank or other defence against water where in the opinion of the Authority that action could cause damage to the stopbank or other defence against water.

2.7.2 The Authority may from time to time by public notice prohibit any access to or passing over any part of a watercourse under its control for the protection of that part of the watercourse.

1.1.3 Delete all of Part C

1.1.4 Delete all of Part D

1.1.5 Delete all of Part E

Appendix 3: - Proposed Plan Change 2 to the Operative Gisborne Regional Policy Statement

Note: In relation to the changes proposed, all deletions are ~~struck through~~ and additional text is underlined.

1.1 Delete Chapter 3 (Water Management)

1.1.1 Delete the entire Chapter 3 (Water Management) of the RPS

1.2 Amend Chapter 6 (Coastal Management)

1.2.1 Make the following amendments to Chapter 6 (Coastal Management) of the RPS

6.0 INTRODUCTION

The Gisborne district has approximately 270 km of coastline. This excludes those parts of the coastal marine area which are the tidal portions of rivers. The nature of the coastline is largely influenced by the geological history of the area, its climate, the vegetation in the catchments and to some extent changes brought about by human occupation.

Note: The coastal environment includes the area below mean high water springs (the coastal marine area out to the 12 mile limit), and also areas inland of that line but closely related to the coast such as foreshore above mean high water springs, dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands.

The geology of the area is reflected in the coastline where erosion is more common than accretion. Accretion through deposition of river borne sediments is concentrated adjacent to the mouths of the major river systems. Although the district has renown flat beaches its coastal margin is also typified by steep slopes, headlands and cliffs with numerous offshore rocks and islands.

It is the combination of the soft highly erodible sedimentary rock, relatively intense rainfall and a high energy coast that has given the present shape, form and character to the Gisborne coast. The significant elements are given below:

1. Hard rocky coastline
2. Wave cut intertidal platforms
3. Beaches
4. Offshore islands
5. Cliffs/headland
6. Soft sediments
7. Exposed nature of coast
8. Erosion/accretion.

Approximately 69% of the districts population live in the Gisborne Urban Area which means the majority of the coastline is relatively free from the usual urbanised population pressures.

It is a significant characteristic of the East Coast. There is a high demand by people and communities to carry out activities in the coastal environment to provide for their economic and social needs. The coastal environment is especially important for recreational activities, and for coastal shipping. The coastal environment is also utilised for some activities such as temporary military training because of the nature of the coastal environment and requirements for coastal locations.

About 90% of respondents to Council's first discussion paper on the Regional Policy Statement considered management of the coastal environment to be an important issue. Submissions were received from a wide variety of people including coastal residents, recreationalists, Maori, fishers, surfers and commercial interests.

Most submissions allude to the fragility of the coastal environment and to the importance of maintaining existing recreational, scenic, cultural and "productive" values. The existence of strong spiritual, cultural and economic relationships between Maori and the coast was commented on in several submissions.

Many submissions refer to the significance of the coastal environment as a food producing and spiritual "life support" system and several allude to the coast in terms of it being the district's "greatest asset". A number of submissions make the connection between the maintenance of natural values on the coast and the development of Gisborne's tourist industry.

Perceived threats to the coastal environment, or to people's enjoyment of it, include: - polluting discharges, over exploitation of fish and shellfish resources, proliferation of holiday batches, rubbish disposal, degradation of natural areas such as sand dunes, and loss of access.

6.1 THE EFFECTS OF SOME ACTIVITIES STRADDLE THE ADMINISTRATIVE BOUNDARIES ESTABLISHED UNDER THE RESOURCE MANAGEMENT ACT 1991

Explanation

Integration Between Land and Water

Although the mean high water springs is the administrative boundary between the management of land and the coastal marine area Council needs to ensure integration across this boundary.

Many land based activities may cause effects on the coastal environment. For example the direct discharge of waste from the municipal sewerage and stormwater systems or from industries into coastal waters, the indirect discharge from septic tanks, leachate from rubbish dumps, rural run-off, the discharge of suspended sediment from erosion in the river catchments. Also activities in the coastal marine area can create a need for landward components. For example facilities for coastal shipping, boat ramps and car parks for recreational fishing, processing facilities for commercial fishing. Other activities such as those undertaken for defence purposes may also require utilisation of areas in the coastal marine area and in the landward portion of the coastal environment.

Integration Between Resources

The coastal environment consists of inter-related systems where it is not appropriate or possible to treat resources separately. With the coast most natural resources are mobile - the medium itself and most of the organisms are continuously moving. The types of movement, current, tides and waves etc make management difficult. It is difficult to isolate anything for study or get precise or predictive data. Our knowledge of the marine part of our district is not as advanced as with the land and it can be difficult to predict effects of activities. For example coastal protection works designed in the 1960's may now no longer be appropriate and may be accentuating the very problem they were designed to control.

Integration Between Authorities

The Minister of Conservation determines the national priorities for the management of the coastal environment giving the overall policy framework for regional councils in the New Zealand Coastal Policy Statement.

Other authorities have responsibilities in the coastal environment that Council will need to liaise with to ensure effective integration. For example Maritime Safety Authority on oil pollution and safety and navigation matters, Ministry of Fisheries, Iwi authorities, Department of Conservation.

The allocation of fish resources and the direct effects of fishing and fisheries management are not the Council's function. Fisheries management is the responsibility of the Ministry of Agriculture and Fisheries under separate legislation. The separation of functions between the Resource Management Act 1991 and the Fisheries Act is defined under Section 30(2) of the Resource Management Act 1991. The effects of other activities on fishing or the environmental quality of marine habitats is however a relevant consideration.

Special Relationship with Tangata Whenua

The Act requires recognition to be given to Tangata whenua and their special spiritual, cultural and customary relationship with the coastal environment. Principle 9 of the New Zealand Coastal Policy Statement states that, "The tangata whenua are the kaitiaki of the coastal environment." which reinforces the special relationship of the tangata whenua with the coast of the Gisborne District.

The Regional Policy Statement must identify matters of resource management of significance to Iwi authorities to ensure they are considered as required by the Act, in particular Part II of the Act. Although this matter will generally be addressed in a separate paper for the region it is particularly relevant for the coastal environment.

Tangata whenua have identified the following matters as of being of particular significance to them:

1. lack of opportunity for appropriate Iwi/hapu/Maori participation and influence in the decision-making process over areas and resources which have been identified as significant to Iwi/hapu/whanau and Maori (through Iwi Management Plans, Taiapure applications, Mahinga Mataitai reserve declarations, Maori reserves.
2. ~~the continued use of the Coastal Marine Area for dumping of human and industrial wastes.~~ Degradation of water quality due to discharge of human, industrial, farm and horticultural wastes; any effects on physical and spiritual resources of Maori, such as taiapure, kaimoana, waahi tapu.

Water provides Maori with food and spiritual resources. These resources are directly impacted on when subject to various degrees of pollution especially with regard to the mauri of those resources. Any impact on coastal waters seriously restricts Maori use of them, e.g. polluted food cannot be used for hui with respect to manaaki ki nga manuhiri, forcing tangata whenua to purchase food. Any spiritual impact on the mauri of the water has an impact on waahi tapu. Those consulted want the degradation of tribal waters to be stopped.

6.1.1 Objectives

1. Management of the coastal environment that is integrated across the boundaries of the coastal marine and inland areas and between agencies, organisations and the Tangata whenua.

6.1.2 Policies

1. The Councils Regional Coastal Environment Plan shall contain objectives and policies for the whole of the Coastal Environment and ensure their implementation through other regional plans and the district plan where appropriate (Section 9.1.2.5 also refers).
2. To consult closely with Maori when developing and implementing plans affecting the coast, and when considering resource consents which raise issues of concern to Maori who are recognised as kaitiaki of the area.
3. To ensure close liaison and a good working relationship between Council and other authorities concerned with the management of the coastal environment.
4. To recognise, and maintain in as natural a condition as possible, the dynamic, complex and interdependent nature of natural and physical resources in the coastal environment.

6.1.3 Methods

1. Prepare a Regional Coastal Environment Plan that includes a Regional Coastal Plan for the coastal marine area (pursuant to S.64(2) of the Act) and gives the policy for the District Plan to implement for the balance of the coastal environment.
2. Develop a strategy for consultation with Maori on resource consent applications that is effective, cost-efficient and avoids unreasonable costs and delay for minor applications.
3. Monitor the proposals of other agencies with coastal management responsibilities, and advocate for consistency of purpose with them where possible.

6.1.4 Reasons for Objectives, Policies and Methods

Integrated management is fundamental to achieving the purpose of the Act. Integration is necessary between agencies and people and across administrative boundaries to ensure consistent decision-making within the whole coastal environment. The coast is affected by many activities and processes inland, and different agencies and management systems are involved. (Objective)

Preparing a Regional Coastal Environment Plan enables all Council's policies in regard to the coastal environment to be in one document. This will enable greater integration between the RCP and any other plans for the 'dry' part of the coastal environment. Council's Unitary Council status makes this administratively easier. Council's approaches will be clearly set out for the benefit of others with coastal management responsibilities.

Effective consultation with tangata whenua is a statutory requirement. No alternative is possible.

Council is not obliged to participate in the processes of other organisations but unless it does inconsistency of purpose may result.

Alternatives considered

Preparing entirely separate regional and district planning documents is possible but at the risk of repetitiveness and inconsistency. This would also make the process more difficult for those who must consult these documents. The Do nothing option would not be consistent with the Act.

6.1.5 Anticipated Environmental Results

1. More efficient preparation of planning documents and administration of resource consents within the coastal environment from greater co-ordination amongst relevant authorities.
2. Public better aware of relevant authorities and their respective roles and responsibilities in the management of the coastal environment.

6.2 THE EFFECTS OF SOME ACTIVITIES MAY DAMAGE OR DESTROY THE NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

Explanation

The community rely on the coastal environments natural character for many values and uses, be it for spiritual, cultural or recreational values, or the harvesting of primary produce. The issue of protecting the terrestrial and marine ecological and landform values is very important to the overall well-being of the region.

6.2.1 Objectives

1. The preservation of the natural character of the coastal environment including by protecting outstanding natural features and landscapes, areas of significant indigenous vegetation and habitats of significant indigenous fauna in the coastal environment.
2. Rehabilitate degraded landscapes and ecosystems within the coastal environment.
3. Coastal water quality that is maintained or enhanced.
4. Amenity values of the coastal environment arising from the preservation of natural character, including the quality of open space, are maintained and enhanced.

6.2.2 Policies

1. To identify, in consultation with the public, Department of Conservation and interested organisations, the features which together provide the natural character of the coastal environment of the Gisborne District including outstanding natural features and landscapes and areas of significant indigenous vegetation and significant habitats of indigenous fauna and protect those features from activities the effects of which may degrade them.

Assessment criteria that may be used to identify features, landscapes, areas, habitats and sites of heritage and cultural importance which may be of local, regional, national or international significance could include:

- a) Areas that have been especially set aside under statute (this includes covenants) for preservation or protection purposes.
- b) Areas recommended for protection under the Protected Natural Areas Programme or in reports to the Forest Heritage Fund and the Nga Whenua Rahui Committee.

- c) Landscapes and landforms that have been identified as regionally, nationally or internationally significant.
 - d) Visually or scientifically significant geological features, including those identified in the New Zealand Geopreservation Inventory compiled by the Joint Earth Sciences Working Group.
 - e) Characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori e.g., Taonga Raranga and Waahi taonga mahi a ringa.
 - f) Areas where the adverse effects of any activity should be avoided or remedied because they are areas and habitats important to the continued survival of any indigenous species.
 - g) Areas containing nationally or regionally vulnerable species or nationally or regionally outstanding examples of indigenous community types.
 - h) Outstanding or rare indigenous community types within an ecological region or district.
 - i) Habitat important to regionally endangered rare or threatened species and ecological corridors connecting such areas.
 - j) Areas important to migratory species and to vulnerable stages of common indigenous species.
2. To develop, and to facilitate the development of statutory and non-statutory resource management plans which give effect to kaitiakitanga and tino rangatiratanga
 3. To recognise and protect sites and taonga of value for Maori.
 4. To allow subdivision, use, or development in the coastal environment, particularly in areas already degraded, which:
 - a) Preserves natural character; and
 - b) Avoids, remedies or mitigates adverse effects
 5. To promote the rehabilitation of degraded landscapes and ecosystems, using indigenous species of local genetic stock by preference, within the coastal environment.
 6. To ensure that appropriate subdivision, use and development occurs only where:
 - a) Adequate services such as the disposal of wastes can be provided for; and
 - b) The adverse effects of those services can as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying them, to the extent practicable; and
 - c) Financial contributions are sought, where appropriate to offset unavoidable environmental damage in the coastal environment or protect or rehabilitate the coastal environment.

6.2.3 Methods

1. To develop provisions in the District and Regional Coastal Environment Plan, in consultation with the Department of Conservation, Maori, and other interested parties, which preserve natural character by protecting outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna. The identification of such features and areas using the assessment criteria, but without limiting other criteria, listed in policy 6.2.2(1) and the compilation of assessment criteria for resource consents are two provisions that will be developed. To develop, and to facilitate the development of statutory and non-statutory resource management plans which give effect to kaitiakitanga and tino rangatiratanga.
2. To provide information in the Regional and District plans about significant sites and areas along with any obligation concerning their protection pertaining to them.
3. Promote methods of preservation of natural character beyond the scope of the Resource Management Act e.g.:
 - *provide incentives by way of rates relief, fees reductions and project co-operation for activities which would help to rehabilitate or enhance the region's natural character.*
 - *QE 2 National Trust Covenants*
 - *Conservation Covenants under the Reserves Act 1977*
 - *Wildlife Refuges under the Wildlife Act 1963*
 - *Marine Reserves under the Marine Reserves Act 1971*
 - *Forest Heritage Fund*
 - *Nga Whenua Rahui*
4. Identify areas of outstanding natural features and landscapes, significant indigenous flora and habitats of significant indigenous fauna and, together with areas of significant conservation value identified by the Department of Conservation, adopt methods in the Regional Coastal Environment Plan and District Plan to provide for the protection of these.

NOTE: Appendix 4 includes Areas of Significant Conservation Value identified by the Department of Conservation and received by the Gisborne District Council on the 29th of September 1994.

5. Include policies and methods, including rules, in Regional and District Plans that seek to restore and rehabilitate the natural character of the coastal environment where appropriate.

6.2.4 Reasons for Objectives, Policies and Methods

Objectives

Protection of the natural character is a statutory requirement.

Opportunities for enhancements will arise from time to time and should be taken.

Water Quality is an essential part of natural character and contributes to public use and enjoyment.

Policies

In order to preserve the coast's natural character the elements which make up that character must be identified. Significant areas of the coast contribute to this as well as smaller elements and some intangible qualities.

Assessment criteria for determining areas of value need to be established in Regional and District Plans in order to establish appropriate levels and means of protection for those values and areas.

Tangata whenua enjoy a special relationship with the coast and have a long tradition of using and occupying it.

Some activities have the potential to adversely affect or destroy natural character. Such effects need to be avoided or mitigated or consideration given to preventing their establishment in the coastal environment.

Some past activities have already degraded areas of natural character and in such areas, council should promote rehabilitation and restoration, in order to be consistent with the New Zealand Coastal Policy Statement. Natural character will be preserved by protecting areas and sites of outstanding or significant natural values

Alternatives considered

No alternatives to these objectives and policies are considered possible under the Act. The do-nothing option would not achieve the statutory duty to preserve natural character. Denial of public use and enjoyment would preserve "naturalness" to the fullest extent but would contravene the principles of the New Zealand Coastal Policy Statement and would deny to people any place in the coastal environment, which is not within the Act's purpose of "sustainable management".

Methods

Natural character will be preserved by protecting areas and sites of outstanding or significant natural values.

Opportunities should be taken wherever possible to promote the use of kaitiakitanga and tino rangitiratanga in resource management. Adopting principles for this in formal plans will make these concepts more explicit and useable.

Information about natural character will promote understanding and sympathetic development.

The approaches listed outside the Resource Management Act can be effective in preserving natural character but rely on the co-operation of other agencies in most cases.

6.2.5 Anticipated Environmental Results

1. Preservation of sites and areas having significant natural character or cultural value.
2. The maintenance and enhancement of genetic, biological and landscape diversity within the region.
3. Greater amenity value associated with the region's natural environment.
4. An appreciating asset in terms of the region's natural resources.
5. Subdivision, use and development of the coastal environment which preserves natural character and where adverse effects on the environment are avoided, remedied or mitigated.

6.3 ACTIVITIES IN THE COASTAL ENVIRONMENT CAN INHIBIT NATURAL PROCESSES AND DEGRADE THE ABILITY OF NATURAL FEATURES AND RESOURCES TO SUSTAIN LIFE

Explanation

Activities such as discharges into the sea and coastal subdivision can threaten the integrity of natural systems and resources. Discharges may introduce toxins into the marine environment that disrupt food chains. Inappropriate subdivision can accelerate erosion by removing sand dunes and other natural features which would otherwise provide a natural buffer. In most cases, vegetation and habitat is altered or destroyed. The resilience of the environment is weakened and its capacity to sustain life is greatly diminished if inappropriate activities are permitted.

6.3.1 Objectives

1. Protection of outstanding natural features, areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment.
2. The protection of the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities in the coastal environment.
3. Restoration and rehabilitation of areas of the coastal environment where the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities has been degraded and appropriate remedial action can be taken.

6.3.2 Policies

1. To avoid, remedy or mitigate the effects of activities which have an adverse effect on biological diversity and ecosystem integrity.
2. To encourage activities which could rehabilitate or enhance degraded ecosystems, coastal processes and natural physical resources including water.
3. To encourage subdivision, use and development which takes into account the integrity and resilience of natural processes and recognises that natural features provide buffers against natural processes that might damage an activity.

6.3.3 Methods

1. Identify areas of outstanding natural features, significant indigenous flora and habitats of significant indigenous fauna and, together with areas of significant conservation value identified by the Department of Conservation, adopt methods in the Regional Coastal Environment Plan and District Plan to provide for the protection of these.

NOTE: Appendix 4 includes Areas of Significant Conservation Value identified by the Department of Conservation and received by the Gisborne District Council on the 29th of September 1994.

2. Adopt methods in the Regional Coastal Environment Plan and other regional plans to ensure that water quality is maintained or enhanced where appropriate.
3. Adopt methods in the Regional Coastal Environment Plan, other regional plans and district plans to limit sedimentation of coastal waters caused by soil erosion. (Refer Issue 2.1)

6.3.4 Reasons for Objectives, Policies and Methods

The objectives and policies are statutory requirements. No alternatives are considered possible.

Methods

The Regional Coastal and District plans are appropriate documents in which to record sites of significant value and adopt specific methods for protection.

High water quality is essential to the health and vigour of indigenous marine ecosystems.

Marine and coastal ecosystems are adversely affected by smothering with sediment and degraded water caused by soil erosion.

6.3.5 Environmental Results Anticipated

Protection of areas of significant conservation and representative samples of indigenous habitats.

6.4 MAINTENANCE AND ENHANCEMENT OF PUBLIC ACCESS TO AND ALONG THE COASTAL MARINE AREA

This issue is fully discussed under Issue 2.7. The provisions there are applicable to the coastal environment and are not repeated here.

6.5 AVOIDING OR MITIGATING THE EFFECTS OF NATURAL HAZARDS ON HUMAN STRUCTURES AND VALUES

This issue is fully discussed under Issue 2.3 The provisions there are equally applicable in the coastal environment and are not repeated here.

6.6 INTEGRATED MANAGEMENT

This chapter relates to other subjects discussed in Part II of this Regional Policy Statement, in particular:

- 2.1 Soil Erosion
- 2.3 Natural Hazards
- 2.4 Protection of Significant Sites, Culture and Heritage
- 2.6 The Preservation of Significant Natural Values Heritage
- 2.7 Public Access to Margins of the Coast, Lakes and Rivers
- 3.0 Water Management
- 8.0 Waste Management and Hazardous Substances

The provisions relating to these issues have been prepared and will be implemented in the light of this chapter.

All persons exercising powers or carrying out functions under the Resource Management Act relating to Coastal Management should have regard to those provisions.

6.7 UNSATISFACTORY WATER QUALITY IN COASTAL WATERS

6.7.1 Explanation

Coastal water quality is a matter of concern to many of the District's residents. Water bodies identified as having impaired water quality include:

- many of the District's coastal waters as a result of high sediment load; and
- the near shore waters of Poverty Bay, as a result of treated sewage and freezing works effluent, stormwater runoff from Gisborne City and sediment from the Waipaoa River.

Poor coastal water quality may reduce the uses that can be made of water and may adversely affect the life-supporting capacity and productivity of aquatic ecosystems.

High sediment loads in rivers are directly linked to the issue of accelerated erosion. Excess sediment entering coastal waters from rivers may smother marine life and mahinga maataitai (traditional food gathering areas) and reduce the uses that can be made of water and may adversely affect the life-support capacity and productivity of aquatic ecosystems.

6.7.2 Objectives

1. Improvement of the water quality in the rivers and streams draining Gisborne City and the near shore waters of Poverty Bay where appropriate.
2. Recognition of the Mauri of coastal waters and restoration of Mauri of degraded coastal waters.

6.7.3 Policies

1. To develop and implement a range of land management measures that improve the coastal water quality by reducing sediment entering coastal environments.
2. To promote the beneficial outcomes of more sensitive management of coastal riparian margins and, where appropriate, to protect or enhance coastal riparian vegetation.
3. To reduce contaminant levels in urban stormwater discharges.
4. To establish maintain, and where appropriate enhance water quality standards for the coastal environment of Poverty Bay.
5. To improve the standard of treatment of Gisborne City sewage.
6. To take into account cultural and spiritual values, and the Mauri of coastal water, when defining minimum water quality standards, considering waste treatment options, and processing applications for water and discharge permits.
7. To implement a risk-based management regime for the Region's coastal waters which recognises that receiving waters have varying degrees of sensitivity
8. To provide for the maintenance and future development of essential public services such as network utility operations, where these activities meet section 5(2)(a)(b)&(c) of the RMA 1991.

6.7.4 Methods of Implementation

The Gisborne District Council will:-

1. Implement the land management methods outlined in Part 2 Issue 2.1 of this Statement (policy 1).
2. Implement the methods aimed at riparian strip management outlined in Part 2 Issue 2.6 of this Statement (policy 2). (see also 6.9.3)
3. Complete a programme of progressively upgrading City sewage and stormwater systems.
4. Initiate an education programme to provide awareness of the potential adverse effects of the disposal of contaminants into stormwater drains, promote alternative means of disposing of liquid wastes (policy 3).
5. Investigate the use of retention lagoons and/or artificial wetlands to promote the "clean-up" of stormwater discharges (policy 3).
6. Periodically review the efficacy of the coastal water quality standards for Poverty Bay, and of establishing water quality classifications for other coastal waters in the Region, as a basis for maintaining or restoring water quality at/to a standard suitable for desired uses.
7. Expand the programme of monitoring coastal water quality in the Region (including shellfish monitoring in Poverty Bay), to implement a three tier monitoring strategy (policy 7; see also 6.7.9 Monitoring below).
8. Complete an investigation of options for improving the standard of treatment of Gisborne City's sewage, including land based disposal, by 1995 (policy 5), and thereafter implementation of the best option.
9. Implement trade-waste by-laws by 1995 (policy 5).
10. Consult with Maori to ascertain the nature of the cultural and spiritual values that they hold in relation to specific coastal water bodies and formalise an ongoing consultation process (policy 6).
11. Review all existing permits to discharge a contaminant into water in the coastal environment once the Regional Coastal Environment Plan becomes operative and if any discharge does not comply with any standards established in the plan then steps will be taken to review the conditions of the permit.

6.7.5 Reasons for Objectives, Policies and Methods

The objectives address the coastal water quality issues of immediate concern to the people of the District.

Objective 2 relates to the Council's responsibility to recognise and provide for the relationship of Maori and their culture with water and other taonga [s6(e)]. The Mauri (or life force) is a spiritual value of water. All water has varying degrees of Mauri, determined by the natural quality of the water and/or historical events or legends associated with the location. This value can be lowered by inappropriate use or contamination, pollution by human waste being the most offensive of all forms of contamination.

The reasons for policy 1 and 2 are explained in other sections of this Statement [refer Part 2 Issues 2.1 and 2.6.]. Council recognises the role that forestry can play in improving coastal water quality.

Policy 3 is aimed primarily at addressing the problem of people illegally disposing of contaminants to stormwater drains. It also covers the option of constructing stormwater retention ponds and/or artificial wetlands to provide a measure of treatment for urban stormwater prior to discharge.

Policy 4 recognises the desirability of managing water quality in Poverty Bay using the water classification provisions of the Resource Management Act 1991. The Act provides a set of water classifications [Third Schedule], but Council may propose more stringent standards if it wishes [s.69]. Classifications enable standards to be established below which discharges may not reduce the quality of receiving waters after reasonable mixing. Policy 4 also recognises that Policy 5.1.1 of the New Zealand Coastal Policy Statement requires that the Regional Policy Statement for the Gisborne District should address water quality enhancement. This is provided for in Policy 4 in so far as the Gisborne District Council is able to enhance water quality in Poverty Bay, for example by improving city sewage treatment practices (policy 5), recognising that there is very little that can be done about the major river systems that contribute to the Bay's poor water quality. Other Policies in the Regional Policy Statement associated with land use may address these issues over time.

Policy 5 recognises the localised physical and ecological effects that the Gisborne City sewage discharge has on coastal water quality, and the effect that sewage discharge has on the cultural values of Poverty Bay waters.

Policy 6 reflects Council's statutory obligation towards Maori, referred to in relation to the reason for objective 2, above.

Policy 7 will ensure that:

- Coastal water quality is managed in accordance with current water classification standards (where applicable), and national and international guidelines.
- Members of the community are confident that the Council takes its environmental role seriously
- Coastal water quality is maintained and enhanced
- Council has a framework and direction within the life of its RMA Plans and beyond
- The community gains a greater degree of understanding on water quality issues and the risks associated with coastal waters

The methods outlined above are considered to represent practical steps that the Council can take to achieve the objectives and implement the foregoing policies.

6.7.6 Alternatives considered

Alternatives to policies (1) and (2) are discussed elsewhere in this Statement. Policy (3) is a practical policy, relating to Council's service delivery function, which can be pursued to progressively reduce contaminants in urban stormwater discharges. The alternative is to do nothing. The alternative to policy 4 is to set no standards for Poverty Bay water and to treat each discharge proposals or permit renewals on an ad hoc basis. Such an approach could lead to inequities and/or threats to human health.

The alternative to policy 5 is for the District Council to breach the conditions on the discharge consent issued by the Minister of Conservation. The alternative to policy 6 is to ignore Council's statutory obligations under the Act.

6.7.7 Integrated Management

This issue relates to other issues discussed in Part 2 of this Statement, in particular:

- 3.3 Point source discharges.
- 3.4 Diffuse [non-point] sources of contamination.

6.7.8 Environmental Results Anticipated

1. Less stress on marine ecosystems, enhancement of life-support capacity.
2. Rehabilitation of mahinga maataitai and increased fisheries production in the long term.
3. Improved water quality in Poverty Bay.
4. People able to swim in, and, take shellfish from, Poverty Bay waters without risk to health and safety. Improved tourism image.
5. Restoration of Mauri of coastal waters.

6.7.9 Monitoring

Council will continue the monthly programme of sediment sampling and rating of rivers as a means of detecting gross changes in sediment loads. Periodic profiling at rivers will also yield information on sediment transport (aggradation and degradation trends).

Council will implement a coastal water monitoring strategy as part of a risk-based management regime.

The monitoring strategy will involve three distinct tiers: resource use monitoring, suitability of waters monitoring, and state of the environment monitoring. This strategy will include continued monitoring of coastal water quality at selected locations in Poverty Bay. Monitoring currently focuses on the Gisborne City wastewater outfall with additional sites at the Poverty Bay beaches and Wherowhero lagoon (an important kaimoana gathering area for tangata whenua).

6.8 POINT-SOURCE DISCHARGES HAVE A POTENTIAL TO ADVERSELY EFFECT THE QUALITY OF WATER IN THE RECEIVING ENVIRONMENT BUT CAN FREQUENTLY BE CONTROLLED

6.8.1 Explanation

The Gisborne District Council has a statutory responsibility to control the discharge of contaminants into coastal waters.

Contaminants include any substance which, when discharged into water, changes, or is likely to change, the physical, chemical or biological condition of the water.

Point-source discharges of contaminants emanate from a single (usually controllable) source. Examples include industrial discharges, sewage discharges, stormwater discharges, landfill leachates, dairy and piggery effluents, septic tanks and spills of toxic or hazardous substances.

6.8.2 Objective

1. To avoid, mitigate or remedy the adverse effects of point-source discharges on receiving waters.

6.8.3 Policies

Protection of Existing or Potential Future Uses

1. To endeavour to ensure that the effects of any contaminants contained in point-source discharges are such that they:
 - a) do not unduly impact on the receiving environment; and
 - b) do not reduce, after reasonable mixing, the quality of the receiving water below any standards established in any plan for that water.

Matters To Be Taken Into Account When Assessing Discharge Proposals

2. When considering proposals or applications to discharge contaminants directly to coastal water, matters to be taken into account include:
 - a) the total contaminant load of the effluent [composition/flow rate];
 - b) the assimilative capacity [including available dilution and dispersal] of the water body and existing water quality;
 - c) the need to safeguard the life-support capacity of the coastal water body;
 - d) actual or potential uses of the water body and the degree to which the needs of other water users are or may be compromised;
 - e) scenic, aesthetic, amenity and recreational values including fisheries values and the habitat of trout and indigenous fish;
 - f) allowance for a reasonable mixing zone;
 - g) the potential for bio-accumulative or synergistic effects;
 - h) the actual or potential risk to human and animal health from the discharge;
 - i) measures to reduce the quantity of contaminants to be discharged;
 - j) the cultural and spiritual values of tangata whenua, and
 - k) the use of the best practicable option for the treatment and disposal of contaminants, which in the case of human sewage waste water, may include the use of land disposal or wetland treatment.

Minimising the Risk of Contaminating Coastal Water bodies as a Result of Spills of Toxic or Hazardous Substances

3. To ensure that contingency plans and other measures to reduce the risk, and possible effects of, any spill event are adopted at all sites where potential contaminants are gathered for storage or disposal.
4. To identify areas where urban stormwater is having unacceptable effects on coastal water, and to develop the management systems necessary to overcome these problems.

6.8.4 Methods of Implementation

1. Require resource consents for all point source discharges to coastal water not allowed for in regional plans. Conditions will be attached to resource consents, as appropriate.
2. Encourage processing practices to divert resources and enhance the quality of discharges particularly in the horticultural processing sector; and encourage on-site treatment of effluent by industrial users prior to discharge.
3. Require applicants for significant discharges to undertake a comprehensive assessment of effects, taking into account the matters set out in policy 2.
4. Require all applicants for a discharge permit to demonstrate that the quantity of contaminants has been minimised by the proposed treatment method.
5. Develop (in association with industry and professional groups and in consultation with affected parties) guidelines and standards, where necessary, for the following activities.
 - stormwater runoff and spills*
 - subdivision and mass earthworks*
 - on-site sewage treatment and disposal*
 - installation of underground storage tanks*
 - farm waste disposal*
 - mining and aggregate extraction*
6. Include in the Regional Coastal Plan objectives, policies and methods to avoid mitigate or remedy the adverse effects of point-source discharges of contaminants into the coastal marine area.
7. Include in the Regional Freshwater Management Plan objectives, policies and methods to avoid mitigate or remedy the adverse effects of point-source discharges of contaminants into waters.
8. Provide information and advice to the public, industry and land users on the requirement for, and proper handling of, waste discharges.
9. Encourage all stockyard, and stock truck depots and associated rural industries to install and maintain appropriate on-site treatment and disposal systems for agricultural wastes.
10. Promote the development and use of clean production technologies for industrial and agricultural activities.
11. Require the owners of all major facilities for storing potentially hazardous substances [contaminants] to prepare and adopt a contingency response plan to recognised standards, approved by the Council, for dealing with unauthorised discharges and spills.
12. Identify areas where there is a significant risk of spills and formulate general response plans for the area.
13. Prepare a regional oil spill contingency plan.
14. Maintain and deploy, as required, spill response equipment.

15. Investigate the causes and consequences of unauthorised discharges and fully utilise the enforcement provision of the Act where appropriate.
16. Maintain an unauthorised incident register and publicly record the occurrence of unauthorised discharge events.

6.8.5 Reasons for Objectives, Policies and Methods

The objective reflects a statutory responsibility.

Policy 1 is based on the premise that, as point-source discharges are largely controllable, it is reasonable to adopt the position that, after reasonable mixing, the effects of any discharge should not render a coastal water body unsuitable for other uses of the receiving water. In this policy, the word "use" includes any values which the community may attach to the water, including aesthetic or cultural values. The classification of water (i.e. establishment of quality standards) is the principal means by which the community formalises its desired use(s) of a water body. A discharge should not, after reasonable mixing, lower the quality of the coastal water below any classification or standards set for it in a plan.

Effluent disposal is a legitimate use of water under the Act, subject to safeguarding the life-support capacity of the receiving waters and to meeting the requirements of established standards. Discharges should not result in a significant adverse effect on aquatic life, after reasonable mixing. The Act does not define reasonable mixing.

Policy 2 sets out matters deemed to be relevant to the consideration of discharge proposals, consistent with the requirements and provisions of the Act. The policy does not prevent other matters being considered. In addition to these requirements, any discharge for which a resource consent is granted by the Council must, after reasonable mixing, comply with criteria established by the Act s107(1). These criteria establish a set of statutory minimum water quality standards that apply irrespective of whether a discharge is permitted as of right or controlled in some way.

Policy 3 places the onus on persons responsible for storing potential contaminants to take all necessary steps to reduce the risk of a spill, prepare contingency plans for the eventuality of a spill, and to ensure that any spills are contained and prevented from entering coastal waters.

The Act requires point-source discharges to be controlled (s15). However, discretion can be exercised as to the extent to which regulation is used to achieve this.

Contaminant minimisation reduces the potential for adverse effects and results in lesser use of assimilative capacity. Unless included in a rule in a regional plan, the adoption of the best practicable option BPO is not a mandatory requirement. Other alternatives to the BPO must be considered and the requirements of s70 of the Act met. However, applicants will be encouraged to adopt the BPO.

In some cases, non statutory guidelines and standards, coupled with monitoring, enable a sufficient level of control to be established over activities [method 5]. Guidelines are useful as an educational tool and where ongoing maintenance of systems (.e.g. on-site sewage systems) is required. If an adequate level of control is not achieved, it may be necessary in the future to incorporate the guidelines and associated standards as rules in regional plans (method 7).

Preparation of the mandatory regional coastal plan provides an opportunity to bring down more detailed provisions for controlling discharges into the coastal marine area (method 6).

The provision of information and advice is seen as essential if Council is to receive the full co-operation and assistance of the public and dischargers in its efforts to maintain and improve water quality within the District (methods 8, 9, 10).

The preparation of a contingency response plan is seen as a logical extension of the duty of the owners of storage facilities to avoid or mitigate the adverse effects of spills (refer s17 of RMA) (method 11).

Council is required to prepare a regional oil spill contingency plan and to maintain and deploy spill response equipment, by the Maritime Safety Act 1993 (method 13, 14).

The public has the right to know the identity of polluters (method 16).

6.8.6 Alternatives considered

The principal alternative to the above policies and methods of implementation is to rely (solely) on the statutory consent granting responsibilities of Council to minimise the effects of the discharge of contaminants to coastal water. This approach would overlook the benefits of education, advocacy and industry self-regulation.

6.8.7 Integrated Management

This issue relates to the issues below as discussed in:

Unsatisfactory freshwater quality in coastal waters (Freshwater Plan)

Waste management (chapter 8 of RPS)

Hazardous substances (chapter 8 of RPS).

6.8.8 Environmental Results Anticipated

Improvement in coastal water quality and habitats.

Enhanced scenic, aesthetic, recreational and Maori cultural values.

Reduction in costs and adverse effects for coastal water users.

Reduction in the risk, incidence and magnitude of spill events.

6.8.9 Monitoring

Council will monitor, or require the monitoring of :

a) the effects of point source discharges on receiving waters, and

b) compliance of discharges with conditions on discharge permits.

In accordance with the provisions of the Resource Management Act 1991.

6.9 DIFFUSE (NON POINT) DISCHARGES ARE FREQUENTLY A MAJOR SOURCE OF CONTAMINATION OF RECEIVING WATERS

6.9.1 Explanation

Non-point or diffuse source contamination of coastal waters arises as a result of the runoff of sediment, nutrient, agricultural chemicals (e.g. herbicides, pesticides) and stock-derived faecal coliform bacteria, from the land. They can be more difficult to control than point source discharges.

The runoff of sediment [refer also issue 6.7 above], nutrients and organic material represents a loss to the productivity of the land and a potential threat to the sustainability of certain land uses, particularly in the hill country where soils are naturally thinner and losses potentially higher as a result of slope and climatic factors.

Contaminants derived from diffuse sources have a number of adverse effects on receiving waters including abrasive or smothering effects on aquatic life, excessive algal growth (nutrient enrichment), toxicity (pesticides, herbicides), aesthetic and public health effects (coliform bacteria).

Council has the authority to control land use for the purpose of maintaining or enhancing the quality of natural waters [S30(1) (c), RMA].

6.9.2 Objective

1. To avoid, mitigate or remedy the adverse effects on coastal water quality and marine ecosystems of diffuse-source runoff of sediment, nutrient or other contaminants from the land.

6.9.3 Policies

1. Land Use And Management Practices

To promote land use practices which reduce adverse effects on coastal water quality, including:

- *the application of the correct types and quantity of fertiliser;*
- *the proper use of agrichemicals;*
- *land development and restoration of disturbed land to reduce diffuse source discharge of contaminants to water;*
- *stock management procedures to prevent excessive stock entry to waterbodies and their margins and reduce accelerated erosion from overgrazing; and*
- *forestry management practices including harvesting where temporary accelerated soil erosion may occur.*

6.9.4 Methods of Implementation

The Gisborne District Council will:

1. Identify land-based activities which contribute to the run-off of contaminants and encourage landowners, via the provision of advice, to adopt management practices, which minimise such runoff. (see also 8.8)
2. Implement a range of land management measures aimed at reducing the rate of erosion and rehabilitating eroded land.
3. Encourage the preparation of waste management codes of practice by the industries that dispose of liquid and/or solid wastes to land.
4. Discuss with manufacturers and suppliers of agrichemicals and other chemicals, the strengthening of the education and information provision role played by them, with a view to minimising the potential effects of spray application on coastal water quality.
5. Include in the revised District Plan appropriate policies, rules, guidelines any other information to avoid, remedy or mitigate the adverse effects of land use activities and management practices on water quality.

6. Identify coastal waters suffering from the effects of non-point source pollution and investigate the potential of riparian management to mitigate these effects.
8. Include in regional and district plans, and resource consents, appropriate rules [including rules for the creation of esplanade reserves and esplanade strips on subdivision] or conditions for the maintenance or enhancement of riparian vegetation.

6.9.5 Reasons for Objectives, Policies and Methods

The run off of contaminants from the land is known to cause a range of on-site and downstream adverse effects (see above). In Gisborne, the most significant off-site effects relate to the impact of sediment run-off [refer issue 6.7 above].

Policy 1 reflects the Council's desire, in the first instance, to encourage landusers to adopt sound land management practices. However, as a unitary authority, Council has the authority to both control the use of land for the purpose of monitoring or enhancing the quality of coastal water and to implement methods to achieve integrated management of the effects of the use, development or protection of land [s31(b)]. Council therefore has the ability to control or regulate land use practices if necessary. "Use" includes the deposit of any substance on the land or any disturbance of the land [s9 (4) (b)].

Riparian strips are a recognised means of preventing or minimising the run-off of contaminants from a range of land use activities. They also have other beneficial effects including the stabilisation of dunes.

Nevertheless, Council consider that there will be situations where riparian management can, and should, be implemented to the advantage of individual landowners and the community generally.

The methods outlined above are practical, low cost, steps which the Council can take to address the issue.

6.9.6 Alternatives considered

The principal alternative to these policies and methods, relating to land use and management practices, is to take a more restrictive range of actions or to take no action in this area. This would be to deny the reality that diffuse source contamination is a cause of coastal water quality degradation in the Gisborne District.

The principal alternative to the methods regarding riparian management is to rely solely on the provisions of the Act for the creation of esplanade reserves and esplanade strips on subdivision and on rules in regional or district plans to prohibit inappropriate land uses along coastal margins. This approach would overlook the benefits of education, advocacy and promotion, in dealing with diffuse source contamination. In many instances, regulatory control through rules and consents is not practical because of technical and administrative difficulties and costs.

6.9.7 Integrated Management

This issue relates to the issues below:

Rehabilitation of eroded land. (chapter 2 of RPS)

Preservation of areas of significant natural character (chapter 2 of RPS)

Public access (chapter 2 of RPS)

Unsatisfactory freshwater quality (Freshwater Plan)

Waste management (chapter 8 of RPS)

Hazardous substances (chapter 8 of RPS).

6.9.8 Environmental Results Anticipated

1. Improvement in coastal water quality and habitats
2. Enhanced scenic, amenity, landscape and recreational values and spiritual and cultural values of tangata whenua
3. Reduced dune erosion.

6.9.9 Monitoring

Council will continue to monitor the quality of selected coastal waters within the district to detect changes in water quality as a result of diffuse source contaminants.

6.107 MONITORING AND REVIEW

To ensure that this part of the Regional Policy Statement is being implemented the Council will monitor:

1. Progress towards the adoption of a Regional Coastal Environment Plan and a District Plan which implements the provisions of this policy statement.
2. Progress towards the adoption of an effective consultation strategy with tangata whenua.
3. The success of this statement and subsequent plans in preserving natural character of the coastal environment and in particular areas agreed upon as having special conservation value.
4. The degree to which adequate public access to the coastal environment is provided or maintained.

Appendix 4: - Proposed Plan Change 3 to the Gisborne District Council's Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste

- 1.1 Delete the entire plan - Gisborne District Council's Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Waste.