

Te Papa Tipu Taunaki o Te Tairāwhiti - The Tairāwhiti Resource Management Plan

Part C: Region Wide Provisions (C1-C4)



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C1 AIR QUALITY

C1 provisions are regional plan provisions.



Regional Plan

Part C1 is operative.

C1.1 Air Quality Management Issues in the Gisborne region

C1.1.1 Introduction to Issues

Air is a very dynamic medium. It provides interfaces with every receiving environment, including land, sea, freshwater, vegetation and animals, including the human body. The interactions between receiving environments and the chemicals discharged into and transported by air are very complex and do not fall neatly into categories of effect, discharge activity or contaminant.

This section focuses on those issues that are significant within the Gisborne region. Air quality issues are also discussed in the RPS provisions of the Plan in Part B2.

C1.1.2 Tangata Whenua Issues

C1.1.2.1 Discharges of odorous or visual contaminants have the potential to cause adverse effects on sites and resources of significance to tangata whenua

Air contaminants may adversely affect waahi tapu. Objectionable odours or visible contaminants may violate the sacredness of these sites or other places or features of significance to tangata whenua.

Objective C1.2.2(4)¹.

Policy C1.3.2.

C1.1.2.2 The air is a taonga and needs to be safeguarded

The air, like other natural and physical resources, is considered by tangata whenua to be a taonga, to be valued, used with respect and passed on intact to the next generation. The principle of kaitiakitanga in environmental terms provides for restoration of ecological systems, restoration of ecological harmony, increased usefulness of resources and reduces risk to present and future generations.

Objective C1.2.2(4).

Policy C1.3.2.

C1.1.2.3 Discharges of contaminants to air, particularly hazardous pollutants and particulate matter, have the potential to cause adverse effects to the health of the tangata whenua of the Gisborne region

Issues include:

- a) Effects of dust, including pollen, on community and individual water supplies;
- b) Effects of dust and pollen on the health of tangata whenua as a large proportion of the Māori population are affected by asthma and other bronchial ailments;
- c) Car exhaust fumes settling on edible vegetation close to roads;
- d) Spraying of horticultural blocks and pine plantations and the effects on human health;
- e) Incineration of human tissue.

Both natural and human induced discharges to air are of concern to tangata whenua.

Objective C1.2.2(4).

Policies C1.3.2, C1.3.4(4), C1.3.4(5).

¹ Cross referencing has been provided within the Plan to give an indication of the linkages between the issues, objectives, policies, methods and rules. It is not intended to be an exhaustive list of all possibilities – only a guide – and does not override the section 104 requirements of the Resource Management Act 1991.

C1.1.3 Ambient Air Issues

C1.1.3.1 Discharges to air cause, or have the potential to cause, reduction in the quality of ambient air

Ambient air quality is the general quality of the air that surrounds us. Ambient air quality reflects the cumulative effects of all activities, both from human activities and natural processes.

The Gisborne region generally enjoys a high standard of air quality. This is partly the result of the region's geographic position on the East Coast of the North Island and the relatively exposed nature of the landscape to the prevailing winds.

It also reflects the region's dispersed population, the absence of heavy industrialisation, relatively low motor vehicle densities and increasing attention to the control of contaminant producing activities.

However there are activities discharging contaminants to air in the Gisborne region that cause, or have the potential to cause, degradation of ambient air quality. The combined effect of discharges from domestic heating appliances can often cause the degradation of urban air quality, particularly in calm weather conditions. Discharges from industrial or trade activities have the potential to degrade ambient air.

Objective C1.2.2(1).

Policy C1.3.4(1).

C1.1.3.2 There is a lack of adequate data and information on ambient air quality, contaminants in discharges and climatic effects in the Gisborne region

Ambient air quality is generally assessed in relation to guidelines or standards that are a measure of the deviation of air quality from "pristine" natural background levels. Measurement of air quality is normally restricted to a few "indicator" pollutants that are so widespread that their effects on air quality are apparent over large areas.

Each indicator has a maximum level of concentration in the ambient air that should not be exceeded. These are recommended minimum requirements for air quality, rather than maximum permissible concentrations of pollutants in air, and are only a starting point for assessing air quality.

Although national data provides this region with measurable guidelines against which air quality may be assessed, these guidelines have limitations in their applicability to the Gisborne region. For example, they only address some contaminants and may not be sufficient to address chronic illness from long term exposure.

Objective C1.2.2(1).

Policy C1.3.4(2).

C1.1.4 General Air Quality Management Issues

There are a number of regionally significant air quality management issues in the Gisborne region that do not relate specifically to the sources of the discharge but focus on the contaminants contained in the discharge or certain areas of the region. These are described below.

HAZARDOUS AIR CONTAMINANTS

C1.1.4.1 Hazardous air contaminants have the potential to cause serious and significant adverse effects on human, flora and fauna health and ecosystem integrity

Hazardous contaminants discharged to air can have serious impacts on the health of humans, plants and animals and on the functioning of ecosystems.

Hazardous substances include those that are known or suspected to cause: acute human health effects; cancer or teratogenic (birth defect) effects; or serious or irreversible effects – reproductive dysfunctions, neurological disorders, inheritable genetic mutations or other chronic health effects. It also includes substances known or suspected to cause significant adverse effects on the environment due to their toxicity, persistence in the environment, tendency to bioaccumulate or any combination of these.

A precautionary approach of minimising the generation of emissions of these pollutants should be adopted as recommended by the Ministry for the Environment.

Objective C1.2.2(2).

Policies C1.3.4(1-5), C1.3.4(11), C1.3.5(2), C1.3.5(3).

ODOUR

C1.1.4.2 Odorous discharges to air can result in temporary or prolonged adverse effects on human health and well-being, amenity values and the natural character of the coastal environment, wetlands, rivers, lakes and their margins

The human nose, in many instances, is unsurpassed as a detection system for many odorous gases, able to detect compounds at levels far below the limits of sensitivity of sophisticated technical equipment. The possibility that odour is life-threatening is remote, yet the strength of human reaction to unpleasant odours is almost universal.

Odours are caused by mixtures of chemical compounds in the air that stimulate the receptors on olfactory nerve cells in the nose.

Odour nuisances are the most common source of air quality complaint in the region. Noxious, offensive or objectionable odours can have significant adverse effects on amenity values, but also on human health and well-being.

The predominant causes of odour in the Gisborne region are industrial processing, waste disposal activities, combustion, agricultural activities and transport.

There are few receiving environments particularly sensitive to odorous discharges, although individual residences and places of high public use can be adversely affected. Odour can also have detrimental effects on the coastal environment, wetlands, lakes, rivers and their margins and preservation of these areas is required as a matter of national importance.

The subjectivity associated with odour makes it difficult to measure odour objectively and to assess its effects. The management of odour is often contentious and difficult. The factors that influence the significance of adverse odour effects are referred to as the FIDO factors, that is, the frequency, intensity, duration of exposure or offensiveness of the odour discharge.

Odour management should initially concentrate on avoiding the occurrence of odour problems through effective planning, good process design and control and general site management. Where it is not possible to avoid odour problems, a variety of management options exist that can be implemented to minimise adverse effects.

Objective C1.2.2(3).

Policies C1.3.4(3), C1.3.4(4), C1.3.4(5), C1.3.5(7), C1.3.4(8), C1.3.5(1), C1.3.5(2), C1.3.5(4).

SMOKE, DUST and OTHER PARTICULATE MATTER

C1.1.4.3 Discharges of smoke, dust and other particulate into the air have the potential to cause adverse effects on human health and on amenity values in localised areas of the region

Particulates occur naturally in the environment (e.g. dry riverbeds, pollens and salt sea spray). They can also arise from natural phenomenon exacerbated by human action (e.g. windblown soils exposed by previous vegetation clearance, pollens from production forest). Some particulates are completely human induced such as those generated, for example, from the operation of machinery, quarrying, chimney emissions, controlled bushfires and the use of chemical sprays.

The burning of materials for heat, energy, waste disposal or as part of industrial processes results in various products of combustion including discharges of smoke, odour, incompletely burnt matter and a wide range of airborne chemical contaminants. The contents of the discharge depend on the nature of the material burnt (smoke is used in this Plan as a general term for the airborne products of combustion). These products of combustion can be in the form of gases, suspended and inhalable particulate or deposited particulate.

Dust (or particulate over 20 micrometres in size) is commonly perceived as an amenity issue, centring on the nuisance impacts of airborne dust and subsequent deposition on surfaces such as on gardens, cars, in households and on roof water supply areas. Dust can also impede the operation of machinery and reduce the useful life of components, particularly if the dust contains corrosive chemicals. Breathing in airborne dust is uncomfortable and irritates eyes and nasal passages.

While dust particles are generally too large to be a significant respiratory health risk, they may present other risks through ingestion or skin contact, depending on the material (e.g. lead and formaldehyde). Dust can also cause adverse effects on the environment through deposition in waterways and on plants. Solid or liquid particulate other than dust have the potential for adverse effects on human health when the particles are small enough to be inhaled that is, particles smaller than 10 micrometres.

The inhalable particulate transported into the lungs could include hazardous substances and can also present respiratory problems independent of the chemical composition of the particles. These include loss of lung function, damage to respiratory system and a loss of capacity to resist infection. Children, the elderly and asthmatics are particularly sensitive to inhalable particulate, greatly magnifying the adverse effects. Inhalable particulate, or PM10, can have adverse effects on the environment such as ingestion by animals and effects on ecosystems.

Smoke emissions are also a common cause of public complaint to the Council. Smoke discharges to air as a product of combustion. Combustion can also cause a variety of other contaminants to be discharged to air including carbon dioxide, sulphur oxides, nitrogen oxides, carbon monoxides and hydrocarbons.

Because the population of the East Coast is largely Māori (who have a high incidence of respiratory illness), the issue of minimising the adverse effects of discharges on respiratory health has significance in the Gisborne region.

Objective C1.2.2(2).

Policies C1.3.3(2), C1.3.4(3-7), C1.3.4(9), C1.3.4(10), C1.3.5(1-5).

SENSITIVE AREAS

C1.1.4.4 Discharges to air have the potential to cause adverse effects on receiving environments within the Gisborne region that are potentially sensitive to those discharges

Matters of national importance under section 6 of the RMA have the potential to be compromised by the discharge of contaminants to air and they must be afforded special protection and consideration when managing discharges. There are also other areas and resources of the Gisborne region that may be sensitive to the effects of discharges to air. These include:

- a) Residences and places of public and private assembly (including amenity areas, early childhood education centres, schools, hospitals, health care or medical centres);
- b) Public roads and airports;
- c) Domestic and community water supplies; and
- d) Sensitive crops or farming systems.

Although these receiving environments are not specifically provided for under the RMA, they have been identified as being potentially sensitive to some types or volumes of discharges in terms of the effects on human health, amenity values, visibility, flora and fauna and ecosystems.

Discharges of contaminants to air that may cause adverse effects should be avoided in close proximity to these areas. When this is not possible or practicable, options such as buffer distances, control technology and notification requirements may prevent or reduce adverse effects.

Objective C1.2.2(2).

Policy C1.3.4(1), C1.3.4(5), C1.3.4(8), C1.3.4(9).

C1.1.5 Spray Application of Agrichemicals

C1.1.5.1 Discharges to air from the application of agrichemicals, particularly when resulting in off-target spray drift, have the potential to cause adverse effects on human health, flora and fauna health, ecosystem integrity and on sensitive receiving environments in the region

Agrichemical sprays are used routinely in both the domestic and primary production sectors – including viticulture, forestry, agriculture and horticulture. The indirect and perceived effects of agrichemical spray drift are issues of concern to the Gisborne region.

Agrichemical spray drift is the airborne movement of agrichemicals onto a non-target area and has the potential to cause injury or damage to humans, plants, animals, the environment or property. There are also issues associated with the application, storage and disposal of agrichemicals that must be addressed under other plans.

The effects of sprayed agrichemicals on human health are not well established outside of acute toxicity effects from direct and inappropriate contact (such as spillage). Concentrated levels of agrichemicals can have significant adverse effects on human health.

Agrichemicals also have the potential to cause adverse effects on the natural and physical environment. Contamination of waterways can cause destruction of aquatic ecosystems and can pose risks to drinking or irrigation supplies. Some crops are particularly susceptible to agrichemicals at various stages of growth (e.g. grapes to hormone sprays), while other vegetation is susceptible because of the economic value attached to their freedom from agrichemicals (e.g. organically grown produce).

The risk of agrichemical spray drift affecting human health and the natural and physical environment in non-target areas depends on a number of factors:

- a) Timing, frequency and duration of spraying.
- b) Proximity to sensitive areas (e.g. parks, school grounds, residential areas, aquatic ecosystems etc).
- c) Weather conditions (wind speed, wind direction, humidity).
- d) Method of application (e.g. use by inexperienced applicators can result in "overkill", incorrect storage and disposal).
- e) The chemical used, particularly its propensity to volatilise.

Spray drift can occur through droplet drift occurring sometime after the application. Vapour drift is caused by volatilisation of the agrichemical. Chemicals that have a high vapour pressure have a higher propensity to volatilise. Volatilisation is unpredictable and may take place after the application has been completed. The most appropriate way to avoid vapour drift is to use chemicals with low volatile formulations. Further details of drift hazard are included in Appendix Y of NZS8409:2004 Code of Practice for the Management of Agrichemicals.

When managing the use of agrichemical spraying, it is necessary to allow for the continued use of agrichemicals, as they are essential for the functioning of many activities (particularly rural activities), while ensuring human health and ecosystems are protected.

Objective C1.2.2(2).

Policies C1.3.4(5), C1.3.4(9), C1.3.5(6), C1.3.5(7).

C1.1.6 Discharge of Contaminants from Transport Sources

C1.1.6.1 Engine emissions can result in adverse effects on human health, flora and fauna health and ecosystem integrity and are a major contributor to global warming

Vehicles are the largest source of air pollution in metropolitan areas and are a major contributor to New Zealand's carbon emissions. Emissions from petrol fuelled engines include carbon dioxide, carbon monoxide (particularly from badly tuned vehicles or vehicles operating at low speeds), aromatic hydrocarbons (including toluene and benzene), particulate material, water vapour, nitrogen oxides, dioxins, 1,3 butadiene and sulphur dioxide. Emissions from diesel fuelled vehicles consist largely of particulate matter, unburnt and oxygenated hydrocarbons (including carcinogens) and inorganic compounds such as sulphur and nitrogen oxides. Trains, aircraft and ships are also sources of air pollution.

Gisborne region is relatively large, sparsely populated and isolated. Transport options are limited with most travel and transport within and out of the region by motor vehicle.

Given the region's topography and low population, management of emissions from transport may be best to focus on maintaining ambient air quality and improving it at localised problem areas. Vehicle emissions are not regulated under this Plan. National initiatives and legislation are currently at the level at which management is most appropriate.

Objective C1.2.2(2).

Policies C1.3.3(1), C1.3.3(2), C1.3.5(4), C1.3.5(5), C1.3.5(8).

C1.1.7 Discharges of Contaminants from Domestic Sources

C1.1.7.1 Discharges to air from domestic sources, including home heating appliances, open fires and backyard burning, can adversely affect human health and reduce amenity of adjoining properties and present a health risk

There are two primary sources of contaminants discharged to air from private domestic sources – the use of domestic heating appliances that consume fuel at the point of heat generation (open fires, chip heaters, natural gas heaters) and the use of backyard incinerators or fires to dispose of domestic wastes.

Electricity, oil and natural gas are common means of home heating in the region.

Emissions from solid fuel burners can cause local nuisance conditions and human health effects, especially in people sensitive to respiratory irritants. The main constituents of wood burner emissions are a variety of polycyclic organic compounds, carbon monoxide and particulate.

The effect of smoke from wood-burners on neighbouring properties is often exacerbated by inadequate chimney height in relation to roof height or adjoining roof height. Inadequate chimney insulation can also result in similar nuisance effects.

Open “backyard” burning and the use of domestic incinerators for burning household rubbish and green vegetation are responsible for a significant proportion of complaints regarding air pollution. The incineration device used may aggravate the issue by not allowing air into the centre of the fire, making it produce copious amounts of smoke and particulate matter such as fly ash. Backyard incinerators are prolific throughout the region.

Discharges to air from domestic waste burning and home heating appliances are not usually significant on an individual basis but may give rise to adverse effects on adjoining properties if not carried out in a proper manner. However, because of the Gisborne region's location on the coast, and its topography and climate, these effects are infrequent and relatively minor on a region wide basis.

Providing information on available technology, efficient burning practices, the effects of burning inappropriate materials and alternative methods of energy or heat production will be suitable management options in many cases.

Objective C1.2.2(2).

Policy C1.3.3(1), C1.3.4(3), C1.3.4(4), C1.3.4(9), C1.3.5(3), C1.3.5(8).

C1.1.8 Industrial or Trade Sources

C1.1.8.1 Discharges of contaminants to air from industrial or trade premises can reduce amenity and adversely affect human health and flora and fauna

Industry is important in the region as it enables people and communities to provide for their economic well-being by adding value to the primary produce of the region through further processing, together with other manufacturing and service industries.

Established industrial activities operate in the region and it is expected that there will be further industrial growth, particularly in relation to the forestry industry, meaning greater emissions to air from these sources.

Some of the predominant sources of industrial or trade activities in the Gisborne region include:

- a) Animal and plant matter processing.
- b) Combustion/incineration sources.
- c) Timber processes.
- d) Asbestos removal.
- e) Abrasive blasting.
- f) Air conditioning, refrigeration and dry-cleaning.

The effects of discharges from industrial or trade premises can vary according to the nature of the process, emission controls, locality, local topography and climatic conditions. These activities can result in a number of adverse effects on the environment, including:

- a) Reduction of amenity from odorous gases, discharge of visible smoke and nuisance from dust.
- b) Health effects on humans. Such effects may include respiratory problems from particulate matter and risk to life from some hazardous pollutants causing cancers and other illnesses.

- c) Damage to waterways from dust deposition and contaminants from hazardous pollutants in overspray.
- d) Effects on plant and animal health and functioning from particulate and hazardous pollutants.

Objective C1.2.2(2).

Policies C1.3.4(1-11), C1.3.5(1), C1.3.5(2), C1.3.5(8).

C1.1.9 Global Issues

C1.1.9.1 Discharges of certain contaminants to air in the Gisborne region have the potential to contribute to the greenhouse effect and ozone depletion

Air movement is not constrained by physical boundaries. The discharge of contaminants into air in the Gisborne region can have effects on global air quality. Similarly, global air quality can have regional effects. Depletion of the ozone layer and the greenhouse effect are significant issues for air quality management in the region.

THE GREENHOUSE EFFECT

The greenhouse effect refers to the trapping of heat in the lower atmosphere caused by greenhouse gases such as carbon dioxide (CO₂), methane (CH₄) and water vapour. These gases insulate the earth and maintain global temperatures at constant levels. Increased concentrations of greenhouse gases and future increases have the potential to cause problems including:

- a) Increase in the frequency and severity of storms, floods and droughts.
- b) More frequent invasions by tropical pests, weeds and diseases.
- c) Land encroachment and coastal erosion from rising seas.
- d) Disappearance of some types of ecosystems, agricultural crops and fisheries.
- e) Rising temperatures.
- f) Changing weather patterns.

Despite the small impact the Gisborne region has on a global scale with regards to emissions, the contribution to the greenhouse effect by New Zealand is a national and global issue of significance to each region of New Zealand. The Gisborne region contributes to the emission of greenhouse gases from industry, agriculture, households and transport.

OZONE DEPLETION

One of the many gases in the atmosphere is ozone (O₃). Ozone performs the very important function of screening out most of the sun's dangerous ultraviolet (UV) rays particularly UV-B rays.

New Zealand receives 10-15% more ultraviolet light than similar latitudes in the Northern Hemisphere. Although UV-B radiation has some beneficial effects, including the production of Vitamin D in humans, the harmful effects on both humans and the environment can be serious, and include:

- a) Increased human and animal health problems e.g. skin cancer, eye cataracts, suppression of immune system.
- b) Reduced growth, function and quality in plants and aquatic organisms.
- c) Possible climatic implications.
- d) Possible destruction of vital links in some important food chains.
- e) Degradation of materials such as plastics, textiles and dyes.

The Gisborne region contributes to the depletion of the ozone layer through the following sources:

- a) Use of refrigerants and air conditioning emitting CFCs.
- b) Agricultural pre and post-harvest fumigant and soil sterilant emitting methyl bromide.

There are currently a number of national and international obligations and legislation that aim to reduce the global issues of ozone depletion and global warming.

The New Zealand Government is primarily responsible for managing the issue of ozone depletion and the greenhouse effect. However, regional initiatives should be implemented in the Gisborne region where appropriate, including land use decisions relating to transport infrastructure.

Objective C1.2.2(2).

Policy C1.3.5(8).

C1.1.10 Air Issues in the coastal environment

1. The discharge of contaminants to air can result in adverse effects in the following:
 - a) People's perceptions of the amenity of the coastal environment.
 - b) Natural character of the coastal environment.
 - c) Coastal flora and fauna.
 - d) Māori perceptions of the mauri of water.
 - e) Recreational opportunity.
 - f) The health of people exposed to contaminants.

C1.2 Objectives for Air Quality Management

C1.2.1 Introduction

This section of the Plan contains objectives to assist the Gisborne District Council in its responsibilities for maintaining and enhancing the region's ambient and localised air quality and controlling the discharges of contaminants to air.

C1.2.2 Objectives

1. The maintenance or, where appropriate, enhancement of ambient air quality in the Gisborne region.

Policies C1.3.4(1), C1.3.4(2)².

2. That human health, amenity values, flora and fauna and other natural and physical resources and the life supporting capacity of air are not adversely affected by the discharge of contaminants to air.

Policies C1.3.4(1) – C1.3.5(7).

3. To enable use, development and protection activities involving discharges to air that provide for the social, economic and cultural well-being of the region while avoiding, remedying and mitigating adverse effects on the region air resource and other receiving environments.

Policies C1.3.4(1) – C1.3.5(7).

4. The recognition of and provision for the relationship of tangata whenua with the air resource

Policies C1.3.2(1), C1.3.4(5).

5. To maintain or where practicable enhance the physical and cultural quality of air in the coastal environment.

6. Avoidance, where practicable of the adverse effects of discharges to air on the natural character and amenity of the coastal environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.

Principal reasons:

- **Objective 1:** *This objective provides for the maintenance and enhancement of the ambient air quality in the Gisborne region and is consistent with the regional policy statement provisions of the Tairāwhiti Plan. At present, the ambient air quality in the Gisborne region is high and it is important that existing air quality levels are maintained, rather than allowed to degrade. Enhancement of the resource may need to occur where ambient air quality is at a level resulting in a loss of aesthetic, ecological or cultural values or a risk to human health.*

² Cross-referencing has been provided within this section of the Plan to give an indication of the linkages between the issues, objectives, policies, methods and rules relating to air quality. It is not intended to be an exhaustive list of all possibilities, only a guide, and does not override the section 104 requirements of the RMA.

- **Objective 2:** Ensure that the values associated with people, amenity, flora and fauna, other natural and physical resources and the life supporting capacity of air are not adversely affected by the discharge of contaminants to air.
- **Objective 3:** Enables an individual to achieve social, economic and cultural well-being. It recognises the importance of providing a sustainable approach to the management of the region's air resource without unduly impinging on the rights of an individual. It provides for the protection and consideration of sensitive areas through the recognition of adverse effects on both the air resource and other receiving environments.
- **Objective 4:** Section 6(e), 7(a) and 8 of the RMA require particular regard be given to resources of significance to tangata whenua, the role tangata whenua have in managing resources and to take into account the principles of the Treaty of Waitangi. Air is a resource in the region that requires management. tangata whenua should be provided with the opportunity to participate in this management.
- **Objective 5:** This objective is necessary to establish a basis for monitoring air quality and will be achieved in the first instance through improvements to existing point source discharges and in the longer term through improved land management practices.
- **Objective 6:** This objective meets the requirements of 7(c) of the RMA Plan.

C1.3 Policies

C1.3.1 Introduction

This section of the Plan contains policies to assist the Council to carry out its functions for the control of the discharge of contaminants to air. The policies are all related to the objectives outlined in C1.2. They are divided into four sections: policies for tangata whenua, policies for the management of ambient air quality, general policies for controlling discharges of contaminants to air, and policies for specific sources of discharges of contaminants to air.

C1.3.2 Policies for tangata whenua

1. To acknowledge the relationship tangata whenua have with the air resource, primarily through enabling the active participation in their management of the resource.

Methods C1.4.³

C1.3.3 Policies for the Management of Ambient Air Quality

1. The ambient air quality of the Gisborne region should be maintained within 66% of the ambient air quality guidelines in Table 1, Appendix H16.

Methods C1.4.

2. Actively seek to improve information and knowledge available regarding air quality and its management.

Methods C1.4.

Rules C1.5.4.1, C1.5.4.3, C1.5.4.7, C1.5.4.8, C1.5.4.9, C1.5.4.11, C1.5.4.12, C1.5.4.13, C1.5.4.14.

C1.3.4 General Policies for Controlling Discharges of Contaminants to Air

1. A cautious approach shall be taken when there is scientific uncertainty as to the effects a contaminant discharged to air has on the environment and where the discharge has the potential to result in serious or irreversible harm to the environment.

Methods C1.4.

³ Cross referencing has been provided within the Plan to give an indication of the linkages between the issues, objectives, policies, methods and rules. It is not intended to be an exhaustive list of all possibilities, only a guide, and does not override the section 104 requirements of the Resource Management Act 1991.

Rules: All rules C1.5.4 – C1.5.5.

2. Adverse effects from the discharge of hazardous air contaminants should be avoided as far as practicable. If complete avoidance is not practicable, adverse effects should be mitigated in preference to remediation. Preference should be given to:
 - a) Avoiding or minimising discharges of hazardous air contaminants where practicable.
 - b) Containing hazardous air contaminants rather than allowing their release and ultimate dispersion.

Methods C1.4.

Rules C1.5.4.1- C1.5.4.7, C1.5.4.9, C1.5.4.11, C1.5.4.12, C1.5.4.20.

3. The discharge of odorous contaminants should not result in offensive or objectionable effects on amenity values and human health and well-being.

Methods C1.4.

Rules C1.5.4.1- C1.5.4.6, C1.5.4.8, C1.5.4.15, C1.5.4.16, C1.5.4.18 – C1.5.4.23, C1.5.4.25, C1.5.4.26.

4. Discharge of smoke, dust and other particulate matter should not occur at a volume, concentration, rate or in a manner that results in:
 - a) Potential adverse effects on human health or the health and functioning of ecosystems.
 - b) Adverse effects on amenity values (including nuisance and significant reductions in visibility).
 - c) Soiling of or damage to property.

Methods C1.4.

Rules C1.5.4.1 – C1.5.4.16, C1.5.4.18, C1.5.4.19, C1.5.4.20, C1.5.4.23 – C1.5.4.26.

5. To recognise that some receiving environments in the Gisborne region are more sensitive to the discharge of contaminants to air than others. Consideration shall be given to the potential effects of the discharge of contaminants on:
 - a) Residences and places of public and private assembly (including parks, playgrounds, reserves, beaches, early childhood education centres, schools, hospitals, health care or medical centres) where the discharge may result in a reduction in amenity values or adversely affect human health.
 - b) Public roads and airports where the discharge may result in a reduction in visibility or otherwise jeopardise the safe and efficient use of this infrastructure.
 - c) Domestic and community water supplies where the discharge may result in adverse effects on human health.
 - d) Wetlands, lakes and rivers and their margins where the discharge may damage the life supporting capacity of water, the aquatic ecosystems or the natural character.
 - e) Sensitive crops or farming systems where the discharge may result in damage to crops or animals or jeopardise the ability for people to provide for their economic well-being.
 - f) Significant indigenous vegetation and significant habitats of indigenous fauna as defined in the Tairāwhiti Plan including areas containing threatened species where the discharge may result in damage to these indigenous species or habitats.
 - g) The coastal environment, in particular within 200m landward of mean high water springs (MHWS) where the discharge may result in a loss of natural character; and
 - h) Sites of special significance to tangata whenua, as identified in the Tairāwhiti Plan.

Methods C1.4.

Rules: All rules C1.5.4 – C1.5.5.

6. To ensure that the potential adverse effects on alternative receiving environments (e.g. water or soil) are taken into account when managing discharges of contaminants to air.

Method C1.4.

Rules C1.5.4.23 – C1.5.4.26.

7. To recognise that there is the potential for prevailing weather conditions, topography and other environmental conditions to influence the potential for adverse effects of the discharge of contaminants to air on the environment.

Methods C1.4.

Rules C1.5.4.2 – C1.5.4.14, C1.5.4.19, C1.5.4.21, C1.5.4.22, C1.5.4.23 – C1.5.4.26.

8. To encourage the use of land use planning mechanisms and other land management techniques, including the separation of incompatible activities, to acknowledge issues of sensitivity or reverse sensitivity to mitigate adverse effects on the environment from the discharge of contaminants to air.

Methods C1.4.

Rules C1.5.4.23 – C1.5.4.26.

9. To require, where appropriate, the adoption of the best practicable option to avoid, remedy or mitigate adverse effects on the environment where there is insufficient information on the volume, concentration, rate and manner of the discharge and its actual or potential effects on the environment and ambient air quality.

Methods C1.4.

Rules C1.5.4.1 – C1.5.4.7, C1.5.4.9, C1.5.4.10, C1.5.4.11, C1.5.4.18, C1.5.4.19, C1.5.4.21

10. When determining the appropriate height for discharge stacks, regard shall be given to Appendix H17 calculations of chimney heights.

Methods C1.4.

Rules C1.5.4.2, C1.5.4.3, C1.5.4.5.

11. In addition to general policies C1.3.4(1) to C1.3.4(8), the following matters shall be considered when assessing applications for resource consent:

- a) The applicability of industry codes of practice.
- b) The need for control technologies and other good management practices such as training and the keeping of records to avoid, remedy or mitigate adverse effects from the discharge of contaminants.
- c) The effectiveness of establishing separation distances between the discharge source and sensitive areas a), d), f) and g) in policy C1.3.4(5).
- d) The nature, volume, composition and concentration of the contaminant.
- e) The frequency, rate and manner of the discharge.
- f) The design, construction and operation of the discharge source to ensure the most effective minimisation of the discharge of contaminants.
- g) The possibility of alternatives to discharging contaminants to air where practical.
- h) Contingencies.
- i) The possibility of granting resource consents that cover multiple locations for mobile activities.
- j) Methods C1.4.

Rules: All rules C1.5.4 – C1.5.5.

C1.3.5 Policies for Specific Sources of Discharges

1. To take into account that there is the potential for the discharge of contaminants from fuel burning equipment to cause adverse effects on the environment, in particular when:
 - a) Fuels other than oil, gas, coal and untreated wood are used.
 - b) Design and operation of equipment results in impediments to the upward discharge of gases.
 - c) Efflux velocity levels of gases from chimneys are not maintained at appropriate levels.

Method C1.4.

Rules C1.5.4.1 – C1.5.4.5, C1.5.4.23, C1.5.4.25, C1.5.4.26.

2. To take into account that there is the potential for adverse effects on the environment to occur from the discharge of contaminants from abrasive blasting and, in particular, the health of surrounding residents, flora and fauna and surface water when:
 - a) The material used in abrasive blasting is hazardous, noxious, dangerous or toxic.
 - b) Sand with a content of free silica above 5% is used.
 - c) Abrasive blasting is undertaken in such a manner, or occurs in weather conditions, where the potential for material to be transferred off-site increases.

Methods C1.4.

Rule C1.5.4.11, C1.5.4.12, C1.5.4.24, C1.5.4.26.

3. To avoid, remedy or mitigate the adverse effects on neighbouring properties from discharges to air resulting from the use of domestic heating appliances, backyard incinerators and open burning by:
 - a) Promoting the effective and efficient installation, use and maintenance of domestic heating appliances and backyard incinerators.
 - b) Avoiding the combustion of materials other than dry vegetation, wood, paper, and cardboard.
 - c) Promoting alternatives to open burning and incineration of domestic waste.

Methods C1.4.

Rule C1.5.4.1, C1.5.4.2, C1.5.4.4, C1.5.4.6.

(It should be noted that users of domestic fireplaces are liable for prosecution if they use these devices in a manner that contravenes provisions of the Health Act).

4. To ensure the discharge of contaminants from motor vehicles does not cause adverse effects on human health, amenity values, ecosystem integrity and localised and ambient air quality.

Methods C1.4.

Rule C1.5.4.22.

5. To ensure road pavement burning is not undertaken in locations and conditions where it has the potential to cause adverse effects on the health of surrounding residents, amenity values or surface water.

Methods C1.4.

Rule C1.5.4.25.

6. Manage adverse effects from the spraying of agrichemicals, on the sensitive areas in policy C1.3.4(5) by ensuring that the occurrence of agrichemical spray drift beyond the target property or on other non-target sensitive areas or species within the property boundary is avoided or minimised where avoidance is not practicable. Regard to the following will be had when considering applications for resource consent to discharge agrichemicals to air:
 - a) The proximity of any of the sensitive areas listed in Policy C1.3.4(5).
 - b) Prevailing weather conditions, including wind speed and direction, temperature and humidity.
 - c) Timing of the spray.
 - d) Characteristics of the agrichemical and carrying agent, including toxicity to humans, non-target flora and fauna and its propensity to volatilise.
 - e) The method/s of application, including type of spray equipment, spray volume and droplet size, direction of spraying and height of release of spray above ground.
 - f) The nature and/or level of training of the operator(s).
 - g) Measures to avoid spray drift (e.g. buffers, shelter belts).
 - h) The desirability of using manufacturers' instructions and operating guidelines and codes of practice; and
 - i) The applicability of alternative methods to using agrichemical sprays

Methods C1.4.

Rules C1.5.4.13, C1.5.4.14.

7. To promote and encourage the safe and responsible use of agrichemicals that avoids or mitigates adverse effects of off-target spraydrift on the environment.

Methods C1.4.

Rules C1.5.4.13, C1.5.4.14.

8. The discharge of greenhouse gases and ozone depleting substances should be undertaken in a manner consistent with national policies and guidelines.

Methods C1.4.

C1.3.6 Policies for Air Discharges to the coastal environment

1. All discharges of contaminants to air of the coastal environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:
 - a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant.
 - b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.
2. Particular regard will be given to avoiding the adverse effects of discharges that:
 - a) Do not readily degrade in the coastal environment into harmless forms.
 - b) Have the potential, once discharged into the coastal environment, to be transformed into a more toxic form.
 - c) When combined with other contaminants, have serious synergistic effects.
 - d) Have poorly understood effects.

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

3. Air quality in the CMA must not exceed the following guidelines:

| Indicator Level | Guidelines | Averaging time | Method of Measurement |
|--|--|---|--|
| Deposited Particulate | 4 g/m ² | 30 days | SO/DIS 4222.2-1980 |
| Inhalable Particulate (PM10) | 40 µg/m ³ 120 µg/m ³ | annual mean 24 hour mean | AS 3580.9.6-1990 AS 3580.9.7-1990 |
| Sulphur Dioxide | 50 µg/m ³ 125 µg/m ³ 350 µg/m ³ | annual mean 24 hour mean 24 hour mean | AS 3580.4.1-1990 |
| | 500 µg/m ³ | 10 minute average | |
| Carbon Monoxide | 10 µg/m ³ | 8 hour mean | AS 3580.5.1-1993 |
| Nitrogen Dioxide | 100 µg/m ³ 300 µg/m ³ | 24 hour mean 1 hour average | |
| Lead | 0.5-1.0 µg/m ³ | 3 month moving average | AS 2800 – 1985 |
| Fluoride Special Land Use | 1.8 Pg/m ³ 1.5 Pg/m ³ 0.8 Pg/m ³ 0.4 Pg/m ³ 0.25 Pg/m ³ | 12 hour 24 hour 7 day 30 day 90 day | AS 3580.13.1-1993 AS 3580.13.2-1991 |
| General Land Use 3.7 Pg/m ³ | 2.9 Pg/m ³ 1.7 Pg/m ³ 0.84 Pg/m ³ 0.5 Pg/m ³ | 12 hour 24 hour 7 day 30 day 90 day | AS 3580.13.1-1993 AS 3580.13.2-1991 |
| Conservation Areas | 0.1 Pg/m ³ | 90 day | AS 3580.13.1-1993 AS 3580.13.1-1991 |

| Indicator Level | Guidelines | Averaging time | Method of Measurement |
|---|--|----------------------------------|-----------------------|
| Hydrogen Sulphide | | 30 minute | AS 3580.8.1-1990 |
| Landuse Affected by Natural Emissions | 70 Pg/m ³ | Average | |
| Landuse Unaffected by Natural Emissions | 7 Pg/m ³ | 30 minute average | AS 3580.8.1-1990 |
| Ozone | 150 Pg/m ³ 100 Pg/m ³ | 1 hour average 8 hour average | AS 3580.6.1-1990 |
| Visibility | 20 kms | 1 hour | AS 2724.4-1987 |

Figure C1.1 – Indicator Guidelines for Air Quality in the CMA

Note: Pg/m³ micrograms per cubic metre of air g/m³ grams per square metre of a surface mg/m³ milligrams per cubic metre of air

Special Landuse involves those areas where there are commercially valuable plants. Conservation Land use involves those native areas of recreational or cultural significance or areas where the susceptibility of species is unknown.

Principal reasons:

- Tangata whenua 1:** Section 6(e) of the RMA directs all persons exercising functions and powers under the Act to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance. The regional policy statement provisions of the Tairāwhiti Plan also directs all persons exercising functions and powers under the Act, to have particular regard to kaitiakitanga and to take into account the principles of the Treaty of Waitangi.

In doing this, it is necessary to ensure the tangata whenua of the Gisborne region have the ability to actively participate in the management of the air resource.
- Management of Ambient Air Quality 1:** The Act requires an effects-based approach to managing the quality of the air resource. Guidelines or standards assist in measuring the effects of activities on existing ambient air quality and are important targets for areas with degraded air quality and parameters to measure the effectiveness of air quality initiatives and control strategies. The use of the 66% threshold in this policy indicates that the region will endeavour to maintain the current standard of air quality and provides an alert warning level indicating that if trends are not curbed then the guidelines may be exceeded.
- Management of Ambient Air Quality 2:** There is a lack of information and data available on all facets of air quality management. To improve management of the air resource, it is necessary to actively seek further information and data which will lead to more informed decisions regarding management of air quality in the short and long term.
- Controlling discharges of contaminants to Air 1:** Often it is not known what effect some contaminants are going to have on the environment due to a lack of understanding, incomplete data or the inability to measure levels or effects. A cautious approach should be undertaken where there is the potential for more than minor effects.
- Controlling discharges of contaminants to Air 2:** This policy recognises that there are contaminants discharged to air by a range of industrial, commercial, agricultural and domestic users within the Gisborne region that have the potential to have hazardous, toxic or dangerous effects on people and other aspects of the environment if not controlled or managed correctly. It provides guidance on how to manage these discharges so that discharges do not cause adverse effects on people, including future generations and the environment.
- Controlling discharges of contaminants to Air 3:** Adverse effects from odorous discharges have the potential to occur in many areas in the Gisborne region. The policy recognises that it may not be possible to avoid all detectable odours, but focuses on adverse effects from objectionable or offensive odours. Where necessary and appropriate, further monitoring and assessment of odours may occur through a number of measures.

- **Controlling discharges of contaminants to Air 4:** Ensure the adverse effects from the discharge of dust, smoke and other particulate do not occur. The volume, concentration, rate and/or manner of these discharges as well as the location of the discharge and the nature of the surrounding environment will influence the effects on human health, ecosystems, amenity values or property. It is important that measures are adopted in order to manage these discharges.
- **Controlling discharges of contaminants to Air 5:** This recognises that there are receiving environments within the Gisborne region that are more sensitive to the discharge of contaminants to air and special recognition and provision should be given to them. The protection of these areas from the adverse effects of discharges of contaminants to air should occur when managing individual discharges and when managing ambient air quality taking into account the need to address legitimate existing uses and reverse sensitivity.
- **Controlling discharges of contaminants to Air 6:** This policy identifies the need to consider the sensitivity of the receiving environment the discharge is released into and consider of the possibility of discharging the contaminant into other receiving environments to ensure that discharging to air provides the most sustainable option.
- **Controlling discharges of contaminants to Air 7:** This policy recognises that the potential for discharges to result in adverse effects is influenced by the surrounding environmental conditions and this must be taken into account and considered when assessing the required management and implications of discharges to air.
- **Controlling discharges of contaminants 8:** Land use planning mechanisms such as buffer zones around the discharge source may reduce the risk of adverse effects on surrounding sensitive land uses. Recognising existing uses when assessing the location of sensitive land uses near either point source or non-point source discharges is also an important consideration.
- **Controlling discharges of contaminants 9:** The best practicable option provides flexibility and allows progressive upgrading of plant processes and activities rather than setting a level of air quality and allowing degradation of existing air quality to that level.
- **Controlling discharges of contaminants to Air 10:** This establishes the use of well recognised techniques for calculating discharge parameters with regards to chimney height removing any uncertainty as to how heights will be calculated.
- **Controlling discharges of contaminants to Air 11:** This policy sets down a number of matters that consent authorities should consider and have regard to when assessing applications for resource consent. The assessment of the factors may often indicate the effects the discharge will have on the environment or the means by which adverse effects may be avoided, remedied or mitigated.
- **Specific sources of discharges 1:** This policy emphasises that the use of fuel burning equipment in certain ways can result in adverse environmental effects. If inappropriate materials are used or the equipment is ineffectively designed and operated, there is greater potential for adverse effects on the environment to occur.
- **Specific sources of discharges 2** -Abrasive blasting has the potential to cause significant adverse effects on the environment, particularly on human health and waterways, due to the discharge of fine particulates often contain hazardous materials. This policy provides guidance on measures to manage the effects from abrasive blasting, in particular from dry blasting.
- **Specific sources of discharges 3:** This policy promotes alternative methods of heating and waste disposal and, when this is not possible, encourages educating the community about efficient and effective use of heating and incineration appliances, and preventing the combustion of certain materials, so adverse effects can be reduced.
- **Specific sources of discharges 4:** This policy recognises that discharges of contaminants from motor vehicles have the potential to cause significant adverse effects on localised and ambient air quality. The ability of the Council to directly control motor vehicle emissions is very limited, so Council will strongly support a national motor vehicle emissions strategy, and other measures undertaken at a national level that will assist in reducing the adverse effects from motor vehicle emissions.

- **Specific sources of discharge 5:** Road pavement burning releases significant quantities of contaminants to air that can cause adverse effects on the surrounding environment and the activity should not be allowed in locations and conditions where nuisance or risk to the health of surrounding residents will occur.
- **Specific source of discharges 6:** Spray drift onto non-target areas as a result of the application of agrichemicals can result in adverse effects on those non-target areas particularly on the identified sensitive areas and needs to be an important consideration for the resource consent application process about how and where agrichemicals are used. Alternatives to the use of agrichemicals should also be encouraged where this will reduce adverse effects.
- **Specific sources of discharges 7:** Safe and responsible use of agrichemicals will reduce the risk of spray drift. The Code of Practice for the Management of Agrichemicals is one means of encouraging and promoting safe and responsible use. It includes guidelines on spray drift and drift hazard management and the handling, storage and application of agrichemicals.
- **Specific sources of discharges 8:** The greenhouse effect and the depletion of the ozone layer are global issues and local initiatives will have an insignificant effect on overall global objectives. However, this does not remove the responsibility of the Gisborne region to comply with, and assist in the achievement of, national and international targets.
- **Air discharges to the coastal environment 1:** To avoid adverse effects on aquatic flora and fauna in the receiving coastal environment from air discharges.
- **Air discharges to the coastal environment 2:** To adopt a precautionary approach to managing adverse effects of air discharges in the receiving coastal environment.
- **Air discharges to the coastal environment 3:** These air quality guidelines provide a quantitative basis for decision making and are based upon guidelines provided by Ministry for the Environment.

C1.4 Methods

Monitoring and Research

AMBIENT AIR QUALITY

1. Adopt the Ambient Air Quality Guidelines (1994) (Appendix H16) as the principal guidelines for assessing and measuring ambient air quality in the Gisborne region
2. Monitor and gather information on the ambient air quality of the Gisborne region. The following ambient air quality indicators will be given priority when monitoring:
 - a) Particulate / visibility.
 - b) Sulphur oxides (SO_x).
 - c) Nitrogen oxides (NO_x).
 - d) Carbon monoxide (CO).
3. Undertake a review of air quality monitoring needs that:
 - a) Reviews areas of concern in terms of monitoring targeting.
 - b) Assesses the applicability of the ambient air quality indicators and the specified levels used for monitoring ambient air in the Gisborne district and makes alterations as necessary.
 - c) Assesses the need for further research and programmes to be undertaken in the following areas:
 - i. sources of emissions (including consideration of an update of the regional emissions inventory).
 - ii. the influence of meteorology and topography (including resourcing these areas, developing a meteorological database to record information about meteorological conditions, patterns and fluctuations in the Gisborne region).

- iii. discharge of contaminants not covered by the ambient air quality guidelines (including whether there is a need to include any identified contaminants in the monitoring programme). .
 - iv. monitoring sites (including the need to expand or further develop these sites).
- 4. Provide for input from tangata whenua into monitoring programmes and research initiatives relating to the management of air quality in the Gisborne region by:
 - a) Consulting iwi when making decisions concerning monitoring priorities.
 - b) Enabling iwi to participate in developing and implementing research initiatives.

DISCHARGES

1. Where appropriate, to require those undertaking the discharge of contaminants to air to keep records about the nature and timing of discharges for:
 - a) Odorous discharges.
 - b) Discharges of agrichemical spray.
 - c) Discharges from industrial or trade premises.
 - d) Fertiliser usage, actively promoting the use of the Code of Practice for Fertiliser Use.
2. To require that, where appropriate, dispersion models are used to assess the potential effects of discharges to air
3. Assessment of odour will be undertaken in accordance with the following:
 - a) Assessment will be undertaken by a Council officer with a calibrated nose taking into account the FIDOL factors – frequency, intensity, duration, offensiveness and location and considering the key consideration outlined in section C1.5.3 of the Plan.
 - b) In circumstances where the discharge is deemed offensive and objectionable the discharger would be required to take whatever action is necessary to avoid, remedy and mitigate adverse effects of the discharge.
 - c) Provision will be made for further assessment where dischargers dispute the Council officer's assessment using one or more of the following:
 - i. Assessment by more Council Officers.
 - ii. Asking people living and working in the area to keep a diary that notes details of any offensive or objectionable odours.
 - iii. Promoting the use of community working groups and other means of consultation between the affected community and the discharger.
 - iv. Using the services of an independent consultant to carry out an investigation and/or public survey.
 - v. Using the services of the Council's odour panellists who have all had their noses calibrated by olfactometry and are deemed to have an average sense of smell.
 - vi. Undertaking an odour assessment using an olfactometer.
 - d) In circumstances where the discharge continues to be offensive or objectionable, enforcement action pursuant to the RMA may be undertaken in any of the following ways:
 - i. Abatement notice.
 - ii. Infringement notice.
 - iii. Enforcement order.
 - iv. Prosecution.
4. Where appropriate the Council will use the Workplace Exposure Standards in the assessment of noxious and dangerous levels of contaminants. In assessing noxious or dangerous levels in terms of human health concerns, the concentration of any contaminant specified in the Workplace Exposure Standards (Occupational Safety and Health Service, 1994) should not exceed 1/30th of the time weighted average standard on the adjacent property or public land.

Advocacy and Education

1. Develop, promote and disseminate guidelines and advice on practices and measures to prevent, minimise or reduce the adverse effects from the discharge of contaminants to air from the following discharge sources:
 - a) Abrasive blasting, including:
 - i. Encouraging the use of wet abrasive blasting as an alternative to dry blasting, where practicable.
 - ii. Providing information on the potential adverse effects of abrasive blasting.
 - iii. Actively promoting the Abrasive Blasting Code of Practice.
 - b) Domestic burning, open burning and incineration of domestic and garden waste, including:
 - i. Encouraging alternatives to burning such as waste reduction, recycling and reuse of household waste and composting of garden waste.
 - ii. Encouraging efficient and effective installation, use and maintenance of domestic incinerators and heating including good operating and maintenance practices.
 - iii. Providing information on materials that should not be burnt due to the discharge of harmful contaminants.
 - c) Agrichemical usage, including:
 - i. Making information available on alternatives to their use and integrated pest management programmes.
 - ii. Promotion of the safe and responsible use of agrichemical sprays including the type and use of equipment and measures to reduce spray drift.
 - iii. Actively promoting the use of the NZS8409:2004 Code of Practice for the Management of Agrichemicals.
 - d) Advocacy to the general public encouraging the use of forms of transport other than private motor vehicles such as walking, cycling and public transport.
 - e) Discharge of particulate from yard operations, vehicle loads, construction, earthworks and farming activities; and
 - f) Offensive or objectionable discharges of odour, including:
 - i. Encouraging good management practices, control technologies and land use planning (buffers and site planning).
 - ii. Actively promoting the use of the Pig Farming Code of Practice.
2. Provide information to the public about air quality management in the Gisborne region and types of discharges to air to improve knowledge and understanding, including:
 - a) The ambient air quality guidelines and why they are important for the management of the air resource in the Gisborne region; and
 - b) Agrichemical use in Gisborne including the types of agrichemicals used, and when, how and why they are used.

Liaison

INDUSTRY and ORGANISATIONS

1. Liaison with organisations, land user groups and industry with respect to:
 - a) Encouraging and assisting, where appropriate, with the preparation, dissemination and implementation of guidelines, codes of practice, information programmes and similar initiatives where these will contribute to achieving the objectives of the Plan.
 - b) Seeking advice and assistance from industry and organisations about general air quality management issues in the Gisborne region and providing information updates; and
 - c) Prompting industries and organisations to encourage operators and users to undertake appropriate training and gain the appropriate qualifications. In particular, this liaison will include:

- i. encouraging agrichemical users to gain the appropriate training, including GROWSAFE certification or equivalent qualification; and
- ii. encouraging the appropriate training of operators of fuel burning equipment.

LOCAL GOVERNMENT

1. Liaison with relevant individuals and organisations within local government to integrate air quality management with other functions undertaken by the Gisborne District Council and with adjoining local authorities carrying out functions – such as land use planning, roading, powers under other legislation and air quality management in adjoining regions.

TANGATA WHENUA

1. Promote and encourage regular liaison between tangata whenua and Council in relation to appropriate facets of air quality management. This could include liaison relating to:
 - a) Air discharge permits and effects of particular discharges on places and sites of significance to tangata whenua; and
 - b) Any research undertaken regarding effects of discharges to air on other resources in the Gisborne region, particularly places and sites of significance to tangata whenua.

Note: Refer to waahi tapu Schedule G3 of the Tairāwhiti Plan.

National Initiatives

1. To advocate and implement, where appropriate, national government initiatives that improve information and guidance on air quality management in the Gisborne region as appropriate, including:
 - a) Further development of the Ambient Air Quality Guidelines to take into account environmental factors other than effects on human health.
 - b) Methods of providing objective odour assessment – including national guidelines for sampling, characterising and measuring odour.
 - c) The development of national modelling guidelines and maximum ground level concentrations for contaminants commonly found in discharges and for contaminants with potentially significant effects on the environment, including hazardous air contaminants.
 - d) The establishment of national emission standards for all discharges.
 - e) The establishment of a compulsory emission testing programme for vehicles as part of warrant of fitness requirements.
 - f) Review of fuel specifications for motor vehicles.
 - g) National legislation and policies relating to the greenhouse effect and depletion of the ozone layer.

Regulation

1. Rules within the Plan to avoid, remedy or mitigate the adverse effects from the discharge of contaminants to air.

Principal reasons:

Monitoring and Research

- **Ambient Air Quality 1:** The Ambient Air Quality Guidelines (AAQG) provide nationally assessed indicators and levels to apply to the Gisborne region. Specific guidelines assist in providing measurable levels to determine the present ambient air quality and assess changes over time.
- **Ambient Air Quality 2:** State of environment or ambient air quality monitoring has been specifically stated as a method in this Plan because of the lack of data on air quality across the region and the need to keep track of changes in air quality and the effects and sources of contaminants. Ambient air quality monitoring in the region may indicate areas where air discharges are having adverse effects and that also require the development of management strategies. Monitoring of the individual and cumulative effects of discharges is required to assess whether the objectives of the Plan are being achieved.

- **Ambient Air Quality 3:** This method recognises that, at present, monitoring is being undertaken that is contributing to the regionally applicable information. However, it is necessary to review the current monitoring programme to assess and identify areas of concern, select ambient air quality indicators and ensure appropriate site selection.

Developing a meteorological database will assist in recording and interpreting data. There may also need to be an expansion of the monitoring of discharges in terms of type of contaminants monitored and sites they are monitored from.

- **Ambient Air Quality 4:** Section 6 (e), 7(a) and 8 of the RMA recognise the important role Māori have in managing natural and physical resources, including the air resource, and this role will be enabled and encouraged.
- **Discharges 1:** Keeping records of discharges of odorous contaminants and agrichemical sprays will assist in determining location, timing, nature and effects of these discharges.
- **Discharges 2:** Modelling provides a useful technique for assessing the actual and potential adverse effects discharges of contaminants to air may have on the natural environment and the risk to people and environment.
- **Discharges 3:** This method sets out Council's approach to the assessment of odour complaints in the Gisborne region. Frequency, intensity, duration, offensiveness and location are considered to be the factors that specifically influence the significance of adverse odour effects. Due to the potentially subjective nature of odour and the range of factors that can potentially influence an odour event, a mechanism needs to be included in the plan to provide for alternative assessments of odour. The human nose provides the best method for the detection of odour due to its sensitivity to odour events and its ability to measure unpleasantness.
- **Discharges 4:** This is an established approach for assessing acceptable levels of contaminants that have no specific standards attributed to them to ensure that human health is not adversely affected.

Advocacy and Education

- **Advocacy and Education 1:** This method may be used in conjunction with regulation, or as an alternative to regulation. Guidelines and codes of practice are particularly valid where they can be enforced by an industry-based regulatory body or producer board. Industrial guidelines and codes of practice may in time replace the need for rules and regulations in some industries.
- **Advocacy and Education 2:** Providing information to the public about ambient air quality guidelines will give them a greater understanding and acceptance of programmes for managing air quality and may lead to changes in attitude and therefore improvement of the air resource.

Liaison

- **Industry and organisations 1:** Input and involvement from industry and other organisations is important for Council to gain information and to ensure industry can guide all operators towards achieving the objectives of the Plan.
- **Local Government 1:** In order to achieve integrated management it is important for the Gisborne District Council to liaise with other agencies responsible for managing the effects of discharges to air – including local government – which has a number of roles in relation to air quality management. It is important to liaise in relation to ensuring the integrated management of regional and district functions.
- **Tangata whenua 1:** Section 6(e) of the Act requires the recognition and provision for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Section 7(a) requires regard to be had to kaitiakitanga, and section 8 of the RMA sets down a duty to take into account the principles of the Treaty of Waitangi. These sections recognise that the tangata whenua of the Gisborne region have a role to play and knowledge to offer in the management of the air resource.

National Initiatives

- **National Initiatives 1:** *As information regarding methods and guidelines for assessing and measuring discharges of contaminants is limited in the Gisborne region, support and advocacy of national initiatives and research would greatly benefit air quality management. It is also recognised that some air quality issues are most appropriately dealt with at a national level, as their management may either require considerable resources not available to individual regions or the issue requires consistent application across the whole of New Zealand. The Gisborne District Council will support and implement, where applicable, any national initiatives regarding these issues.*

Regulation

- *Regulation 1: Rules provide a level of certainty that cannot always be achieved through other methods.*

C1.5 Air Quality Management Rules

C1.5.1 Introduction

This chapter contains rules that allow, or regulate in some way, particular discharges of contaminants to air.

The rules in the Plan are intended to address discharges of contaminants such as gases, aerosols and particulate matter where drift beyond property boundaries onto non-target areas or onto public land may occur. The rules do not cover discharges to air where effects on the environment will be less than minor and where no person will be adversely affected.

C1.5.2 Users' Guide

Please note that this table is only intended to provide a summary of the rules. To determine the exact status of a proposed activity it is necessary to refer to the rules directly. Also refer to Part A3 of the Plan which provides a guide to rules in the Plan and when consent is required.

C1.5.3 Noxious, dangerous, offensive and objectionable effects

Several rules in the Plan use the terms noxious, dangerous, offensive and objectionable.

These terms are also included in section 17 of the RMA. They are not defined in the glossary to this Plan because of the need to take account of case law precedent as it develops. The Plan cannot override interpretations decided by the courts. However, the following notes are intended to provide some guidance for interpreting these terms:

NOXIOUS, DANGEROUS

The Concise Oxford Dictionary defines *noxious* as "harmful, unwholesome". At the time of writing the Plan, the term *noxious* did not appear to have been defined or considered in case law pertaining to the RMA. Noxious effects may include significant adverse effects on the environment (e.g. on plant and animal life) even though the effects may not be dangerous to humans.

Dangerous is defined as "involving or causing exposure to harm". Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals.

The Workplace Exposure Standards (Occupational Safety and Health Service 1994) provide guidelines for those involved in occupational health practice and can be used for interpreting the terms "noxious" and "dangerous". The concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one-thirtieth of the time-weighted average standard on adjacent properties or public land. Although human health cannot be assured by compliance with this guideline, it can be used as a guide for protection of the general population.

OFFENSIVE, OBJECTIONABLE

Offensive is defined as "...giving or meant to give offence... disgusting, foul smelling, nauseous, repulsive...". Objectionable is defined as "open to objection, unpleasant, offensive". Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. Key considerations include:

- a) Location of an activity and sensitivity of the receiving environment: What may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.
- b) Reasonableness: Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.
- c) Existing uses: It is important to consider what lawfully established activities exist in any area. If a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances.

C1.5.4 Rules for Discharges to Air

Note: If all the standards and terms specified for the permitted activity are not met, the activity becomes a discretionary activity and resource consent must be gained before commencing the activity.

The Rules in the table below (C1.5.4(1) – C1.5.4(22)) require compliance with some of the general standards listed in section C1.5.4.1. There are also specific standards required in C1.5.4. Both the general and specific standard applying to each rule are identified in Rule Table C1.5.4.

National Environmental Standard:

Notwithstanding any other rules in the plan, the standards and activity status for electricity transmission activities relating to the National Grid, as described in the Resource Management (National Environmental Standards on Electricity Transmission Activities) Regulations 2009, shall be determined according to this National Environmental Standard and no rule in any chapter of this plan that duplicates or conflicts with the National Environmental Standard shall apply.

C1.5.4.1 General Standards

Permitted activity standards refer to some or all of the following, as specified for each permitted activity:

- A. The discharge shall not result in any offensive or objectionable airborne contaminants beyond the boundary of the site or, in the case of public land, beyond 50m from the point of discharge or beyond the boundary of the public land, whichever is lesser.
- B. The discharge shall not result in any offensive or objectionable odour beyond the boundary of the site or, in the case of public land, beyond 50m from the point of discharge or beyond the boundary of the public land, whichever is lesser.
- C. The discharge shall not result in any offensive or objectionable deposition of particulate matter on any land or structure beyond the boundary of the site or, in the case of public land, beyond 50m from the discharge or beyond the boundary of the public land, whichever is lesser.

Note: General Standard C regulates cross-boundary nuisance effects of particulate matter.

- D. The discharge shall not result in any offensive or objectionable smoke beyond the boundary of the site or, in the case of public land, beyond 50m from the discharge or beyond the boundary of the public land, whichever is lesser.
- E. The discharge shall not result in any dangerous or noxious levels of hazardous air contaminants⁴.

⁴ Refer to the explanations provided of the terms 'dangerous' and 'noxious' in 6.1.2. If unsure, contact the Gisborne District Council Environmental Health Department.

- F. Any discharge of particulate matter shall not exceed a concentration of 250 mg/m³ (e.g. 12% CO₂ measured at the point of discharge at normal temperature and pressure).

Note: General Standard F regulates point source discharges of particulate matter from chimneys.

- G. Materials shall be suppressed or contained in a way that avoids the escape or emission of noxious or objectionable levels of particulate.

Note: General Standard G requires the suppression of PM that may potentially cause adverse health or nuisance effects.

- H. The discharge shall not result in a dust deposition rate exceeding 4g/m² per 30 days at any point beyond the boundary of the site or, in the case of public land, beyond 50m from the discharge or beyond the boundary of the public land, whichever is lesser.

Note: General Standard H standardises the approach to measuring cross-boundary particulate matter/dust deposition, providing specific and measurable limits to cross-boundary effects.

- I. Any discharge shall be limited to waste materials generated on the premises.

- J. The opacity of discharges from any chimney or vent determined visually or by photo electric means shall not exceed 20% obscuration of transmitted light:

- i. in the case of continuous emissions, for more than 2 minutes; or
- ii. in the case of intermittent emissions, for more than 4 minutes in the aggregate in any period of 60 minutes.

- K. Any discharge of agrichemicals shall not occur directly above a permanently flowing river, lake, wetland or other surface water body, including any drain or any opening to a drain or any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation or farm drainage canals) that is discharging to a surface water body, unless the chemical is registered for use over water bodies.

- L. The discharge shall not result in the deposition of noxious or dangerous levels of agrichemicals or hazardous contaminants onto water bodies specifically managed for public water supply purposes, unless the discharge is a chemical registered for use over water bodies.

- M. The discharge shall not result in the deposition of any agrichemical onto any roof or other structure used as a collection for water supply or onto any residential or school vegetable garden that could reasonably be expected to cause any significant adverse effect.

N. AGRICHEMICALS - USER TRAINING

- a) The following standards shall come into force on 14 July 2008):

- i. Every person undertaking the application of agrichemicals shall have a qualification, certified in writing that meets the training requirements set out in Appendix H18 Training Requirements for Qualifications to Apply Agrichemicals, or be under the effective supervision of a person who meets those requirements.
- ii. Every contractor undertaking the ground based application of agrichemicals shall also hold a current GROWSAFE: Registered Chemical Applicator Certificate of qualification. Every contractor, employee shall also either hold this qualification or have a qualification, certified in writing that meets the training requirements set out in Appendix H18 Training Requirements for Qualifications to Apply Agrichemicals.
- iii. Every pilot undertaking aerial application of agrichemicals shall hold a current GROWSAFE: Certificate of Qualification Agrichemical Rating, or an equivalent qualification.

Evidence of qualification shall be made available to Council upon request.

O. AGRICHEMICALS - NOTIFICATION REQUIREMENTS

Private Land

- a) Where the application of agrichemicals is on private land, the owner or occupier of the property shall at the beginning of each calendar year or at least two weeks before the first spray season of a calendar year advise:
- i. all adjacent land occupiers (and owners where practicable)
 - ii. any sensitive areas within:

- 30m from the point of discharge for ground based spraying; or
- 200m from the point of discharge for aerial spraying.

that a spray plan is available on request.

- b) If requested by any person specified in a) above or any other person who is likely to be directly affected or the Gisborne District Council a copy of the spray plan.⁵ shall be provided within 5 working days.
- c) If requested by any party who has been provided with a spray plan, the owner or occupier of the property to be sprayed shall, no later than eight hours prior to the agrichemical application:
 - i. confirm name and contact details of the person carrying out the agrichemical application
 - ii. provide brand name and/or details of the active ingredient of the agrichemical that is to be applied
 - iii. confirm date and times of the agrichemical application by telephone.

In the event that it is necessary to undertake any agrichemical application that has not been provided for in the spray plan, the owner or occupier of the property to be sprayed shall provide an amended spray plan, not less than eight hours prior to the application of the agrichemical, to any adjacent landowner that will be directly affected as identified in sub-clause a) and b).

AND

- d) Notification of particular applications of agrichemicals shall be provided to any neighbouring land occupiers (and where practical) those listed in a) above who request to be notified in writing on an application by application basis. Notification is to take place not less than eight hours and not more than four weeks prior to the application of agrichemicals. Notification may be made verbally or in writing and shall include (i) – (iv) of e) below.

OR

- e) Subject to b) above a notice of intent of particular applications of agrichemicals shall be provided not less than eight hours and not more than four weeks prior to the application of agrichemicals. Notification may be made verbally or in writing and shall include:
 - i. contact name and number of those carrying out the application
 - ii. the name of the chemical to be sprayed
 - iii. the approximate time of day and date that the application will occur
 - iv. any advised safety precautions for third parties
 - v. the property / part of property/ies to be sprayed
 - vi. the equipment, method of application and application rates.

Note: The option provided in c) and e) allows for the most suitable method of notification dependent on the frequency of the application. For example if the agrichemical application occurs once or twice a year it may be more suitable to use the notification methods in e) whereas if agrichemicals are applied frequently throughout the year it may be more convenient to produce one or two detailed spray plans (see c)).

Public Land

Where the application is on public land (excluding road and rail reserve) intention to spray shall be publicly notified in the daily local newspaper or door-to-door advice to land occupiers adjacent to the intended application and known users at least seven days before spraying is undertaken. This notification shall provide the following details:

- a) the property to be sprayed
- b) the dates and time of the spraying (including alternative dates and times in the case of adverse weather conditions)

⁵ Spray plans and notification example template can be obtained from the Council.

- c) the brand name or chemical name to be used
- d) any relevant safety precautions.

Where the application of agrichemicals is undertaken in the road and rail reserve, notification must be provided at least annually in the form of a public notice in the newspaper and is to include both the information outlined in a) – d) above and the contact name and number of the party undertaking the application.

P. AGRICHEMICALS – SIGNAGE

Private Land

Where the application is on private land and occurs on any school day between the hours of 7.30am to 9.00am and 2.30pm to 4.30pm, signs shall be used to clearly indicate the use of any agrichemical:

- a) within 10m of a bus stop on a school bus route where there is a shelter belt giving effective protection between the application and the bus stop; or
- b) within 50m of a bus stop on a school bus route where there is no shelter belt giving effective protection between the application and the bus stop.

Public Land

Where the application is on public land:

- a) signs shall be placed around the target area or each entrance to the public land (excluding public roads and other public thoroughfares) that are legible at a distance of at least 10m and remain in place for the duration of the contact re-entry period.
- b) where spraying occurs alongside public roads and other public thoroughfares, vehicles associated with the spraying shall display prominent signs (front and back) advising that spraying is in progress.

Q. AGRICHEMICALS – WRITTEN RECORDS

Written records must be kept for any discharge of agrichemicals and should include:

- a) the property, part of property or properties sprayed
- b) the day/s, date/s and time/s when the agrichemical was applied
- c) the crops to be sprayed and a list of the chemicals (with brand names) used during the year or the season
- d) a list of addresses for those neighbours who have been notified in accordance with General Standard O(a) – notification requirements for private land
- e) the equipment and method of application used, concentration and volume of spray used
- f) weather conditions at the time of spraying
- g) how notification requirements have been met
- h) details of any abnormal situation or incident and any action taken, including any variations to the notice of intention as outlined General Standards O(d) – notification requirements for private land; and
- i) Identification of sensitive areas (including those listed in Policy C1.3.4.5) and the strategies employed to avoid contamination of those areas.

These records shall be kept for at least two years and shall be made available to the Council on request.

R. AGRICHEMICALS - DISCHARGES FROM THE APPLICATION OF 2,4-D ETHYL HEXYL ESTER HERBICIDE

Prior to the application of 2,4-D ethyl hexyl ester herbicides, the applicator shall ensure that the following criteria have been compiled with:

- a) An assessment demonstrating that there are no sensitive crops or farming systems within 5km has been undertaken.
- b) Consideration is given to wind speed, direction, ground and air temperature before and during application.
- c) Non-volatile formulations have been considered.

- d) Anti-drift additives have been considered.
- e) Nozzles shall be low drift nozzles that produce droplets with a VMD of not less than 400 microns.
- f) Equipment is correctly calibrated.

Note: Appendices F and G of the NZS 8409:2004 are particularly important.

Rule Table C1.5.4

| Rule Number | Rule | Zone/Overlay | Status | Activity Standards; Matters of Control or Discretion |
|-----------------------------|--|--------------|-----------|---|
| Permitted Activities | | | | |
| 1.5.4(1) | The discharge of contaminants to air from any source not specifically regulated by rules C1.5.4(2) – C1.5.4(25) in this Plan | All zones | Permitted | The use and testing of emergency energy supply equipment is excluded from complying with the general standards. Otherwise general standards A to M apply. |
| 1.5.4(2) | The discharge of contaminants to air from any source (excluding mobile sources and domestic scale activities) of fuel burning equipment involving either: a) Natural or liquefied petroleum gas at a rate not exceeding 5 megawatts. or b) Coal, oil or untreated wood at a rate not exceeding 40 kilowatts. where the rates specified under these individual classes apply to the cumulative generated heat and/or electricity produced by the specified fuel within the same premises | All zones | Permitted | General standards A to G; and a) The discharge shall comply with Appendix H17 Calculation of Chimney Heights. b) Every chimney shall be designed so that the discharge is upwards and unimpeded by any cowl or other fixture on the top of the stack, except that coning may be used to increase the discharge velocity. |
| 1.5.4(3) | Except as provided for in Rule C1.5.4(2), the discharge of contaminants to air from any source (excluding mobile sources) from fuel burning equipment involving: a) Conventional gas-fired fuel burning equipment having a gross heat release rate greater than 5 megawatts but less than 50 megawatts. or b) Conventional coal-fired, oil-fired and untreated wood-fired fuel burning equipment having a gross heat release rate greater than 40 kilowatts but less than 2.5 megawatts | All zones | Permitted | General standards A to G and J; and a) The equipment shall be maintained and operated to achieve maximum thermal efficiency with minimum products of incomplete combustion discharged into air. b) The discharge shall comply with Appendix H17 Calculation of Chimney Heights. c) Chimney efflux velocity at maximum continuous rating shall not be less than 5m per second. d) Chimneys shall not be fitted with rain shields that impede the upward discharge of gases. e) New steel chimneys shall be thermally insulated if the temperature of combustion gases during operation is liable to fall below dew point and if the fuel burnt contains 1% or more by weight of sulphur. f) The operators of boilers shall keep records on daily fuel consumption, operating times, any non-compliance with the above conditions and any complaints received about the chimney. These records shall be kept for at least two years and shall be made available to the Council upon request. g) The discharge shall not result in a discharge efflux velocity exceeding 4.3m per second higher than 60m above ground level. h) Best Practicable Option be used for minimising discharges of contaminants to air. <i>Note: Restrictions on the location of activities and structures that may adversely affect the safe operation of aircraft on recognised flight paths are provided for in C2 of the Tairāwhiti Plan.</i> |

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| 1.5.4(4) | The discharge of contaminants to air from the burning in an incinerator from any source. | All zones | Permitted | <p>General standards A to E and I; and</p> <p>a) Only untreated wood, dry vegetative matter, paper and cardboard may be burnt.</p> <p>b) The incinerator shall not have a capacity that exceeds 200 litres⁶.</p> <p>c) The incinerator shall meet the following criteria:</p> <ul style="list-style-type: none"> i. be constructed of durable, fire resistant materials ii. have provision for primary air supply directly to the combustion chamber iii. allow access to remove combustion wastes iv. have a grate for supporting waste v. Comprise of an enclosed combustion chamber with tight fitting lid. <p>d) Best Practicable option be used for minimising discharges of contaminants to air</p> <p><i>Note: During restricted fire seasons and as a general precaution, operators should contact the Council to determine if council bylaws apply to their operation and, if so, to obtain the appropriate permit. Also note: Council bylaws prevent locating an incinerator closer than 5m to a boundary.</i></p> |
| 1.5.4(5) | Except as provided for in Rule C1.5.4(4), the discharge of contaminants into air from any incineration of waste on industrial or trade premises (excluding landfill sites) from an incinerator involving a purpose built incinerator with a maximum gross heat release of 5 megawatts. | All zones | Permitted | <p>General standards A to F, I and J; and</p> <p>a) The discharge shall comply with Appendix H17 Calculation of Chimney Heights.</p> <p>b) The equipment shall be maintained and operated to achieve maximum thermal efficiency with minimum products of incomplete combustion discharged to air.</p> <p>c) Chimney efflux velocity at maximum continuous rating shall not be less than 5m per second.</p> <p>d) Chimneys shall not be fitted with rain shields that impede the upward discharge of gases.</p> <p>e) New steel chimneys shall be thermally insulated if the temperature of combustion gases during operation is liable to fall below dew point and if the fuel burnt contains 1% or more by weight of sulphur.</p> <p>f) Best Practicable Option be used for minimising discharges of contaminants to air.</p> |
| 1.5.4(6) | The discharge of contaminants to air from open burning of vegetation in any location (excluding industrial or trade premises) where no more than 100m ³ of vegetation is burned in any 24 hour period. | All zones | Permitted | <p>General standards A to E and I; and</p> <p>a) Material heaped in a pile to be burnt shall be no less than 50m from any adjoining dwelling.</p> <p>b) The fire shall be extinguished as soon as practicable to minimise smoke.</p> <p>c) Vegetative material that releases toxic contaminants shall not be burnt e.g. Succedanea, Toxicodenron.</p> <p>d) Best Practicable Option be used for minimising discharges of contaminants to air.</p> |

⁶ This capacity is equivalent to a 44 gallon drum.

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| | | | | <u>Note:</u> During restricted fire seasons a permit to burn may need to be obtained from Fire and Emergency NZ. |
| 1.5.4(7) | Except as provided for in Rule C1.5.4(6), the discharge of contaminants to air from open burning of vegetation from any source (excluding industrial or trade premises). | All zones | Permitted | <p>General standards E, L and M; and</p> <ul style="list-style-type: none"> a) Best Practicable Option be used for minimising discharges of contaminants to air. b) Material heaped in a pile to be burnt shall be no less than 50m from any adjoining dwelling. c) The fire shall be extinguished as soon as practicable to minimise smoke. d) Vegetative material that releases toxic contaminants shall not be burnt e.g. Succedanea, Toxicodenron. e) Intention to burn shall be publicly notified in the daily local newspaper or verbal or written notice given to land occupiers within 200m of the area to be burnt. Notification shall take place not less than 24 hrs and not more than two weeks prior to burning. Notice must include details of: <ul style="list-style-type: none"> i. the property where the burning will take place ii. the approximate area/amount and type of material to be combusted iii. the period (likely day, date and time) and likely wind direction when burning will take place. <p>Such notification is not necessary if owners or occupiers of adjacent properties agree in writing that notification is not required.</p> <p><u>Note:</u> Restrictions on the location of activities and structures that may adversely affect the safe operation of aircraft on recognised flight paths are provided for in C2 of the Tairāwhiti Plan.</p> <p><u>Note:</u> During restricted fire seasons and as a general precaution, operators should contact the Council to determine if council bylaws apply to their operation and, if so, to obtain the appropriate permit. Also note: Council bylaws prevent locating an incinerator closer than 5m to a boundary.</p> <p><u>Note:</u> During restricted fire seasons a permit to burn may need to be obtained from Fire and Emergency NZ.</p> |
| 1.5.4(8) | The discharge of contaminants to air from the open burning of dead animals. | All zones | Permitted | <p>General standards A to D; and</p> <ul style="list-style-type: none"> a) The burning has been requested by an appropriate regulatory authority. b) No other practicable alternative to burning is available. c) Accelerant such as tyres and oil, which give rise to objectionable chemicals, odour or smoke, will not be used to aid combustion. d) The fire shall be extinguished immediately after the last flames have ceased rather than left to smoulder when burning is completed. e) Council is advised as soon as possible prior to burning. <p><u>Note:</u> During restricted fire seasons a permit to burn may need to be obtained from Fire and Emergency NZ.</p> |

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| 1.5.4(9) | <p>The discharge of contaminants into air from quarrying and mineral extraction processes involving:</p> <ul style="list-style-type: none"> a) Any process with an open cast extraction capacity less than 5 tonnes per hour. a) Any process with a reduction and screening capacity less than 5 tonnes per hour. and b) Any process with a storage capacity less than 500 tonnes. <p><u>Note:</u> Forestry quarrying within a plantation forest is regulated under the Resource Management (National Environment Standards for Plantation Forestry) 2017. Those regulations prevail over this rule in relation to forestry quarrying.</p> | All zones | Permitted | <p>General standards A, E, G, H, L and M; and</p> <ul style="list-style-type: none"> a) There shall be no discharge of water spray beyond the boundary of the subject property. |
| 1.5.4(10) | The discharge of contaminants to air from moveable aggregate crushing and screening plants. | All zones | Permitted | <p>General standards A, E, G, H, L and M; and</p> <ul style="list-style-type: none"> a) There shall be no discharge of water spray beyond the boundary of the subject property or, in the case of public land, beyond 50m from the discharge or beyond the boundary of the public land, whichever is lesser. |
| 1.5.4(11) | The discharge of contaminants to air from wet abrasive blasting. | All zones | Permitted | <p>General standards A, C and E; and</p> <ul style="list-style-type: none"> a) Sand that is silica-free shall be used wherever possible. b) Sand with a free silica (quartz) content of greater than 5% dry weight shall not be used under any circumstances. c) Sand shall be of blasting grade, substantially free of dust, so that no more than 2% of weight passes through a 0.15 micro sieve (i.e. 98% or more is retained). d) Any spent abrasive materials and fluid shall be collected and removed from the site at the end of each blasting session. e) All premises or items to be blasted must be screened as far as practicable by means of screens, covers, tarpaulins, cladding or other means to contain emissions, including overspray or mists, within the boundary of the property or premises on which blasting is occurring. f) The operator documents any hazardous substances likely to be contained in the attrition material and has this record available for inspection at any time. |
| 1.5.4(12) | The discharge of contaminants to air from dry abrasive blasting carried out within permanent facilities and/or premises. | All zones | Permitted | <p>General standards A, E, L, H and M; and</p> <ul style="list-style-type: none"> a) Sand that is silica-free shall be used wherever possible. b) Sand with a free silica (quartz) content of greater than 5% dry weight shall not be used under any circumstances. c) Sand shall be of blasting grade, substantially free of dust, so that no more than 2% of weight passes through a 0.15 micro sieve (i.e. 98% or more is retained). d) The operator documents any hazardous substances likely to be contained in the attrition material and has this record available for inspection at any time. |

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| | | | | <ul style="list-style-type: none"> e) The ventilation rate through the facility shall sustain an air velocity of not less than 0.5 m/sec and an inward velocity at all openings of not less than 2.5 m/sec through each opening. f) Ventilation air from the blasting facility and any sand recovery system shall be cleaned by fabric filtration, wet scrubbing or other equivalent means before discharging to air. g) The emission of particulate from any vent shall not exceed 125mg/m³ of transporting air. h) Covered storage bins shall be provided and used for all unused and waste sand. i) Any spent abrasive materials and attrition materials and fluid shall be collected and removed from the site at the end of each blasting session and by the end of each working day. |
| 1.5.4(13) | The discharge of any contaminant into air arising from the application of any agrichemical using a hand held appliance ^{4F4F7} . | All zones | Permitted | <p>General standards K, L and M; and</p> <ul style="list-style-type: none"> a) The application shall be undertaken in a manner that does not exceed any rate or contravene any other requirement specified in the agrichemical manufacturers' instructions. b) For commercial applications the agrichemical shall be used in a manner consistent with NZS8409:2004 The Code of Practice for the Management of Agrichemicals. c) The Council shall be notified immediately in the case of unintended discharge resulting in contamination occurring beyond the boundary of the target property. |
| 1.5.4(14) | Except as provided for by Rule C1.5.4(13) and subject to Rule C1.5.4(24) the discharge of contaminants into air arising from the application of any agrichemical. | All zones | Permitted | <p>General standards K, L, M and N to R.</p> <ul style="list-style-type: none"> a) The application shall be undertaken in a manner that does not exceed any rate or contravene any other requirement specified in the agrichemical manufacturers' instructions. b) Except for applications of agrichemicals within the road and railway reserves for the purpose of maintenance and public safety, the application shall not occur on or over a Significant Values Management Area or a Riparian Management Area as identified and/or mapped in the Tairāwhiti Plan or the landward area within 200m of mean High Water Springs unless authorised in accordance with the provisions of C9 of the Plan. c) The application of agrichemicals shall not occur in winds greater than 15km/hr over the target area. d) The agrichemical shall be used in a manner complying with NZS8409:2004 Management of Agrichemicals. |

⁷ Definition of hand held appliance means a sprayer with a single nozzle and operated at a pressure no greater than 200kpa (30psi) and used to target one or more discrete areas not exceeding 2m²

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| | | | | <p>e) A spray plan shall be prepared in accordance with NZS8409:2004 Management of Agrichemicals (Appendix M4) and shall include the following information:</p> <ul style="list-style-type: none"> i. the property/part of property or properties to be sprayed ii. the crops to be sprayed and type of chemical (insecticide, herbicide and fungicide etc) iii. the equipment, method of application to be used and application rates iv. the approximate times of year that spraying is likely to occur v). name, address and contact phone numbers of those likely to be carrying out the agrichemical application vi. a plan or map detailing any sensitive areas vii. indication of agrichemicals to be used that may present a specific hazard viii. particular weather conditions that may increase potential drift hazard; and ix. where 2,4-D ethyl hexyl ester herbicide is to be applied, information as set out in standard A2. |
| 1.5.4(15) | The discharge of water vapour, including steam, into air. | All zones | Permitted | <p>General standards A to B; and</p> <ul style="list-style-type: none"> a) The discharge shall not result in any plume that adversely affects traffic (including air traffic) safety by reducing visibility or reduces the visibility on any public land. b) The discharge shall be located and designed to avoid cross-contamination of any air intake used for ventilation purposes. |
| 1.5.4(16) | <p>The discharge of any contaminants into air from:</p> <ul style="list-style-type: none"> a) Any industrial or trade premises, any medical premises or any educational institution for the purpose of ventilation or vapour displacement. b) Cooling towers with the maximum capacity of 10 megawatts. or c) Air cooled heat exchangers | All zones | Permitted | <p>General standards A to B; and</p> <ul style="list-style-type: none"> a) Exhausts are located to avoid cross-contamination with air intakes in the same building and adjacent buildings. b) With regard to cooling towers, appropriate maintenance of cooling towers/systems is undertaken. |
| 1.5.4(17) | The discharge of any contaminants into air from air heated above ambient temperature, including but not limited to heated air from heat exchangers, and air used for the purpose of cooling plant and equipment. | All zones | Permitted | N/A |
| 1.5.4(18) | The discharge of contaminants into air from coating processes (involving paint solvents, varnish, stains, polishes, lacquer, dyes, metal oxide coatings, adhesive coating, elastomer coatings). | All zones | Permitted | <p>General standards A to C, and E. and</p> <ul style="list-style-type: none"> a) Maximum rate of usage is less than 5kg per hour. b) For coating processes undertaken indoors, the discharge of contaminants to air is vented with an unimpeded vertical flow through a chimney/s or vent/s that terminates at least three metres above the level of any adjacent area to |

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| | | | | which there is general access (i.e. ground level, roof areas or adjacent openable windows) and as far as practicable from the boundary of any residential property. |
| 1.5.4(19) | The discharge of contaminants into air arising from: a) The disposal of waste into or onto land or the composting of organic material, within a residential property; or The storage, transfer, treatment or disposal of waste from production land. | All zones | Permitted | General standards A to C, and E; and a) Except where it is necessary for waste material to be imported to supplement nutrient levels for composting and waste treatment activities, any discharge shall be limited to waste material generated on the premises <i>Note: Also refer to the provisions for discharges to land and water (C6.2)</i> |
| 1.5.4(20) | The discharge of contaminants into air arising from the storage or transfer of any waste produced on that industrial or trade premises. | All zones | Permitted | General standards A to C, and E. |
| 1.5.4(21) | The discharge of contaminants to air arising from: a) The application of fertilisers; or b) The storage and handling of fertilisers on production land. | All zones | Permitted | General standards C and M; and a) The application shall be undertaken in a manner that does not exceed any rate or contravene any other requirement specified in the manufacturers' instructions. b) The application shall be undertaken in accordance with the Code of Practice for Fertiliser Use. |
| 1.5.4(22) | The discharge of contaminants into air from the combustion of fuel in vehicles including cars, trucks, ships, trains, aircraft and boats and the discharge of dust from the use of vehicles on roads. | All zones | Permitted | N/A |
| Discretionary Activities | | | | |
| 1.5.4(23) | The discharge of contaminants into air from the combustion of the following materials: a) Human or animal remains (excluding those discharges complying with Rule 1.5.4(8). b) Chemically treated timber. c) Motor vehicles or their components. d) Quarantine waste. e) Clinical waste. and f) Any plastic, rubber, paint, oil, solvent, bituminous material or hazardous substance. | All zones | Discretionary | |
| 1.5.4(24) | The discharge of contaminants into air from mobile dry abrasive blasting facilities. | All zones | Discretionary | |
| 1.5.4(25) | The discharge of contaminants to air from: a) Premises used for the manufacture and blending or packaging of cement, milk powder, other milk derived products and rubber goods. | All zones | Discretionary | |

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| | <ul style="list-style-type: none"> b) Premises used for rendering, reduction or drying through application of heat to animal matter. c) Premises used for the mechanical drying of treated timber or timber products containing glues and resins. d) Tanneries, fellmongers and skin or hide processing plants. e) Wool scourers and dag crushing plants. f) Extraction and flaring of oil. g) Premises used for the manufacture of organic or inorganic chemicals, including pharmaceuticals. h) Crematoria. i) Asphalt plants. j) Premises used for hot dip galvanising. k) Premises used for the manufacture or disposal of radioactive substances. l) Premises used for the manufacture of soaps or detergents. m) Premises engaged in manufacturing processes using di-isocyanates or organic plasticisers. n) Premises used for the manufacture of aluminium, steel, fibre-glass, glass or frit. o) Premises used for the sintering, calcinising or roasting of metal ores. p) Premises used for the smelting of any metal or metal alloy, including scrap metal. q) Premises used for the carbonisation, gasification, refining, purification or reforming of natural gas, petroleum oil, shale, coal, wood or other carbonaceous materials. r) Premises engaged in the smelting or burning of calcium or calcium magnesium carbonates to produce calcium or magnesium oxides or hydroxides. s) Processes involving the extraction, distillation or purification of animal or vegetable oils or fats other than as a by-product incidental to the cooking of food. t) Road pavement burning facilities. | | | |
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| | <ul style="list-style-type: none"> u) Landfill and waste transfer activities, including sawdust dumps but excluding clean fill and wood waste; and v) The slaughtering and processing of animals. | | | |
| 1.5.4(26) | <p>The discharge of any contaminant into air is a discretionary activity provided that:</p> <ul style="list-style-type: none"> a) The discharge is from an activity specifically provided for as a permitted activity but it does not comply with the relevant standards and terms; AND b) The discharge is not specifically provided for by Rules C1.5.4(2)-C1.5.4(26) of the Plan and does not comply with the terms and standards in Rule C1.5.4(1). | All zones | Discretionary | |
| Prohibited activities | | | | |
| 1.5.4(27) | <p>The discharge of:</p> <ul style="list-style-type: none"> a) An agricultural 12 months after it's deregistration; and b) 2,4-D Butyl Ester | All zones | Prohibited | |

C1.5.5 Rules for Air Discharges in Coastal Environment

Rule Table C1.5.5

| Rule Number | Rule | Zone/Overlay | Status | Activity Standards; Matters of Control or Discretion |
|---------------------------------|---|--|---------------|---|
| Permitted Activities | | | | |
| 1.5.5(1) | Except as provided for in the Resource Management (Marine Pollution) Regulations 1998, the discharge of contaminants to air of the Coastal Marine Area from the burning of plant or animal matter within the CMA, but excluding the burning of treated timbers. | Significant Value Management Area, General Coastal Management Area, Port Management Area | Permitted | a) The plant or animal matter arises from the Coastal Marine Area. b) The burning does not result in an adverse effect in any adjacent site or vessel which is offensive or objectionable Cross-Reference refer to C3.1 – C3.6, C3.10, C3.15, F1. |
| 1.5.5(2) | The discharge to air of contaminants associated with the burning of hydrocarbons in the CMA following a hydrocarbon spillage, or the fumigation of goods in the CMA. | Significant Value Management Area, General Coastal Management Area, Port Management Area | Permitted | a) The activity does not result in odour in a residential area, park or reserve which is objectionable or offensive. b) Council is notified prior to any oil burn. c) Measures to contain and reduce the volume of spilled material have been exhausted. d) In the case of fumigation the activity does not involve the use of ethylene dibromide, methyl bromide or hydrogen cyanide. Cross-Reference refer to C3.1 – C3.6, C3.10, C3.15, F1 |
| Discretionary Activities | | | | |
| 1.5.5(3) | Any discharge of contaminants to air of the Coastal Marine Area not specifically addressed elsewhere in this plan or in the Resource Management (Marine Pollution) Regulations 1998 is a discretionary activity. NB: For discharges to air outside of the CMA, reference should be made to the air quality rules in C1.5.4 for the Gisborne region. Cross-Reference refer to C3.1 – C3.6, C3.10, C3.15, F1. | Significant Value Management Area, General Coastal Management Area, Port Management Area | Discretionary | |

C2 BUILT ENVIRONMENT, INFRASTRUCTURE and ENERGY

C2 provisions are district plan provisions.



District Plan

Part C2 is operative

C2.1 Infrastructure, Works and Services

C2.1.1 Introduction

This chapter sets out how Council will manage the infrastructure resources of the Gisborne district. It is divided into two main parts:

- Network Utility Operations.
- Works and Services.

The built environment (issues, objectives, policies) area also discussed in the RPS provisions in Part B3 of the Plan, which should be referred to in conjunction with this section.

Network Utility Operations

Network utility operations include sewage and wastewater disposal systems, water, energy and telecommunication systems, meteorological facilities and all road, rail and air transport infrastructure.

Network utility operations are essential to the day-to-day activities of the people in Gisborne district. The dispersed settlement patterns of the district's population often make the installation and operation of utility networks difficult, both physically and economically. This chapter seeks to facilitate the efficient use and development of utility networks, while avoiding, remedying or mitigating any adverse effects arising from network utility activities.

Gisborne Airport

Gisborne Airport is a physical resource of regional significance. Its efficient operation is important to enable the community to provide for its social, cultural and economic well-being. It also contributes to people's safety and health as a facility to enable the local operation of the Air Ambulance Service.

Development near Gisborne Airport could affect the safety and efficiency of air transport activities.

Works and Services

The provision of works and services for subdivision and development activities is a mechanism whereby:

- The community is provided with the services and facilities that are necessary to provide for and enhance its well-being, health and safety.
- Natural and physical resources can be managed in a sustainable way for present and future generations.
- The adverse effects on the environment from subdivision and development can be avoided, remedied or mitigated.

The rules for works and services are given effect through the general rules for subdivision (C10 of the Plan) and within each zone chapter (Part C2, DP2 and DD1 to DD5 of the Plan).

C2.1.2 Issues

1. Infrastructure provides essential services and is an important physical resource, which enables people and communities to provide for and enhance their environmental, social, cultural and economic well-being.
2. The provision and operation of infrastructure has the potential to adversely affect:
 - Amenity values.
 - Natural values.
 - Heritage values.
 - Health and safety.
 - Natural hazards.
3. The long lifespan of development layouts and the associated infrastructure has long term social, economic and environmental implications for the community and the environment.
4. Additional demand caused by growth and development may place pressure on the capacity of existing infrastructure systems, which are already at capacity in some areas.
5. There are benefits from providing an integrated and co-ordinated approach to the provision of infrastructure.
6. Given the diverse nature of the district it is difficult to prescribe infrastructure and engineering standards that cover all possible development scenarios and aspirations.
7. Network utility operations have technical and operational requirements that constrain their design and location.
8. Inappropriate land use, development and subdivision has the potential to adversely affect the provision and operation of infrastructure.
9. There is growing interest and uptake in alternative approaches to infrastructure provision including:
 - Privately or communally owned and maintained assets.
 - Wireless technology.
 - Independent energy generation.

C2.1.3 Objectives (Infrastructure)

1. Infrastructure that enables people and communities to provide for and enhance their environmental, social, cultural and economic well-being.
2. Infrastructure that is designed, located, constructed, operated and maintained to ensure:
 - A safe and healthy environment.
 - The efficient use of energy and resources.
 - Adverse effects are avoided, remedied or mitigated.
3. Infrastructure associated with subdivision, use and development be provided in an integrated and co-ordinated manner to ensure:
 - Compatibility with existing infrastructure networks.
 - Adequate capacity for the anticipated land use.
 - Ongoing management and lifecycle costs are taken into account.
 - Unanticipated costs to the community are avoided.
 - The requirements of infrastructure providers are taken into account.
4. Enable and promote subdivision and development of infrastructure that:
 - Allows the implementation of good urban design practice.
 - Allows the implementation of low impact design principles.
 - Reflects the environmental and social context of the location.

5. Efficient and effective provision of network utility operations, including investment in that infrastructure, is not adversely affected by inappropriate land use, development and subdivision activities.
6. Unobstructed and unimpaired land and airspace for all activities associated with aircraft operations at Gisborne Airport.

Principal reasons:

- **Objective 1:** *This objective promotes sustainable management under Part 2 of the RMA and recognises the importance of enhancing the well-being of people and communities.*
- **Objective 2** -*These requirements are considered core principles to be achieved in the provision of new infrastructure which will ensure that the purpose and principles of the RMA are taken into account.*
- **Objective 3:** *The objective aims to ensure growth and development proceeds in a way and at a rate that is sustainable and manageable for the long-term interests of community resources.*
- **Objective 4:** *There is an increased awareness around the environmental and social implications of subdivision and development. Enabling and promoting awareness of initiatives that improve outcomes in this regard is considered to be an important part of sustainable management.*
- **Objective 5:** *It is important that inappropriate land use, development or subdivision does not adversely affect essential services to the wider community or foreclose the potential for replacement and upgrading, especially where significant investments to these operations have been made.*
- **Objective 6:** *A safe operating environment is required for all activities associated with aircraft operations.*

C2.1.4 Policies

C2.1.4.1 Policies: (Network Utility Operations)

1. Provide for the ongoing operation, maintenance, replacement and upgrading of network utilities and for the future development and operational requirements of new network utilities.
2. Recognise the benefits of efficient network utility infrastructure and, that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations, including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
3. To enable the development, maintenance and use of network utility infrastructure (including individually owned and operated systems) in a manner that avoids, as far as practicable, remedies or mitigates any adverse effects on the environment.
4. To enable network utility activities in the road reserve that have minor adverse environmental effects.

High Voltage Transmission Lines

5. To ensure that land use, development and subdivision is designed and planned with regard to the high voltage transmission lines in order to achieve appropriate separation distances required for:
 - Public health and safety
 - Security of the infrastructure and of electricity supply
 - Access for inspection and maintenance
 - Minimising the amenity aspects of the lines
 - Ensuring upgrade potential of the infrastructure is not compromised.

Airport

6. The location and construction of any new facilities associated with aircraft operations or extensions to any existing facilities associated with aircraft operations shall be designed in a manner so as to ensure that any adverse health and safety effects are avoided, remedied or mitigated.
7. The location and construction of any new facilities associated with aircraft operations or extensions to any existing facilities associated with aircraft operations shall be designed in a manner so as to ensure that any adverse effects on the surrounding landscape are avoided, remedied or mitigated to the fullest extent possible within the operational constraints of the facility.
8. To ensure that ground-based activities do not interfere with airport and aircraft operations – including the use of navigation and communication devices.
9. To ensure that activities resulting in population density and activities resulting in the mass assembly of people in areas of highest risk from aircraft accidents are minimised. In considering whether to grant consent or impose conditions in respect of a resource consent, or designation requirement or requirement to modify a designation, Gisborne District Council will have regard to the following assessment matters:
 - the maximum number of people who may occupy or use the site and the duration of time in which they will be assembled on the site
 - any potential effects on the health and safety of people from aircraft accidents.
10. The location of noise sensitive activities in the Airport Noise Impact Overlay shall only be provided for where such activities will not compromise aircraft operations and safety.
11. To ensure that any development in the vicinity of the Gisborne Airport does not emit discharges that have the potential to be a hazard in navigable air space as set out in Civil Aviation rules 77 (Appendix H15).

C2.1.4.2 Policies (Funding and Provision of Infrastructure)

1. To generally require developers to ensure that appropriate infrastructure will be provided to and within subdivisions and developments so that the service level standards for the proposed activity can be met.
2. To use capital works planning processes to identify infrastructure projects to support developments.
3. To use development contributions as the primary method to provide funding for Council's capital expenditure on water, wastewater, stormwater, land transport and reserve infrastructure related to developments. To also consider, in special circumstances, other funding methods such as financial contributions and special rating areas.
4. To determine financial contributions for water, wastewater, stormwater, land transport infrastructure on a case-by-case basis.
5. To consider other means to address infrastructure issues before imposing any financial contribution for water, wastewater, stormwater, land transport e.g. alternative design or works and service conditions.
6. To consider applying a financial contribution where the specified parking and loading spaces cannot be accommodated on the site or where the applicant proposes not to provide the specified spaces.
7. To consider requiring a financial contribution of land for reserves on subdivision consent applications where the need for a reserve is recognised in a structure plan or other policy documents or where the applicant proposes to vest land in Council. To consider entering an agreement, e.g. a special circumstance agreement under the development contributions policy, where a financial contribution of land is required in order to recognise and offset the value contributed above the usual development contribution.
8. To consider negotiating agreements with developers, e.g. special circumstance agreements under the Development Contributions Policy, to address complex or unusual infrastructure issues.

9. Financial contributions and development contributions will not be used to fund the operation costs of Council managed infrastructure. Other appropriate mechanisms might include trade waste charges or rates.
10. To ensure the rational and co-ordinated provision of infrastructure to serve the subdivision or development site and, where necessary, the wider area within which the subdivision or development is located, without involving the Council in expenditure or financial responsibility not provided for in its capital works programmes.

C2.1.4.3 Policies (Design and Reticulation of Infrastructure)

1. To ensure the infrastructure associated with subdivision and development is designed and constructed in a manner that promotes:
 - Environmental and community well-being.
 - The efficient use of natural and physical resources.
 - An integrated approach to the provision of works and services.
 - The avoidance, remedying or mitigating of any adverse effects on the environment.
 - Responsiveness to the environmental and social context of the development site.
 - The minimisation of lifecycle costs while recognising the above matters.
2. To ensure that it is environmentally and financially feasible to provide infrastructure for land development and subdivision activities.
3. To generally require that within the Reticulated Services Boundary, provision is made for the connection to Council's reticulated services.
4. To consider applications for private infrastructure services in reticulated areas, having particular regard to the assessment criteria: provision of Infrastructure.
5. To require that, where public infrastructure services are not available, the appropriate levels of service are met and any environmental effects avoided, remedied or mitigated.
6. To ensure that new and upgraded infrastructure is designed and constructed with adequate capacity, taking into account the servicing requirements of future growth and development.
7. To promote the integration of non-Council infrastructure providers into the subdivision and development process.

C2.1.4.4 Policies (Structure Plans)

1. To generally require subdivision and infrastructure to be provided consistent with the following structure plans:
 - Taruheru Block Infrastructure Plan (Schedule G24)
 - Roading Concept Plan for the Rural Industrial A Zone (Appendix H11).
 - Structure Plan for the Citrus Grove Development Control Area (Schedule G10).
2. To review:
 - The intersection between the infrastructure plan road north of Ruru Avenue and Back Ormond Road.
 - The extension of Joanne Street into the middle of the block.

Consideration will be given to severing the links to motorised vehicles but retaining access for non-motorised users and utility services (refer to Taruheru Infrastructure Plan (Schedule G24). Consideration will also be given to the practicality of using methods, e.g. retractable bollards, which allow access to emergency vehicles.

3. To work with landowners to design and purchase additional reserve space in the area indicated in Schedule G24 – Taruheru Block Infrastructure Plan and to ensure that any reserves are integrated into future development in a manner that promotes safety and amenity.

4. To alert of the presence of high voltage transmission lines and the need to maintain safe separation distances through the identification of a high voltage transmission line corridor in the Taruheru Infrastructure Plan (Schedule G24).

C2.1.4.5 Policies (Works and Services)

1. The road reserve provides a range of environmental and community functions that shall be recognised and provided for in an integrated manner, including:
 - The safe and efficient movement of people, goods and services.
 - A corridor for network utility operators and their operations.
 - A space for community interaction and recreation.
 - Amenity, streetscape and character values.
2. To ensure that property access occurs in a manner that does not adversely affect the wider functions of the road reserve.
3. To encourage roads and accessways to be designed according to their environment context and surrounding land uses.
4. To ensure that the development and use of existing roads does not adversely affect the character of local communities or the surrounding environment.

Reserves and Landscaping

5. To encourage and provide for landscaping within the road reserve in appropriate locations while avoiding, remedying or mitigating any conflict or interference potential with network utility services.

Stormwater

6. To require stormwater systems to be designed and constructed to:
 - Protect people, infrastructure, land and buildings against flooding and nuisance effects.
 - Avoid, remedy or mitigate adverse environmental effects – including the pollution, sedimentation and erosion of receiving environments.
 - Provide adequate capacity and design standards to service the catchment within which they occur, taking into account foreseeable growth and development.

Water

7. To ensure that there is an adequate supply of water in terms of volume and quality for the anticipated land use.
8. To promote and encourage the efficient use of water through subdivision and land development activities.
9. To ensure new reticulated sites within the Reticulated Services Boundary are provided an adequate supply of water for fire-fighting for the reasonably anticipated land use, in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ 4509:2008

Wastewater

10. To ensure that the treatment and disposal of wastewater is adequate for the anticipated land use and appropriate to the location of the subdivision and/or development.
11. To ensure that the treatment and disposal of wastewater is undertaken in a manner that avoids, remedies or mitigates adverse effects on the environment and is consistent with maintaining public health and safety.

Energy and Telecommunications

12. To ensure that the supply of energy and telecommunications is reliable and appropriate for the anticipated land use and the particular circumstances of the subdivision or development.

Principal reasons:

Network Utility Operations

- **Policy 1 & 2:** *Provision of network utility services is critical to the well-being of the community. Individuals shall be enabled to install their own infrastructure where the adverse effect on the*

environment can be avoided, remedied or mitigated. The onus of ensuring appropriate infrastructure is provided to meet service level standards will primarily lie with those seeking to undertake the development.

- **Policy 3:** Maintain or enhance the historical, cultural, spiritual or natural significance of localities throughout Gisborne district.
- **Policy 5:** Facilitate the use and development of network utility infrastructure in the road reserve.
- **Policy 5:** Ensure there is adequate separation distances to high voltage transmission lines otherwise activities can compromise the functioning of these lines and result in adverse effects on public health and safety.
- **Policy 6:** Reduce the risk of injury or damage from aircraft accidents careful consideration must be given to the siting, design and operation of new aircraft operations.
- **Policy 7:** Maintain or enhance amenity values and the quality of the environment.
- **Policy 8:** Safeguard the operational environment of Gisborne Airport to provide for the safety and health of people. Threats to aircraft operations arising from nearby ground-based activities may include intrusions into aircraft flight corridors by the height of structures, dust, smoke, birds, significant thermal disturbances or electronic interference to navigation aids (e.g. reflection from large metal structures).
- **Policy 9:** Activities near the airport that attract or accommodate large numbers of people increases the hazard potential from aircraft accidents. This policy avoids or mitigates any potential adverse effects of aircraft by limiting the number of people who occupy land or assemble beneath the runways' approach and departure fans.
- **Policy 10:** Noise sensitive activities that locate in the vicinity must be able to ensure that they are able to avoid, remedy or mitigate the adverse effects of noise. (Refer also to Policy C11.2.5(6)).
- **Policy 11:** The policy will ensure that airport services are protected as the hinterland develops over time in order to continue to provide for the economic well-being and health and safety of the community.

Funding and provisions of infrastructure

- **Policy 1 & 2:** In some circumstances Council and other infrastructure organisations may commit, through their capital plans, to providing infrastructure that will serve a development to ensure appropriate infrastructure is provided.
- **Policy 3:** Avoids creating multiple funding regimes and financial contributions will only be used for projects in special circumstances. Financial contributions will not be appropriate where there is lack of commitment to the project for which the contribution is considered.
- **Policy 4 – C2.1.4.2** sets out the circumstances when financial contributions may be imposed, the manner in which the level of any contribution/s will be determined and the general purposes for which contribution may be used. This provides criteria to assist in deciding the actual quantum of the financial contribution and nature of the contribution.
- **Policy 5:** Alternative design or works and service conditions are preferred over financial contributions as they avoid the need to seek commitment from other parties for the project etc. for which the contributions are sought.
- **Policy 6:** Consider applying a financial contribution where the specified parking and loading spaces cannot be accommodated on the site or where the applicant proposes not to provide the specified spaces.
- **Policy 7:** A financial contribution of land for reserves may exceed what would normally be required under the development contributions policy.
- **Policy 8:** From time to time complex infrastructure issues arise and the policy provides for those situations where Council and the developer may enter into a special circumstance agreement, e.g. to provide for payment in return for financial contribution of land for reserves and a reduction in development contributions for reserves.

- **Policy 9:** Financial contribution and development contributions are to fund the capital costs of infrastructure and not operational costs.
- **Policy 10:** Ensures that the full costs of subdivision and development activities and/or intended land uses are considered in the context of the wider infrastructure network.

Design and reticulation of infrastructure

- **Policy 1** -This policy recognises that infrastructure systems need to be designed and constructed in an integrated manner whilst meeting the requirements of Part 2 of the RMA.
- **Policy 2:** Addresses the feasibility of a subdivision or development proposal prior to the granting of a consent in order to avoid future uncertainty, unexpected costs and adverse environmental effects.
- **Policy 3** – This policy sets the expectation that where public infrastructure services are available, subdivision and development proposals connect to them. In addition, extending Council's reticulation network to service urban fringe and peri-urban growth may impose significant costs on the community and lead to patterns of land use that do not achieve an efficient use of natural and physical resources.
- **Policy 4** -This policy recognises that there may be occasions where connection to Council's reticulation network is not feasible or appropriate and the assessment criteria shall be used to determine these situations.
- **Policy 5:** Subdivision and development activities in areas with limited access to Council infrastructure services will need to ensure there are no adverse effects associated with their infrastructure.
- **Policy 6:** Providing services that take into account potential growth and development promotes an efficient use of resources and may avoid costly upgrades in the future.
- **Policy 7:** In order to avoid unexpected costs and delays it is considered important to better integrate non-Council providers into subdivision and development processes.

Structure Plans

- **Policy 1:** Compliance is needed to ensure the integrity of the structure plan and to avoid uncertainty for developments.
- **Policy 2:** In the future Council will consider severing the link between the structure plan road north of Ruru Avenue and Back Ormond Road in order to further protect the arterial function of Back Ormond Road. However, in the short term, the link is necessary to avoid pressure for development with multiple accesses onto Back Ormond Road and to allow for co-ordinated provision of services. Council will also consider blocking vehicle access to Joanne Street extension at the point indicated in the Infrastructure Plan in order to avoid potential congestion at Potae Avenue/Lytton Road intersection and to promote a development pattern that maintains the link so that access can be provided into the middle of the block for services and traffic.
- **Policy 3:** Reserve space for active and passive recreation should be provided within a convenient distance of every resident.
- **Policy 4:** To optimise development outcomes the presence of the lines should be considered early in planning any development of the Taruheru Block. Alignment of the lines with the road will also help to ensure that the safety buffers between the transmission lines and development is incorporated into the area in a positive way, avoiding adverse impacts on amenity values.

Works and Services

- **Policy 1:** There are competing demands for the space within the road reserve and it is important to manage this public space in an integrated manner to ensure that the various community expectations can be met.
- **Policy 2:** This policy aims to ensure that consideration is given to integrating property access with the wider roading context, whilst ensuring individuals the ability to efficiently and safely access their land.

- **Policy 3:** Given the varied nature of the district's physical and social environments, all roads and accessways should be designed and constructed to reflect their surroundings whilst ensuring their various functional requirements are met.
- **Policy 4:** The development of roads may have adverse effects on the character and amenity value of the local environment. This policy seeks to maintain or enhance the quality of the environment.
- **Policy 5:** It is important for community and environmental well-being that planting and landscaping are taken into account where a new road reserve is proposed or an existing road is upgraded. Planting and landscaping that avoids, remedies or mitigates potential adverse effects is consistent with integrated management and the efficient use of resources.
- **Policy 6:** This policy ensures the basic elements of a stormwater system are recognised and provided.
- **Policy 8:** An adequate water supply is important for the well-being of people and communities and for their health and safety.
- **Policy 9:** This policy promotes the benefits of efficient water use and assists in minimising costs to the community by prolonging the lifetime of water supply infrastructure.
- **Policy 11:** This policy aims to ensure that the wastewater system is designed to accommodate the potential level of effluent from land uses associated with subdivision and development. It also ensures consideration is given to the location of the site in terms of physical characteristics and limitations as well as the ability to connect to the reticulated system.
- **Policy 12:** Maintaining health and safety and avoiding, remedying or mitigating adverse effects are core principles of sustainable management required under the RMA.

C2.1.5 Methods

Advocacy / Information

1. Provide subdivision and land development guidelines and engineering standards to guide developers to design infrastructure in accordance with the objectives and policies of the Plan.

Works

1. To ensure that the Gisborne District Council's own tree planting programmes do not cause future interference with network utility infrastructure by using careful tree and site selection.

Economic Instruments

1. Use the Long Term Plan process to develop a capital works programme for infrastructure that may support development. Small funds may be provided for within the capital works programme to allow discretion to address small unplanned projects from year-to-year.
2. Council may enter into special circumstances agreements under the development contribution policy to facilitate infrastructure development.
3. Administer a development contribution policy to recover capital costs associated with developments.
4. In most cases alternative design or works and service conditions are likely to be preferred over financial contributions of cash to avoid the need to seek commitment from other parties for the project etc. for which the contributions are sought.

Regulation

1. Zones
2. Rooding Hierarchy: Council shall classify roads according to their function into a rooding hierarchy. Rules and conditions may be applied according to the road and/or the adjoining property according to the road's classification within the rooding hierarchy.

The four classifications of the roads within the rooding hierarchy shall be:

- a) Arterial Roads: These are roads which:

- Serve as direct links of strategic importance within the district and to the rest of New Zealand.
 - Are a significant element in the district economy
 - Have access standards for permitted activities determined on the basis of strategic function and traffic volumes
- b) Principal Roads: These are roads which:
- Serve as links of strategic importance within the district
 - Are a significant element in the local economy
 - Often serve as local roads
- c) Collector Roads: These are roads which:
- Are locally preferred routes between or within areas of population or activity
 - Complement arterials and principals but have property access as a higher priority
 - Have standards suitable to the safety requirements of the traffic volume on each section
- d) Local Roads: These are other roads servicing land use activities with standards appropriate for the traffic use.
3. Airport Protection Overlay Area: The Airport Protection Overlay Area (APOA) is an overlay illustrated on the urban and rural planning maps that effects the identified land in close proximity to Gisborne Airport and its flight corridors. Rules to protect both Gisborne Airport and land users shall apply to this area.
4. Air Noise Boundary and Outer Control Boundary: These boundaries identify, in accordance with NZS 6805:1992 "Airport Noise Management and Land Use Planning", the 55dBA and 65dBA noise limit boundaries, respectively) These noise controls apply for activities associated with the operation of the Airport. This method enables identification of areas in which noise sensitive activities would not be appropriate and recognises the essential nature of the airport operation to the Gisborne district.
5. Airport Height Control Surfaces: These are air corridors to and from each runway, together with transition side slopes, a horizontal surface and a conical surface laying over and radiating out from the runways. Vegetation and structures are restricted from encroaching into these surfaces.
6. Structure Plans: These show the planned layout for infrastructure and subdivision in development areas. Three Structure Plans are currently incorporated into the Plan:
- Taruheru Block Infrastructure Plan.
 - Roading Concept Plan for the rural Industrial A Zone.
 - Structure Plan for the Citrus Grove Development Control Area.

The Taruheru Block Infrastructure Plan proposes a layout of key road links. These road links are not just for access, but also provide corridors for infrastructure such as water, wastewater, stormwater, electricity and telecommunications. The proposed roading layout was designed to promote efficiency in these services. The structure plan also promotes alignment of the high voltage electricity lines and the proposed major drainage swale with the roading network so as to minimise safety, amenity and maintenance issues.

The Roading Concept Plan for the Rural Industrial A Zone addresses roading layout only and is intended to provide for access for future activities, while minimising the impact of access on the State Highway.

The Structure Plan for the Citrus Grove Development Control Area also sets out key linkages for roading, cycleways, walkways, reticulated service corridors, as well as landscape and amenity buffers, and finished ground levels. One key linkage provided for by the Structure Plan is the 10m wide services, cycleway and pedestrian corridor which links the industrial land within the

Development Control Area to the Makaraka settlement and Aerodrome Road, thereby providing for logical connectivity between the various existing and proposed urban based land uses.

7. Rules and Development Contributions

Other Controls

1. Attention is drawn to other regulatory controls independent of the Act used by Gisborne District Council to control activities in the road reserve: This includes:
 - a) The Local Government Act 2002.
 - b) Bylaws made under the Local Government Act 2002 and Local Government Act 1974.
 - c) The Gisborne District Council Engineering Code of Practice.
 - d) The Building Act 2004 and Building Code (and subsequent amendments).

Principal reasons:

Works

- **Method 1:** *Gisborne District Council is the principal body that plants trees in existing road reserves.*

Regulation

- **Method 1:** *Different zones in which different activities take place have different amenity values. Different provisions may apply to different zones to acknowledge and compensate for the different amenity values associated with various zones.*
- **Method 2:** *The classification and standardisation of design and construction of road reserve infrastructure will provide consistency and certainty for developers while addressing adverse effects.*
- **Method 3:** *Rules within an identified area near Gisborne Airport are the most certain method of both protecting the operation of Gisborne Airport and avoiding, remedying or mitigating the adverse effects of airfields and helipads.*
- **Method 4:** *Rules which recognise the essential nature of the airport and its inability to relocate, have been developed to protect the airport operation from compromise through location of noise sensitive activities in the vicinity of the airport.*
- **Method 5:** *Structure Plans are intended to integrate different developments and promote overall good infrastructure design.*
- **Method 6:** *Rules are the most practical method of ensuring safety, health and amenity values are not adversely affected while still enabling the provision of network utility services.*
- **Method 7:** *Development contributions assist in the planning and provision of appropriate infrastructure.*

C2.1.6 Rules for Network utility activities

Note: In addition to the rules of C2.1, network utility activities shall comply, where relevant, with the regional or district rules in C3 Coastal Environment Overlay, C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C9 Natural Heritage, C10 Subdivision, C11.1 Signs. Permitted activities are also required to comply with the rules for lighting and glare (C11.3.1) and radiofrequency and electro and magnetic fields (C11.4.1).

National Environmental Standards

The following rules shall apply to all network utility activities:

1. National Environmental Standards

- a) Notwithstanding any other rules in the Plan, the standards and activity status for electricity transmission activities relating to the national grid, as described in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, shall be determined according to this National Environmental Standard and no rule in any chapter of this plan that duplicates or conflicts with the National Environmental Standard shall apply.

- b) Notwithstanding any other rules in the Plan, the standards and activity status for telecommunication cabinets in the road reserve and telecommunication structures with aerials in the road reserve, as described in regulations 6 to 9 of the Resource Management Act (National Environmental Standards for Telecommunication Facilities) Regulations 2016, shall be determined according to this National Environmental Standard and no rule in any chapter of this plan that duplicates or conflicts with the National Environmental Standard shall apply.

C2.1.6.1 General Standards

The following General Standards shall apply to all permitted network utility activities:

A. Noise and Parking

- a) Network utility activities shall be exempt from the requirements of C11.2: Noise where these activities occur in a rural (excluding the Rural Lifestyle zone), Industrial, Port or Commercial zone, provided that the best practicable option is used to ensure that noise does not exceed a reasonable level.
- b) Network utility activities located in a residential, reserve zone or the Rural Lifestyle zone shall comply with the requirements of C11.2: Noise.
- c) Network utility activities (on sites of greater than 200m²) shall comply where relevant, with chapter C2 (Built Environment, Infrastructure and Energy). Provided that only network utility activities involving industrial, warehousing, motor vehicle repairs and service, office and retail activities shall be required to comply with parking requirements in C2.

B. Zoning of Roads and Railway Reserve for the purpose of the rules in C2

- a) Where a road or railway reserve is surrounded by one zone, the zone of the road or railway reserve shall be that of the surrounding zone.
- b) Where a road or railway reserve is adjacent to two or more zones, the zone of the road or railway reserve shall be that of the highest adjoining zone ranked in the following order of priority:
 - i. Residential zones **(highest)**
 - ii. Reserve zones
 - iii. Rural zones
 - iv. Commercial zones
 - v. Port Management zones
 - vi. Industrial zones **(lowest)**.

C. Stockpiles

- a) Stockpiles of roading materials or spoil not intended for immediate use or transport:
 - i. Shall not be sited in Residential zones or Commercial zones.
 - ii. Shall be contained within the site, and not enter or interfere with drains or waterways.

D. Height and Recession Planes

Note:

- i) To clarify, lines, cables, aerials, antennas, and their support structures are not subject to any restrictions on height and recession planes, except in the case of activities within the Airport Protection Overlay Area. Rule C2.1.8.1 and installation, alteration or removal of antennas Rule C2.1.6(2); and
- ii) Where lines, cables, aerials, antennas, masts, pylons and poles are affixed to a building or structure, the affixed structure shall not be included when determining the total height of the building or structure.

a) Residential and Rural Zones

Network utility structures shall be contained within recession planes commencing 2.75m above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.

provided that in the residential zones a building or structure may be erected where it exceeds the boundary of the recession plane by not more than one metre if the written consent of the adjoining property owner is obtained and submitted to the consent authority.

b) Reserves Zone

On any reserve zone having a common boundary with a residential or rural zone, network utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

c) Commercial Zones

Network utility structures shall comply with the following height limits:

- i. Inner Commercial zone (Gladstone Road/Peel Street marked as continuous street facade) maximum 14m
- ii. Inner Commercial zone (area not marked as continuous street facade): maximum 10m
- iii. Outer Fringe, Aviation & Amenity Commercial zone maximum 12m
- iv. Suburban and Rural Commercial zones maximum 10m.

provided that any site having a common boundary with any residential or reserve land, network utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

d) Industrial Zone

- i. Maximum height for network utility structures: 20m; and
- ii. Where any site has a common boundary with or is separated from land zoned residential, rural or reserve by any road or railway, then network utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above the boundary facing the residential, rural or reserve zoned site. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

e) Port Zones

- i. Maximum height for any network utility structure in Zone A: 12m.

provided that

- i. On any site having a common boundary with any land zoned residential or reserve, network utility structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.
- ii. Maximum height for any structure in Zone B (excluding structures associated with essential port activities): 30m.

provided that

- Structures adjoining land zoned reserve and structures to be constructed adjacent to the edge of the "cone of vision" shall not project beyond a recession plane comprising a vertical height on the boundary of 6m and an inclined plane extending from 6m above the ground away from the cone of vision at an angle of 45°.
- On any site having a common boundary with any land zoned residential or reserve, structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of the recession planes shall be determined for each site by use of the recession plane indicator.

- iii. The height of vegetation or structures in the APOA shall not extend into the air height control surfaces.

E. Yard Distances (excluding activities within road reserve and sites of 50m² or less)

Note: To clarify, lines, cables, aerials, antennas and their support structures are not subject to any yards except in the case of C2.1.6.1Ea)ii.

a) Residential Zone

- i. Canopies and verandahs may intrude into the street when determining compliance with yard requirements. and
- ii. All network utility structures (including support structures): All yards: 4.5m.

provided that any structure may be erected a minimum of 2m from any boundary, excluding front boundaries, if the written consent of the adjoining property owners is obtained and submitted to the consent authority at the stage a building consent is sought.

b) Commercial Zone

- i. Inner Commercial Zone:

A continuous building edge is required along Gladstone Road, Peel Street, Lowe Street between Gladstone Road and Reads Quay and any other areas marked on the planning maps as continuous street façade.

- ii. Awapuni Road Area zoned Outer Commercial between Grey Street, Awapuni Road, Customhouse Street and Waikanae Stream:

Front yard: (on Awapuni Road and Customhouse Street): 7.5m

Rear yard on Waikanae Stream: 20m from MHWL.

- iii. All other zones:

- yards are required only where a site adjoins a residential zone
- side yards: 3.0m
- rear yards for service areas and outdoor storage areas: 4.5m
- street boundaries of car parks: 3m.

c) Industrial Zone

- i. Yards are only required where the site adjoins a site which is zoned residential, rural, or reserve:

- General Industrial zone: 4.5m
- Rural Industrial zone: 10m.

d) Rural Zone

- i. All yards: 4.5m.

Provided that network utility structures may be erected on any side or rear yard if the written consent of the adjoining property owner is obtained and submitted to the consent authority at the time a building consent is sought, or prior to the commencement of the activity.

- ii. No crib or fence shall be erected where it obstructs traffic sight lines.

- iii. Eaves of buildings may not encroach by more than 0.6m on any yard.

e) **Port Zones**

- i. Yards are only required where the site adjoins:
 - a road adjacent to a residential zone: 4.5m
 - the Hirini Street Cemetery: 3.0m.V

f) **Reserves Zone**

- i. Network utility structures shall be set back a minimum of 4.5m from road boundaries, 3m from residential and rural residential zone boundaries unless otherwise stated in the relevant zone.

F. **Building Length**

- a) No network utility structure where it adjoins a residential or reserve zone shall be more than 15m long without:
 - i. having a vertical or horizontal offset in plan of at least 2m
 - ii. being confined within the arms of a 150° angle formed by two lines intersecting at a common point on all site boundaries such that each line forms an angle of 15° with the boundary (see Figure (1))
 - iii. being offset from each other unit by not less than 25% of the width of the unit nearest the road, with a minimum offset of 2m (see Figure (2))
 - iv. the written consent of the adjoining property owners, shall be obtained and submitted to the consent authority at the time a building consent is sought, or prior to the commencement of the activity; and
 - v. No network utility structure (excluding roads, rail and buildings) shall exceed 30m² gross floor area in or adjoining a residential or commercial zone.

Figure C2.1: Example of a unit built within a 150 degree angle, centred on the boundary

Note: In the example of Figure C2.1 the shaded areas denote where the buildings exceed the requirement. The dotted line indicates a building outline that does satisfy the requirement.

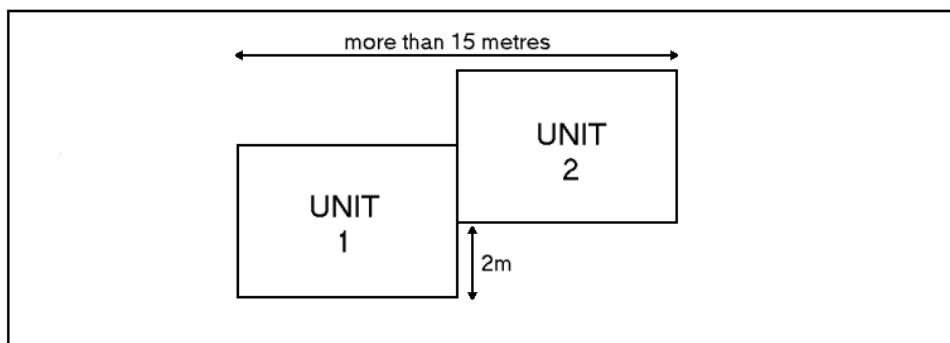


Figure C2.2 – Example of units being offset by two

Rule Table C2.1.6

| Rule Number | Rule | Zone/Overlay | Status | Activity Standards; Matters of Control or Discretion |
|-----------------------------|--|--------------|-----------|--|
| Permitted Activities | | | | |
| 2.1.6(1) | Unless otherwise specified in this Plan, the following network utility activities shall be permitted activities: <ul style="list-style-type: none"> • Network utility activities • Installation and construction of structures associated with network utility activities • Alteration, minor upgrading, removal and maintenance of structures associated with network utility activities (except that General Standards C2.1.6.1(D) and C11.3.1 shall not apply) | All zones | Permitted | a) Where overhead reticulation of services exists on legal road, additional connections may be made overhead to individual properties. All other lines and cables shall be placed underground (except in rural zones and for sub-transmission line extensions (50kV) and except that General Standard (D) shall not apply. |
| 2.1.6(2) | Installation, alteration or removal of antennas and associated support structures | All zones | Permitted | Standard for the installation, alteration, or removal of antennas and associated support structures: <ul style="list-style-type: none"> a) In residential zones antennas shall not extend more than 3.5m above the highest point of any building they are attached to. b) In rural zones antennas shall not extend more than 5m above the maximum permitted height for buildings in the zone, or the highest point of any building or structure they are attached to, whichever is the greater. This is determined by applying the recession plane indicator as provided for in DD4.6.1B. c) In residential and rural zones the maximum height of support structures (including fixtures except lightning rods) shall not exceed 20m. d) The maximum diameter of antennas and associated support structures in industrial, commercial and port management zones (including irregular shaped support structures), above 3.4m vertical height from ground level, shall not exceed 5m. e) The maximum diameter of antennas and associated support structures in rural and reserve zones (including irregular shaped support structures), above 3.4m vertical height from ground level, shall not exceed 1.4m. f) In residential zones only one support structure may be erected per site (excluding accessways and roads). g) In residential zones antennas and associated support structures shall not exceed 1.4m in diameter. |

| Restricted Discretionary Activities | | | | |
|--|--|-----------|--------------------------|---|
| 2.1.6(3) | Network utility activities and structures listed as Permitted which do not comply with the Rules in respect of: a) Noise and parking b) Underlying zones c) Radiofrequency radiation and EMF d) Stockpiles e) Lighting and glare rules in C11.3.1.1 f) Height and recession planes, yards and building length g) Airport Protection Overlay Area and Air Corridors h) Location under or over ground (Refers to non-compliance with General Standard C2.1.6.2(A) i) Number of support structures, per site, associated with antennas j) Height and recession planes and dimensions of antennas and support structures | All zones | Restricted discretionary | Council shall restrict its discretion to the matters a) to d) specified below: a) Health and safety. b) Traffic. c) Location. d) Amenity values. In determining an application for resource consent Council shall restrict its discretion to only matters associated with conditions which are unable to be complied with. |
| 2.1.6(4) | Installation or alteration of electricity support structures | All zones | Restricted discretionary | Council shall restrict its discretion to the matters a) to c) specified below: a) Health and safety. b) Location. c) Amenity values. |
| 2.1.6(5) | Construction of new roads provided that the activity is not part of a proposed subdivision | All zones | Restricted discretionary | Council shall restrict its discretion to the matters a) to d) specified below: a) Health and safety; b) Traffic; c) Location; and d) Amenity values. |
| Discretionary activities | | | | |
| 2.1.6(6) | Installation or alteration of sewage treatment plants | All zones | Discretionary | |
| 2.1.6(7) | Construction or alteration of airfields or helipads | All zones | Discretionary | |
| 2.1.6(8) | Construction or alteration of electricity generating plant | All zones | Discretionary | |
| 2.1.6(9) | Network utility depots in rural, residential and commercial zones | All zones | Discretionary | |
| 2.1.6(10) | Installation or alteration of all network utility structures in Heritage Reserve and Amenity Reserve Zones | All zones | Discretionary | |
| 2.1.6(11) | Network utility activities which are not provided for as Permitted, Restricted Discretionary or Prohibited activities | All zones | Discretionary | |

C2.1.7 Rules for Provision of Infrastructure for Development (Works and Services)

Note In addition to rules in C2.1.6 for network utility activities and activities within and adjacent to the Airport (C2.1.8), the provision of works and services shall comply, where relevant, with the regional or district rules and general standards in C3 Coastal Environment Overlay, C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C9 Natural Heritage, C10 Subdivision, C11.1 Signs. Permitted activities are also required to comply with the rules for lighting and glare (C11.3.1) and radiofrequency and electro and magnetic fields (C11.4.1).

C2.1.7.1 General Standards

The following rules shall apply to all activities, where applicable:

A. General Servicing Requirements

- a) Reticulated services shall be provided to the net area of new allotments.
- b) Vehicle crossings shall be provided to the boundary of the road reserve for new allotments.
- c) Services shall be reticulated underground in any new road reserve, shared accessway or new allotment within the Reticulated Services Boundary and in residential and commercial zones district wide.

provided that stormwater infrastructure may be provided above ground where retention or attenuation measures are required or low impact design approaches are to be used.

Individual customer connections may be provided above ground where there is an existing overhead supply.

- d) Where there is a shared access way the necessary works and services shall be provided to the terminus of the right-of-way.
- e) The location of reticulated services and vehicle crossings shall be identified prior to consent approval.

B. Structure Plans

- a) Where relevant, subdivision, development and provision of infrastructure shall be consistent with the Taruheru Block Infrastructure Plan (Schedule G24) the Roding Concept Plan for the Rural Industrial A Zone (Appendix H11) and the Structure Plan for the Citrus Grove development control area (Schedule G10), that is:
 - i. All wastewater, water supply and stormwater assets shall be located to achieve consistency with the structure plan.
 - ii. The pattern of roading and accesses created through subdivision shall be consistent with the structure plan roads and land indicated for roads shall be vested at subdivision.
 - iii. No access points or additional roads shall be provided off roads noted as restricted access in the structure plan, except to an access point or road that has already been approved.
 - iv. Roads shall be formed at subdivision to the boundary of the subject site, except where alternative funding is provided to form the road e.g. in Council's capital works programme. In this case, the pattern of subdivision shall enable the future creation of the road.
 - v. Land outside of road reserves and noted as the location for infrastructure such as wastewater pump stations or reserves shall be vested for this purpose at subdivision, or appropriate easements created.
 - vi. Off-site infrastructure must be upgraded or provided in accordance with any requirements noted in the structure plan.

- b) No structure other than those associated with the relevant infrastructure shall be constructed on land indicated for infrastructure in the structure plan.
- c) For clarity, roads may be provided additional to those indicated in the structure plan.

C. **Street Planting**

- a) For new roads in residential, commercial and industrial zones either:
 - i. A minimum of 5m² of land shall be set aside within the road reserve for each potential allotment accessed from that road (based on minimum permitted site areas) for the purpose of landscaping. Such areas may be combined but shall still be located evenly throughout the road. The land shall be free from utility services; or
 - ii. A dedicated berm for landscaping shall be provided. The minimum planting is one tree per allotment. The land shall be free from underground utility services.

D. **Stormwater Systems**

- a) Sites shall be provided within their site area with a means of collecting, managing and discharging stormwater from the roof of all buildings, accessways and from all impervious surfaces.
- b) Any connections or discharge points to the existing public stormwater system, where available, shall be at an outlet or outlets approved by the Council.
- c) Primary stormwater systems shall have sufficient capacity to convey a 10% AEP rainfall event without relying on secondary flow paths.
- d) Secondary stormwater systems shall have sufficient capacity to convey a 1% AEP rainfall event while protecting buildings and household gully traps from inundation.
- e) Secondary flow paths shall be free of obstructions and located on public land, land protected by an easement or land identified as a public drain.
- f) Stormwater conveyance shall be by way of gravity outfall with ground levels and/or contours identified prior to consent approval; and
- g) With regard to Rules c) and d) where stormwater runoff is greater than the capacity of the system which is to receive it, runoff shall be managed to the relevant pre-development rates or the capacity of the system shall be upgraded.

Rural Lifestyle and Rural Residential Zones

- h) For Rural Residential and rural Lifestyle Zones, buildings and impervious surfaces shall not exceed 16% of the site area (including impervious surfaces associated with any access strips for rear sites).

Note: In addition to this rule, the freshwater rules in C6 of the Tairāwhiti Plan apply to impervious surfaces.

- i) In Rural R and Rural L zones, discharge and dispersal of stormwater shall not exceed the peak run-off for up to a 10% AEP event as calculated for conditions prior to development occurring, and run-off from the development site shall not be in a concentrated flow.

Note: In addition to this rule, the freshwater rules in C6 of the Tairāwhiti Plan apply to impervious surfaces.

Citrus Grove Development Control Area

- j) The discharge and dispersal of stormwater shall not exceed the peak run-off for up to a 10% AEP event as calculated for conditions prior to development occurring.

provided that in respect to h) and i) the 'Gisborne District Council Waru and Haisman Streams Catchment Management and Stormwater Structure Plan, 2008' shall be complied with.

E. **Water Supply**

- a) Water supply within Reticulated Services Boundary
 - i. Sites for any activity that will require a water supply shall be provided with a connection or connection point to the Council reticulated water system.
- b) Water supply outside the Reticulated Services Boundary
 - i. Sites for any activity that will require a water supply shall be provided with a safe and potable supply of water.

Note: In the interest of the protection of life, property and the surrounding environment new subdivisions and development should be compliant with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509. This NZ standard contains methods of providing sufficient water supply and access for firefighting purposes in both reticulated and non-reticulated areas. In all areas, particularly non-reticulated areas over six minutes driving distance from a fire station, the New Zealand Fire Service recommends that the installation of a fire sprinkler system in accordance with Fire Sprinkler Systems for Houses NZS 4517:2010 is the most appropriate form of compliance with SNZ PAS 4509.

F. Wastewater Systems

- a) Within the Reticulated Services Boundary, sites for any activity that will create wastewater shall be provided with a connection or connection point to the Council reticulated wastewater system.

G. Energy and Telecommunications

- a) Sites for any activity that requires electricity and telecommunication services, shall be provided with those services.

H. Roads

H1 Infrastructural Requirements

- a) All proposed new roads shall connect to, and be compatible with, the district roading hierarchy, as depicted in the roading hierarchy maps.
- b) To meet the access needs of potential users, all new or upgraded roads required for subdivision or development shall comply with the following rules for minimum widths.

| Road Type | Zone | Potential USERS | ROAD RESERVE WIDTH (metres) | CARRIAGE WAY WIDTH (metres) | FOOTPATHS (1.2m in width) |
|--------------|--|-----------------|-----------------------------|-----------------------------|---------------------------|
| Service Lane | ALL | NA | 4.5 | 3.5 | Optional |
| Local | Rural | NA | 12 | 5.5 | Optional |
| | Residential | <20 | 12 | 5.5 | 1 |
| | | ≥20 | 18 | 8 | 2 |
| | Industrial and Commercial | <10 | 15 | 10 | 1 |
| | | ≥10 | 18 | 10 | 2 |
| Collector | Port | NA | 18 | 10 | 1 |
| | Rural | NA | 20 | 10 | Optional |
| | | | | | |
| Principal | Residential, Commercial, Industrial, Port | NA | 20 | 10 | 2 |
| | Rural | NA | 22 | 12 | Optional |
| Arterial | Residential, Commercial, Industrial and Port | NA | 22 | 12 | 2 |
| | Rural | NA | Specific Design | Optional | |
| | Residential, Commercial, Industrial and Port | NA | Specific Design | 2 | |

Figure C2.3 – Road standards for new and upgraded roads associated with subdivision and development

- c) The following formula shall be used to determine the potential number of users to be applied in Figure C2.3 above:

Potential Users= T / MS, where:

- T = total area of land to be subdivided (m²)
- MS = minimum permitted site size for zone (m²).

H2 Sight Lines

- a) All new vehicle crossing /accessways shall be designed, located and developed to ensure that the sight lines (illustrated in Figure C2.13) are established and maintained with no obstructions, whether temporary or permanent. Sight lines are to be in accordance with Figure C2.1.3 and Figure C2.4 specified below.
- b) All new intersections shall be designed, located and developed to ensure that the sight lines (illustrated in Figure C2.1.3) are established and maintained with no obstructions, whether temporary or permanent. Sight lines are to be in accordance with Figure C2.13 and Figure C2.4 specified below.

| Operating Speed (km/h) | Minimum Sight Distance (metres) | |
|------------------------|----------------------------------|-------------------------------------|
| | Local or Collector Road Frontage | Principal or Arterial Road Frontage |
| 40 | 30 | 70 |
| 50 | 40 | 90 |
| 60 | 55 | 115 |
| 70 | 85 | 140 |
| 80 | 105 | 175 |
| 90 | 130 | 210 |
| 100 | 160 | 250 |

Figure C2.4 – Standards for Minimum Distances of Sight Lines

Assessment of sightlines shall be undertaken by a suitably qualified person using the Road & Traffic Standards No.6, Guidelines for Visibility at Driveways and Austroads 1993: Rural Road Design, Guide to the geometric Design of Rural Roads. Austroads Publications No AP-1/89.

Note:

1. The column "Operating Speed" in Figure C2.4 is not the posted speed limit of a particular road. It is the actual speed at any given point.
2. Sight distances shall be measured from the road reserve boundary.
3. Sight distances shall be measured to and from a height of 1.15m above the existing road surface and the proposed surface level of the side road or access.

Turning Areas

- a) Turning areas for cul de sacs (illustrated in Figure C2.15) shall be constructed to accommodate the manoeuvring of vehicles as specified below:

| Area | Requirement |
|-------------------|---------------------|
| Residential | 90 percentile truck |
| Rural | 90 percentile truck |
| Commercial | 99 percentile truck |
| Industrial / Port | 99 percentile truck |

Figure C2.5 – Standards for Turning Areas

I. Access

I1 Sight Lines at Vehicle Crossings

- a) All vehicle crossings shall be constructed and located to ensure that the sight lines specified in Figure C2.4 are maintained with no obstructions, whether temporary or permanent, for the distances specified in Figure C2.13.

I2 Distances of Vehicle Crossings from Intersections

- a) Sites shall maintain distances of crossings from intersections, so as to comply with Figures C2.6 and C2.7.

| a) Posted (Legal) Speed Limit (Km/h) | b) Location of property access relative to intersection | | |
|--|---|------------------------------|--|
| | Minimum Distance K (m) | Minimum Distance L (m) | Minimum Side Road Distance M (m) |
| 50 | 20 | 30 | 20 |
| 60 | 50 | 50 | 30 |
| 70 | 100 | 100 | 45 |
| 80 | 120 | 120 | 60 |
| 100 | 200 | 200 | 60 |

Figure C2.6 – Property access performance criteria located on principal and arterial roads

| Posted (Legal) Speed Limit (Km/h) | Location of property access relative to intersection |
|---|---|
| | Minimum Distance K, L & M (m) |
| 50 | 20 |
| 60 | 30 |
| 70 | 45 |
| 80 | 60 |
| 100 | 60 |

Figure C2.7 – Property access performance criteria located on collector and minor roads

Note: All distances are to be measured in accordance with Figure C2.17.

I3 Manoeuvring Areas

- a) Subject to (b) with the exception of sites containing no more than one single dwelling unit, all sites, where on-site car parking is provided, shall provide either accessways, aisles and turning areas or parking spaces adequate to enable vehicles to enter and exit to the road in a forward direction.

Note: An adequate turning area is one that provides for the car tracking curves depicted in Figure C2.1.4.

- b) Sites fronting arterial roads:

The construction, addition to, or alteration of buildings (including new dwelling units) shall not encroach on or reduce on-site manoeuvring areas beyond the point that they continue to provide the ability for vehicles to enter and exit to the road in a forward direction.

I4 Surfaces

- a) In residential, commercial or industrial zones or reserves adjoining these zones, all vehicle crossings between the road carriageway and the road reserve boundary shall be finished with a sealed surface and drained.
- b) In rural zones, or reserves adjoining rural zones, all vehicle crossings between the road carriageway and the road reserve boundary shall be:
- Finished with a sealed surface where the adjoining carriageway is sealed.
 - Finished with a hard surface where the adjoining carriageway is unsealed.
- c) All shared accessways and associated turning areas shall be:

- i. Finished with a sealed surface and drained in residential, commercial or industrial zones or reserves adjoining these zones.
 - ii. Finished with a hard surface in rural zones, or reserves adjoining rural zones.
- d) All accessways and associated turning areas for industrial and commercial activities shall be:
- i. Finished with a sealed surface and drained in residential, commercial or industrial zones or reserves adjoining these zones.
 - ii. Finished with a hard surface in rural zones, or reserves adjoining rural zones.

15 Access to sites with more than one road frontage

- a) For properties that have legal frontage on to two roads:
- i. Where the property is located in a Rural zone and adjoins an arterial or principal road, access shall be from the road with the lesser traffic function, as identified in the Rooding Hierarchy Maps.
 - ii. Where the property is located in a Commercial zone, Industrial zone or a Port Management zone, and adjoins an arterial or principal road, access shall be from the road with the lesser traffic function, as identified in the Rooding Hierarchy Maps.

16 Minimum distance between vehicle crossings

- a) The minimum distance between vehicle crossings on any one site shall be 15m.
- b) In commercial zones, industrial zones and the Port Management zones the minimum distances between vehicle crossings on any two adjacent sites shall be 2m, unless a combined crossing not exceeding 9m serves the two adjacent sites, or the vehicle crossing is for two or more residential dwelling units located on the one site.

Note: Attention is drawn to NZ Transport Agency requirement for permission to construct any accessway or vehicle crossing in the road reserve of any state highway.

17 Single-site vehicle access

- a) The width of accessways and vehicle crossings for individual sites shall comply with the rules in Figure C2.8.

| Activity | Width of Crossing (metres) | |
|---------------------------|----------------------------|---------|
| | Minimum | Maximum |
| Residential (Single Unit) | 3 | 6 |
| All Other Activities | 4 | 9 |

Figure C2.8 – Standards for vehicle crossing widths

- b) The number of accessways and vehicle crossings onto a road frontage on any one site shall not exceed that shown in Figure C2.9. and

| Frontage Length (metres) | Type of Road | |
|--------------------------|---------------------------|------------------------------|
| | Local and Collector Roads | Principal and Arterial Roads |
| 0: 25 | 1 | 1 |
| 26: 60 | 2 | 1 |
| >60 | 3 | 2 |

Figure C2.9 – Standards for the maximum number of vehicle crossing

- c) Accessways shall comply with the standards set out in New Zealand Fire Service fire-fighting water supplies Code of Practice SNZ 4509:2008.

18 Multiple-site access and/or multiple unit access

- Up to 10 potential dwelling units may share access from a single accessway and vehicular crossing.
- Access to serve more than 10 dwelling units are required to be served by a public road vested in the Gisborne District Council.
- Up to three commercial or industrial sites may share access from a single accessway and vehicular crossing.
- More than three commercial or industrial sites are required to be served by a public road vested in the Gisborne District Council.
- To meet the access needs of potential users, every accessway and vehicle crossing serving more than one site shall be constructed in accordance with the rules specified below:

| Dwellings to be Served | Legal Width (metres) | Minimum Carriageway Width (metres) |
|------------------------|----------------------|------------------------------------|
| 2 to 4 | 4 | 3 |
| 5 – 7 | 5 | 4 |
| 8: 10 | 6 | 5.5 |

Figure C2.10 – Rules for Dimensions of Multiple Site Accessways

- Accessways shall comply with the standards set out in New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

J. **Parking**

J1 Provision of parking and loading spaces

- Unless otherwise provided for in this chapter, loading bays shall be provided on site in accordance with Figure C2.11 below.
- When activities on the same site occur at different times during the day, then the number of loading bays to be provided shall be for the maximum requirement at any one time during the day or night.
- In Figure C2.11 GFA = gross floor area.
- Loading bay requirements are as follows in Figure C2.11 below:

| Activity | Minimum Number of Heavy Goods Vehicle Loading Bays |
|---|--|
| Industry, manufacturing and processing sites | 1 plus 1 space per 1000m ² of GFA over 2000m ² |
| Warehouses, auction rooms and bulk storage facilities, depots | 1 plus 1 space per 1000m ² of GFA over 2000m ² |
| Motor vehicle repairs and services | Nil |
| Service stations | Nil |
| Motor vehicle sales | Nil |
| Offices | 1 per 2000m ² GFA |
| Retail Stores (excluding retail stores with 1500m ² or more GFA) | 1 |
| Large Retail Stores (including retail stores with 1500m ² or more GFA) | 1 plus 1 per 1000m ² GFA over 2000m ² |
| Banks | 1 |
| Taverns, casinos, nightclubs, licensed clubrooms | 1 plus 1 per 1000m ² GFA over 2000m ² |
| Restaurants, cafes, wine-bars and fast food outlets | > 500m ² GFA. 1 |
| Entertainment facilities, including. cinemas, libraries, museums, theatres, gymnasiums, | > 500m ² GFA. 1 |

| Activity | Minimum Number of Heavy Goods Vehicle Loading Bays |
|--|---|
| indoor sports facilities, indoor pools, marae, and conference centres | |
| Outdoor recreation: | |
| Golf | Nil |
| • Field sports | Nil |
| • Sealed surface sports (including club affiliated lawn tennis courts) | Nil |
| • Manicured lawn, sports (including bowls and croquet) | Nil |
| • Unlicensed club rooms | Nil |
| Spiritual facilities | Nil |
| Mortuary chapels and funeral parlors | Nil |
| Visitor accommodation. Note: Public areas assessed separately. | Nil |
| Camp grounds and motor camps | Nil |
| Hospitals | 1 per 50 beds |
| Residential care housing | Nil |
| Health & medical centres | Nil |
| Tertiary Institutions | 1 plus 1 per 2000m ² GFA over 2000m ² |
| Secondary Schools | 1 |
| Primary Schools | Nil |
| Child care and early learning centres | Nil |
| Home occupations- medical and health services | Nil |
| Home occupations: all other activities | Nil |
| Home stays | Nil |
| Residential dwelling unit greater than 65m ² GFA | Nil |
| Residential dwelling unit 65m ² or less GFA | Nil |

Figure C2.11 – Standards for Loading Provisions

J2 Waiver of parking space or loading bay requirements

- a) It shall not be necessary to provide parking spaces, loading bays or financial contributions in lieu of parking spaces or loading bays on sites in the Inner Commercial zone or the Fringe Commercial zone:

provided that

1. The site has frontage to streets marked as continuous street facade on the urban maps.
2. The site has no legal access to any other road or service lane.

J3 Assessment of number of spaces

- a) The required number of disabled parking spaces and loading bays shall be:
- i. Calculated in respect of each activity undertaken on the site.
 - ii. Re-calculated in the event of a change in activity.
 - iii. Re-calculated in the event of a change in the scale or intensity of land use.

J4 Sharing of parking and loading spaces

- a) Parking spaces and loading bays may be shared between different activities that occupy the same site.

provided that:

1. The occupier requiring the parking spaces or loading bay is located adjacent to the occupier who provides the parking spaces or loading bay.
2. The total number of parking spaces required by J6, and loading bays calculated from Figure C2.11 for the site is still provided.
3. The written agreement of the occupier providing the parking or loading bay is obtained and a copy of the agreement is lodged with Gisborne District Council prior to the commencement of the activity.

J5 Availability of spaces

- a) All required loading and parking spaces shall be kept clear and available for use of occupants or visitors during the normal hours of operation of that use.
- b) With the exception of the following activities, no parking space or loading bay shall obstruct access to any other parking space or loading bay:
- i. Parking spaces for single residential or minor dwelling units.
 - ii. Parking spaces for home occupations.
 - iii. Parking spaces for service stations.

J6 Provision of Parking Spaces for the Disabled

- a) Parking spaces for disabled persons shall be provided in accordance with New Zealand Standard NZS 4121:1985: Design for Access and Use of Buildings and Facilities by Disabled Persons.

J7 Design and Construction of Parking Spaces

- a) The gradient of any parking space used for industrial or commercial activities shall not exceed 1:20.
- b) Where the public make use of vehicle parking spaces at night they shall be lit in accordance with Australian Standard AS 1158.1:1986: ASS Public Lighting Code.
- c) All parking spaces shall be formed and constructed to comply with either the following rules for dimensions in Figure C2.12 (to accommodate the 90 percentile car illustrated in Figure C2.12 or the Australian/New Zealand Standard AS/NZS 2890.1:2004, Part 1 off-street car parking or any subsequent replacement AS/NZS for this standard.
- d) All car parks and associated turning areas for activities other than residential activities shall be sealed and drained.

| A Parking Angle (°) | B Width of Parking Space (metres) | C Kerb Overhang (metres) | D Depth of Parking Space (metres) | E Manoeuvring Space (metres) | F Total Depth -One Row (metres) | Total Depth Two rows (metres) |
|------------------------------|--|-----------------------------------|---|---------------------------------------|---------------------------------------|-------------------------------------|
| 90 | 2.3 | 1.0 | 4.9 | 8.3 | 13.2 | 18.1 |
| | 2.5 | 1.0 | 4.9 | 7.7 | 12.6 | 17.5 |
| | 2.6 | 1.0 | 4.9 | 7.0 | 11.9 | 16.8 |
| | 2.8 | 1.0 | 4.9 | 6.6 | 11.5 | 16.4 |
| 75 | 2.3 | 1.0 | 5.2 | 7.0 | 12.2 | 17.4 |
| | 2.5 | 1.0 | 5.2 | 6.3 | 11.5 | 16.7 |
| | 2.6 | 1.0 | 5.2 | 5.2 | 10.4 | 15.6 |
| | 2.8 | 1.0 | 5.2 | 4.1 | 9.3 | 14.5 |
| 60 | 2.3 | 1.0 | 5.2 | 5.0 | 10.2 | 15.4 |
| | 2.5 | 1.0 | 5.2 | 4.1 | 9.3 | 14.5 |
| | 2.6 | 1.0 | 5.2 | 3.5 | 8.7 | 13.9 |
| | 2.8 | 1.0 | 5.2 | 3.2 | 8.4 | 13.6 |

| A Parking Angle (°) | B Width of Parking Space (metres) | C Kerb Overhang (metres) | D Depth of Parking Space (metres) | E Manoeuvring Space (metres) | F Total Depth -One Row (metres) | Total Depth Two rows (metres) |
|------------------------------|--|-----------------------------------|---|---------------------------------------|---------------------------------------|-------------------------------------|
| 45 | 2.3 | 0.8 | 4.9 | 2.7 | 7.6 | 12.5 |
| | 2.5 | 0.8 | 4.9 | 2.6 | 7.5 | 12.4 |
| | 2.6 | 0.8 | 4.9 | 2.4 | 7.3 | 12.2 |
| | 2.8 | 0.8 | 4.9 | 2.3 | 7.2 | 12.1 |
| 30 | 2.3 | 0.6 | 4.0 | 2.5 | 6.5 | 10.5 |
| | 2.5 | 0.6 | 4.0 | 2.4 | 6.4 | 10.4 |
| | 2.6 | 0.6 | 4.0 | 2.4 | 6.4 | 10.4 |
| | 2.8 | 0.6 | 4.0 | 2.3 | 6.3 | 10.3 |
| 0 | 6.1 | 0.4 | 2.5 | 2.8 | 5.3 | 7.8 |

Figure C2.12 – Standards for the dimensions of parking spaces

J8 Design and Construction of Loading Bays

- All loading areas shall be a minimum of 3m wide and 8.5m in length and be capable of accommodating a vehicle 3m in height. Turning areas shall be based on the 99 percentile two-axle truck tracking curve illustrated in Figure C2.15.
- The gradient of any loading bay shall not exceed 1:20.
- All loading bays and associated turning areas shall be hard surfaced and drained.

C2.1.7.2 Assessment Criteria

Note: The assessment criteria applies to the requirements of C2.1.7: Works and Services.

A. Assessment Criteria: Provision of Infrastructure

In regard to the provision of infrastructure, when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

- Whether adequate capacity is available in the existing infrastructure to serve the anticipated land use and the adequacy of any proposed solutions where constraints have been identified.
- Whether adequate capacity is provided to serve other land in the catchment and/or network area of the subject site, taking into account foreseeable growth and development.
- Whether agreement has been reached with non-Council service providers for connection to their network and provision of supply.
- Whether any unplanned expenditure would be needed by Council for the purposes of avoiding, remedying or mitigating adverse effects arising in or beyond the area of application.
- The use of a standard recognised by Council and best practice for the design and construction of infrastructure systems.

In addition, for applications that are reliant upon upgrades or extensions to the existing public infrastructure, the following matters shall be considered:

- The extent to which these works are provided for in the Council's capital works programmes and the timing of such works to serve the subdivision or development.
- Whether the subdivision or development would result in a duplication of resources or services.
- The use of financial contributions and/or negotiated agreements to provide the relevant services.

In addition, applications for private infrastructure services where a public reticulation system is available, the following matters shall be considered:

- Avoiding, remedying or mitigating any adverse effects arising in or beyond the area of the site.

- Ensuring suitable legal arrangements are provided for the maintenance, operation and upgrading of the relevant infrastructure without involving Council in unplanned expenditure.

In addition, applications to defer the installation of infrastructure to future landowners or developers, the following matters shall be considered:

- Whether the location of infrastructure, including vehicle crossings, is identified for future owners to comply with.
- Identifying any capacity constraints that exist and the necessary requirements to avoid, remedy or mitigate those constraints.

B. Assessment Criteria: Structure Plans

In regard to structure plans, when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

- the assessment criteria for the provision of infrastructure and the specific infrastructure associated with the structure plan
- the impact on the integrity of the structure plan and potential uncertainty for other developments.

C. Assessment Criteria: Roothing and Access

In considering whether to grant consent or impose conditions in respect of roading and access, Council shall have regard to, but not be limited by, the following matters:

- Whether there is sufficient capacity in the existing road network to safely and efficiently accommodate the intended land use.
- Whether there are safe and compatible linkages to the existing roading network, including any public transport, pedestrian or cycling infrastructure.
- Ensuring adequate and co-ordinated space for services with particular regard to any agreement from service providers on the location of services.
- Ensuring access for emergency and, where appropriate, waste collection vehicles.
- The use of a standard recognised by Council and best practice for the design and construction of roads and accessway.

In regard to earthworks and drainage:

- Ensuring stable and where necessary geotechnically proven roads and accessways.
- The extent to which roads or accessways are designed to reflect the existing topography with particular regard to avoiding steep grades and large cut and/or fill areas.
- The effective management of surface and groundwater with reference to the stormwater provisions.
- Whether there are opportunities to incorporate low impact design stormwater solutions into the road design and construction.

D. Assessment Criteria: Reserves and Landscaping

In regard to the provision of reserves and landscaping, when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

- Whether reserve land to be vested with Council is of an appropriate standard to meet the functions required of it, having particular regard to:
 - Accessibility, including any linkages with the roading network or other public space.
 - Ongoing operational and maintenance costs.
 - Ensuring a high level of amenity.
 - Public safety, taking into account the principles of CPTED (Crime Prevention through Environmental Design).

- Consistency with Council's "Open Space Strategy for Gisborne City and Wainui (2002-2022)".
- Whether landscaping is of an appropriate standard, having particular regard to:
 - The use of plant species and/or structures appropriate to the location and surrounding land uses.
 - Avoiding interference or conflicts with network utility operations.
 - Providing adequate space and growing conditions for planting areas.
 - Ensuring any landscaping structures are secure and durable.
 - Ongoing operational and maintenance costs.

E. **Assessment Criteria: Stormwater**

In regard to the provision of infrastructure for stormwater, when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

- The extent to which the proposed system is integrated and compatible with the existing stormwater and roading network.
- Whether the proposed system has adequate capacity to convey run-off from the upstream catchment, taking into account foreseeable growth and development.
- Whether sufficient capacity is available in the existing network and downstream catchment to accommodate additional run-off and any necessary works required to avoid, remedy or mitigate adverse effects on the network or catchment.
- Avoiding, remedying or mitigating any potential adverse effects on the drainage associated with adjoining properties.
- Avoiding, remedying or mitigating any potential adverse effects associated with discharge points including:
 - Protection measures against erosion and scouring.
 - Avoiding unstable geological material or steep slopes.
 - Ensuring discharge velocities are suitable for the receiving environment.
- Taking into account the lifecycle and ongoing maintenance costs of stormwater systems, and in particular where the system is to be vested with Council.
- The use of a standard recognised by Council and best practice for the design and construction of the stormwater system.

In addition, for applications that incorporate low impact design methodologies, the following matters shall be considered:

- Whether lifecycle costs and maintenance arrangements have been taken into account, and in particular where the system is to be vested with Council.
- The extent to which any limiting factors, such as slope gradients, road widths and land area have been identified and addressed.

F. **Assessment Criteria: Water**

In regard to the provision of infrastructure for water supply when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

- Whether adequate capacity is available in the existing or proposed reticulated system to serve the anticipated land use.
- For reticulated subdivisions within the Reticulated Services Boundary, whether the existing or proposed reticulated system provides an adequate firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice NZS 4509:2008 and, if not, any alternatives proposed in accordance with the code.
- Whether provision has been made for future water supply to serve the surrounding land, taking into account foreseeable growth and development.

- The use of a standard recognised by Council and best practice for the design and construction of water supply systems.

In addition to the above, applications to connect to Council's reticulation system for sites or buildings outside the Reticulated Services Boundary, the following matters shall be considered:

- Whether there are any special circumstances that justify the need for connection to the reticulated system taking into account any precedent effects that may arise.
- The degree to which the connection may affect the capacity within the Reticulated Services Boundary.
- The use of financial contributions, negotiated agreements or the necessary works to remedy any capacity issues identified as a result of the proposal.
- Whether there is a reticulated wastewater system and, if not, the appropriateness of supplying a restricted flow of water.

G. Assessment Criteria: Wastewater

In regard to the provision of infrastructure for wastewater, when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

For wastewater infrastructure connecting to the Council reticulation system:

- Whether adequate capacity is available in the existing reticulated system to serve the anticipated land use.
- Whether provision has been made for future wastewater disposal to serve the surrounding land, taking into account foreseeable growth and development.
- The ability to provide a reticulated system with gravity outfall and where, it is physically impossible to achieve this, any special circumstances that justify the use of pumping systems.
- The use of a standard recognised by Council and best practice for the design and construction of sewage systems.

For wastewater infrastructure not connecting to the Council reticulation system:

- Any documented assessment that identifies and addresses the risks and impacts to the environment and public health taking into account the limiting constraints of the physical environment and the sensitivity of receiving ecosystems.
- The need to undertake a land capability assessment (LCA) to demonstrate the ability to assimilate wastewater into the receiving environment while avoiding, remedying or mitigating the potential for adverse effects, including cumulative effects.
- The adequacy of stormwater management systems to protect the land used for wastewater disposal from flooding, surface and sub-surface water drainage and elevation of groundwater.
- Whether there is adequate land area available for on-site disposal, including reserve land for future requirements, taking into account treatment and disposal options.
- Whether there is a connection to a reticulated water supply system and the extent to which this is incorporated into the system design.
- The degree to which allotment size and allotment yield reflects the capability to manage wastewater, taking into account the matters outlined above.
- The use of a standard recognised by Council and best practice for the design and construction of sewage systems.

In addition to the above, applications to connect to Council's reticulation system for sites or buildings outside the Reticulated Services Boundary, the following matters shall be considered:

- Whether there are any special circumstances that justify the need for connection to the reticulated system taking into account any precedent effects that may arise.
- The degree to which the connection may affect the capacity within the Reticulated Services Boundary.

- The use of financial contributions, negotiated agreements or the necessary works to remedy any capacity issues identified as a result of the proposal.

H. **Assessment Criteria: Energy and Telecommunications**

In regard to energy and telecommunication supply, when considering whether to grant consent or impose conditions in respect of any subdivision or resource consent, Council shall have regard to, but not be limited by, the following matters:

- Whether agreement has been reached with the relevant service provider for connection to their network and provision of supply.
- Compliance with the relevant service provider's design and construction requirements.
- Whether suitable legal arrangements have been made for the ongoing operational, maintenance and upgrading responsibilities where supply is not provided by a network utility operator.

C2.1.8 Rules for Activities within and adjacent to the Airport

C2.1.8.1 General Standards

The following General Standards shall apply to all activities within and adjacent to the airport:

1. Airport Protection Overlay Area (APOA)

The following requirements shall apply to all activities in any area denoted as the airport protection overlay area (APOA) on the airport protection area overlay map, or the Urban and Rural planning maps:

- a) The rules for the APOA shall take precedence over the underlying zone rules.
- b) The establishment of new residential dwellings on land zoned Rural Residential in the APOA shall not result in a residential density of more than one dwelling per hectare.
- c) No structure or activity in the APOA shall, singularly or cumulatively:
 - i. attract birds onto Gisborne Airport or into the APOA that may compromise aircraft safety
 - ii. generate or otherwise cause dust or smoke that may compromise aircraft safety
 - iii. generate or otherwise cause thermal air movements that may compromise aircraft safety
 - iv. cause electronic interference with Gisborne Airport navigation, communication or aircraft control device or signal.

Note:

1. Metal structures with a linear horizontal length of 35m or more have a high potential to reflect radio waves from Gisborne Airport's navigation aids.
2. Attention is drawn to Civil Aviation Regulation 190 (dangerous lights).

2. Air Corridors

- a) No vegetation or structures shall encroach into the Airport height control surfaces.
- b) No buildings or structures shall be erected in the area marked as "Building Exclusion Area" in the structure plan for the Citrus Grove development control area.

Note: The height of vegetation or structures applicable to the Airport Height Control Surfaces can be calculated from the text of Appendix H3A: Airport Height Control Surfaces.

Rule Table C2.1.8

| Rule Number | Rule | Zone/Overlay | Status | Activity Standards; Matters of Control or Discretion |
|--|--|--------------|--------------------------|---|
| Restricted Discretionary activities | | | | |
| 2.1.8(1) | Noise sensitive activities (excluding noise sensitive activities in buildings which comply with Rules in C11.2.15.6) on land located within the Noise Impact Overlay Area. | All zones | Restricted discretionary | Council shall restrict its discretion to the matters a) to e) specified below: a) Impact on amenity values. b) Effects on human health and comfort. c) Reverse sensitivity on the operation of the Gisborne Airport. d) Acoustic insulation. e) Financial contributions. |
| Prohibited activities | | | | |
| 2.1.8(2) | Activities in the APOA which do not comply with General Standard C2.1.8.1 (1-2). | All zones | Prohibited | |
| 2.1.8(3) | Construction or alteration of buildings in the APOA to establish the following new activities (except where they are required for airport operations: a) Visitor accommodation b) Camp grounds and motor camps c) Hospital d) Residential care housing e) Health and medical centres f) Educational institutions (including early learning centres and childcare facilities) g) Structures for the purpose of public assembly | All zones | Prohibited | |
| 2.1.8(4) | Noise sensitive activities on land located within the Air Noise Boundary (except where they are required for airport operations). | All zones | Prohibited | |

C2.1.9 Financial Contributions

C2.1.9.1 Financial Contributions for Water, Wastewater, Stormwater and Land Transport Infrastructure

Financial contributions for water, wastewater, stormwater and/or land transport infrastructure may be imposed on any resource consent where infrastructure works or land are needed to ensure the infrastructure service level requirements can be met for the proposed activity, or where infrastructure works provided in the past will service the activity.

Provided that discretion or control is reserved over the infrastructure, works and services, or over financial contributions.

Purpose of Contributions

- To fund water, wastewater, stormwater or land transport infrastructure so that the service level requirements may be met for the proposed activity. This may include both the recovery of past expenditure on services and contributions towards future expenditure.
- To provide land (including easements) for water, wastewater, stormwater or land transport infrastructure so that the service level requirements may be met for the catchment in which the proposed activity is located.
- To mitigate the adverse effects of the activity on the infrastructure.

Manner for Calculating Contributions

The amount of the contribution will be determined by calculating a fair and reasonable contribution on the facts of each application with particular regard to the following factors:

- The extent to which the activity contributes to the need to undertake the project for which the contributions are considered. Contributions should generally be in reasonable proportion to the significance of any adverse effects caused or contributed to by the activity (relative to other developments). However in some cases there may be uncertainty about other potential contributors and/or a lack of commitment by Council or other organisations to undertake the work and therefore the development can only proceed if the applicant/ developer provides or funds the necessary project.
- In the case of contributions of land, the extent to which the land is needed to ensure the orderly development of infrastructure for the catchment and any relevant structure plans.
- The applicant's views on whether a financial contribution is reasonable and the appropriate form and nature of the contribution.
- Where the development proposed is not consistent with service level requirements or rules in the Plan, the extent to which a financial contribution may help to mitigate or avoid any adverse effect or capacity issue.
- The extent to which any positive effects of the activity offset any adverse effects.
- Whether there are any associated costs e.g. legal, administrative, tax (e.g. GST) and interest costs. Such costs will generally be included in the financial contribution.
- Whether there is likely to be any inflation costs between when the contribution is received and when the work will take place. An adjustment will usually be made for inflation. However the Council may offset the inflation costs by recognising interest on money received ahead of when costs are incurred.

C2.1.9.2 Financial Contributions of Land for Reserves

Financial contributions of land (including easements) may be imposed on subdivision consents where the need for a new reserve is identified in a structure plan or Council policy or where the applicant proposes to vest land in Council.

Provided that: discretion or control is reserved over reserves, or over financial contributions.

Purpose of Contributions

- To provide land for a new reserve.
- Enhance access to a proposed or existing reserve.

Manner for Calculating Contributions

The amount and nature of the contribution will be determined by calculating the fair and reasonable costs of providing a reserve with particular regard to any guidance given in Council policy, such as a structure plan.

C2.1.9.3 Financial Contributions for Parking

- a) Financial contributions for parking and loading spaces may be imposed on any resource consent where the nature of the site and proposed activity is such that the specified parking spaces and loading bay requirements cannot be provided or when the applicant proposes not to provide the specified spaces.
- b) A financial contribution would assist Council to provide suitable land in the vicinity for parking, or will fund past provision of parking.

Provided that: Discretion or control is reserved over parking, or over financial contributions.

Purpose of Contributions

- a) To fund the provision of parking and/or loading spaces off-site. This may include both the recovery of past expenditure or contributions towards future expenditure.

Manner for Calculating Contributions

- a) The maximum amount of the contribution will be determined according to the following formula:

$$\text{Contribution} = N_b ((22.5\text{m}^2 \times \text{LC}/\text{m}^2 + (\$1000 \times \text{PPICI})) + \text{GST}$$

Where:

- i. N_b = Number of parking spaces or loading bays calculated for the activity from Figure C2.11.
 - ii. 22.5m^2 = The average area required for a parking space which includes the area of the space required for manoeuvring.
 - iii. LC = Land cost based on the valuation of similar land per square metre in the area as if the Council were to acquire land for parking.
 - iv. \$1000 = The cost of construction of a space based on March 1997 figures.
 - v. PPICI = Producers Price Index Outputs Construction Industry.
- b) The financial contribution calculated according to a) may be reduced or determined inappropriate on consideration of the following factors:
 - Whether the use will generate the demand for the specified parking or loading spaces and the sufficiency of on-site vehicle parking areas for the likely demand generated by the activity.
 - Whether the owner/developer proposes a suitable off-site alternative.
 - The capacity of parking areas in the vicinity to cope with the likely increased demand generated by the activity and whether the volume of parking likely to be generated by the activity will place a burden on available parking in the area.
 - Whether the peak demand of the activity coincides with the peak demand of surrounding activities.
 - Whether it is feasible for the Council to provide alternative parking in the vicinity or whether any past expenditure has been identified for which the contribution could be used.
 - Whether the required parking spaces are not appropriate in this area because of adverse impacts on amenity and character and the reasonableness of imposing a contribution in these circumstances.

- c) The financial contribution calculated according to a) may also be reduced or waived as a financial incentive for heritage protection if the provision of parking and loading spaces required would preclude the adaptive reuse of a heritage building or make it less economically feasible or attractive to use the site.

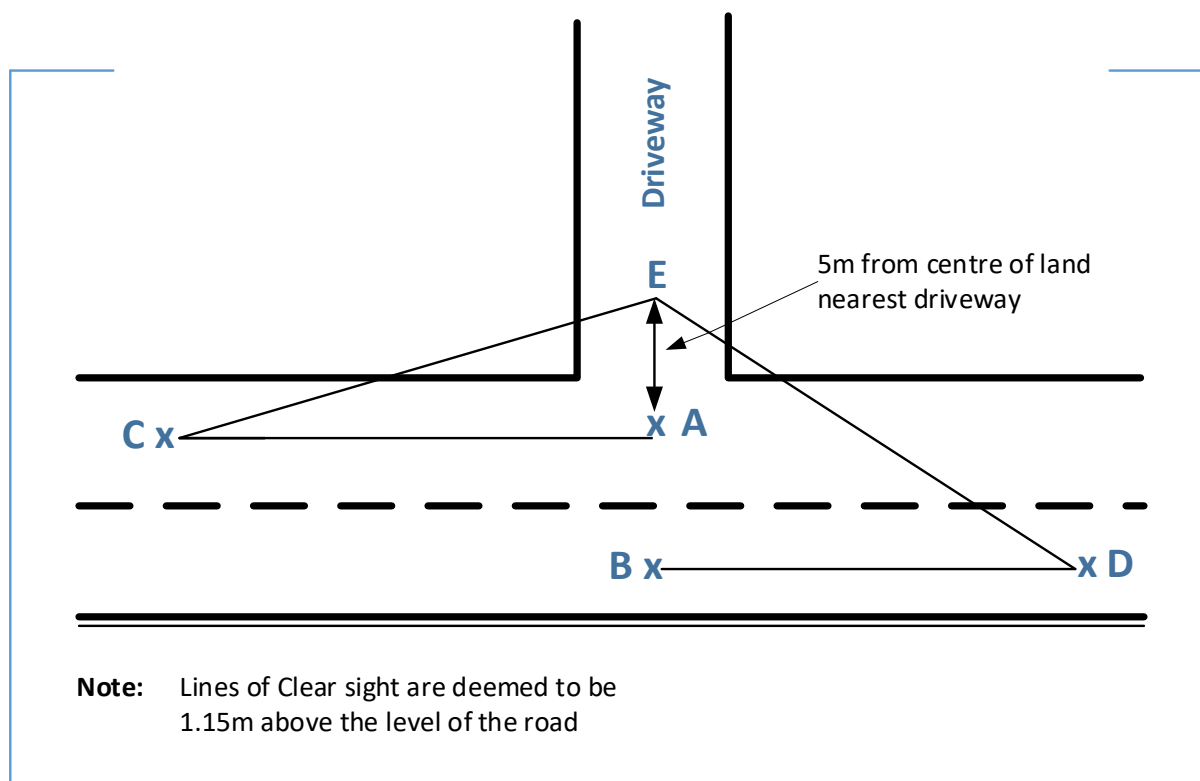


Figure C2.13 – Sight lines at intersections and vehicle crossings

Note: All new vehicle crossings/accessways shall have clear lines of sight between points AC, BD, EC and ED as shown in Figure C2.13 above and in accordance with operating speeds and sight distances in General Standard C2.1.7.1 (H), Figure C2.4. The specified sight distances in General Standard C2.1.7.1 (H), Figure C2.4 shall be measured along the centre of the appropriate lane between points A to C and B to D. For practical purposes, A and B can be taken as opposite the centre of the driveway.

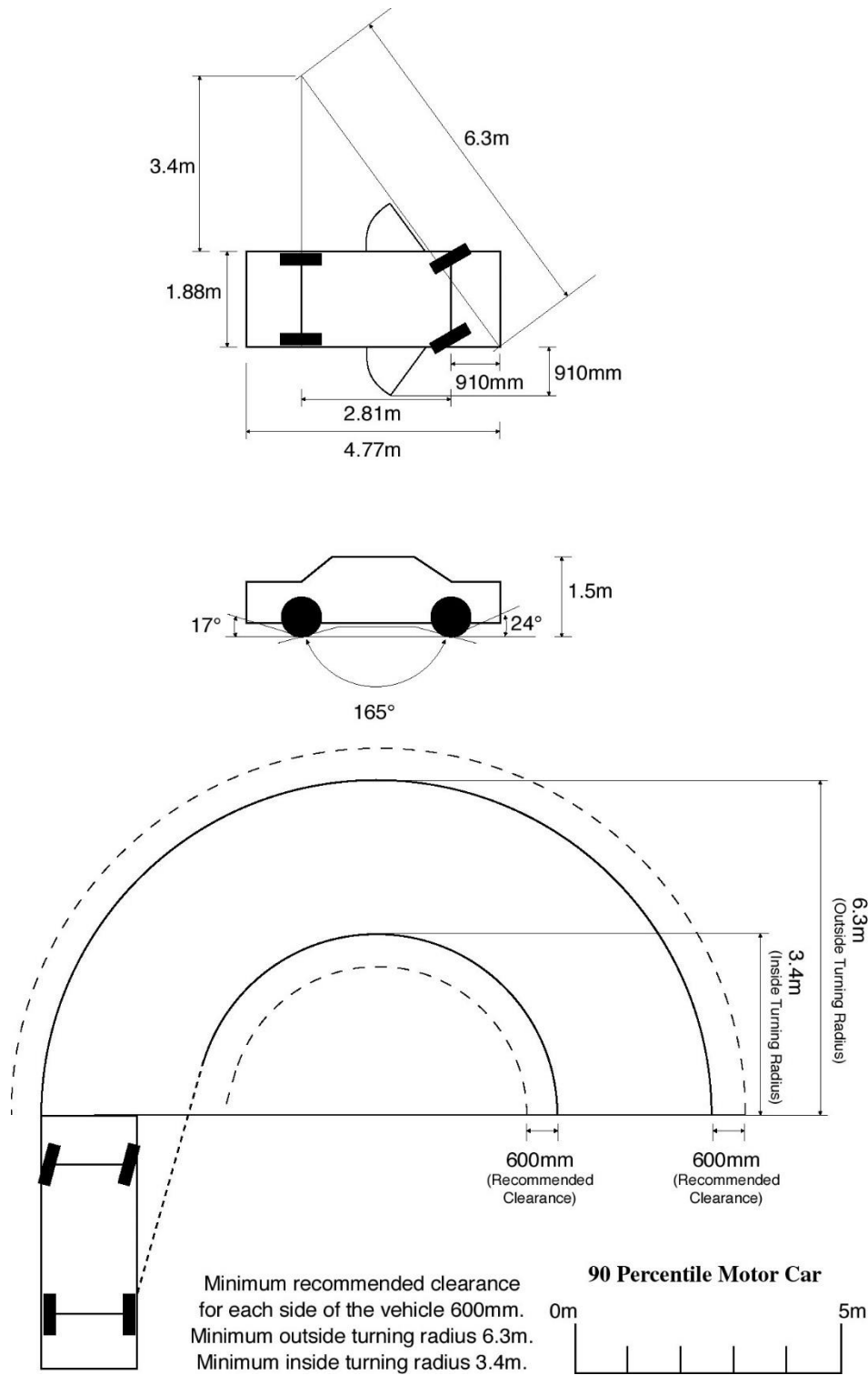


Figure C2.14 – Car tracking curves

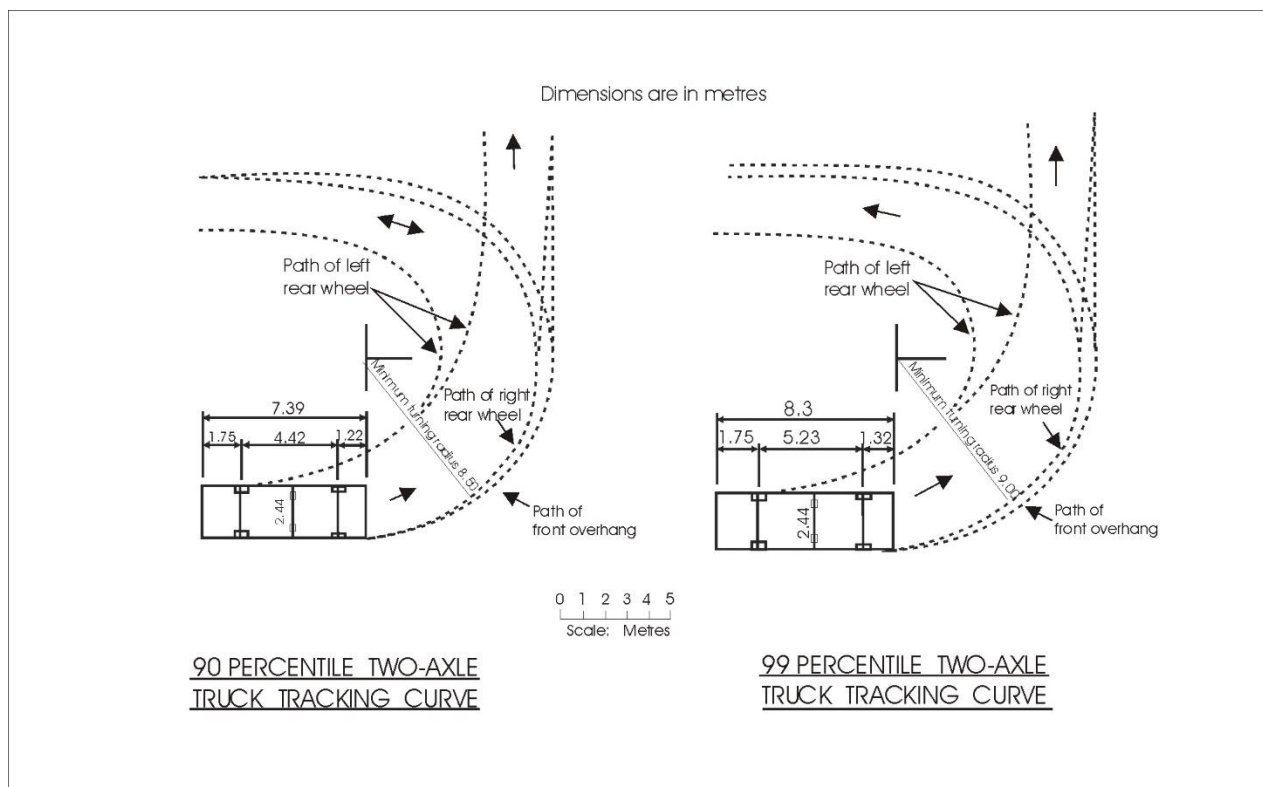


Figure C2.15 – Truck tracking curves

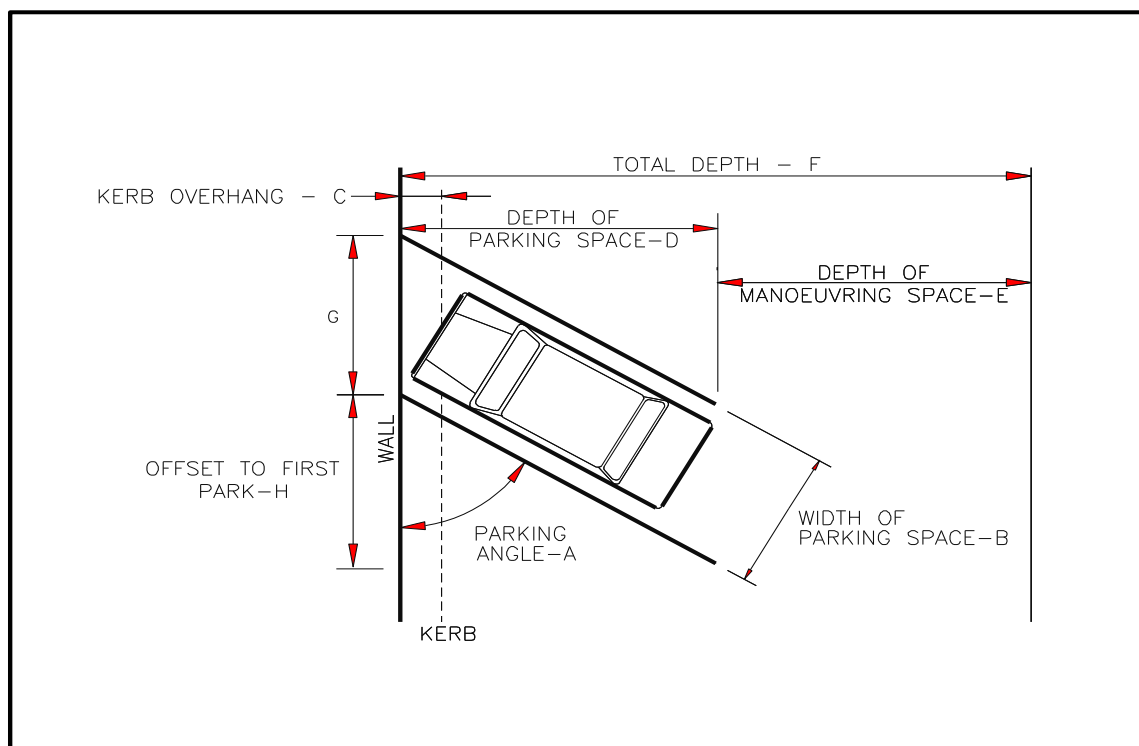


Figure C2.16 – Car parking dimensions

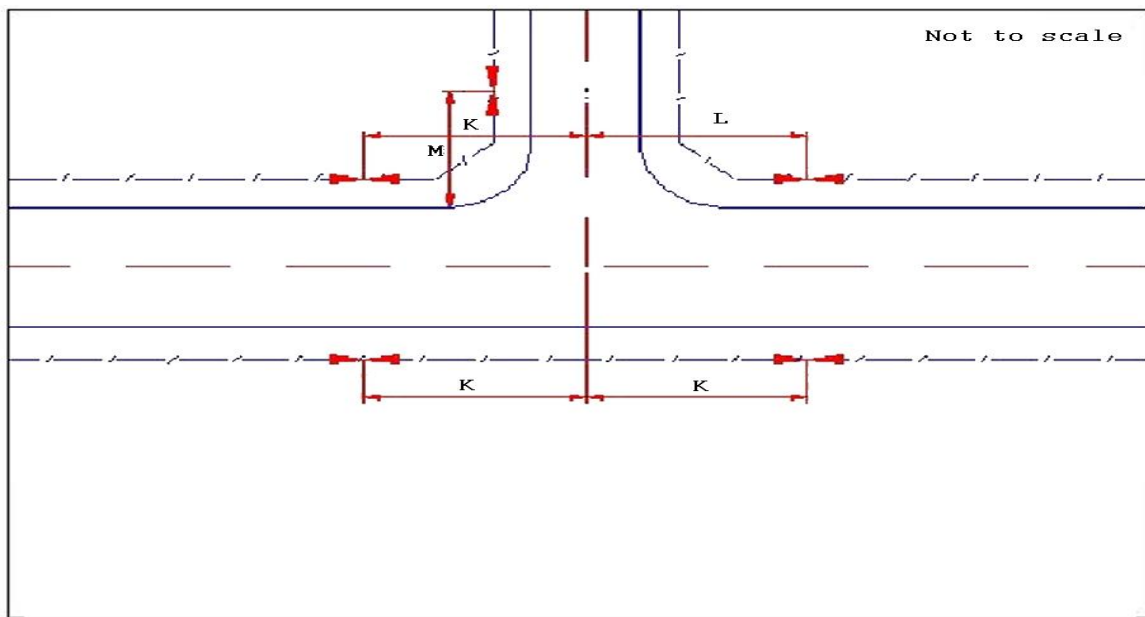


Figure C2.17 – Minimum spacing between property accesses relative to intersections

C2.2 Papakainga and Marae Settlements

C2.2.1 Introduction

The term papakainga is often used to describe a cluster of homes provided on Māori land, and provided in a way which seeks to enhance whanau or hapu social intercourse. However, in a broader sense, papakainga may include any buildings, facilities or structures which enable Māori to live sustainably on their land and could be anything from one house to a piece of land to a small settlement, including kaumatua housing, kohanga reo or cottage industries, recreational facilities, places of worship or urupa. Provision in the Tairāwhiti Plan for the establishment of papakainga and marae settlements will assist in the nurturing of the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The Plan provides for papakainga and marae developments throughout the district. Residential and community-based activities on Māori land, are unlikely to lead to a loss of productive land or compromise environmental or amenity values due to the location and low density of such developments. Papakainga and marae settlements in this chapter shall be limited to land defined as Māori land under the Māori Land Act (Te Ture Whenua Māori) 1993.

Māori land is distinctive from land in general title particularly in the sense that the “owners” of the land have an ancestral link, not only to the land, but to one another. It is appropriate to provide for this unique relationship by recognising that the social and ancestral relationships of the owners may enable them to resolve common residential issues internally.

As Māori land is spread throughout the district it is not appropriate to distinguish by zoning techniques. Rather, the owners of such lands may apply either the appropriate zone rules or may choose instead to utilise the provisions of this chapter.

Control of internal design and control of the amenity and living environment shall, as far as possible, be returned to the people themselves as unlike other developments the individuals involved in papakainga and marae development have a stake in the land, which ties them together as whanau. Therefore any effects on the amenity of an area shall be assessed generally in terms of the effect beyond the boundaries of the site. A degree of autonomy is given over to the whanau to protect the amenity within their complex as they consider appropriate.

C2.2.2 Issues

1. Use of zoning techniques alone as a method in the Plan, may not enable Māori to pursue a quality of life consistent with their cultural values and customs in relation to their traditional lands, waters, waahi tapu and other taonga.
2. Hapu wish to direct the use and development of their land in a way that is consistent with their cultural values and customs.
3. The effects of non-residential activities within a papakainga or marae complex, particularly noise and traffic, may be incompatible with the surrounding environment.

C2.2.3 Objectives

Papakainga Objective

1. Sustainable management of Māori land, consistent with the traditional and cultural relationships Māori may have with their ancestral lands, while ensuring appropriate health, safety and environmental standards are maintained.

Surrounding Environment Objective

1. Maintain or enhance the amenity values of lands adjoining Māori land.

Principal reasons:

- **Papakāinga 1:** *Papakāinga and marae developments are a legitimate land use which involve different issues to those of traditional European settlement. The culture of Māori provides a different perspective with regard to the management of natural and physical resources. The objective seeks to uphold, within the limits of the Act, kaitiakitanga and the rangatiratanga rights of iwi.*
- **Surrounding environment 1:** *The objective seeks to protect the amenity values of land within the district which adjoins Māori land.*

C2.2.4 Policies

Papakāinga Policies

1. Provide Māori the freedom to establish papakāinga and marae activities on Māori land by recognising the significance of the location to Māori, consistent with their relationship with their ancestral lands and ensuring that any adverse effects on the environment are avoided, remedied or mitigated.
2. To enable Māori to direct the development of papakāinga and marae complexes, subject to compliance with health, safety and environmental standards while ensuring that the physical needs of the settlement, in terms of water supply and waste disposal shall be met without adverse effects on the environment.

Surrounding Environment Policies

1. Manage any adverse effects on the amenity values of the surrounding environment by ensuring that:
 - Buildings and structures are located, and activities are conducted so as to avoid, remedy or mitigate any adverse effect on the adjoining landowners.
 - The form and scale of buildings are compatible with that of buildings or landscapes in the immediate vicinity of the complex.
 - The character and amenity of the environment is maintained or enhanced.
 - The location, scale and nature of the proposal are compatible with the surrounding environment.
2. Manage the effects of traffic generated by activities by:
 - Ensuring that adequate on-site vehicle parking and manoeuvring areas are provided for all activities, either individually or communally.
 - Ensuring that the level of traffic potentially generated by the proposal can be accommodated without compromising the safety of traffic and residents on the district's roads.
 - Giving consideration to the nature of adjacent roads, to ensure that entry, exit and manoeuvring of vehicles can be conducted safely from all sites.
 - Ensuring that the layout of on-site parking will not detract from the visual quality of the surrounding environment.
3. Limit activities on papakāinga and marae complexes to those which will not alter the existing background noise level for residents outside the papakāinga or marae complex.
4. Control the adverse effects of fumes, smell, dust, glare and light on adjacent properties.
5. Preserve access to daylight and privacy for adjoining properties by ensuring that new buildings or structures will not cause loss of sunlight, daylight or privacy to adjoining sites.
6. Control the effects of non-residential activities by:
 - Ensuring that all reasonable steps have been taken to avoid nuisance and that the amenity of the surrounding environment is protected.
 - Ensuring that the location of any activity on a site avoids, remedies or mitigates any adverse effect on the adjoining properties.
 - The provision of fencing and landscaping which safeguards the privacy and visual amenity of the surrounding area.

- Ensuring that any outdoor storage associated with a non-residential activity does not adversely affect the surrounding environment.
- Ensuring that the hours of operation of any activity will not adversely affect the amenity of the surrounding environment particularly with regard to noise and traffic generation.

Principal reasons:

- **Papakāinga 1 & 2:** *The primary aim of the policy is to enable Māori to adequately house and sustain themselves in a culturally appropriate way, recognising that papakāinga is a unique form of primary residential settlement, essential to enable Māori to pursue their traditional relationships, particularly with the land. The policy encourages and strengthens this relationship by enabling settlement on Māori land provided there are no significant adverse effects on the environment and basic health and safety standards are met, consistent with sections 6(e), 7(c) and 7(f) of the RMA.*
- **Surrounding Environment 1:** *Tangata whenua wish to maximise their freedom to use their ancestral lands as they choose for a range of residential and non-residential activities. The policy enables this to occur, provided there is no adverse effect upon the amenity of the surrounding area.*
- **Surrounding Environment 2:** *The policy is intended to protect the amenity of properties adjoining Māori land, from the potential adverse effects of traffic.*
- **Surrounding Environment 3:** *The policy will ensure that specific measures are implemented to minimise the potential effect of noise created by activities in papakāinga or marae areas.*
- **Surrounding Environment 4:** *The community values highly the amenity of the various environments and wish to ensure that the use and development of properties is not unduly restricted provided the activity will not adversely affect the environment.*
- **Surrounding Environment 5:** *The policy seeks to ensure that future development is not permitted at the expense of valued amenities such as privacy and access to daylight.*
- **Surrounding Environment 6:** *Provision is made for individuals to work from home and for compatible non-residential activities. The test of compatibility must be whether the activity will have any adverse effect on the neighbouring environment.*

C2.2.5 Methods

Advocacy

1. Advocate and inform the community about Council processes, through the development of an Information Booklet, identifying Council's requirements and incorporating a step-by-step process to obtain the necessary Council consents to undertake papakāinga and marae development.

Regulation

2. Rules: Develop rules which identify and protect the amenity values of the residential environment.

Principal reasons:

Advocacy

- **Method 1:** *Information included in the Plan and additional information booklets will increase the community's knowledge and understanding of the resource consent process with regard to papakāinga and marae development.*

Regulation

- **Method 2:** *It is desired that owners of Māori land be allowed maximum freedom and flexibility to use and develop their properties as they see fit, in accordance with their traditional and cultural relationship with their ancestral lands. The rules which protect the amenity values of the particular sites by limiting the potential adverse effects of activities, will best achieve an appropriate compromise between personal and cultural freedom and protection of amenity values of an area.*

C2.2.6 Rules for Papakainga and Marae Settlements

Note:

Activities shall comply, where relevant, with the regional or district rules in C3 Coastal Management C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C11.1 Signs.

Rules for each overlay apply in addition to the rules of this Chapter. For the purposes of clarity, where conflict arises, rules for overlays (C4, C9, C8 and C7) will have precedence over provisions in this Chapter.

All activities shall comply with rules specified in C2.1.6, C2.1.7 and C2.1.8 (infrastructure, works and services), C11.2 (noise and vibration), C11.3.1 (Lighting and Glare) and C11.4.1 (Radiofrequency).

C2.2.6.1 General Standards

The following General Rules shall apply to all permitted activities on land defined as Māori land under the Māori Land Act 1993 (Te Ture Whenua Māori) 1993.

A. Noise and vibration

- a) Activities on Māori land shall comply with rules for noise and vibration specified in C11.2: Noise, for the underlying zone pertaining to that land.

B. Nuisance

- a) A heavy vehicle may only arrive or depart a site or street adjacent to a residential zone, between the hours of 7am and 10pm. No other activity associated with such vehicles shall be conducted outside 7am and 10pm unless the activity satisfies the rules in this Plan.
- b) No barricade or structure shall be placed on any property, so as to unreasonably prevent or inhibit entry by the police or any authorised officer of the consent authority.

Note: Activities shall be in accordance with relevant air quality rules contained in C1.

C. Recession planes

- a) Buildings, parts of buildings, and structures (excluding chimneys, antennas and support structures) within a papakainga or marae complex shall be contained within recession planes commencing 2.75m above the external boundaries of the site. The angles of the recession plane at each external boundary shall be determined using the recession plane indicator:
provided that a building or structure may exceed the boundary of the recession plane by not more than one metre if the written consent of the adjoining property owners is obtained and submitted to the consent authority at the time a building consent is sought or prior to the commencement of the activity.

D. Roads, Accessways and Parking

- a) Roads, accessways and parking, when provided, shall be provided in accordance with the rules specified in C2.1.6 and C2.1.7 (Infrastructure, Works and Services):
provided that parking, loading and manoeuvring areas may be located communally within the papakainga complex.

Note: For the purposes of clarity, parking for individual dwelling units need not be provided within the land exclusively attached to the dwelling unit, but may instead be located in another part of the complex, provided that the parking space is kept for the exclusive use of the occupants of the dwelling unit.

E. Building Length

- a) No building where it adjoins a residential or reserve zone shall be more than 15m long without having a vertical or horizontal offset in plan of at least 2m, or the written consent of the adjoining property owner shall be obtained and submitted to the consent authority at the time a building consent is sought.

F. Yards Distances

- a) Eaves, porches, bay or box windows, steps and chimneys may be located within 0.6m of any yard area.

- b) The minimum width of any yard adjacent to land which is not part of the papakainga or marae development shall be as follows:

i. General Residential, Residential Protection or Inner Residential Zones:

| | |
|--------------------------|------|
| Front sites: Front yard: | 4.5m |
| Other yards: | 2m |
| Rear sites: All yards: | 3m. |

provided that a building may be erected closer to or on any "other yard" boundary if the written consent of the adjoining property owner is obtained and submitted to the consent authority at the time a building consent is sought, or prior to the commencement of the activity.

ii. All other zones within the district:

| | |
|------------|------|
| All yards: | 4.5m |
|------------|------|

provided that a building, other than buildings housing animals or birds, may be erected closer to or on any yard, other than a front yard, if the consent of the adjoining landowner is first obtained and the proposed building will not be within 9m of an existing residential building on an adjoining site.

G. **Outdoor Storage**

- a) Materials associated with any non-residential activity on a papakainga or marae site, which are to be stored outside shall not be visible from any residentially zoned property located outside the complex or multiply owned land.

H. **Fencing**

- a) Any individual site within a multiply-owned property, where non-residential activities are conducted, shall be provided with a fence not less than 2m in height and solidly clad, along all external boundaries which adjoin any property zoned residential or reserve, unless the written consent of adjoining property owners is obtained to an alternative proposal, and submitted to the consent authority prior to the commencement of the non-residential activity.

I. **Land adjacent to a State Highway**

- a) The written consent of New Zealand Transport Agency shall be obtained for any proposal adjacent to or requiring access directly onto a state highway.

J. **Noise Impact Overlay**

- a) Within the Noise Impact Overlay, minimum site area for residential dwellings will be as required in accordance with the provisions for the underlying zone.

Rule Table C2.2.6

| Rule Number | Rule | Zone/Overlay | Status | Activity Standards; Matters of Control or Discretion |
|--|---|--------------|--------------------------|---|
| Permitted Activities | | | | |
| 2.2.6(1) | Activities (excluding industrial and commercial and activities for which Rules C2.1.8(1) and C2.1.8.(4) apply) on Māori land provided they comply with the General Standards | | Permitted | |
| Restricted Discretionary Activities | | | | |
| 2.2.6(2) | <p>Activities (excluding industrial and commercial and activities for Rules C2.1.8(1) and C2.1.8.(4) apply) on Māori land which do not satisfy the General Standards for permitted activities in respect of:</p> <ul style="list-style-type: none"> a) Vibration b) Nuisance c) Recession Planes d) Building length e) Yards f) Infrastructure, works and services g) Outdoor storage h) Fencing i) Financial contributions <p><i>Provided that:</i></p> <ul style="list-style-type: none"> 1. The activity shall comply with all rules (except C2.2.6(a) – C2.2.6(j) listed above) specified for a permitted activity. | | Restricted discretionary | <p>Council shall restrict its discretion to the matters a) to j) specified below:</p> <ul style="list-style-type: none"> a) Vibration; b) Nuisance; c) recession planes; c) building length; e) yards; f) infrastructure, works and services; g) outdoor storage; h) fencing; and i) financial contributions. |
| 2.2.6(3) | <p>Industrial and commercial activities (except activities for which Rule C2.1.8(4) applies) in respect of:</p> <ul style="list-style-type: none"> a) Vibration b) Nuisance c) Location d) Recession Planes e) Building length f) Yards g) Infrastructure, works and services h) Outdoor storage i) Landscaping j) Fencing k) Scale of operation l) Hours of operation m) Financial contributions <p><i>Provided that:</i></p> | | Restricted discretionary | <p>Council shall restrict its discretion to the matters a) to m) specified below:</p> <ul style="list-style-type: none"> a) vibration b) nuisance c) location. d) recession planes e) building length. f) yards g) infrastructure, works and services h) outdoor storage i) landscaping j) fencing k) scale of operation l) hours of operation m) financial contributions. |

| | | | | |
|---------------------------------|--|--|---------------|--|
| | 1. The activity shall comply with all rules (except C2.2.6(3)(a) – C2.2.6(3)(n) listed above specified for a permitted activity. <i>Note:</i> plantation forestry activities on Māori land are regulated under the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over this rule in relation to plantation forestry activities (as defined in those regulations). | | | |
| Discretionary activities | | | | |
| 2.2.6(4) | Activities which do not satisfy the General Rules and are not provided for as Restricted Discretionary activities. | | Discretionary | |
| Non-complying activities | | | | |
| 2.2.6(5) | Activities which are not provided for as Permitted, Restricted Discretionary, Discretionary or Prohibited. | | Non-complying | |

C3 COASTAL MANAGEMENT

C3 provisions are regional plan provisions, regional coastal plan provisions and district plan provisions applying to the coastal environment. The exception is the rules, which are just regional coastal plan provisions applying only to the coastal marine area.



Regional Plan



Regional Coastal Plan



District Plan

C3.14 Coastal Environment Overlay is operative.

The remainder of Part C3 is proposed. The hearing of submissions has yet to be held on policies C3.2.3(12)(h) and C3.3.3(4)(h).

C3.1 Introduction

C3 provides the policy framework (objectives, policies and methods) for activities in the coastal environment (an area considered to encompass both the coastal marine area and adjacent coastal land). The provisions are grouped under 1) broad issue areas, or 2) general activities classes. Additional objectives and policies are also provided under the Coastal Environment Overlay section, which focuses on the natural heritage values within the Coastal Environment.

C3 also provides rules for the Coastal Environment Overlay, but these are limited to landward of mean high water spring. Rules for the coastal marine area can be found in Part D's coastal management areas. These rules should be read in light of the policy framework in C3.

C3.1.1 Matters of National Importance

Section 6 of the RMA sets out matters of national importance for which all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources.

These matters, with respect to this Plan, are the preservation of the natural character of the Coastal Environment, the protection of the Coastal Environment from inappropriate subdivision, use, and development, the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the maintenance and enhancement of public access to and along the coastal marine area (CMA), lakes and rivers in the Coastal Environment and the relationship of Māori and their culture with their ancestral lands, water, sites, waahi tapu and other taonga.

C3.2 Issue – Natural Character

Introduction

Natural character is difficult to define and subsequently has not been defined in legislation. A key component of the natural character of the Coastal Environment is the landscape or visual element of the coast. Further elements that contribute to the coast's natural character include the landscape and landform, the vegetation, wildlife and the habitats and ecosystems present. Natural character also includes natural physical processes that occur and more intangible qualities such as the ambient air quality and background noise level and quality. Finally, the degree of Natural Character of an area may be determined by its remoteness and the presence or absence of human impacts on an area.

The RMA requires that the natural character of the Coastal Environment, rivers, lakes, and their margins be preserved provided this meets the purpose of the Act. It is not a requirement of the Act to identify areas of high natural character and in fact it may not be possible to do so without distracting people from the need to preserve natural character generally.

The NZCPS sets out to preserve natural character by protecting areas, features, and processes identified as regionally or nationally significant and these mechanisms are likely to preserve natural character in areas where particular characteristics have very high significance. The NZCPS also sets out the desirability of restoring an area's natural character using indigenous species by preference in areas where activities have damaged or destroyed natural character.

There are eight common landscape areas, based on landform character, that are repeated throughout the Coastal Environment. Each area has particular sensitivities for which appropriate policies may be established.

These areas are:

- | | | |
|------------|---------------------------|-----------|
| • Headland | • Truncated Coastal Hills | • Terrace |
| • Bay | • Duneland | • The Sea |
| • Scarp | • Islands | |

For further information on the landscape character of the Gisborne region, it is recommended that the report prepared by Boffa Miskell Ltd for the Gisborne District Council, entitled, “An Assessment of the Landscape Character of the Coastal Environment of the Gisborne District”, be viewed or purchased from any office of the Gisborne District Council.

C3.2.1 Issue

1. The natural character of the Gisborne regions Coastal Environment and the rivers, lakes, and their margins within the Coastal Environment has been and may continue to be adversely affected by some activities. Activities may adversely affect some or all of the elements that combine to form the natural character of an area.

C3.2.2 Objectives

1. The natural character of the Gisborne regions Coastal Environment and wetlands, rivers, lakes, and their margins within the Coastal Environment is preserved unless such preservation is inconsistent with the purpose of the RMA.
2. The characteristics of the Coastal Environment that together form the natural character of the Coastal Environment of the Gisborne region are identified.
3. Areas of the Gisborne region Coastal Environment where natural character has been adversely affected by past activities are identified. Such specifically identified areas should, where appropriate, be restored and rehabilitated.

Principal reasons:

- **Objective 1:** Section 6(a) of the RMA states that all persons exercising powers, functions or duties under the Act must recognise and provide for, as a matter of national importance the preservation of the natural character of the Coastal Environment and its protection, from inappropriate subdivision, use and development.⁸
- **Objective 2:** It is not possible to assess the natural character of the Coastal Environment as a discrete value. It is a composite of various ‘traits’ that when viewed together combine to provide the distinctive character of the Gisborne Coast. The individual ‘traits’ are identifiable.
- **Objective 3:** The NZCPS states it is a priority to restore and rehabilitate the natural character of the Coastal Environment where appropriate.

C3.2.3 Policies

1. Consent authorities will, when any application for a plan change or resource consent in the Coastal Environment is being considered, recognise that all the coast has some degree of natural character which is required to be preserved.
2. The Council shall recognise that protecting outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna also assists in preserving the natural character of the Coastal Environment.

⁸ Port Gisborne Consent Order 742/00

3. The adverse effects of activities on the integrity, functioning and resilience of natural processes and qualities should be avoided as far as practicable and, where complete avoidance is not practicable, the adverse effects shall be mitigated and provision made for remedying those effects to the extent practicable. Natural processes and qualities include:
 - Biodiversity.
 - Freedom of movement of biota (living organisms).
 - Intrinsic values.
 - Natural substrate composition.
 - Natural air and water quality.
 - Water quantity.
 - Dynamic processes and features arising from the natural movement of sediments, water and air.
4. Consent authorities will give priority to avoiding the actual or potential adverse effects of activities on the integrity and continued viability of ecological corridors important for maintaining the biodiversity and viable gene pool flow of indigenous flora and fauna.
5. Consent authorities will, when any application for a plan change or resource consent in the Coastal Environment is being considered, recognise that all the coast has some degree of natural character which is required to be preserved.
6. Where the natural character of the Coastal Environment is likely to be adversely affected by the effects of activities, the restoration and rehabilitation of natural character should be provided for where appropriate. Such provision may include financial contributions sought under section 108 of the RMA but only where such effects cannot be otherwise successfully avoided, remedied or mitigated.
7. The adverse effects of activities on areas of predominantly indigenous vegetation or the habitats of indigenous fauna in the Coastal Environment should be avoided to the extent practicable and, where this is not possible, mitigated and provision made for remedying those effects, including seeking financial contributions as a condition of any consent granted.
8. Ecosystems that are unique to the Coastal Environment and vulnerable to modification – such as estuaries, coastal wetlands, dune systems, and their margins – should be protected from the adverse effects of activities in order to preserve the natural character of the Coastal Environment.
9. Activities that adversely affect a series of ecological successional sequences in the coastal marine area should be avoided.
10. Activities that have the effect of altering or destroying the naturally occurring species assemblage over an area equal to or greater than 4 hectares or, alternatively, along the length of an entire coastal geomorphic area in the coastal marine area e.g. a bay, scarp face or headland, should be avoided.
11. The Council will encourage the understanding of the natural character of the Coastal Environment of the Gisborne region through the provision of environmental education and information. The education and information will:
 - Take into consideration the needs of the audience.
 - Provide appropriate information and advice on why activities influence natural character.
 - Be integrated with other education and information provision initiatives of the Council.
 - Be jointly developed, where practical, with other resource management agencies.
 - Be able to be evaluated.
12. Council recognises that various landforms contribute strongly to natural character because of their appearance and their often distinct geology, vegetation, wildlife and ecology. The important features are headlands, scarps, dunes and estuaries, (including beaches), terraces, bays, truncated coastal hills, islands and the sea. (These terms are explained in the introduction to this chapter.)

Planning and consent authorities should have regard to the following when exercising powers, functions and duties when preparing plans or considering any proposal which might affect the appearance of any of these landform features:

- a) Use and development should respect the natural landform characteristics of landscape features. Subdivision, use and development that cause strong visual contrasts with or modification of natural landforms are visually incongruous and should be avoided.
 - b) Buildings, aerial utilities and services and other activities should not be visually obtrusive on the skyline when viewed from open areas, including from beaches, coastal reserves and other places accessible to the public.
 - c) Subject to policy DP1.4(1), the visual continuity across the edge of land and sea is a sensitive aspect of all landscape features. Developments that disrupt the visual continuity should be avoided.
 - d) Earthworks that have an adverse visual effect on the natural landform of high features such as headlands, dunes, scarps, truncated coastal hills, terraces and islands should be avoided. Where such activities are associated with maintenance of existing roads and network utilities, then adverse effects should be mitigated.
 - e) The characteristic components of headland landforms (i.e. cliff, escarpment, rocks, remnant native vegetation) should be protected.
 - f) The natural and dynamic visual character of dunelands, wetlands, estuaries and river mouths that comes from the integrity and functioning of natural physical processes should be protected.
 - g) Activities that alter the landform profile of islands when viewed from the land or sea should be avoided.
 - h) Council will seek the protection of visual corridors and cones of vision between public viewpoints and headlands. Priority will be given to protecting such corridors and cones of vision where the headlands viewed are outstanding natural features and landscapes.
 - i) Restoration or rehabilitation of landscape features involving planting, or planting which arises from development, should occur in a manner that reinforces the natural pattern of the landforms.
 - j) Intact or regenerating native vegetation cover on landscape features should generally be kept intact.
 - k) Landscape features that have been modified should be replanted where appropriate. Preference should be given to using appropriate native species in any replanting programme.
 - l) Revegetation, using indigenous species by preference and preferably of local genetic stock, should be undertaken on earthwork cuts associated with roading and access tracks.
 - m) Council will generally seek to protect existing wetlands, lagoons, estuaries and river mouths in the Coastal Environment as part of the duneland ecology, and landscape. Such areas are regionally rare and vulnerable to development pressure.
13. Subject to Policy DP1.4(1)⁹, the visual natural qualities of near-shore reefs, rocky outcrops, wave-cut platforms and sub-tidal habitats in the CMA should be protected against adverse effects that may arise from uses and developments that may alter those visual characteristics. Natural qualities and characteristics are those associated with the natural features and patterns created by the physical structure of the land and biota and the pattern of the inter-relationship between land and sea.
14. Lighting, glare, colour or any plume that is visually discernible as the result of any discharge to air or water, that occurs as a result of subdivision, use and development in the Coastal Environment and that is incongruous with natural levels of lighting, glare, colour, or any naturally occurring plume should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

⁹ Port Gisborne Consent Order 742/00

Principal reasons:

- **Policy 1:** This policy recognises that natural character is a continuum in the Coastal Environment and directs consent authorities to appreciate the degree of natural character present in any given area.
- **Policy 2:** It is important for Council to recognise that areas of the coast containing special natural features constitute areas with very high natural character and by protecting those identified features, the natural character of the Coastal Environment in those areas can be preserved.
- **Policy 3:** The elements that combine to form the natural character of the Coastal Environment are not confined to visual or ecological criteria. The natural character of an area also includes the dynamic physical processes that form features or habitats and if these are damaged or destroyed then the natural character of those areas is diminished or destroyed.
- **Policy 4:** Ecological corridors are essential in maintaining the viability of some habitats which form elements of the natural character of the Coastal Environment. The natural character of the Coastal Environment is dependent in part on the natural migration of plants and animals into and out of the Coastal Environment and the availability of food and genetic resources from outside the Coastal Environment.
- **Policy 5:** The natural character of the Coastal Environment of the Gisborne region has been substantially adversely affected by past activities. In some circumstances it may be possible to restore and rehabilitate such areas and this should be encouraged.
- **Policy 6:** Where activities are likely to degrade the natural character of the Coastal Environment, provision should be made to remedy or mitigate that damage. The RMA enables financial contributions to be sought as a condition of a consent and this includes restoration and rehabilitation as well as financial contributions in terms of money.
- **Policy 7:** The NZCPS requires a national priority of recognising that areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities. This policy also recognises that natural character is not necessarily confined to areas with significant indigenous vegetation.
- **Policy 8:** In order to preserve the natural character of the coast, unique features of the coast that have generally been damaged in the past should now be protected.
- **Policy 9:** Significant disruption of the succession of inter-tidal and sub-tidal gross communities in the CMA is likely to have serious flow on effects on the viability of those communities which will degrade the natural character of the CMA.
- **Policy 10:** Activities that alter or destroy species assemblages on a large scale directly impact on the natural character of the Coastal Environment and should be avoided.
- **Policy 11:** Education is the key means to instil a long-term appreciation of people's actions on the environment. Information is required to enable informed decisions to be made on how the community's natural and physical resources can be managed in a sustainable manner.
- **Policy 12:** Certain types of activities on landscape features will have far greater adverse visual effects than others. Some activities may destroy the natural elements that make up the visual character and other activities may obscure visually interesting and attractive features. It is appropriate that such activities are carefully managed according to their likely potential adverse effects. This set of policies is designed to ensure that the visual element of the natural character of the Coastal Environment is preserved consistent with the RMA and NZCPS.

C3.2.4 Methods

1. Encourage agencies responsible for other methods of preserving the natural character of the Coastal Environment beyond the RMA to pursue those methods.

The Council will also encourage other agencies to adopt policies in statutory strategic and planning documents that have the effect of preserving the natural character of the Coastal Environment.

2. Where appropriate, through the provision of incentives, provide for the rehabilitation and restoration of the natural character of the Coastal Environment where past activities have adversely affected natural character.
3. In conjunction with landowners, DoC and other interested parties, identify significant ecological corridors in the Coastal Environment of the Gisborne region.
4. Where appropriate, identify and incorporate into the Tairāwhiti Plan during its development and/or subsequent review, natural features and landscapes of local significance in the Coastal Environment and establish objectives, policies and methods for their protection as significant components of the natural character of the region's Coastal Environment.
5. Unless otherwise appropriate, promote the taking of esplanade reserves or strips in the Coastal Environment for the purpose of protecting natural values in order to preserve the natural character of the Coastal Environment, where such reserves or strips are available as a result of the subdivision of land, or development or reclamation.
6. Promote the provision of, and encourage landowners to provide, appropriate protection and management of areas with significant natural values within the Coastal Environment in order to preserve the natural character of the Coastal Environment and its protection from inappropriate subdivision, use and development.
7. Investigate and encourage the use of Heritage orders and Water conservation orders as means to protect values that preserve the natural character, outside the CMA, of the Coastal Environment.
8. Promote the use of indigenous species, and in particular the use of local genetic stock, in all natural character rehabilitation strategies or other operational works within the Coastal Environment unless otherwise appropriate.
9. The Council will actively involve itself by way of education and promotion in raising the awareness of the Gisborne district communities regarding the values that together define the natural character of the Coastal Environment of the Gisborne region.
10. Investigate the characteristics of the Coastal Environment that together form the natural character of the Coastal Environment and investigate methodologies for assessing the relative weight that should be given to the various characteristics in order to determine the degree of natural character present at any location in the Coastal Environment.
11. Identify areas where previous developments which have now been abandoned have degraded or disrupted the natural character of the Coastal Environment and, where practical, seek to restore and rehabilitate them through provisions of the Annual Plan for the Gisborne district.
12. Where possible, implement or facilitate the undertaking of works described in the Wainui Beach Coastal Management Strategy intended to enhance or rehabilitate the natural character of the Wainui Beach coastline. These works may include but are not restricted to beach nourishment, revegetation proposals, restrictions on public access across sensitive foredune areas and removal of inadequate or failed beach protection works.

Principal reasons:

- **Method 1:** *This method seeks an integrated approach with other agencies which may assist in preserving the natural character of the Coastal Environment This method will assist in implementing Objective C3.2.2(1).*
- **Method 2:** *Incentives to rehabilitate and restore areas where the natural character has been degraded by past activities may be an appropriate non-regulatory method to achieve Objective C3.2.2(3) and Policy C3.2.3(5).*
- **Method 3:** *The identification of ecological corridors in the Coastal Environment will assist in achieving the intent of Policy C3.2.3(4).*
- **Method 4:** *The coastal provisions of the Tairāwhiti Plan can only address areas of regional significance but natural character is a continuum. Areas of local significance may contribute to the natural character of the Coastal Environment to a significant degree and such areas should be identified and protected accordingly in the Tairāwhiti Plan for the Gisborne district.*

- **Method 5:** Esplanade reserves or strips may assist in preserving the natural character of the Coastal Environment by retaining important values that contribute to the natural character, including open space and amenity values, and by buffering areas sensitive to adjacent development. This method supports and implements Policy C3.2.3(7) and Policy C3.2.3(8).
- **Method 6:** Regulation is not the only means by which the preservation of the natural character of the Coastal Environment and its protection from inappropriate subdivision, use and development may be achieved. The Council will manage its own assets and encourage other landowners to manage theirs in a manner which protects those significant natural values. This method supports and implements Policy C3.2.3(2) and Policy C3.2.3(7).
- **Method 7:** Heritage Orders and Water Conservation Orders are two mechanisms by which the natural character of the Coastal Environment may be preserved. This method supports and implements Policy 1.1.3(b) and (c) of the NZCPS and Policy C3.2.3(2).
- **Method 8:** The use of indigenous species is appropriate when restoring and rehabilitating the natural character of the Coastal Environment. This method supports and implements the NZCPS and Policies C3.2.3(5) and C3.2.3(6).
- **Method 9:** In order to better appreciate the natural character of the Coastal Environment it is important that members of the public are made more aware of the values in the Coastal Environment that contribute to its natural character so that they may participate more fully in the protection of those values. This method supports Objective C3.2.2(2).
- **Method 10:** Establishing a methodology for determining the degree of natural character present at any location will assist decision makers and monitoring agencies to determine appropriate courses of action when development is proposed or enforcement action is required. This method implements Objective C3.2.2(2).
- **Method 11:** Abandoned development can disrupt natural character for long periods of time. Where the natural character of the Coastal Environment can be restored by the removal of debris and replanting then this should be undertaken through the mechanism of the Annual Plan. This method assists in implementing Objective C3.2.2(3).
- **Method 12:** This Strategy is the result of a partnership between Gisborne District Council, the Wainui Beach Community, the Department of Conservation and tangata whenua to develop an integrated approach to the management of the Wainui Beach coastal resource. In particular, the strategy deals with issues such as beach foredune erosion and property protection, matters relating to increased beach and foredune use and increasing development pressures associated with residential development.

C3.3 Issue – Protecting Outstanding Natural Features and Landscapes from Inappropriate Activities

Introduction

Natural features and landscapes are very similar in that landscapes are the visible component of natural features. What makes landforms special or unique can usually be seen in the context of landscape. Landform and landscape will be treated in this Plan as the same generic item.

The RMA in Section 6(b) confines landscapes to an appreciation of sensory stimuli and physical characteristics arising from natural values and processes rather than stimuli and characteristics arising from man-made structures and values. A natural landscape cannot be one dominated by buildings or some other man-made object.

In 1994 Boffa Miskell was commissioned to prepare a report for Gisborne District Council in which they assessed the landscape character of the coastal environment of the Gisborne district.

The majority of landscapes identified as being of outstanding or regional significance are on the landward margins of the Coastal Environment. Subtidal landscapes have yet to be addressed.

This section deals exclusively with outstanding natural landscapes (features) within the Coastal Environment of the Gisborne region.

C3.3.1 Issue

1. Outstanding natural features and landscapes in the Gisborne region's Coastal Environment have been and may continue to be adversely affected by inappropriate subdivision, use and development. Inappropriate subdivision, use and development may adversely affect the physical integrity and aesthetic values of outstanding natural features and landscapes.

C3.3.2 Objectives

1. Outstanding natural features and landscapes and seascapes of the Coastal Environment of the Gisborne region identified and documented using scientifically rigorous methodologies. Identified areas routinely incorporated into the Protection Management Area of this Plan.
2. Outstanding natural features and landscapes/seascapes are protected from the adverse effects of inappropriate activities.
3. The restoration and rehabilitation of outstanding natural features and landscapes and seascapes is undertaken, where appropriate, in areas where the adverse effects of past activities have destroyed or degraded those features and landscapes/seascapes.
4. The management of outstanding natural features and landscapes and seascapes in the Coastal Environment is integrated with other plans such as the Annual Plan and Tairāwhiti Plan prepared by Gisborne District Council.

Principal reasons:

- **Objective 1:** *Not all the Coastal Environment has been assessed in order to identify outstanding natural features and landscapes. Assessment techniques are still being formulated and evaluated for areas such as the subtidal area. Research should continue so that appropriate protection can be given to newly identified areas.*
- **Objective 2:** *The Tairāwhiti Plan has set out a mechanism for providing protection for the values of outstanding natural feature and landscape areas through the establishment of a Protection Management Area zone, consistent with the RMA requirements.*
- **Objective 3:** *Where it is possible to restore outstanding natural features and landscapes damaged by activities undertaken in the past then this should be undertaken, provided doing so is practicable and meets the purpose of the RMA.*
- **Objective 4:** *Some outstanding natural features and landscapes extend landward of the Coastal Environment. It is appropriate that a consistent approach is undertaken between the relevant plans dealing with those areas in order to manage them in a sustainable manner.*

C3.3.3 Policies

1. The areas set out in table form and marked on the maps in Schedule G7A of this Plan shall be recognised by the Council and consent authorities as areas of outstanding natural features and landscapes and those areas shall be incorporated into the Protection Management Area of this Plan and all objectives, policies and methods, including rules, set out for the Protection Management Area shall apply to them accordingly. Parts of the areas that are outside the CMA will be protected by the Tairāwhiti Plan provisions from inappropriate subdivision, use and development.
2. The Council will incorporate into the Protection Management Area further outstanding natural features and landscapes identified by further studies over time, within the Coastal Environment and ensure the protection of their values. Further areas that may be identified include the subtidal component of the Coastal Environment. Any additional outstanding natural features and landscapes will only be incorporated into the Tairāwhiti Plan for the Gisborne region by way of a plan change application pursuant to the 1st Schedule to the RMA after consultation with all affected parties has occurred.
3. The Council and consent authorities will recognise the importance of open space in appreciating outstanding natural features and landscapes and shall take into account the need to protect open space in order to preserve the visual and physical integrity of those natural features and landscapes.

4. Planning and consent authorities shall have regard to the following when preparing plans or considering any proposal which might affect the appearance of any outstanding natural features and landscapes. (Note: For the avoidance of doubt, this Policy shall apply, and have precedence over Policy C3.2.3(12), when applications for resource consents and plan changes are being considered for subdivision, use and development within areas identified as outstanding natural features and landscapes.)
- a) Use and development shall respect the natural landform characteristics. Subdivision, use and development that cause strong visual contrasts with, or modification of, natural landforms are visually incongruous and shall be avoided, remedied or mitigated so that those effects are no more than minor.¹⁰
 - b) Buildings, aerial utilities and services and other activities shall not be visually obtrusive on the skyline when viewed from open areas including from beaches, coastal reserves and other places accessible to the public.
 - c) The visual continuity across the edge of land and sea is a sensitive aspect of all landscape features. Developments that disrupt the visual continuity shall be avoided.
 - d) Earthworks that have an adverse visual effect on the natural landform of high features such as headlands, dunes, scarps, truncated coastal hills, terraces and islands shall be avoided. Where such activities are associated with maintenance of existing roads and network utilities, then adverse effects shall be mitigated.
 - e) The characteristic components of headland landforms (i.e. cliff, escarpment, rocks and remnant native vegetation) shall be protected.
 - f) The natural and dynamic visual character of dunelands, wetlands, estuaries and river mouths that comes from the integrity and functioning of natural physical processes shall be protected.
 - g) Activities that alter the landform profile of islands when viewed from the land or sea shall be avoided.
 - h) Council will seek the protection of visual corridors and cones of vision between public viewpoints and headlands. Priority will be given to protecting such corridors and cones of vision where the headlands viewed are outstanding natural features and landscapes.
 - i) Restoration or rehabilitation of landscape features involving planting which arises from development shall occur in a manner that reinforces the natural pattern of the landforms.
 - j) Intact or regenerating native vegetation cover on landscape features shall be kept intact.
 - k) Landscape features that have been modified shall be replanted where appropriate. Preference shall be given to using appropriate native species in any replanting programme.
 - l) Revegetation, using indigenous species by preference and preferably of local genetic stock, shall be undertaken on earthwork cuts associated with roading and access tracks.
 - m) Subject to Policy DP1.4(1), the visual natural qualities of near-shore reefs, rocky outcrops, wave-cut platforms and sub-tidal habitats in the CMA shall be protected against adverse effects that may arise from uses and developments that may alter those visual characteristics. Natural qualities and characteristics are those associated with the natural features and patterns created by the physical structure of the land and biota and the pattern of the inter-relationship between the land and the sea.
 - n) Lighting, glare, colour and any plume that is visually discernible as the result of any discharge to air or water, that occurs as a result of subdivision, use and development in the Coastal Environment and that is incongruous with natural levels of lighting, glare, colour, or any naturally occurring plume, should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

¹⁰ Port Gisborne Consent Order 742/00

Principal reasons:

- **Policy 1:** This Policy is designed to incorporate specific areas within the Protection Management Area meet the obligation imposed by Section 6(b) of the RMA and implements Objective C3.3.2(1).
- **Policy 2:** Additional areas that are regionally outstanding due to their landform and landscape values are likely to be identified by additional studies. This applies particularly in the CMA where such studies are still being developed. This policy is required to ensure consistency with the NZCPS and Objective C3.3.2(1).
- **Policy 3:** Open space may provide a strong visual and physical context within which an outstanding natural feature or landscape can be experienced. Open space can also produce a strong response within people who experience that open space. This Policy implements the NZCPS.
- **Policy 4:** Certain types of activities on landscape features will have far greater adverse visual effects than others. It is appropriate that such activities are carefully managed according to their likely potential adverse effects. This cluster of policies is designed to ensure that outstanding natural features and landscapes are protected consistent with the RMA and the NZCPS.

C3.3.4 Methods

1. Council will encourage agencies responsible for other methods of the protection of outstanding natural features and landscapes in the Coastal Environment beyond the RMA to pursue those methods. The Council will also encourage other agencies to adopt policies in statutory strategic and planning documents that have the effect of protecting outstanding natural features and landscapes in the Coastal Environment.
2. The Council will promote the provision of, and encourage landowners to provide, appropriate protection and management of areas with outstanding natural features and landscapes within the Coastal Environment.
3. The Council will investigate and encourage the use of Heritage Orders and Water Conservation Orders as means to protect outstanding natural features and landscapes in the Coastal Environment.
4. The Council will promote, unless otherwise appropriate, the taking of esplanade reserves or strips in the Coastal Environment for the purpose of protecting visual corridors between viewpoints and outstanding natural features and landscapes or components of outstanding natural landscapes or outstanding natural features of the Coastal Environment, where such reserves or strips are available as a result of the subdivision of land.

Note: Land in Māori Title may, in some circumstances, be taken for Esplanade Reserves or Strips pursuant to section 303(2)(b) of the Te Ture Whenua Māori Land Act 1993.

5. The Council may, where appropriate, provide for the rehabilitation and restoration of outstanding natural features and landscapes in the Coastal Environment where the effects of past activities have adversely affected such features and landscapes, through the provision of incentives.
6. The Council will promote the use of indigenous species, and in particular the use of local genetic stock, in all outstanding natural feature and landscape rehabilitation strategies, or other operational works, within the Coastal Environment unless otherwise appropriate.
7. The Council will actively involve itself by way of education and promotion in raising the awareness of the Gisborne District communities regarding the values that together define the outstanding natural features and landscapes of the Coastal Environment of the Gisborne region.
8. Council will encourage appropriate agencies to undertake research for the purposes of identifying the outstanding sub-tidal natural features and landscapes/seascapes.

Principal reasons

- **Method 1:** This method seeks an integrated approach with other agencies which may assist in protecting outstanding natural features and landscapes in the Coastal Environment for the Gisborne region. This method will assist in implementing Objective C3.3.2(2) and Policy C3.3.3(4).

- **Method 2:** Regulation is not the only means by which outstanding natural features and landscapes may be protected. The Council, will manage its own assets and encourage other landowners to manage theirs in a manner which protects those outstanding natural values. This method supports and implements Objective C3.3.2(2).
- **Method 3:** Heritage Orders and Water Conservation Orders are two mechanisms by which outstanding natural features and landscapes may be protected in Coastal Environment. This mechanism is also available to other authorities and this may be more appropriate in certain circumstances. This method supports and implements the NZCPS and Objective C3.3.2(2) and Policy C3.3.3(3).
- **Method 4:** Esplanade reserves or strips may assist in protecting outstanding natural features and landscapes in the Coastal Environment by retaining visual continuity between viewpoints and outstanding natural features and protecting elements of outstanding natural landscapes, including open space, and by buffering areas sensitive to adjacent development. This method supports and implements Policy C3.3.3(3) and C3.3.3(4).
- **Method 5:** Incentives to rehabilitate and restore areas where outstanding natural features and landscapes have been degraded by past activities may be an appropriate non-regulatory method to achieve Objective C3.3.2(3).
- **Method 6:** The use of indigenous species is appropriate when restoring and rehabilitating outstanding natural features and landscapes of the Coastal Environment. This method supports and implements the NZCPS and all of the specific policies concerning outstanding natural landscapes within the protection management area.
- **Method 7:** In order to better appreciate the outstanding natural features and landscapes of the Coastal Environment it is important that members of the public are made more aware of the values in the Coastal Environment that contribute to these features and landscapes so that they may participate more fully in the protection of those values. This method supports Objective C3.3.2(1).
- **Method 8:** Limited research has been undertaken on characterising the sub-tidal components of landscapes and natural features. Further research may lead to the identification of areas of the sea that are outstanding in terms of their landform and visual values. This method supports Objective C3.3.2(1) and Policy C3.3.3(2).

C3.4 Issue – Protecting Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna from Inappropriate Activities

Introduction

The Gisborne region has relatively few areas of significant indigenous vegetation left after major land clearance for pastoral farming occurred in the latter part of the 19th century. The remnant vegetation left is mostly found in remote locations on steep hill country in the hinterlands of the region. There are very few coastal remnants left and these occur in areas where access has been and continues to be very difficult. By removing indigenous vegetation in the Coastal Environment, significant habitats of indigenous fauna have also largely been destroyed or rendered unviable. Ecological corridors in the Coastal Environment between significant habitats have largely been broken and indigenous fauna has been confined to diminishing home ranges.

Due to accelerated and severe erosion as a result of the land clearance, rivers and streams in the Gisborne region have been substantially modified. Important habitat for indigenous freshwater fish species has been highly modified and rendered unsuitable, especially at river mouths where debris and silt has tended to accumulate and where land drainage systems have prevented passage for spawning fish.

There is little information available on indigenous vegetation or significant habitats of indigenous fauna in either the land or the sea of the Gisborne region.

There are a number of vulnerable flora and fauna species found in the Coastal Environment of the Gisborne region. Both flora and fauna are vulnerable to inappropriate subdivision, use and development. These include the drainage of wetlands, the felling of remnant vegetation for forestry planting or agricultural developments and the increasing populations of noxious plants and animal pests

C3.4.1 Issue

1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna have been reduced to remnants by past activities. This has had severe adverse effects on such areas. Increasing development pressures on the coast and increasing use of the Coastal Environment for recreation will put pressure on those remnants. It will expose them to the adverse effects of development, such as greater numbers of people seeking to utilise resources and increased risk of the introduction and establishment of pests.

C3.4.2 Objectives

1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment of the Gisborne region are identified and documented using scientifically rigorous methodologies. Identified areas are incorporated into the Significant Values Management Area of this Plan.
2. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected from the adverse effects of inappropriate activities where protection of them better meets the purpose of the RMA.
3. The restoration and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna is undertaken, where appropriate, in areas where the adverse effects of past activities have destroyed or degraded them.
4. The management of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment is integrated through the preparation of consistent objectives, policies and methods, including rules, in other statutory and non-statutory plans. Such plans include:
 - The Annual Plan.
 - Oil Spill Contingency Plans.
 - Reserve Management Plans prepared by Gisborne District Council.
 - Plans prepared under the Biosecurity Act.
 - Conservation Management Strategy and Conservation Management Plans prepared by the Department of Conservation.
 - Regional and district plans prepared by the Gisborne District Council.
5. Private landowners actively participate in protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna by covenanting such areas and managing their activities in ways that avoid or remedy adverse effects on such areas.

Principal reasons:

- **Objective 1:** *Not all the Coastal Environment has been assessed in order to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna and research should continue so that appropriate protection can be given to newly identified areas.*
- **Objective 2:** *The RMA requires areas of significant indigenous vegetation and significant habitats of indigenous fauna to be protected where appropriate. The Tairāwhiti Plan sets out a mechanism for providing protection for the values of such areas through the establishment of the Significant Values Management Area zone.*
- **Objective 3:** *Where it is possible to restore areas of significant indigenous vegetation and significant habitats of indigenous fauna damaged by activities undertaken in the past then this should be undertaken provided doing so is practicable and meets the purpose of the RMA.*

- **Objective 4:** *Some areas of significant indigenous vegetation and significant habitats of indigenous fauna extend landward of the Coastal Environment. It is appropriate that a consistent approach is undertaken between the relevant plans dealing with those areas in order to manage them in a sustainable manner.*
- **Objective 5:** *Landowners with significant areas on their properties have an opportunity to foster those values. No amount of regulation can achieve protection of these areas without the co-operation and support of landowners.*

C3.4.3 Policies

1. The areas set out in table form and marked on the maps in of this Plan (refer to planning maps) shall be recognised by the Council and consent authorities as areas of significant indigenous vegetation and significant habitats of indigenous fauna and those areas shall be incorporated into the Significant Values Management Area established in DC1 of this Plan and all Objectives, Policies and methods, including rules, set out for the Significant Values Management Area shall apply to them accordingly.
2. The Council and consent authorities will give priority to avoiding the adverse effects of activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna and in particular adverse effects such as the removal or poisoning of vegetation or the introduction of pest or adventive species.
3. The Council will, by way of a Variation or a Plan Change made pursuant to the 1st Schedule to the RMA, incorporate into the Significant Values Management Area further areas of significant indigenous vegetation and significant habitats of indigenous fauna, identified by further studies over time, within the Coastal Environment and ensure the protection of their values. Further areas that may be identified include the sub-tidal component and unsurveyed ecological districts of the Coastal Environment.
4. Council and consent authorities shall give priority to protecting the integrity, functioning and resilience of natural processes and ecosystems that support areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Coastal Environment. Natural processes and components of ecosystems that are crucial to the viability of such areas include:
 - Substrate composition.
 - Natural air and water quality.
 - Water quantity.
 - Freedom of movement of biota (living organisms).
 - Dynamic processes arising from the natural movement of sediments, water and air.
 - Access of fauna to food sources.
 - Breeding and nursery areas.
 - Biodiversity.
5. Council will, in appropriate circumstances, encourage the restoration and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment adversely affected by the effects of past activities.
6. Where areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment are likely to be damaged or degraded by the adverse effects of activities, the restoration and rehabilitation of those areas should be provided for. Such provision may include financial contributions sought under Section 108 of the Resource Management Act 1991.
7. Consent authorities will give priority to avoiding the actual or potential adverse effects of activities on the integrity and continued viability of ecological corridors important for maintaining the biodiversity and viable gene pool flow of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Principal reasons:

- **Policy 1:** The known areas of significant indigenous vegetation and significant habitats of indigenous fauna should be recorded in this plan to ensure that people wishing to subdivide, use and develop the Coastal Environment can do so with certainty about the kinds of activities that may be appropriate in certain areas. This policy is designed to incorporate specific areas within the Significant Values Management Area. This policy is designed to meet the RMA and implements Objective C3.4.2(1).
- **Policy 2:** The areas of significant indigenous vegetation and significant habitats of indigenous fauna identified are at least regionally significant and should be protected where such protection better meets the purpose of the Act. There are also areas with similar values that may be identified when resource consents are sought for activities. The protection sought is for the values that make these areas significant. This policy is required to implement the NZCPS and Objective C3.4.2(2).
- **Policy 3:** Additional areas that are regionally significant due to their indigenous vegetation or habitats of indigenous fauna are likely to be identified by additional studies. This applies particularly in the CMA and ecological districts where such studies are still being developed. Not much is known yet about marine indigenous flora and fauna. This policy is required to ensure consistency with the NZCPS and Objective C3.4.2(1).
- **Policy 4:** This policy is necessary to protect the viability of areas of significant indigenous vegetation and significant habitats of indigenous fauna by ensuring that the surrounding ecosystems continue to support the integrity of the species present. This policy implements the RMA and Objective C3.4.2(2).
- **Policy 5:** The NZCPS states that it is a national priority to restore and rehabilitate the natural character of the Coastal Environment where appropriate. This can in part be achieved through the restoration of areas of significant indigenous vegetation and significant habitats of indigenous fauna damaged or destroyed by activities undertaken prior to the enactment of the RMA. This policy is required to implement the NZCPS.
- **Policy 6:** Where activities are likely to degrade areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment then provision should be made to remedy or mitigate that damage. The RMA enables financial contributions to be sought as a condition of a consent and this includes restoration and rehabilitation as well as financial contributions in terms of money. The NZCPS states that it is a national priority to restore and rehabilitate the natural character of the Coastal Environment where appropriate. This can in part be achieved through the restoration of areas of significant indigenous vegetation and significant habitats of indigenous fauna likely to be damaged or destroyed by activities for which resource consents are sought. This policy is required to implement the NZCPS.
- **Policy 7:** This policy recognises that areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment are dependent in part on the natural migration of plants and animals into and out of the Coastal Environment and the availability of food and genetic resources from outside the Coastal Environment.

C3.4.4 Methods

1. Encourage agencies responsible for other methods of recognition and provision for areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment beyond the scope of the RMA to pursue those methods. The Council will also encourage other agencies to adopt policies in statutory strategic and planning documents, such as the Conservation Management Strategy and Conservation Management Plans prepared by DOC under the Conservation Act 1987 that have the effect of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment.
2. Where appropriate, provide through the provision of incentives for the rehabilitation and restoration of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment where past activities have adversely affected them.
3. Promote, unless otherwise appropriate, the taking of esplanade reserves or strips in the Coastal Environment for the purpose of protecting areas of significant indigenous vegetation and

significant habitats of indigenous fauna in the Coastal Environment, where such reserves or strips are available as a result of the subdivision of land.

4. The Council, as a landowner, will provide appropriate protection and management of areas of significant indigenous vegetation and significant habitats of indigenous fauna on its land within the Coastal Environment, and will encourage other landowners to do so.
5. Investigate and encourage the use of Heritage Orders and Water Conservation Orders as means to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment.
6. The Council will actively involve itself by way of education and promotion in raising the awareness of the Gisborne district communities regarding the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment of the Gisborne region.

Principal reasons:

- **Method 1:** This method seeks an integrated approach with other agencies which may assist in protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment for the Gisborne region. This method will assist in implementing Objective C3.4.2(1).
- **Method 2:** Incentives to rehabilitate and restore areas of significant indigenous vegetation and significant habitats of indigenous fauna which have been degraded by past activities may be an appropriate non-regulatory method to achieve Objective C3.4.2(3) and Policy C3.4.3(5).
- **Method 3:** Esplanade reserves or strips may assist in protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment directly or by buffering areas sensitive to adjacent development. This method supports and implements Policy C3.2.3(8).
- **Method 4:** Regulation is not the only means by which the preservation of the natural character of the Coastal Environment and its protection from inappropriate subdivision, use and development may be achieved. The Council, recognising that it owns and manages land with areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment, will manage its own assets and encourage other landowners to manage theirs in a manner which protects those areas. This method supports and implements Policy C3.2.3(2) and Policy C3.2.3(7).
- **Method 5:** Heritage Orders and Water Conservation Orders are two mechanisms by which areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment may be protected. This mechanism is also available to other authorities and this may be more appropriate in certain circumstances. This method supports and implements the NZCPS and Policy C3.2.3(2).
- **Method 6:** In order to better appreciate the Coastal Environment it is important that members of the public are made more aware of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Environment so that they may participate more fully in the protection of those values. This method supports Objective C3.4.2(4).

C3.5 Issue – Maintaining and Enhancing Public Access to and along the Coastal Marine Area and Lakes and Rivers in the Coastal Environment

Introduction

Access to the coastline and sea is a long-standing tradition throughout New Zealand and the Gisborne district. Access is important for a variety of activities and is an especially important component of many recreational pursuits.

Public access can have adverse effects on the environment. These adverse effects vary depending on the values, either cultural or natural, or both, of the area being accessed and the mode of transport being used by the public to access the area.

There are several mechanisms available for securing or enhancing public access to and along the CMA and rivers and lakes in the Coastal Environment. The RMA sets out that esplanade reserves and strips can be taken when land is subdivided or as a condition of a resource consent. Alternatively, financial contributions can be sought in money or land that can then be used to provide for, or enhance, public access in some other way.

Other agencies can also provide for public access in the Coastal Environment.

Public access is an issue that crosses the interface between land and water. It also crosses the administrative boundaries of the district and coastal provisions of the Tairāwhiti Plan. Careful integration of rules in the District Plan with Policies in the regional Coastal Environment Plan will be required to ensure adequate provision is made for access over land to the sea, rivers and lakes in the Coastal Environment.

C3.5.1 Issue

1. Public access to and along the CMA and lakes and rivers in the Coastal Environment of the region is inadequate in some locations. It could be improved by upgrading existing legal access or by acquiring additional legal public access. The creation of public access may adversely affect cultural values, conservation values, public safety and the values of private property owners.

C3.5.2 Objectives

1. Maintenance and enhancement of existing legal public access to and along the CMA and lakes and rivers in the Coastal Environment unless conservation values, cultural values, the rights of private property owners or public safety are significantly compromised.
2. Subject to Objective DP1.3(1), avoidance, remediation or mitigation of adverse effects on public access opportunities arising from subdivision, use and development in the CMA and rivers and lakes in the Coastal Environment.
3. Avoidance, remediation or mitigation of the adverse effects of public access to and along the CMA and lakes and rivers in the Coastal Environment.
4. Areas in the Coastal Environment are identified where the formation of new public access opportunities is considered desirable.
5. Recognition by the public that private landowners have the right to prevent access over their land but may, when appropriate courtesies are adopted and observed, be inclined to permit public access on an informal basis.

Principal reasons:

- **Objective 1:** *It is a requirement of the RMA and NZCPS that public access to and along the CMA and rivers and lakes within the Coastal Environment be maintained and enhanced unless not doing so better meets the purpose of the Act. The NZCPS sets out restrictions on public access that may be validly imposed.*
- **Objective 2:** *Activities which require occupation of areas within the CMA or along lakes and rivers in the Coastal Environment should not be undertaken in such a way so as to adversely affect public access opportunities.*
- **Objective 3:** *This is a requirement of the NZCPS.*
- **Objective 4:** *Enhancing public access in the Coastal Environment, especially for those who are less able to enjoy it because of physical constraints, is considered a matter of national priority in the NZCPS.*
- **Objective 5:** *It is important that people understand there is no automatic right of access over private land to and along the CMA and rivers and lakes in the Coastal Environment.*

C3.5.3 Policies

1. To ensure that existing legal public access to and along the foreshore and along lakes and rivers in the Coastal Environment for which the Council is responsible is maintained or enhanced.

2. To encourage and support the maintenance of existing legal public access to and along the CMA and rivers and lakes in the Coastal Environment which is not within the Council's jurisdiction.
3. To oppose the sale or other disposal to private ownership of publicly owned or Crown land adjacent to the CMA and lakes and rivers in the Coastal Environment, unless public access is adequately provided for in reserves, covenants or other legal agreements.
4. Council will generally oppose any application, made under the Reserves Act 1977, to change the existing purpose of any reserve which is primarily for public access and/or the conservation of natural resources, where any proposed change would have the effect of restricting or removing public access to and along the CMA and lakes and rivers in the Coastal Environment.
5. Council and consent authorities should generally oppose applications for coastal permits to occupy space in the CMA which have the effect of alienating all or part of the CMA unless such applications can be demonstrated to:
 - be essential for an activity that requires a location in the CMA; or
 - have benefits outweighing the adverse effects of the exclusion of public access to or across that area of the CMA.
6. To ensure consultation occurs with landowners, tangata whenua, the public and DOC regarding proposals for new public access ways in the Coastal Environment.
7. To ensure that adverse effects on cultural values, conservation values, safety, and private property arising from public access are avoided, remedied or mitigated.
8. The Council will require esplanade reserves on all new subdivisions, developments and reclamations approved adjacent to the CMA except:
 - a) Where alternative means of providing for public access such as esplanade strips or covenants, would be more appropriate.
 - b) For minor boundary adjustments.
 - c) Where the provision of esplanade reserves, esplanade strips or covenants would not promote the sustainable management of natural and physical resources.¹¹
9. Council may consider the purchase of coastal land for public access purposes, provided that:
 - a) The purchase is on a willing seller basis.
 - b) It is economically feasible to purchase the land.
 - c) All other alternatives to purchase have been investigated.
 - d) The land in question is a high priority site in terms of public access.
10. As far as practicable, avoid the adverse effects on public access arising from the erection of structures or occupation of space in the Coastal Environment. Where complete avoidance of these adverse effects is not practicable, the adverse effects will be mitigated and provision made for remedying them, to the extent practicable.
11. To permit restrictions to public access to and along the CMA and lakes and rivers in the Coastal Environment only where these are necessary:
 - a) To protect areas of significant indigenous vegetation and/or significant habitats of significant fauna.
 - b) To protect Māori cultural values.
 - c) To protect public health or safety.
 - d) To ensure a level of security consistent with the purpose of a resource consent. or
 - e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
12. Council will treat all proposals to open, enhance, restrict or close public access in the Coastal Environment which require resource consents as publicly notifiable.

¹¹ Port Gisborne Consent Order 742/00

13. Where public access to and along the CMA and rivers and lakes in the Coastal Environment is likely to be restricted or removed by the effects of subdivision, use, and development, the maintenance or enhancement of public access should be provided for. Such provision may include financial contributions sought under section 108 of the RMA.
14. The District Plan for the Gisborne district shall ensure that esplanade reserves or esplanade strips should generally be taken on new subdivisions, developments and reclamations formed adjacent to the CMA unless there are specific reasons for not doing so.
15. Public access by motorised vehicles to and along the CMA should generally be allowed. Exceptions where restrictions on motorised vehicle access should occur include:
 - a) The use of motorised vehicles in areas where there is significant indigenous flora such as the sand binding native grass, Pingao, and the habitats of significant indigenous fauna such as breeding grounds for New Zealand Dotterel..¹²
 - b) In circumstances where the health and safety of people and communities could be jeopardised by the use of vehicles.
 - c) For events occurring within the Significant Values Management Area such as beach races or military exercises where large numbers of motorised vehicles are likely to be operated within the CMA at any one time.
 - d) In areas where vehicles will adversely affect the enjoyment by the public of recreational activities and amenity values in certain popular areas such as swimming beaches.

Principal reasons:

- **Policy 1:** *The RMA anticipates that there should not be a reduction in opportunities for people to gain access to the sea, lakes or rivers. Where such access is already provided then that access should not become restricted and, where possible, access should be further enhanced. This policy is required to implement Objective C3.5.2(1) of this Plan and the NZCPS.*
- **Policy 2:** *This policy is required in order to ensure consistency of approach by different agencies and implements Objective C3.5.2(1).*
- **Policy 3:** *The sale of public or Crown land alienates land from options and opportunities for the maintenance or enhancement of public access to and along the CMA and lakes and rivers in the Coastal Environment. Since Council has a statutory duty to maintain and enhance public access it must oppose such alienation of land which offers access to these areas unless the sale makes legal provision for continued access or the land is being returned to Māori as a result of a claim lodged with the Waitangi Tribunal. This policy is required to support Objective C3.5.2(1).*
- **Policy 4:** *Reserves administered under the Reserves Act 1977 have two primary purposes - protection of conservation values and the maintenance of public access. Council should generally support the retention of public access as a purpose of all such reserves unless that purpose abrogates restrictions set out in the NZCPS. This policy is necessary in order to implement Objective C3.5.2(1).*
- **Policy 5:** *Exclusive occupation in the CMA is sometimes required to ensure the security of an activity or development. Such exclusive occupation should be avoided unless it can be demonstrated that exclusive occupation is essential for that activity to be undertaken and there are no alternative means of achieving the outcomes sought or protecting public access in some other way. This policy is required to implement Objective C3.5.2(4).*

¹² For additional species of vegetation and wildlife that may be adversely affected by motorised vehicles. Refer to planning maps of the Tairāwhiti Plan.

- **Policy 6:** In order to ensure that new public accessways are placed in appropriate locations in the Coastal Environment it is important to ensure communities and special interest groups are consulted in the early stages of establishing them. This policy is required to implement Objective C3.5.2(3).
- **Policy 7:** The NZCPS provides for certain exceptions where public access may be inappropriate due to the sensitivity of the environment to disturbances arising from the presence of people. In other cases where these exceptions may not be required to be made, it is still necessary to avoid, remedy or mitigate the adverse effects on the environment that may arise from public access. This policy is required to give effect to Objective C3.5.2(3).
- **Policy 8:** New subdivisions adjacent to the CMA provide an opportunity to increase public access to beaches while, at the same time, providing a buffer between private property and natural hazards associated with the coast. This policy is required to implement Objective C3.5.2(1).
- **Policy 9:** There may, in special circumstances, be a need to provide for public access in the Coastal Environment over private land where statutory mechanisms for ensuring public access are not appropriate or available. Under these circumstances Councils policy will be to consider the merits of individual cases with a view to purchasing or encouraging other agencies to purchase land for access purposes. This policy is necessary to implement Objective C3.5.2(1).
- **Policy 10:** This policy is required to implement Policy B9.2.2(1) of the regional policy statement provisions in the Tairāwhiti Plan and to ensure that subdivision, use and development in the Coastal Environment does not unreasonably restrict legal public access by effectively occupying land and space in an exclusive manner.
- **Policy 11:** This policy is required to safeguard sensitive sites and lawful operations from the adverse environmental effects that may arise from unrestricted public access. While public access should be protected it must be established in such a way that it avoids causing adverse effects on other environments and the lawful exercise of landowners' rights. This policy supports Policy B9.2.2(1) of the regional policy statement provisions in the Tairāwhiti Plan.
- **Policy 12:** To enable the public to have maximum opportunity to advocate to Council the retention and provision of public access within the Coastal Environment when activities that affect public access are proposed.
- **Policy 13:** The NZCPS states that plans should make provision for the creation of esplanade reserves, strips or other forms of access in the Coastal Environment where they do not already exist. If an activity to be undertaken in the Coastal Environment does not provide for, or restricts public access to and along the CMA and rivers and lakes in the Coastal Environment then provision can be made to ensure no loss of public access or a gain in public access.
- **Policy 14:** This policy is required to achieve integrated management of public access between the coastal provisions and the land (regional and district) provisions of the Plan and provides for the enhancement of public access to and along the CMA.
- **Policy 15:** This policy is required to ensure that motorised vehicle access can continue to and along the CMA except in particular circumstances where there may be very sensitive areas prone to disturbance and disruption arising from the adverse effects of motorised vehicle access to and along it. Similarly in areas where motorised vehicular access may threaten the health and safety of people and communities. It supports Objective C3.5.2(3) and should be read in conjunction with Policy C3.4.3(3).

C3.5.4 Methods

Public Participation/Information/Education

1. Develop, in conjunction with representatives of interest groups, a priority list of localities in the Coastal Environment where additional public access is appropriate. The document will be used to identify the potential for enhanced levels of access to and along the CMA and rivers and lakes in the Coastal Environment.
2. Develop and maintain a register of public accessways to and along the CMA and rivers and lakes in the Coastal Environment to assist in developing priorities for accessway improvements.

3. Consider preparing and erecting signs and interpretation boards marking public access points to and along the CMA and rivers and lakes in the Coastal Environment where such information will benefit the public by warning of danger or describing sensitive cultural or ecological values that may be adversely affected by inappropriate behaviour:
 - Interpretation boards describing sensitive cultural values will be prepared only after consultation with and approval from the relevant iwi/hapu and will be erected in accordance with tikanga Māori.
 - Interpretation boards describing sensitive ecological values will be prepared only after consultation with the Department of Conservation.
4. Encourage private landowners in the Gisborne region to make voluntary provision of public access to and along the CMA and rivers and lakes in the Coastal Environment and will maintain a register of voluntary access agreements.

Advocacy

5. Discuss the issue of public access with Crown agencies and seek an agreement to ensure that land in the Coastal Environment will not be disposed of without providing for covenants ensuring the continuation of public access.

Provision of Services

6. Ensure that accessways are kept free of any obstructions or hindrance to use and will make, where appropriate, funds available in its annual plan, for the construction or improvement of accessways.
7. Design and construct access ways to facilitate pedestrian access to and protect the natural values of the CMA and rivers and lakes in the Coastal Environment and, where possible, will encourage other providers of access ways to do the same. Design should take into account the needs of disabled people.
8. Where possible, implement or facilitate works described in the Wainui Beach Management Strategy intended to restrict public access across sensitive foredune areas.

Principal reasons:

Public participation/information/education

- **Method 1:** This method implements the NZCPS and Objective C3.5.2(5) of this Plan.
- **Method 2:** This method implements the NZCPS and Policy C3.5.3(1) of this Plan.
- **Method 3:** about the values associated with areas where there is public access can enhance the amenity associated with public access.
- **Method 4:** Most landowners are willing to allow passage across their land provided members of the public seek permission from landowners and obey instructions. Council wishes to encourage such practices, recognising that such access is entirely at the discretion of landowners and fosters goodwill and a greater sense of community well-being. *Note:* The monitoring section in Part F of this Plan contains additional information related to information gathering and assessment that will be used in conjunction with these methods.

Advocacy

- **Method 5:** It is essential that Council works with other agencies to ensure consistent approaches to maintaining and enhancing public access in the Coastal Environment are adopted. This method implements Policy C3.5.3(2).

Provision of Services

- **Method 6:** In order to maintain and, in appropriate circumstances, enhance public access in the Coastal Environment, Council must set aside funding and provision for works in its Annual Plan for the maintenance of public accessways by clearing debris, maintaining fences and boardwalks, providing interpretation and signage and monitoring the effects of public access on the environment.
- **Method 7:** In order to implement this policy it is necessary for the Council to ensure that suitable access way construction techniques are used to ensure access for those with disabilities – and other providers must be reminded of this obligation.

- **Method 8:** *This Strategy is the result of a partnership between Gisborne District Council, the Wainui Beach community, Department of Conservation and tangata whenua to develop an integrated approach to the management of the Wainui Beach coastal resource. In particular, the strategy deals with issues such as beach foredune erosion and property protection, matters relating to increased beach and foredune use and increasing development pressures associated with residential development.*

C3.6 Issue – Tangata Whenua

Introduction

The Gisborne district is rich in Māori history and culture. It has always been a significant area of settlement for Māori and contains a greater proportion of Māori people in relation to the total population than any other part of New Zealand. In particular, the coast of the Gisborne district has played a prominent part in everyday life, culture and economy of the Māori.

Many marae and papakainga (settlements) are located on the coast and the associated tauranga waka (canoe landing sites), urupa (burial sites), and other waahi tapu (sacred sites), mahinga maataitai (the areas from which food resources from the sea are gathered), taonga raranga (plants which produce material which is highly prized for use in weaving) and other resources are also important factors which contribute to the importance of the coast to Māori.

The importance of the coast in traditional and present day Māori life is reflected in customs such as rahui and tapu which regulate the use of the coast. People living near the coast derive mana (prestige) from the coast and from its abundant resources of kaimoana (seafood).

Areas of Concern for the coastal provisions of the Tairāwhiti Plan

From the RMA, the Treaty, and the NZCPS, a number of areas in which the coastal provisions of the Plan should be active become clear as follows:

- The Plan should provide opportunities for early participation and effective working relationships with Māori in promoting sustainable management of coastal resources. This includes direct involvement in the making of resource allocation decisions and the development of coastal permit.
- The Plan should provide for resources of significance to tangata whenua to be protected from any adverse environmental effects, including adverse effects arising from the activities of people who are not the kaitiaki of those resources.
- The Plan should only regulate the management and use of resources by tangata whenua to the minimum extent necessary to achieve the purpose of the Act in promoting sustainable management. Furthermore, such control should be implemented in a way that recognises and provides for taonga, has particular regard for kaitiakitanga, and takes into account rangitiratanga.
- Consultation structures set up by the Council need to be acceptable to tangata whenua.

C3.6.1 Issue

1. How to recognise, have regard to and provide for tangata whenua values, customs, rights and interests in the Coastal Environment and in particular in the CMA.

C3.6.2 Objectives

1. To protect the special value sites of tangata whenua.
2. To rehabilitate, where practicable, sites of value to Māori degraded by human activities.
3. To maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources.
4. To achieve occupancy and use of ancestral lands owned by Māori that is in accordance with hapu aspirations provided such use is consistent with the purpose and principles of the RMA.

Principal reasons:

- **Objective 1:** This objective ensures that recognition is given to protecting sites for their cultural values as stated and required under the RMA.
- **Objective 2:** This objective recognises that some culturally important sites have been damaged by inappropriate activities and these should be restored where this is possible and in good faith.
- **Objective 3:** Māori are the kaitiaki of the Coastal Environment and this concept includes the need to preserve systems as much as distinct resources. It recognises that Māori are an integral part of natural systems and cannot be separated from the well-being of the system. If Māori are separated then the function of kaitiaki cannot be exercised and the integrity of the relationship between Māori and natural and physical resources falters. The RMA requires that this integrity be maintained.
- **Objective 4:** The NZCPS states that plans should make provision for papakainga housing and marae developments in appropriate places in the Coastal Environment. This objective is designed to facilitate this policy.

C3.6.3 Policies

1. The Council and consent authorities will take into account the guarantees of rangitiratanga and its relationship with kawanatanga in resource management planning and decision-making.
2. People exercising powers, duties and functions under the RMA will recognise that each hapu has its own priorities and preference for the management of coastal resources and will respect those priorities and preferences.
3. The Council will encourage applicants for resource consents in the Coastal Environment to demonstrate that the tangata whenua have been consulted in respect of applications.
4. The Council will recognise and, where appropriate, enhance the kaitiaki responsibilities of tangata whenua with respect to the Coastal Environment and will endeavour, by its actions in respect of management of the CMA, to maintain or enhance that responsibility.
5. The Council and consent authorities shall have regard to the need to protect the mauri¹³ of coastal resources and, where necessary and appropriate, will encourage the restoration of the mauri of coastal resources.
6. The Council will, in conjunction with tangata whenua, recognise and provide for the protection of waahi tapu, other taonga and other sites/areas of special value to tangata whenua in the Coastal Environment, where these are known, and consent authorities will have particular regard for the integrity of those waahi tapu and other sites of special value to tangata whenua, in respect of proposed developments and activities that would have an adverse effect on them.¹⁴
7. The Council will, in conjunction with hapu, encourage the identification and protection of mahinga maataitai habitats in accordance with tikanga Māori and will support continued tangata whenua access to these areas.
8. The Council will encourage the provision of marae, papakainga housing and other Māori cultural activities on appropriate sites in coastal locations, provided adverse effects on the environment are avoided, remedied or mitigated.
9. Consent authorities will, in respect of activities or developments which involve the discharge of contaminants into the CMA, have particular regard to Māori spiritual and cultural values and physical use of the CMA.
10. The Council will, in the exercise of any of its functions, powers or duties under the Act, in respect of the Coastal Environment, have regard to any relevant planning document recognised by the appropriate iwi/hapu authority.

¹³ For an explanation of "Mauri" refer to page 310 of the plan.

¹⁴ Kara Mackey Consent Order 977/03

11. The Council will give consideration to appointing to a hearing committee considering a resource management issue where values important to Māori are being considered, a commissioner or commissioners with expertise in Māoritanga including Kawa (protocol) and kaitiakitanga. Any commissioner so appointed should have sufficient mana to address issues of sensitivity to Māori but must not be affiliated with any hapu affected by the resource consent issue or plan change under consideration.
12. The Council shall ensure that the Māori language and Māori place names are recognised in the exercise of any of its functions, powers and duties under the Act.
13. The Council will establish a consultation network acceptable to tangata whenua with the constituent hapu of the Gisborne District who have mana whenua or mana moana in the Coastal Environment. This is for the purpose of determining hapu preferences for appropriate coastal management measures and to provide for those hapu or iwi to effectively participate in the resource management process.
14. The Council, in conjunction with hapu, will facilitate the research, recording, storage, and management of information on waahi tapu and other sites/areas of special value to tangata whenua in the Coastal Environment in accordance with tikanga Māori, for the purpose of providing the appropriate level of protection for such sites.

Principal reasons:

- **Policy 1:** Section 8 of the RMA requires everyone who exercises powers, duties and functions under the Act to take into account the principles of the Treaty of Waitangi. At the heart of the Treaty are the principles of rangatiratanga and Kawanatanga. This policy directs Gisborne District Council and consent authorities to take these principles into account. This policy supports Objectives C3.6.2(1) and C3.6.2(3).
- **Policy 2:** To ensure that the Hapu is recognised as the base unit of decision making in Māoridom so that appropriate emphasis is given to the views of Hapu when considering the relationship of Māori and their culture. This policy supports Objective C3.6.2(3).
- **Policy 3:** This policy is to encourage applicants for resource consents to provide evidence of genuine attempts to consult with tangata whenua in good faith. This policy supports Objectives C3.6.2(1) and C3.6.2(3).
- **Policy 4:** This policy recognises Principle 7 of the NZCPS and in order to give effect to Section 6(e) of the RMA provides for this important relationship between Māori and the Coastal Environment. This policy supports Objective C3.6.2(3). This policy gives effect to the NZCPS and the RMA because kaitiakitanga is a central tenant of Māori Culture, especially in the Coastal Environment.
- **Policy 5:** If, as a matter of national importance, the relationship of Māori and their culture and traditions is to be recognised and provided for, then Council and consent authorities must consider the mauri of a resource in the same way as it considers the sustainability of a resource and whether it is able to be renewed or is a finite resource.¹⁵ This policy supports Objectives C3.6.2(2) and C3.6.2(3) and is necessary to give effect to the RMA and NZCPS.
- **Policy 6:** This policy is designed to implement section 6(e) of the RMA and supports Objective C3.6.2(1).
- **Policy 7:** The RMA does not address Fisheries issues which are dealt with under the Fisheries Act or the Marine Reserves Act. Council may, however, advocate for the protection of special areas in the Coastal Marine Area that support traditional fishing or food gathering areas to the responsible agencies on behalf of or in conjunction with iwi or hapu authorities. This policy is designed to recognise this advocacy role and supports Objective C3.6.2(3).

¹⁵ Refer to page 78 for a detailed description of the concept of "Mauri".

- **Policy 8:** *The NZCPS requires [plans to] make provision for papakainga housing and marae developments in appropriate places in the Coastal Environment. This policy is designed to implement this requirement in a manner that achieves the purpose of the Act, and supports Objective C3.6.2(4).*
- **Policy 9:** *Māori are particularly concerned at discharges of effluent into the marine environment due to the spiritual importance of the sea in the Māori culture and this must be carefully considered by consent authorities when considering applications for the discharge of contaminants into the marine environment. This policy supports Objective C3.6.2(3) and the NZCPS.*
- **Policy 10:** *This policy supports Objectives C3.6.2(3) and C3.6.2(4). This policy gives effect to the NZCPS with respect to the CMA and is an extension of Policy C3.6.3(2) stated above and provides a means by which Council may be able to identify the distinctive management needs of hapu and take these into account when exercising any power, function or duty under the RMA without removing the need to meet the purpose of the Act.*
- **Policy 11:** *This policy supports Objective C3.6.2(3) as it assists Council to give effect to the principles of the Treaty of Waitangi by recognising rangatiratanga when considering local issues of importance to Māori.*
- **Policy 12:** *If Council is to recognise and provide for, as a matter of national importance, the relationship of Māori and their culture and traditions with their taonga, then it is important that the Māori language is accepted and cherished. This policy supports Objective C3.6.2(3).*
- **Policy 13:** *This policy implements Objectives C3.6.2(1–4). It also assists in the implementation of policy C3.6.3(1). It is essential that Council develops a mechanism which facilitates direct communication with hapu that are affected by issues.*
- **Policy 14:** *This policy supports Objective C3.6.2(1). In order to meet the requirements of the RMA it is necessary to be able to identify site of significance to Māori and recognise, at the same time, that this information is sensitive and wholly owned by Māori. It should be gathered and stored in a way that accords with Māori custom and respects the value of the information.*

C3.6.4 Methods

1. Assist iwi/hapu authorities to develop methods of recording sites and resources of significance to Māori within the Coastal Environment and in accordance with tikanga Māori.
2. In conjunction with hapu, identify sites of special value to Māori for inclusion in this Plan as either Protection Management Areas or Sites of Cultural Sensitivity if desired by hapu.
3. Ensure that resource management documents and processes where appropriate, recognise the Māori language and Māori place names.
4. Identify effects that could detrimentally affect special value sites in the Coastal Environment and adopt rules for the protection of such sites in the CMA, and in the land (regional and district) provisions of the Tairāwhiti Plan for areas landward of the Coastal Marine Area, which include:
 - i Setting standards for permitted activities (where possible) to ensure that any environmental effects of the activities are not culturally insensitive.
 - ii Consideration of Māori values in the assessment of controlled, discretionary and non-complying activities.
 - iii Prohibiting activities which are clearly inappropriate in terms of their environmental effects on special value sites.
5. Adopt methods, including rules, in the CMA and in the land (regional and district) provisions of the Tairāwhiti Plan that provide for the customary use and development of ancestral resources while avoiding any adverse environmental effects e.g. by:
 - i Providing for marae and other customary uses in accordance with hapu aspirations.
 - ii Facilitating access by Māori to ancestral resources.
6. Investigate, in conjunction with tangata whenua, the appropriateness of heritage orders and Water Conservation Orders for protection of sites of special value to Māori.

7. Encourage and support other methods of recognition and/or protection beyond the scope of RMA including:
 - Open space covenants
 - Fisheries legislation
 - Māori reservations
 - Marine reserves.
8. The Council will support and may provide appropriate services to facilitate better public appreciation of special value sites in a manner acceptable to tangata whenua.
9. The Council may consider the transfer of its functions, power and duties, in accordance with section 33 of the Act, where it is satisfied that the transfer is desirable on all of the following grounds:
 - i The authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power or duty.
 - ii Efficiency.
 - iii Technical or special capability or expertise.
10. Invite hapu in the Coastal Environment to compile a list of commissioners for possible appointment to hearing committees where applications for resource consents affect Hapu.
11. In accordance with tikanga Māori and pursuant to the Māori Language Act 1987 (Te Reo Māori), provide for the use of the Māori language before any hearing committee considering resource management issues in the Coastal Environment. Early indication by people of the intention to use the Māori language will facilitate the provision of a translator for the benefit of those people who cannot speak Māori.
12. Compile a register of people in the Gisborne district who are competent interpreters of the Māori language, holding a certificate of competency pursuant to the Māori Language Act 1987 (Te Reo Māori).
13. The Council may provide for hearings under the RMA to be held, where appropriate, on Marae.

Principal reasons:

- **Method 1:** This method implements Policy C3.6.3(14) by investigating with Māori the appropriate means of recording sensitive information for the Councils use, without removing the information from the owners of it.
- **Method 2:** Sites of special value to Māori can only be incorporated into this Plan in the Significant Values Management Area if they are identified by Māori as the experts on these sites. This method implements Policy C3.6.3(6).
- **Method 3:** The Māori language is a Taonga of Māori and an official language of New Zealand/Aotearoa. This method implements Policy C3.6.3(12) and is necessary to give effect to section 6(e) of the RMA.
- **Method 4:** The RMA requires decisions to be made based on the effects of activities on the environment. This method requires Council to identify what types of effects will be adverse on culturally sensitive sites and establish mechanisms for preventing those effects from occurring in the appropriate Plans. This method implements Policy C3.6.3(6).
- **Method 5:** This method seeks to ensure Māori are not alienated from their resources provided any development occurs according to the principles of sustainable management which is the purpose of this Act. This method is designed to take into account the principles of the Treaty of Waitangi and implements the NZCPS.
- **Method 6:** Heritage orders and Water Conservation Orders are mechanisms provided in the RMA that may assist Māori to provide protection over areas and values of significance to Māori. This method is designed to ensure these mechanisms are considered among the range of measures that may be adopted to ensure adequate protection is given to these sites and areas while ensuring Māori understand and support their use. This method implements Policies C3.6.3(4) and C3.6.3(5).
- **Method 7:** This method recognises that there are other means that may be more appropriate in some circumstances to achieve protection of sites and values of cultural significance to Māori and these methods should be supported where they are the preferred option of Māori. This method implements Objective C3.6.2(1).

- **Method 8:** This method recognises that an educative approach to the identification of sites of special cultural significance to Māori may create greater understanding of Māori Culture which may lead to a better appreciation of the need to protect sites. This method implements Policy C3.6.3(6).
- **Method 9:** The NZCPS states that, where characteristics have been identified as being of special value to tangata whenua, the local authority should consider the transfer of its functions, powers and duties to iwi/hapu authorities. This method is a requirement of the NZCPS and implements Policies C3.6.3(1) and C3.6.3(4).
- **Method 10:** In order for Māori to fulfil their kaitiaki responsibilities and to recognise rangatiratanga, it may be appropriate for Māori representatives to act as commissioners for some hearings in order to assist the hearing committee to arrive at decisions that take into account the perspectives of the Māori culture. It would assist the Council if a list of suitable people was drawn up prior to the need arising. This method is designed to achieve this and implements Policy C3.6.3(11).
- **Method 11:** The Māori language is a taonga of Māori and an official language of New Zealand. The RMA provides for the Māori language to be used when giving evidence in accordance with the Māori Language Act 1987. This method implements Policy C3.6.3(12).
- **Method 12:** In order to ensure that Method C3.6.4(12) above is utilised to the fullest extent and other needs for translation and interpretation of Te Reo Māori are met, it is necessary to have on hand information on who is competent to interpret Te Reo Māori. This method implements Policy C3.6.3(12).
- **Method 13:** This method recognises that there may be circumstances where hearings should be held on Marae, where Māori would feel more able to express their views. This method implements Policy C3.6.3(1).

C3.7 Activities: Structures

Introduction

The presence of coastal communities means there are many structures located on or near the coastline, and it may be necessary or appropriate to locate additional structures within the Coastal Environment.

Many network utility and transportation activity structures can only be located there, and other structures such as boat ramps and hazard protection works are typically found on the coast.

There is a need to manage structures within the coastal marine environment to “avoid, remedy, or mitigate any adverse effects”. Additionally, the Act requires maintenance of access to and along the CMA and preservation of the natural character of the coast. For these reasons it is important that only appropriate structures are located in the CMA and that these do not compromise coastal values. It is equally important that rules and other methods which seek to preserve the integrity of the Coastal Environment do not do so at the expense of sustainable social and economic functions which the Coastal Environment may support.

Because this Plan recognises three distinct geographical areas based upon differences in sensitivity of values located within those areas, rules and other methods defined within this section are likewise categorised

However, in respect of the spatial distribution of structures, the following can be said:

- a) The adverse effects of structures in a Significant Values Management Area are, generally, likely to be greater than elsewhere in the Gisborne Coastal Environment. This is because protection management areas usually contain either a single, unique mix or representative sample of very sensitive values.
- b) The General Management Area is that area of Coast that does not, given our current level of understanding, present unique or especially important values for protection. Like the Significant Values Management Area, values within the General Management Area vary on a case-by-case examination. Unlike the Significant Values Management Area, the sensitivity of values in the General Management Area is not well documented.

- c) The effect of structures located within the Port Management Area will tend to be less than those elsewhere in the Gisborne Coastal Environment. The Port Management Area is dominated by structures and the effects of additional structures will tend to be absorbed by existing structures. For this reason, within the Port Management Area a number of activities are controlled where outside of this area they might be discretionary or non-complying.

C3.7.1 Issues

1. The use and enjoyment of the Coastal Environment by people and communities means that it is necessary to make appropriate provision for the continued use of existing structures.
2. The location of some structures in the Coastal Environment is necessary. Such structures provide for services, recreation, aquaculture and other forms of use, development and protection. Without provision for certain types of structures in the Coastal Environment, activities associated with them would be restricted.
3. The visual obtrusiveness of many structures has the potential to reduce values associated with the natural character, amenity and visual quality of the Coastal Environment. It is important that the natural character and amenity of the Coastal Environment is maintained or enhanced, yet it is also important that appropriate development is not constrained by inappropriate rules or other methods.
4. Structures located within the Coastal Environment have a potential to adversely affect processes and organisms characteristic of the coast and fundamental to the maintenance of important life-supporting functions. As well as natural character, vulnerable habitats and ecosystems need to be protected, particularly when adverse effects on these can go unnoticed.
5. Structures within the Coastal Environment can limit public access to the CMA. There is a need to ensure that measures are taken to avoid, remedy or mitigate this potential adverse effect.
6. The location of structures, processes associated with structures or activities on structures can adversely affect spiritual, cultural and heritage values associated with the Coastal Environment. It is important that structures located in the Coastal Environment are located sensitively and that consultation with the appropriate guardians of spiritual, cultural or heritage values leads to informed and sensible decisions in this respect.
7. Structures within the Coastal Environment are particularly prone to the adverse effects of physical processes associated with the coast. How to avoid the adverse effects of natural processes on structures is an important issue within the Gisborne district.
8. Structures within the Coastal Environment have a potential to adversely affect physical processes associated with the coast. In many instances the cumulative effects of structures can be serious. Because physical processes frequently impact upon ecological processes, and are in their own right important elements in sustainable management, dealing with the adverse effects of structure effects on physical processes is an important issue.
9. Almost all land in the CMA is owned by the Crown, and there is no "market" operating in the buying and selling of CMA land. Because the dollar value of space in the CMA is therefore difficult to determine readily, and also because there is a history of coastal users expecting free occupation, the occupation charges have traditionally been minimal. Peppercorn rentals create the potential for the costs of inefficient structures to be borne by the community, as well as the operator of those structures.
10. Structures located in the Coastal Environment frequently provide opportunities for people to move over the Coastal Environment and are frequently located in the CMA. The safety of people using structures is an important consideration.

C3.7.2 Objectives

1. Provision is made for appropriate structures in the CMA provided that any adverse effects on the environment arising from the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure are avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects are mitigated and provision made for remedying those effects, to the extent practicable.
2. Appropriate structures are located and built in such a way so as to provide for the preservation and, where appropriate, enhancement¹⁶ of the natural character of the Gisborne Coastal Environment.
3. Maintenance or enhancement of the diversity of aquatic life adjacent to, or otherwise affected by, structures in the Gisborne Coastal Environment.
4. No reduction in the level and quality of access the public have to and along the Coastal Marine Area as a consequence of structures located in the Coastal Environment and, where appropriate, enhanced levels of access.
5. Management of any structures with cultural, spiritual or heritage value or structures located in sites or areas of cultural, spiritual or heritage value, in the Coastal Environment, which is consistent with the values of the guardians or kaitiaki of those values and appropriate given the principles of the Treaty of Waitangi.
6. Avoidance of damage to structures from physical coastal processes or events.
7. Avoidance of adverse effects on the environment, including the adverse effect of preventing the natural migration of coastal systems such as dunes and wetlands which occurs as a result of dynamic coastal processes, as a result of the placement of structures where they may interfere in the dynamic processes of the coast and as a result of changes in the rate of coastal erosion or accretion caused by structures.
8. The efficient use and development of finite resources of the Coastal Environment.
9. A high level of safety associated with structures located in the Coastal Environment.
10. Maintained or enhanced levels of amenity value through allowing only appropriate development in the Coastal Environment.

Principal reasons

- **Objective 1:** *This is a requirement of the RMA. Whereas use development and protection landward of MHWS is permitted unless a rule in a plan states otherwise, this is not the case seaward of this line.*
- **Objective 2:** *The RMA requires, as a matter of national importance, the preservation of the natural character of the Coastal Environment and its protection from inappropriate subdivision, use and development¹⁷.*
- **Objective 3:** *Biological diversity is a good indicator of the health of ecosystems, its important component of the natural character of the Coastal Environment. This objective implements in part the NZCPS and reflects a desire to maintain or improve threatened environmental values. This objective is needed to provide a basis for defining methods which constrain those structures which are necessary to achieve sustainable management.*
- **Objective 4:** *The RMA requires as a matter of national importance the maintenance and enhancement of access to the CMA.*

¹⁶ Port Gisborne Consent Order 742/00

¹⁷ Port Gisborne Consent Order 742/00

- **Objective 5:** The RMA requires as a matter of national importance recognition of the relationship of Māori and their culture to natural and physical resources. The Act also requires that regard be had to the protection of heritage values associated with some buildings and sites. In implementing the Act the principles of the Treaty of Waitangi are required to be taken into account.
- **Objective 6:** Damage to structures in the Coastal Environment can occur during storm and other episodic events. Persistent erosion at the interface between land and sea is another common threat to property. The social cost of these processes is often high. This objective seeks to minimise this cost on the community.
- **Objective 7:** One of the more important effects structures located within the CMA can have is modifying processes of sediment transportation and deposition. This can result in unanticipated effects which can be serious if life or property is threatened.
- **Objective 8:** Notwithstanding the need to provide for certain structures, the coastal marine environment is particularly sensitive to their effects. Structures inevitably reduce open space, values associated with natural character and often modify natural processes. The RMA requires particular regard be had of the efficient use of resources in the Coastal Environment and directs development towards “appropriate” ends. This objective seeks to ensure both those purposes are met and directs monitoring efforts towards measuring elements of efficiency such as increased usage of structures, greater user satisfaction of structure users and, ultimately, maximum utility within a sustainable bottom line.
- **Objective 9:** The definition of sustainable management in the RMA includes managing effects of activities on the environment. Environment includes values associated with personal well-being and undeniably poor safety standards should be avoided where possible.
- **Objective 10:** The RMA requires particular regard be had of “the maintenance and enhancement of amenity values”. The exercise of an overall judgement between providing for amenity in the Coastal Environment and the adverse effects this can have on natural values is an important issue in implementing this Plan.

C3.7.3 Policies

1. To recognise that within the Coastal Environment different areas have distinct natural character and amenity value and to ensure that applications for consents for structures within the Coastal Environment include adequate measures to avoid, remedy or mitigate any adverse effects on natural character and amenity value. (Ref: C3.7.2(2), C3.2(3)).
2. To provide for the maintenance and upkeep of structures located in the Coastal Environment. To avoid, remedy or mitigate the effects of maintenance and upkeep (Ref: C3.7.2(1), C3.7.2(2)).
3. To ensure that no inappropriate proliferation or sprawl of structures within the Coastal Environment occurs by:
 - Encouraging appropriate subdivision, use and development in areas that are already developed.
 - Fully assessing the effects of subdivision, use and development on natural character values.
 - Avoiding the cumulative effects of subdivision, use and development – particularly y in respect of adverse effects on the finite characteristics of open space (Ref: C3.7.2(2), C3.7.2(3), C3.7.2(8)).
4. To recognise the appropriateness of Papakainga housing and marae housing developments within the Coastal Environment where there is no significant adverse effect on the environment (Ref: C3.7.2(5)).
5. Council and consent authorities should make provision for new structures in the CMA where it can reasonably be demonstrated that such structures are:
 - a) Reasonably necessary to provide for the lawful exercise of any activity and no reasonably practicable alternative to the new structure in the CMA exists.
 - b) Any new structure is consistent with the objectives and policies of this Plan.

Provided that adverse effects on the environment arising from the new structure are, as far as practicable, avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable. When considering what is reasonably necessary to provide for the lawful exercise of any activity Council and consent authorities shall consider:

1. The extent to which the structure restricts the exercise of other lawful activities or public access into or through the area in which the structure is to be located.
 2. The level of security required to ensure the safe and efficient exercise of the activity for which the structure is required. (Ref: C3.7.2(3), C3.7.2(8)).
6. To achieve efficiencies in the utilisation of existing structures within the CMA by ensuring that no new structures are allowed in the CMA while modification or addition to an existing structure or structures can be made and will achieve the purpose of the required new structure with the same or less adverse effect. (Ref: C3.7.2(2), C3.7.2(3), C3.7.2(8)).
 7. To ensure that, where a structure locates in the CMA and results in adverse effects on the environment that are not able to be avoided, remedied or mitigated¹⁸, the structure remains within the CMA only so long as is necessary to achieve the purpose for which it was established. This policy will be implemented in part by monitoring the exercise of resource consents and cancelling those that are not exercised for a continuous period of at least two years. To encourage the removal of structures which are obsolete, illegal or unused (Ref: C3.7.2(2), C3.7.2(3)).
 8. To avoid, remedy or mitigate any adverse effects of structures in the Coastal Environment on processes necessary to sustain the diversity of organisms within biological communities and of communities within the CMA. (Ref: C3.7.2(3)).
 9. To take a precautionary approach in assessing the effects of structures on the environment. (Ref: C3.7.2(2), C3.7.2(3)).
 10. To maintain or enhance existing levels of public access to and along the coast or, where a specific reduction in public access is unavoidable, to avoid, remedy or mitigate the adverse effects of that reduction. To require all new structures, or consents for existing structures, in the CMA to provide for public access across them unless restriction is necessary:
 - to protect public health or safety
 - to protect Māori cultural values
 - there is a specific operational requirement to exclude the public (Ref: C3.7.2(4)).
 11. To ensure structures are not located on sites of cultural, conservation or historical significance as identified by this Plan, unless it can be demonstrated that the adverse effects of locating there are minor. To ensure that structures do not locate where they will adversely affect values in a Protection Management Area. (Ref: C3.7.2(5)).
 12. To ensure that the heritage values associated with existing structures in the Coastal Environment are protected where appropriate. (Ref: C3.7.2(5)).
 13. To ensure that new structures are designed, located and managed in a way that avoids threats to them from coastal processes. Where appropriate, to ensure that the design, location and management of structures located in or adjacent to the CMA takes into account the most recent Inter-Governmental Panel on Climate Change (IPCC) "best estimate" for sea level rise (Ref: C3.7.2(6)).
 14. To ensure that structures are designed, located and managed in a manner that avoids any adverse effects they might have on existing physical coastal processes as far as practicable. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable. (Ref: C3.7.2(7)).
 15. To ensure that structures located within the Coastal Environment comply fully with provisions of the Building Act, 1991.

¹⁸ Port Gisborne Consent Order 742/00

16. To recognise the potential impacts that natural hazards have on the existing subdivision, use or development in the Coastal Environment and to provide for the mitigation of these adverse effects by providing for coastal protection works only where coastal protection works can be shown to be the best method for preventing or minimising adverse effects on the environment having regard, among other things, to the sensitivity of the surrounding environment, the effects of the protection work when combined with other options, and the current state of technical knowledge and the likelihood that the option can be successfully applied.¹⁹
17. To ensure that structures do not pose a risk to coastal navigation and shipping by ensuring that Maritime New Zealand and the Hydrographic Office of the Royal New Zealand Navy are advised upon granting a coastal permit for a structure in the CMA and also upon completion of work for that structure. To require conditions on all structures that the applicant advise Maritime New Zealand and the Hydrographic Office of the Royal New Zealand Navy as soon as construction, erection or modification of a structure is complete.
18. To ensure that coastal amenity is not adversely affected by activities associated with wharves and marinas and to require applicants for consents or plan changes within wharves, boatyards and marinas to provide:

- Adequate and convenient facilities for disposal of rubbish. and

For applicants for consents or plan changes within boatyards and marinas:

- Facilities for the collection and appropriate disposal of residues from vessel maintenance. and

For applicants for consents or plan changes to establish new ports and marinas:

- Adequate and convenient facilities to collect sewage from ships.

Where practicable, rubbish disposal and ship sewage collection facilities should be designed so that they are compatible with and able to be used by self-contained vehicles that comply with New Zealand Standard 5465:1990.

Principal reasons:

- **Policy 1:** *The RMA and NZCPS require the preservation of the natural character of the environment and the maintenance and enhancement of amenity values. This policy ensures avoidance, remedy or mitigation of effects.*
- **Policy 2:** *The purpose of this policy is to provide a basis for allowing but controlling the maintenance of structures.*
- **Policy 3:** *The purpose of this policy is to implement the NZCPS and recognises that natural character, including open space is valuable in the Coastal Environment.*
- **Policy 4:** *The purpose of this policy is to implement the NZCPS and to provide for Papakainga and marae housing within sustainable bounds.*
- **Policy 5:** *This policy is consistent with the NZCPS and the RMA. It will ensure that sprawling and sporadic development will not occur as a result of the introduction of new network utility services and the Council and consent authorities should promote the maximum use of existing network utility corridors for network utility related activities that must locate in the CMA. (Ref: C3.7.2(3), C3.7.2(8)).*
- **Policy 6:** *This policy is designed to focus on reducing the adverse effects of the redundancy of existing structures and also to achieve efficiency in the development of new ones.*
- **Policy 7:** *The purpose of this policy is to rationalise the use of structures in the CMA, and eventually result in a more efficient use of CMA and minimal impact on natural character.*

¹⁹ Port Gisborne Consent Order 742/00

- **Policy 8:** This policy is aimed at focusing attention on two issues that effects do not necessarily impact upon values immediately and that diversity is a good indicator of the health of a living system. This policy is necessary in order to preserve ecosystems. Its wording reflects an ecosystem approach to sustainable management.
- **Policy 9:** The purpose of this policy is to complement the NZCPS. A precautionary approach means that where doubt exists as to the effects of an activity the consent authority should make a decision where any benefits fall on the side of preserving the environment.
- **Policy 10:** The purpose of this policy is to provide for access to and along the CMA and reflects the intent of the NZCPS.
- **Policy 11:** This policy is in response to Objective C3.7.2(5) and its issue. The reason for this is to ensure the provisions of the Act are met and in particular the protection of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- **Policy 12:** This policy seeks to protect the heritage values of existing structures.
- **Policy 13:** The NZCPS requires new subdivision and use to be located to avoid hazards. This policy reflects that requirement and also the potential for sea level rise.
- **Policy 14:** The purpose of this policy is to ensure that regard is given to the fact that structures can dramatically change the way coastal processes affect other structures and the rest of the environment.
- **Policy 15:** This policy simply advises of a legal requirement. Its purpose is to inform applicants and decision makers that the requirement exists.
- **Policy 16:** The purpose of this policy is to reflect the NZCPS and indicate the matters to which regard must be given when considering the option of protection works in the Coastal Environment.²⁰
- **Policy 17:** This policy is consistent with the NZCPS and reflects the desires of Maritime New Zealand and the Hydrographic Office of the Royal New Zealand Navy.
- **Policy 18:** Wharves and marinas are discretionary or non-complying structures. The development of these structures will be controlled by policies. This policy reflects the intentions of the NZCPS.

C3.7.4 Methods

1. Establish a database of existing lawful and unlawful structures which will be updated as new structures are approved within the CMA. Processes will be initiated to legalise unlawful structures by 1998.
2. Council may require unlawful structures to be removed by the owner or will remove unlawful structures itself. Where an owner cannot be found the Council will remove illegal structures at its own or the Crown's expense. Structures will not be removed where removal will have adverse effects greater than retaining the structure.
3. Advise Maritime New Zealand and the Hydrographic Office of the Royal New Zealand Navy of all consents granted for structures or reclamations in the CMA.

Principal reasons:

- **Method 1:** To achieve proper monitoring of structures in the Gisborne region it is considered necessary to have and maintain an accurate record of all structures in the CMA.
- **Method 2:** This method regularises within a specific time frame unlawful structures that currently exist, recognising that some of them are useful and should remain in order to meet the purpose of the RMA.

²⁰ Port Gisborne Consent Order 742/00

- **Method 3:** *The Hydrographic Office prepares navigation and marine charts commonly used by most skippers of vessels and other professional maritime operators. These people and organisations should be aware of structures in the CMA.*

C3.8 Activities – Occupation of Space

Occupation of space in the CMA owned by the Crown or vested in the Gisborne District Council is not permitted by the RMA unless expressly allowed by a coastal rule in the Tairāwhiti Plan or by a resource consent.

Occupation of space in the CMA is a concept that is not readily understood. The bed of the CMA is not usually privately owned but rather is usually owned by the Crown. Occupation in this case is a right conferred by either the Crown or the Council to take up space in the CMA for a particular use. This right can be subject to a host of controls set under the RMA and can only be granted if it is consistent with the purpose of the RMA.

Tangata whenua of coastal areas have a particularly close tie with the CMA and regard it as part of their traditional lands. In the Gisborne district these ties are reinforced by comparative isolation and a very strong sense of community.

For tangata whenua the allocation of rights to occupy land in the CMA can be seen as an erosion of their traditional lands. There is a sense among some tangata whenua that they should have a priority interest over others wanting to occupy space in the CMA. Much of the CMA of the Gisborne region is sparsely occupied.

The RMA provides three mechanisms for dealing with the occupation of space in the CMA. In the first instance resource users can apply to Gisborne District Council for a coastal permit to occupy space necessary for the activity they propose.

A second mechanism resource users may have potential access to, is the transfer of coastal permits to occupy space among users. The Act provides access to transfer of coastal permits through section 135. In this plan those provisions are used primarily to promote the avoidance of duplication of structures and, secondly, to promote the efficient use of the CMA.

In respect of efficiency it is recognised that both supply and demand for occupation of space are limited, but it is also recognised that the costs (cultural, environmental and administrative) of seeking new permits to occupy space may be such that transfer is an attractive option.

In addition to the usual resource consent process the Act provides for a system of coastal tendering (Part 7), a mechanism that the Crown can invoke to ensure that the Crown's interests in the CMA are met. Coastal tendering results when, by way of an Order in Council, the Crown restricts the consent authorities' powers to grant consents to certain activities in certain areas. Currently there are no such orders for the Gisborne district.

One of the key problems with coastal tendering is that it does not provide interested parties with forewarning that a part of the CMA will be allocated for a particular purpose. In many respects, the fact that a tender does not guarantee a right to a particular use means that for most people this is not an issue. However, for tangata whenua or other groups with a very close relationship with a part of the CMA, the uncertainty surrounding tendering is likely to be cause for concern.

Section 64A of the RMA enables Council to apply coastal occupation charges to activities occupying space within the CMA. Under this section, Council must introduce a change to its coastal plan to either introduce a coastal occupation charging regime or include a statement to the effect that a charging regime will not be introduced.

Section 64(5) specifies that any money received can only be used for promoting the sustainable management of the CMA. Gisborne District Council has decided not to introduce a coastal occupation charging regime at this time.

A coastal occupation charging regime will not be established at this time due to a combination of several factors: uncertainty around what coastal occupation charges are; the low level of coastal occupation in the Gisborne district; uncertainty over future ownership and management of the foreshore and seabed; and the likelihood of a lengthy plan change process holding up other priorities on the Coastal Plan. Council will reconsider a coastal occupation charging regime when any of the above factors changes and provides greater clarity and certainty.

C3.8.1 Issues

1. The occupation of space in the CMA is often necessary for the social, economic, cultural or other functioning of communities but does frequently result in adverse effects on the environment.
2. The occupation of space in the CMA is frequently a principal determinant in the extent of adverse effects caused through coastal hazards.
2. The occupation of space in the CMA has adverse effects on future opportunities for the use of the CMA and can adversely affect existing uses of the CMA.
3. The occupation of space in the CMA lessens the availability of open space in the CMA and can be wasteful of finite resources of the CMA. Frequently these adverse effects are cumulative.
4. The total or partial exclusive occupation of space in the CMA can diminish public access to and along the CMA and can adversely affect the traditional relationship of tangata whenua with the CMA.

C3.8.2 Objectives

1. To provide for the occupation of space in the CMA where this is required to provide for an activity:
 - a) That has a functional need to locate in the CMA. or
 - b) For which there is no reasonably practicable alternative location outside the CMA after ensuring that the adverse effects arising from the activity's occupation of space in the CMA are avoided as far as practicable and, where complete avoidance is not practicable, the adverse effects are mitigated and provision is made for their remediation to the extent practicable.
2. Locations sought for the occupation of space that avoids the adverse effects of coastal hazards.
3. No new occupation of space in areas where existing occupied sites are reasonably available for the same purpose, or where the transfer of a permit to occupy space is a reasonable option.
4. The efficient use of space in the CMA.
5. There shall be no reduction in the level of access the public have to and along the CMA as a consequence of the occupation of the CMA unless there are no available measures to avoid, remedy or mitigate the adverse effects of a reduction, and the reduction is necessary.
6. Occupation of culturally or historically valuable space in the CMA which is consistent with the values of the local community, kaitiaki, or owners of those values and, where appropriate, given the principles of the Treaty of Waitangi.

Principal reasons:

- **Objective 1:** *This objective states the purpose of providing for the occupation of space in the CMA. The identification of any "practicable alternatives" requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the environment will be adverse and can be avoided, remedied or mitigated. The objective is consistent with the RMA and NZCPS.*
- **Objective 2:** *The location of a structure or other activity is a principal determinant in whether that activity will be adversely affected by coastal hazards. The social cost of hazard processes is often high. The RMA and NZCPS require that the adverse effects of coastal hazards be avoided.*
- **Objective 3:** *The NZCPS requires that regard be had of alternatives to what an applicant seeks to do. This objective extends that concept to anticipate an ideal situation where new sites are not occupied if an alternative exists. This objective ties in very closely with efficiency. See also the principal reason for C3.8.2(2).*

- **Objective 4:** *The RMA requires that particular regard be had to the efficient use and development of natural and physical resources. Occupation of space occurs almost solely for purposes of development and the main limitation on occupation of space (in the absence of any other affect) should be that efficiency occurs.*
- **Objective 5:** *The RMA requires, as a matter of national importance, the maintenance and enhancement of access to the CMA. The NZCPS reflects this fact.*
- **Objective 6:** *The RMA requires, as a matter of national importance, recognition of the relationship of Māori and their culture to natural and physical resources. The Act also requires that regard be had to the protection of heritage values associated with some buildings and sites. In implementing the Act the principles of the Treaty of Waitangi are required to be taken into account. These requirements are reflected throughout the NZCPS.*

C3.8.3 Policies

1. To promote and provide for the transfer of permits to occupy space in the CMA.
2. Council and consent authorities should make provision for the exclusive occupation of space in the CMA where it can be demonstrated that such exclusive occupation of space:
 - a) is reasonably necessary to provide for the lawful exercise of any activity and no reasonably practicable alternative to the exclusive occupation of space in the CMA exists
 - b) is consistent with the policies and objectives of this Plan.

In the case of an application to occupy a new site in the CMA that is not a consequence of a transfer of a permit to occupy it should be demonstrated that there is no reasonable alternative to occupying the new site.

When considering what is reasonably necessary to provide for the lawful exercise of any activity Council and consent authorities shall consider:

1. The extent to which the occupation of space restricts the exercise of other lawful activities or public access into or through the area sought.
 2. The level of security required to ensure the safe and efficient exercise of the activity for which the exclusive occupation is sought.
3. To require the provision of public access across Crown space occupied in the CMA unless restriction of access is necessary to:
 - a) Protect significant indigenous fauna, flora or significant habitats.
 - b) Protect Māori cultural sites.
 - c) Protect public health and safety.
 - d) Ensure a level of security consistent with the purpose of the resource consent, or is needed in other exceptional circumstances notwithstanding the national importance of maintaining access. Where a reduction of access is necessary, to remedy or mitigate the adverse effects of the reduction where appropriate.
 4. Where appropriate, to ensure that when space is allocated in the CMA account is taken of the potential for sea level rises and to ensure that space is allocated in a way that avoids, remedies or mitigates potential threats from any coastal processes.
 5. To have particular regard to the cumulative adverse effects occupation of space in the CMA has, particularly in respect of its impact on finite characteristics such as the availability of open space.
 6. To provide space in the CMA for temporary recreational and cultural events where the effects of providing for these are minor.

Principal reasons:

- **Policy 1:** *There is evidence of redundancy in the use of open space in the CMA. Structures deteriorate and physical processes can quickly impose serious costs on developers. The ability to transfer permits to occupy space could provide a means whereby redundant or excessively costly structures are retired and new uses are established elsewhere in the CMA.*

- **Policy 2:** This policy implements the NZCPS and also contains conditions to ensure consistency with other policies and objective C3.8.2(1) of this Plan.
- **Policy 3:** This policy is consistent with and enhances the NZCPS.
- **Policy 4:** This policy requires occupation of space to occur in a way that reflects the realities of potential impacts on coastal processes and also the likelihood of sea level rise.
- **Policy 5:** This policy is necessary because the CMA is largely a public resource and could easily be degraded over time. This policy is consistent with the NZCPS.
- **Policy 6:** This policy aims to cater for infrequent sporting events such as surf lifesaving competitions, triathlons and beach races as these types of events contribute towards community well-being and are low impact.

C3.8.4 Methods

1. Council will compile and maintain an inventory of all occupations of the CMA and will manage information on that inventory for purposes established in this and other chapters of this Plan as they relate to monitoring.
2. Council will encourage the transfer of permits to occupy in preference to duplication of activities in the CMA by highlighting this option with applicants if it exists.
3. Council will promote the provisions of this Plan as they relate to unauthorised occupation.

Principal reasons:

- **Method 1:** This is required to monitor effects.
- **Method 2:** This is consistent with policy C3.8.4(1) and achieves part of that policy.
- **Method 3:** This is required to implement rules in the management areas of this Plan. Refer to C3.6.4 for methods in respect of tangata whenua and their interests in the CMA, and C3.7 which deals with structures.

C3.9 Activities – Alteration of the Foreshore and Seabed

Alteration of the foreshore and seabed is a term that covers a variety of activities that result in modification of the foreshore or bed of the CMA. Examples of such activities include:

- Reclamation
- Sand, shingle, shell removal
- Driftwood removal/beach grooming
- Burial of marine mammals
- Deposition (includes dumping)
- Beach replenishment
- Drilling, excavating, tunnelling, use of explosives
- The construction or demolition of some structures
- Dredging.

The effects of these activities are variable and can include changes to seabed topography, destruction of the habitats of benthic organisms, discoloration of water and changes to patterns of water and sand movements.

Activities that result in modification of the foreshore or bed frequently have adverse effects. In order to achieve the sustainable management of the Coastal Environment it is important to ensure that activities do not undermine the integrity of the Coastal Environment while allowing people to provide for their economic, social and cultural well-being.

C3.9.1 Issues

1. Activities that alter the foreshore or bed may also disturb important cultural and historic sites, or may be inconsistent with the values of tangata whenua.

2. Activities that alter the foreshore or bed have the potential to adversely affect fragile ecosystems and can significantly reduce available habitat for some species.
3. Activities that alter the foreshore or bed can modify sediment transport processes and change patterns of accretion and deposition. This could result in a significant loss of property or the loss of important natural values.
4. The visual effects of activities that alter the foreshore or bed are sometimes significant. Such effects can result in diminished natural character or the loss of coastal amenity.
5. Some disturbance of the foreshore or bed of the CMA is necessary in order to provide for the social and economic welfare of people of Gisborne district.

C3.9.2 Objectives

1. To provide for activities that alter the foreshore or bed of the CMA while avoiding, remedying or mitigating any adverse effects they have on ecosystems and habitat.
2. Avoidance of adverse changes to rates of coastal erosion and accretion caused by activities that alter the foreshore or bed of the CMA.
3. Maintenance or enhancement of natural character and amenity values of the Coastal Environment.

Principal reasons:

- **Objective 1:** *Many of the activities that alter the foreshore or bed of the CMA are beneficial and of value to communities and individuals. It is important however that the provisions of these activities do not undermine the integrity of natural processes and organisms.*
- **Objective 2:** *The Gisborne coastline is relatively new in geological terms. Any alteration to the foreshore or bed of the CMA has the potential to cause wide ranging effects elsewhere and these should be avoided.*
- **Objective 3:** *The RMA requires the preservation of the natural character of the Coastal Environment and its protection from inappropriate subdivision, use and development²¹. The Act also requires particular regard be had of maintaining amenity values.*

C3.9.3 Policies

1. Council and consent authorities will give priority to avoiding the adverse effects of disturbance or alteration of the foreshore or seabed on:
 - a) habitats important to the continued survival of indigenous species
 - b) values associated with a Significant Values Management Area
 - c) areas of strategic importance to aquatic species, including but not limited to whitebait spawning areas, marine mammal haul-out areas and fish spawning areas.

Where complete avoidance is not practicable, the adverse effects on a), b) and c) above should be mitigated and provision made for remedying those effects, to the extent practicable.
2. To ensure that the extraction of material from the foreshore or bed of the CMA does not result in a reduction in the stability of dunes and other fragile ecosystems and, in particular, to:
 - Ensure extraction from Poverty Bay near the Waipaoa river mouth does not adversely affect the stability of the foreshore or dunes there.
 - Prevent sand extraction from Wainui Beach, Kaiti Beach and Tolaga Bay.
3. To ensure that activities that alter or disturb the foreshore or bed of the CMA do not adversely affect the natural character of the Coastal Environment by:
 - Protecting the integrity and functioning of sediment transport processes.

²¹ Port Gisborne Consent Order 742/00

- Ensuring that measures are taken to mitigate any adverse effects an activity may have on the biodiversity of an area.
 - Ensuring beach replenishment activities use sand or other natural materials that is compatible with the natural character and geophysical processes of the area.
4. To require activities that have the effect of disturbing or altering the foreshore or seabed of the CMA to avoid, so far as is practicable, adverse effects on amenity values of the CMA by:
 - Avoiding the visible disturbance or alteration of the foreshore or seabed of the CMA in areas that are characterised by open space.
 - Recognising and providing for the amenity values arising from the natural character of the Coastal Environment.
 5. To recognise the ability of beaches and sand dunes to protect subdivision use and development by:
 - Not allowing activities that will destabilise dune systems adjacent to existing or proposed subdivision, use or development.
 - Encouraging activities that enhance the stabilisation of dune systems.
 6. To ensure that the material used in any reclamation, or constituent of any dumping does not contain contaminants that, in the quantities dumped, having regard to cumulative and synergistic effects, will result in any of the following:
 - The death of organisms by toxic contamination
 - The bioaccumulation of heavy metals in organisms
 - The rendering of nursery areas and feeding grounds unsuitable for dependent species.
 - The localised depletion of dissolved oxygen as a result of increased biological activity.
 7. To ensure activities that alter or disturb the foreshore or bed of the CMA are not located in²² sites of cultural, conservation or historical significance unless it can be demonstrated that the adverse effects of locating there are minor.
 8. To ensure that the alteration or disturbance of the foreshore or bed of the CMA avoids adverse effects on the values identified within or protected by a Significant Values Management Area to the extent practicable. Where complete avoidance is not practicable then the adverse effects on such values should be mitigated and provision made for remedying those effects to the extent practicable.
 9. To have regard of alternatives to reclamations or activities that alter the foreshore or bed of the CMA and applicants reasons for the activity when considering applications for coastal permits.
 10. Council and consent authorities should adopt a precautionary approach in assessing the effects on the environment arising from the alteration or disturbance of the foreshore or seabed of the CMA where the effects are:
 1. unknown; or
 2. little understood.

Principal reasons:

- **Policy 1:** *This policy is intended to direct dredging and dumping activities away from important habitats, and to highlight the need of endeavouring to avoid adverse effects.*
- **Policy 2:** *This policy is designed to ensure that sand extraction does not increase the risk to life or property through increased risk from coastal hazards and is consistent with the NZCPS.*
- **Policy 3:** *This policy reflects an RMA matter of national importance and is also consistent with the NZCPS. The potential for natural character to be diminished by insensitive activities in the CMA is considered significant.*
- **Policy 4:** *Some activities that disturb or alter the foreshore or bed of the CMA involve heavy machinery and other forms of development. The presence of this type of development can*

²² Port Gisborne Consent Order 742/00

diminish people's perceptions of the Coastal Environment and thus should be avoided where possible. This policy is consistent with the NZCPS.

- **Policy 5:** *This policy is designed to facilitate coastal management which recognises that dune systems can protect human investment. This policy is consistent with the NZCPS.*
- **Policy 6:** *This policy protects the Coastal Environment from the dumping of toxic waste. The policy ensures that an effect that is expressly dealt with in one part of the RMA does not occur through classifying an activity in another way.*
- **Policy 7:** *The reason for this policy is to ensure the provisions of the Act are met and also to ensure that values special enough to be included in a Protection Management Area are protected.*
- **Policy 8:** *This policy is needed to protect the integrity of those values identified as needing protection in a Protection Management Area.*
- **Policy 9:** *The NZCPS requires that plans stipulate that regard be had of alternatives to these activities. The above policy gives effect to the NZCPS.*
- **Policy 10:** *This policy is required in order to be consistent with the NZCPS. The types of activity dealt with under this chapter are quite likely to require application of the precautionary principle.*

C3.10 Activities – Discharges

This chapter deals with two types of discharge:

- discharges to water
- discharges to land.

Water quality can be affected by the discharge of contaminants resulting from activities within and adjacent to the Coastal Environment.

Discharges to land become an issue when the soil resource is unable to sustain discharge or when they enter groundwater or threaten the health of biological or human systems – in particular the use of soil or land for the assimilation of waste products, or as a final treatment for human or animal waste needs to be carefully considered.

It is difficult and expensive to accurately determine the quality of inshore coastal waters in Gisborne district. Gisborne District Council is committed to upgrading wastewater treatment and disposal systems for the city. While the physical effects of any upgrade are not known with any certainty it is likely that reducing the flow of human derived waste products to the CMA will result in a reduction in the exposure of bathers and other recreational users to pathogens. Improved wastewater treatment and disposal is definitely supported by a large sector of the community.

Although the physical effects of discharges to land and water can be difficult to measure quantitatively, the effects of discharges on people's perceptions, cultural values and enjoyment of the Coastal resource are readily understood. There is a consensus, for example, that the discharge of effluent into Poverty Bay is offensive and that bathing beaches should contain water that reaches bathing water standards. Many Māori are offended by any discharge of human wastes into water.

In this chapter the Issues surrounding discharges to the Coastal Environment are addressed. Because our knowledge of the physical effects of many of the activities that result in discharges to the Coastal Environment is limited, the chapter is primarily concerned with:

- Maintaining and, where practicable, enhancing the quality of coastal waters.
- Improving information systems and establishing improved policies, methods, rules, classifications and standards.
- Addressing community concerns relating to Poverty Bay water quality by stressing through policy the importance of consultation.
- Creating a link to provisions of the regional air quality, waste management and hazardous substances, and water plans and guiding, through policy, subdivision, use and development in the Coastal Environment.
- Providing policy certainty that coastal water quality will not be diminished and that sustainable management will occur.

- Ensuring that the provisions of MARPOL 73/78 are recognised.

A majority of the coastal water in the Gisborne region is unclassified. Most of this water occurs well away from human settlement, contains no known point source discharges and would likely be of a high quality. As with much of the Gisborne district, it is likely that this water quality suffers from excessive siltation but is otherwise under no threat.

Coastal water in and adjacent to Poverty Bay to about 2km offshore between Young Nick's Head and Pariokonohi Point has been classified as a method of setting standards for water quality. Most of this area is classified SA (water managed so as to afford all water values the highest protection).

The inshore waters of Poverty Bay and the mouths of a number of streams and rivers within this area are classified SB – a classification which provides for contact recreation (low health risks from the presence of faecal bacteria) while also protecting ecosystem values. The harbour area is classified SC. An SD classification has been applied around the Gisborne city wastewater outfall, but the SD area does not necessarily define the mixing zone/s for that discharge. At some places within Poverty Bay, the water quality standards are not being met at all times. Recognising that receiving waters have varying degrees of sensitivity, Council will implement a risk-based management regime for all of the region's coastal waters that will:

- Provide a way of managing coastal water quality that is in line with the current water classifications, and national and international guidelines.
- Engender a greater degree of understanding on water quality issues, the factors affecting water quality and any risks associated with the use of coastal waters.
- Establish a framework that integrates with known proposals for improvement (e.g. the Gisborne City Wastewater Strategy) and that integrates with State of the Environment reporting.

C3.10.1 Issues

1. A significant amount of contaminants enter the CMA through diffuse sources and cannot be effectively controlled in the short term.
2. The discharge of contaminants to land or water can result in adverse effects in the following:
 - a) People's perceptions of the amenity of the Coastal Environment
 - b) Natural character of the Coastal Environment
 - c) Coastal flora and fauna
 - d) Māori perceptions of the mauri of water
 - e) Recreational opportunity
 - f) The health of people exposed to contaminants.
3. Uncertainty, high costs and long time frames associated with improving the water quality and reducing the quantity of contaminants discharged to the Coastal Environment can also diminish people's perceptions of amenity.

C3.10.2 Objectives

1. To maintain or, where practicable enhance the physical and cultural quality of water (including that found in aquifers) and land in the Coastal Environment.
2. The progressive upgrade of the quality of existing point and non-point discharges to water of the Coastal Environment.
3. Avoidance, where practicable of the adverse effects of discharges to land or water on the natural character and amenity of the Coastal Environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.

Principal reasons:

- **Objective 1:** *This objective is necessary to establish a basis for monitoring water quality and will be achieved in the first instance through improvements to existing point-source discharges and in the longer term through improved land management practices.*
- **Objective 2:** *While there is significant concern for the adverse effects caused by existing discharges, there is recognition that realistically improvements need to be staged.*
- **Objective 3:** *This objective meets the requirements of section 6(a) and 7(c) of the RMA and is consistent with the NZCPS.*

C3.10.3 Policies

1. Water quality of the CMA between Pariokonohi Point and Young Nick's Head to approximately 2km offshore will be managed to accommodate the following purposes:
 - a) SA: Water managed to afford all water values the highest protection.
 - b) SB: Water managed for contact recreation (to at least provide for low health risks while bathing) while also protecting ecosystem values.
 - c) SC: Water managed to at least provide for low risk occasional human contact whilst protecting ecosystem values.
 - d) SD: Water managed to at least protect organisms from death by toxic discharge and prevent fouling of fishing grounds.

Refer: Method C3.10.4(10) for Water Quality Standards.

2. Council will seek to enhance Poverty Bay water quality through:
 - a) Phased improvement over a period of time in the quality of wastewater discharge from the city outfall including monitoring and controlling the quality of trade wastes from commercial and industrial premises.
 - b) Continued encouragement of on-site treatment of effluent prior to discharge particularly within the horticultural processing sector.
 - c) Ongoing commitment to continued upgrading, where necessary, of infrastructure to manage the quality of urban run-off.
 - d) Ongoing commitment to the management and improvement of rural run-off via strategies and via rules in the Tairāwhiti Plan.
3. Council will develop and implement a risk-based approach to managing coastal water quality, that:
 - a) Identifies and evaluates the risks of a particular use or from a particular activity to human health or the environment.
 - b) Defines a programme of works or actions (with timeframes) to mitigate any adverse effects of uses or activities.
 - c) Includes ongoing monitoring after completion of any mitigation works or actions to determine whether risks are at an acceptable level or if further mitigation is required.
 - d) Defines trigger levels at which specified management responses will be undertaken.

The risk-based approach includes a three tier strategy for monitoring coastal water quality (refer to method C3.10.4(6)).

4. The Consent authority shall not grant a permit for a discharge to water of the CMA which on its own, or in combination with other existing lawful discharges, will, after reasonable mixing, result in existing water classification standards being exceeded except where:
 - a) Exceptional circumstances justify the granting of the consent.
 - b) The discharge is of a temporary nature and will not result in adverse effects that are cumulative.
 - c) The discharge is needed for maintenance work, the result of which will be an improvement in the quality of the discharge, and the discharge will not result in adverse effects that are cumulative.

- d) The existing water classification can be demonstrated to be inappropriate, and exceeding the standards is consistent with sustainable management having particular regard to the desirability of enhancing water quality, and public expectations for water quality.
5. A discharge of human sewage, excluding discharges of human sewage from ships, direct into the water of the Coastal Environment, which does not pass through land, shall only occur where:
- a) It better meets the purpose of the Act than disposal onto land.
 - b) There has been consultation with the tangata whenua in accordance with tikanga Māori and due weight has been given to Sections 6, 7 and 8 of the Act.
 - c) There has been consultation with the community generally.
6. The consent authority shall not permit the discharge of human sewage direct to the CMA of a Protection Management Area unless it can be demonstrated that the adverse effects of the discharge will be minor. In particular the consent authority will have regard of the effects of the discharge on:
- a) The mauri of the receiving environment.
 - b) The actual or perceived amenity values of the receiving environment.
 - c) Any values protected or sought to be protected by the Protection Management Area, including any adverse effect on the natural character of the Protection Management Area.
7. The discharge of a contaminant (either by itself or in combination with other discharges) directly into the CMA should only be allowed in circumstances where:
- a) The existing water quality is maintained and, where appropriate, enhanced.
 - b) The effects on the community of not allowing the discharge would not promote the social and economic well-being of the community.
 - c) The discharge to an alternative receiving environment would create a greater adverse effect than the proposed discharge to sea.
8. All discharges of contaminants to water, land of the Coastal Environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:
- a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant.
 - b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties, is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.
9. Particular regard will be given to avoiding the adverse effects of discharges that:
- a) Do not readily degrade in the Coastal Environment into harmless forms.
 - b) Have the potential, once discharged into the Coastal Environment, to be transformed into a more toxic form.
 - c) When combined with other contaminants, have serious synergistic effects.
 - d) Have poorly understood effects.
- Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.
10. Maintain and where practicable, enhance amenity values in the following:
- a) Locations with a high public interest or public use of water except for the Port Management Area
 - b) Locations with a particular tangata whenua interest in the water
 - c) Places where food is regularly gathered
 - d) Places which can be demonstrated to be regionally important in respect of the amenity they provide and which may include:

- i. Important scenic sites.
- ii. Important recreation sites, including sites that may be used for active recreation such as surfing, swimming or fishing or passively used sites which may be appreciated for their relative ease of access, scenic beauty or seclusion.
- iii. Sites which contain a special mix of built and natural amenity values which combine to enhance people's perception of amenity.

For the purposes of this policy, the Port Management Area includes the area in the Tairāwhiti Plan planning maps. Within the Port Management Area, the dredge dump areas are excluded from amenity considerations in relation only to the deposition of dredge spoil and its discharge, and not in relation to any other discharge or deposit.²³

11. The Council will consult fully with the community and will have regard to community expectations for coastal water quality when:
 - a) Setting minimum standards for water quality in the Coastal Environment.
 - b) Providing works or services involving a discharge to waters in the Coastal Environment.
 - c) Reviewing options for the treatment and ultimate disposal of Gisborne city sewage.
 - d) In other situations where it is reasonable to believe that the wider community stands to be affected by the works.
12. The storage, manufacture, use or disposal of potential chemical contaminants in the Coastal Environment, should be avoided where, after having regard to alternative locations or methods of containment, including location requirements, design specifications, national and industry guidelines and relevant codes of practice – avoidance is the best practicable option for preventing a possible containment failure, or possible cumulative minor discharges, which could give rise to significant adverse effects on habitats, feeding grounds or ecosystems.
13. The Council shall minimise the practical uncertainty created by the use of the terms 'reasonable mixing' and 'natural perturbations' by:
 - a) Requiring applicants for discharges water of the CMA to assess dispersion and mixing characteristics for their discharge in the receiving environment.
 - b) Based upon the dispersion and mixing characteristics of the discharge defining, on a case by case basis, a zone that will be used for the discharge as the reasonable mixing zone.
14. Adverse effects that arise from vessel discharges and maintenance shall be avoided or mitigated by, among other things:
 - a) Ensuring adequate measures are taken to prevent contaminants from vessel maintenance entering the CMA.
 - b) In appropriate circumstances, requiring applicants for resource consents within the Port Management Area, as a condition of the consent pursuant to section 108 of the RMA, to provide facilities to collect rubbish or sewage from vessels at Port Gisborne. Where appropriate, such collection facilities should be designed so that they can be used by self-contained vehicles complying with NZS 5465:1990.
 - c) Encouraging the provision of facilities for collection of the residues of vessel maintenance at all places where vessel maintenance regularly occurs and requiring all new vessel maintenance facilities to provide such facilities or have available the appropriate services.
15. The discharge to land of liquid wastes which contain high levels of organic waste, contaminants that are likely to be toxic to organisms living in the receiving environment, or other wastes the effects of which are either uncertain or likely to be adverse to the receiving environment, shall be avoided in or adjacent to the following locations:
 - a) areas aquifers recharge from

²³ Port Gisborne Consent Order 742/00

- b) surface or groundwaters
- c) the margins of lakes, rivers, streams, wetlands or estuaries.

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

16. The adverse effects of the discharge of wastes to land of the Coastal Environment shall be avoided by:

- a) Ensuring that the cumulative effects of discharges to land are fully assessed.
- b) Requiring waste treatment facilities to contain adequate provisions to avoid the escape of untreated effluent to the Coastal Environment during emergencies.
- c) Ensuring that waste which contains toxic contaminants is adequately sealed to prevent leakage into soils, waterbodies or the CMA.
- d) Avoiding locating discharges in areas of high amenity or natural character.
- e) Avoiding locating waste disposal sites where they are prone to inundation or other natural hazard.
- f) Requiring the remediation of waste disposal sites at the end of their useful lives.
- g) Ensuring solid waste disposal sites are sufficiently landscaped to avoid detracting from local amenity and the natural character of the Coastal Environment.

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

Principal reasons:

- **Policy 1:** This policy is necessary to reinstate existing water classifications pursuant to section 69(2) of the RMA.
- **Policy 2:** Water quality in Poverty Bay will need to be improved if the purpose of the RMA is to be met.
- **Policy 4:** This policy establishes the validity and effect of the water classifications adopted in this Plan (refer Method C3.10.4(2) and Schedule G14). This policy must be read as being ancillary to section 107 of the RMA and can only be applied within the constraints of that Section.
- **Policy 5:** This policy is designed to give effect to the NZCPS in regard to the Gisborne sewerage system outfall and other discharges of human sewage outside of a Significant Values Management Area.
- **Policy 6:** The policy precludes the direct discharge of effluent to a Significant Values Management Area except in exceptional circumstances. The NZCPS establishes that such a discharge may only occur in limited circumstances.
- **Policy 7:** There is a requirement within the legislation that quality of water will at least be maintained with an expectation that it will be enhanced.
- **Policy 8:** This policy is a requirement of the NZCPS.
- **Policy 9:** The NZCPS requires use of a precautionary principal and throughout addresses the importance avoiding adverse effects.
- **Policy 10:** This policy implements the purpose of the RMA by giving priority to the protection of the amenity in areas that are already well recognised for their amenity.
- **Policy 11:** The NZCPS establishes the importance of community consultation. This policy is necessary to ensure consultation does occur and the results of the process are given due weight.
- **Policy 12:** The Coastal Environment is sensitive to the adverse effects of contamination. Containment and implementing remedial action should spills occur can be very difficult and for this reason risky activities should not locate in the Coastal Environment.
- **Policy 13:** The application of these terms is required in applying the standards the RMA.
- **Policy 14:** The Council will use various methods to encourage the responsible disposal of wastes from vessels.

- **Policy 15:** *This policy is necessary to ensure that measures are taken to avoid, remedy or mitigate adverse effects that are reasonably foreseeable, consistent with the NZCPS. This policy also implements the precautionary principle requirements of the NZCPS.*
- **Policy 16:** *While standards exist for part of the CMA with respect to discharges there, none exist above MHWS, this policy establishes minimum requirements for land disposal of wastes. This policy is necessary to ensure that measures are taken to avoid, remedy or mitigate adverse effects that are reasonably foreseeable.*

C3.10.4 Methods

1. Rural and urban land use activities will be encouraged to adopt practices that minimise the use or creation of potential contaminants, and reduce the quantity of contaminants entering land or the waters of the Coastal Environment.
2. Council will initiate a review of permits to discharge contaminants to the CMA with a view to amending the conditions of those permits that do not conform with policies or rules in this Plan.
3. Implement a staged wastewater strategy for Gisborne city. The strategy continues sewer and stormwater remedial works, and anticipates significant reductions in microbiological loadings, oil and grease loadings and suspended sediment loadings in the discharge. Investigations into the feasibility of disposal through land and disposal to land will also be made. Alternative strategies based on new technologies or further investigations may be considered provided equivalent or better discharge quality is achieved.
4. Maintain and enforce a Trade Waste Bylaw under which it will require industry to treat its own effluent prior to discharge to the sea through the reticulated system.
5. Research the issues and values of the Gisborne city urban rivers and streams which include the Turanganui River, its riparian margins and tributaries including the Kopuawhakapata Creek and the Port Basin. This research will culminate in the development of a systems-based management plan for urban waterbodies.
9. Within six months of the lapsing of any coastal permit that is not replaced or renewed the consent authority shall initiate a review of the classification of that part of the CMA for which the classification was set and shall, if appropriate, reclassify that water to that of surrounding water.
10. Encourage urban land use that reduces the frequency and quantity of contaminants entering the stormwater and sewerage systems by:
 - a) Facilitating public and industry understanding of the causes and consequences of water pollution.
 - b) Initiating a specific education programme for householders and businesses to discourage inappropriate waste entering the stormwater system.
 - c) Increasing awareness of appropriate alternatives and disposal methods.
 - d) Supporting the use of unleaded fuels, pedestrian, cycle and public transport.
 - e) Encouraging the separation of waste materials from stormwater in new subdivisions.

Provision of services

11. Progressively upgrade the city sewer system so as to reduce the frequency and quantity of sewage overflows into rivers.
12. Discharge water quality standards refer to Schedule G14:

Note: *Water classes are fully described in Schedule G14. Please refer there to determine the bounds of the respective water quality class areas.*

Note: *The standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the waterbody.*

STANDARDS FOR CLASS SA WATERS

The quality of Class SA waters shall conform to the following requirements:

- a) The natural water temperature shall not be changed by more than 3 degrees celsius.
- b) The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5.
- c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours.
- d) The natural colour and clarity of the water shall not be changed to a conspicuous extent.
- e) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and the water shall not be rendered unsuitable for bathing by the presence of contaminants.

STANDARDS FOR CLASS SB WATERS

The quality of Class SB waters shall conform to the following requirements:

- a) The natural water temperature shall not be changed by more than 3 degrees celsius.
- b) The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5.
- c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours.
- d) The natural colour and clarity of the water shall not be changed to a conspicuous extent.
- e) The water shall not be rendered unsuitable for bathing by the presence of contaminants.

STANDARD FOR CLASS SC WATERS

The quality of Class SC waters shall conform to the following requirements:

- a) The natural water temperature shall not be changed by more than 3 degrees celsius.
- b) The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5.
- c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours.
- d) The natural colour and clarity of the water shall not be changed to a conspicuous extent:

STANDARD FOR CLASS SD WATER

The quality of Class SD waters shall conform to the following requirements:

- a) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances, or an altered acidity or alkalinity as measured by the pH, or a rise in temperature caused by the pollutant.
- b) There shall be no fouling of fishing grounds.
- c) The natural colour and clarity of the water shall not be changed to a conspicuous extent.

Principal reasons:

- **Method 1:** Rural and urban land uses contribute contaminants to the Coastal Environment. The Council aims to reduce the adverse effects of these contaminants to the greatest extent practicable. This will largely be implemented through other statutory plans and non-statutory methods.
- **Method 2:** This method states that Council will actively review the conditions attached to coastal permits pursuant to section 128 of the RMA. The method is included because it is a requirement under the NZCPS.
- **Method 3:** Refer Policies C3.10.3(2) and C3.10.3(7).
- **Method 4:** Trade Waste Bylaws are the principal means that Council has adopted for ensuring that the quality of industrial effluent discharged is sufficient to meet the standards for the classified waters of Poverty Bay and, at the same time, implementing a user pays regime.

- **Method 5:** The research is necessary in order to provide for the future management of these river systems. The research will cover water quality and other issues relating to the Turanganui River system.
- **Method 6:** A three-tier monitoring approach is proposed. This will involve: resource use, where activities requiring consent will be subject to effects monitoring programmes in order to establish how well methods proposed actually work or if additional methods are required; suitability of waters which is a risk-based approach that is flexible in its operation while still achieving environmental outcomes consistent with community expectations; and state of the environment reporting providing information on long term trends and planning strategies.
- **Method 7:** In order to assess the implementation of this Plan and gauge the effectiveness of management tools, improved monitoring is required.
- **Method 8:** The best parameters to indicate water quality can change over time.
- **Method 9:** The RMA and the NZCPS encourage an improvement in water and do not allow for a worsening. This policy ensures that water quality does not worsen.
- **Method 10:** Education is a potentially viable means of ensuring adverse effects do not occur.
- **Method 11:** The upgrade is a Council policy. Sewer overflow is a major source of urban river and stream contamination.

C3.11 Activities – Take, Use, Dam, Divert Water

Within the Gisborne district very few, if any, industries take or use coastal water in significant quantities. With limited exceptions, the effects of any taking, use, damming or diversion of coastal waters that is likely to occur is minimal. The exceptions are where taking, use, damming or diversion occurs in confined water, such as occurs within rivers or estuaries or even within a small embayment. In these situations, the effects of the activity are likely to be greater than in open coastal water because:

- a) The effects are confined and less likely to be assimilated to the extent that they cannot be measured.
- b) The fauna and flora in these areas is likely to be more specialised than in open water. Any adverse effects are likely to be more significant to these organisms
- c) Enclosed waterways are more prone to the adverse effects of siltation, changes in speed and volume of water flow and other physical changes to the environment.

C3.11.1 Issue

1. The taking, use, damming or diversion of water in the Coastal Environment has a potential to result in adverse effects on the environment – particularly where they occur in enclosed waters.

C3.11.2 Objectives

1. There will be no more than minor adverse effects on the environmental, amenity or cultural values of the Coastal Environment caused by the taking, using, damming or diverting of water.
2. The mauri, amenity and natural character values of the Coastal Environment be protected from any adverse effects associated with taking, use, damming or diversion of water in the Coastal Environment. Note: Where taking, using, damming or diverting water in the Coastal Environment involves the erection of structures, alteration to the foreshore or bed of the Coastal Environment or any other activity specifically provided for by rules or policies of this Plan, the provisions of those rules or policies apply also.

Principal reasons:

- **Objective 1 & 2:** The objectives for this chapter are couched in general terms in recognition of the complexity of the adverse effects that taking, using, damming or diverting coastal waters can cause.

C3.11.3 Policies

1. To allow the taking use, damming or diverting of water in the Coastal Environment provided that it has no more than minor adverse effects on the natural or physical values of the Coastal Environment, and provided activities associated with the take, use, damming or diversion of water is consistent with other policies and rules of this Plan.
2. To provide for the taking or use of water from the Coastal Environment for the operational needs of vessels, or for firefighting purposes.
3. To have particular regard to the effects of any taking, use, damming or diversion of water in the Coastal Environment on the mauri of coastal waters.
4. To avoid taking, using, damming or diverting coastal water where taking, using, damming or diverting coastal water is likely to:
 - a) Adversely affect tidal movements or water levels within an estuary, river, stream or embayment or
 - b) Prevent the migration of trout, salmon or indigenous flora and fauna.
 - c) Result in the localised depletion of organic or inorganic compounds from water of the Coastal Environment, unless it can be demonstrated that allowing so will not significantly adversely affect any plant or animal species in that location.
 - d) Adversely affect to a significant degree coastal water containing any habitat important to the continued survival of any indigenous species or containing nationally vulnerable species or nationally outstanding examples of indigenous community types.

Principal reasons:

- **Policy 1:** *This policy facilitates activities which take, use, dam and divert water in the Coastal Environment without compromising environmental bottom lines.*
- **Policy 2:** *The NZCPS establishes that the taking of water for normal operational requirements of ships should be allowed. This policy also allows for water used for firefighting purposes.*
- **Policy 3:** *Māori have established the importance of the mauri of coastal waters. The RMA establishes the importance of maintaining Māori values and this is supported by the NZCPS.*
- **Policy 4:** *The NZCPS and RMA state the importance of avoiding cumulative adverse effects. The NZCPS throughout points to environmental bottom lines.*

C3.12 Activities – Exotic Plants

The introduction of new exotic or introduced plants to the CMA of the Gisborne district is not readily anticipated. Nevertheless, where an individual or group plans to introduce new plants to areas of the CMA, it is important that controls are in place to ensure that potential adverse effects are fully assessed and environmental risk is avoided.

There is a potential for exotic plants to seriously threaten the sustainability of coastal processes. The introduction of opportunistic exotic plants has the potential to seriously affect habitats, the access of people to and across the coastal margin and could significantly reduce natural character and coastal amenity.

Section 12(1)(f) of the RMA prohibits the introduction of exotic plants to the CMA unless expressly allowed by a rule in a regional coastal plan.

Where indigenous and exotic plants can achieve the same purpose indigenous plants are favoured. The Council is responsible for educating the public and ensuring noxious plants do not become a problem in the district.

Where resource consent applicants seek to introduce new exotic plants into the coastal marine environment, controls and, if necessary, policies will be formulated in association with DOC and Ministry of Fisheries regarding the treatment of such plant species. The following objectives, policies and rules seek to establish a framework for dealing with exotic plant introductions under the RMA.

C3.12.1 Issue

1. Exotic plants, when introduced to a new environment, can have adverse effects which are irreversible and difficult to predict.

C3.12.2 Objectives

1. No adverse effects to the CMA as a consequence of managing the introduction of exotic or introduced plants to the CMA.

Principal reasons:

- **Objective 1:** *This objective encapsulates a number of areas of concern. The potential for adverse effects is a prime concern.*

C3.12.3 Policies

1. To recognise the inappropriateness of introducing exotic plants to locations in the Coastal Environment containing:
 - a) significant indigenous flora
 - b) significant habitats of indigenous fauna (where these are dependent on indigenous flora or are threatened by exotic flora)
 - c) areas of high natural character values
 - d) areas of high cultural values.
2. To have regard to the unique relationship of tangata whenua with the Coastal Environment and the potential introductions of exotic plants have to disrupt this relationship.
3. To promote, where appropriate, the planting of indigenous species (of local genetic stock where possible) in the Coastal Environment.
4. To promote the management of exotic or introduced plant species in accordance with Regional Pest Management Strategies.
5. To prohibit the introduction of exotic plant species to the CMA unless the plant species can be demonstrated to:
 - a) be compatible with natural ecosystems of the receiving environment
 - b) have a well-documented ecology and a high probability of behaving in a predictable manner in the receiving environment
 - c) be contained or managed so as to be extremely unlikely to cause adverse effects on the ecology of the CMA beyond the immediate area for which the resource consent is sought.

Principal reasons:

- **Policy 1:** *These values are highly susceptible to the effects of exotic plants and should be protected from these effects.*
- **Policy 2:** *Exotic plants have the potential to adversely affect Māori cultural values by displacing native species, reducing available food or impacting upon cultural beliefs.*
- **Policy 3:** *The NZCPS requires preference be given to indigenous species for restoration planting. This policy ensures that and extends it to promote the same for all plantings.*
- **Policy 4:** *This policy is designed to cross-link this document with the Noxious Plants Programme as a means of achieving integrated management.*
- **Policy 5:** *The precautionary principle is extremely important in respect of the introduction of plants to the CMA because of the potential irreversibility of that action. This policy details the bounds of precaution.*

C3.12.4 Methods

1. Council will develop and administer pest management strategies for economically threatening exotic plant species of the Coastal Environment as required by the Biosecurity Act 1993 and, in the interim, will manage noxious plants under its noxious plants programme.

| Class A Noxious plants | Class B target plants |
|---|---|
| Johnson grass Sorghum halepense Cape tulip Homeria collina Water Hyacinth Eichornia crassipies Water lettuce Pistia stratiotes Salvinia Salvinia molesta | African feather cress Pennisetum macrourum Australian sedge Carex longibrachiata Boxthorn Lycium ferrissimum Common broom Cytisus scoparius Gorse Ulex spp. Montpellier broom Teline montspessulana Nodding thistle Carduus nutans Pampas Cortedaria jubata Red cestrum Cestrum elegans Sweet briar Rosa rubiginosa White edge nightshade Solanum marginatum Woolly nightshade Solanum mauritianum |

Figure C3.1 – Noxious Plants Schedule

C3.13 Activities – Coastal Recreation

Marine recreation is an important component of the New Zealand lifestyle. The New Zealand coastline is recognised overseas for its attractive character and the variety of recreational opportunities available to visitors. The Gisborne district is no exception. The region's coastline is well known for its rural character, long sandy beaches, extensive reefs and good surfing, swimming, fishing and camping opportunities. Past dependence on coastal shipping has left us with a legacy of small coastal towns. These now survive in a large measure because of cultural links with the coastline and the recreational lifestyle opportunities that only a coastal location can provide.

Opportunities for coastal recreation contribute to the vitality of our community – both directly and indirectly. Residents benefit directly from the lifestyle. Coastal recreation opportunities help to attract new residents and businesses – and contribute to visitor based industries. The community benefits from healthy recreational opportunities and sporting events.

It is important that policy on coastal recreation reflects the diversity of activities pursued in the CMA.

The RMA enables the development of coastal provisions in the Tairāwhiti Plan to control activities on the surface of the water and on the foreshore of the CMA. There are several other regulations made under different Acts that also control these activities.

C13.1 Issues

1. Some recreational activities on the surface of the water of the CMA may be incompatible with other recreational activities taking place in the same area and the environment in general. Adverse environmental effects generated by such activities may include excessive noise and navigational difficulties due to speed and people being unable to see or avoid ships. People's health and safety may be compromised by the inappropriate use of powered or unpowered recreational devices.
2. There are overlapping legislative instruments controlling recreational activities on the surface of the water that are not integrated and may not promote the sustainable management of natural and physical resources.

C3.13.2 Objectives

1. Integrated management of recreational opportunities and resources which avoids, remedies or mitigates the adverse effects on the environment arising from recreational activities and the movement of ships.
2. Lawful but essentially incompatible activities on the surface of water in the Coastal Environment are provided for in a manner that avoids threats to the health and safety of other recreational users.
3. Activities, such as bathing and beach combing, which have only minor adverse effects on the Coastal Environment, are not generally restricted by regulation.

Principal reasons:

- **Objective 1-** *There are several regulatory mechanisms currently in place that overlap and do not require a consideration of the likely effects of activities on the environment within the meaning of the RMA. The RMA enables this Plan to emphasise the need to assess impacts on the environment, including adverse effects on cultural values within the Coastal Environment.*
- **Objective 2:** *Incompatible activities on the surface of the sea have the ability to cause serious adverse effects on people and communities and should be provided for only in locations where others will not be put at risk.*
- **Objective 3:** *Swimming and other forms of passive recreation are essential to the well-being of the Gisborne region's communities and they should be allowed to continue without hindrance unless there is a very clear reason to prevent them. Resource consents to undertake such activities should not be required.*

C3.13.3 Policies

1. Consent authorities shall establish permanent exclusive or semi-exclusive specific activity areas where it can be demonstrated that the activity proposed to be undertaken in the area is essentially incompatible with other activities.
2. Council will consider an activity essentially incompatible with other activities where:
 1. People lawfully undertaking the activity cannot maintain visual contact with other users of an area.
 2. The device or devices they are operating have the potential to cause injury or loss of life to others in the same area. Additional factors that may be considered are the required operating speed and/or size of any ship and the nature of the activity being undertaken.
3. When considering an application for a plan change to establish a permanent exclusive or semi-exclusive specific activity area in the CMA, consent authorities will have particular regard to the following matters:
 - The extent to which exclusivity of use of the proposed area is necessary to ensure public health and safety.
 - Any requirements for public access – including the need to launch and retrieve ships including personal watercraft.

- Any adverse effects arising as a result of either the exclusivity of use of the proposed area or the nature of the activity to be undertaken on culturally significant sites in the area.
- The results of consultation undertaken with all interested parties.
- Any adverse effects on ecological processes, biodiversity, water quality, natural character, natural landscape and flora and fauna identified in a Significant Values Management Area near where, or in which, a specific activity area is proposed to be located.
- The need to identify and mark the site for the benefit of the public.
- The amenity values that exist in the area proposed.
- The extent to which other recreational opportunities may be lost as a result of the establishment of any specific activity area.
- Any matters raised by Maritime New Zealand or Harbourmaster.
- Any restrictions of use of the area imposed on any other activity and the duration, if not permanent, of any such restriction.

Principal reasons:

- **Policy 1:** *Incompatible activities on the surface of the sea have the ability to cause serious adverse effects on people and communities and should be provided for only in locations where others will not be put at risk.*
- **Policy 2:** *This policy is appropriate in order to establish that loss of life and health and safety are the primary issues which may lead to the establishment of specific activity areas or the imposition on any restrictions on activities in specific areas, in the CMA.*
- **Policy 3:** *This policy is required to enable a proper assessment of environmental effects and supports Objectives C3.13.2(1) and C3.13.2(2).*

C3.13.4 Methods

1. There shall be a specific activity area established for the purpose of the operation of personal water craft in Gisborne Harbour located between the line of MHWS and 200m offshore, extending 400m parallel to the shore with its western end located 50m west of the extended centre line of Pacific Street and its eastern end located 350m east of the extended centre line of Pacific Street. Refer to the planning maps of the Tairāwhiti Plan.
2. The Council will establish, and may map, permanent exclusive or semi-exclusive specific activity areas, other than specific activity areas established under Rules DC1.6.7.1, DC2.6.6.1 or DP1.6.7.1, through the coastal provisions of the Tairāwhiti Plan by way of plan change.
3. The Council may participate in any promulgation or review of Maritime Rules prepared under the Maritime Transport Act in order to ensure a consistent approach to the regulation of activities on the surface of the CMA.
4. The Council may appoint enforcement officers under the RMA outside of staff of the Council with powers sufficient to enforce the rules set out in DC1.6.7, DC2.6.6 and DP1.6.7 of this Plan provided that such persons are also honorary enforcement officers under either the Navigation Bylaws or the Water Recreation Regulations, or both.

Principal reasons:

- **Method 1:** *This method implements Objective C3.13.2(1) and C3.13.2(2) and Policy C3.13.3(1).*
- **Method 2:** *Since specific activity areas hold a degree of exclusivity, Council considers it necessary to ensure that no individual or private organisation holds a Resource Consent granting exclusivity over an area of the CMA due to difficulties of enforcement and the potential for private organisations to obtain additional private benefit from public space. At the same time, Council recognises that essentially incompatible activities should still be catered for in a manner that does not put at risk the health and safety of others in specific areas. This method implements Objectives C3.13.2(2) and Policy C3.13.3(1).*

- **Method 3:** Maritime New Zealand has indicated an intention to prepare and review maritime rules prepared under the Maritime Transport Act. Since the region has an extensive coastline, Council's participation in such reviews is necessary in order to promote integrated management.
- **Method 4:** The enforcement of rules regarding activities on the surface of the water may better be carried out by people with specific skills and recognised warrants under different legislation who are currently involved in the same enforcement activity. This will ease the burden of enforcement on the Council and provide a more efficient method of policing these specific rules.

C3.14 Coastal Environment Overlay

C3.14.1 Objective

1. Protection of the quality of water, wetlands and aquatic habitats, and the preservation of the natural character associated with lakes, rivers, wetlands and their margins, and the Coastal Environment of the Gisborne District.

Principal reasons:

- **Objective 1:** Section 6a) of the Act.

C3.14.2 Policies

1. To enable subdivision, use or development in the Coastal Environment which avoids adverse effects on natural heritage values as far as practicable. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations within the Coastal Environment:
 - a) Avoidance of sprawling or sporadic subdivision other than the provision of papakainga housing or marae development in appropriate places in the Coastal Environment.
 - b) Avoidance of the cumulative adverse effects of subdivision, use and development.
 - c) Proximity to existing subdivision, use and development.
 - d) Conformity with the nature and extent of existing subdivision, use and development.
 - e) Size, location and nature of the activity.
 - f) Effect of the activity on natural character, including the natural landform characteristics, natural vegetation cover and biodiversity.
 - g) Visual contrasts between the activity and the landscape.
 - h) The integrity of the natural character of the Coastal Environment and its tolerance to change.
 - i) Effect on amenity values.
 - j) Recognition that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
2. To manage the adverse effects of activities on the health and functioning of aquatic and terrestrial wetland ecosystems including habitat, flora and fauna for the purpose of preserving the natural character of wetlands and protecting them from inappropriate subdivision, use and development.

Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations:

- a) Consideration of whether or not the wetland was purposely created as such.
- b) Adverse effects associated with the timing, duration, area and location of the activity.
- c) The adverse effects of activities that reduce or disturb vegetation and indigenous vegetation in particular, including any vegetation to be retained.

- d) Any adverse effects of activities on water quality and aquatic ecosystems.
- e) Any adverse effects of activities on stream bank stability.
- f) Any measures necessary or proposed to avoid, remedy or mitigate the adverse effects of activities on significant habitat of indigenous fauna, biodiversity, amenity, access and natural character values and the natural functioning of wetland ecosystems.

Principal reasons

- **Policy 1:** *This policy seeks to preserve the natural character of the Coastal Environment. It also encourages activities to locate in areas where the values that make up natural character have been compromised.*
- **Policy 2:** *This policy recognises and provides for the preservation of the natural character of wetlands, and the protection of wetlands from inappropriate subdivision, use and development as a matter of national importance. The natural character of wetlands is dependent to a large extent on good water quality and intact wetland vegetation. The policy also allows for the consideration of appropriate subdivision, use and development within wetlands that are designed and managed for specific purposes unrelated to natural heritage.*

C3.14.3 Rules for Coastal Environment Overlay

The following permitted activities are for the avoidance of doubt. The list is not exhaustive. General Standard_C9.1.6.1(A) states that activities are permitted activities unless listed as Controlled, Restricted Discretionary, Discretionary, Non-Complying, or Prohibited in this chapter or any other chapter of the plan.

C3.14.3.1 General Standards

The following requirements shall apply in all Natural Heritage Overlays in C9 and the Coastal Environment Overlay:

- A. a) Subject to any other rule in the Plan, activities affecting natural heritage are permitted.
- b) Where an activity is required to comply with the rules contained in more than one natural heritage overlay within C9 or the Coastal Environment Overlay the status of an activity shall be determined by that in the most restrictive overlay.

Note: In illustration of the general standard in C9.1.6.1(A)(b) an application for a 4m high structure to be located within 200m of MHWS in the Coastal Environment which is also within an Outstanding Landscape Area, would be a Discretionary activity in accordance with Rule C3.14.3(13) (structures within 200m of MHWS), rather than a Restricted Discretionary activity in accordance with the rules for structures within Outstanding Landscape Areas) or a Permitted activity as the criteria for structures within the Coastal Environment) would indicate.

Rule Table C3.14.3

| Rule Number | Rule | Zone/overlay | Status | Activity Standards; Matters of Control or Discretion |
|-----------------------------|---|-----------------------------|-----------|--|
| <i>Permitted Activities</i> | | | | |
| 3.14.3(1) | Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams). | Coastal Environment Overlay | Permitted | |
| 3.14.3(2) | Maintenance of lawfully established roads, fencelines, tracks or earth dams. | Coastal Environment Overlay | Permitted | |
| 3.14.3(3) | Maintenance and repair of lawfully established structures excluding network utility structures. | Coastal Environment Overlay | Permitted | |
| 3.14.3(4) | <p>Vegetation clearance.</p> <p><i>Note:</i> this rule does not apply to vegetation clearance associated with a plantation forestry activity which is regulated under regulations 93-95 of the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</p> | Coastal Environment Overlay | Permitted | <p>a) The vegetation comprises trees or shrubs or other plants not exceeding 30cm d.b.h, and scattered amongst pasture.</p> <p>b) The clearance is by grazing.</p> <p>c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare.</p> <p>d) The clearance is harvesting of agricultural and horticultural crops.</p> <p>e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993.</p> <p>f) The clearance is land preparation by discing, ploughing or ripping.</p> <p>g) The clearance is for fencing, confined to the extent necessary to create and maintain a stable fence-line, and not more than 5m total width, except that in respect to Rule C3.14.3(12) the total width is limited to 4m.</p> <p>h) The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.</p> |
| 3.14.3(5) | Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance. | Coastal Environment Overlay | Permitted | |
| 3.14.3(6) | Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure. | Coastal Environment Overlay | Permitted | |

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|--|--|-----------------------------|--------------------------|---|
| 3.14.3(7) | Subject to Rule C3.14.3(12), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor does not exceed 2m in width. | Coastal Environment Overlay | Permitted | |
| Controlled Activities | | | | |
| 3.14.3(8) | <p>Clearance of plantation forest vegetation, planted prior to the notification of this plan, provided that:</p> <p>a) Vegetation clearance exceeds 2ha in any contiguous area and/or exceeds 2ha over any 12 month period.</p> <p>b) The area is not affected by Rule C3.14.3(9)</p> <p><u>Note:</u> this rule prevails over the harvesting regulations (62-70) in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017. The exception is where harvesting is located on Land Use Capability 8e (or land undefined in the Erosion Susceptibility Classification) in which case Regulation 71 applies.</p> | Coastal Environment Overlay | Controlled | <p>Council shall limit its control to the matters a) - f) specified below:</p> <p>a) The timing and duration of the activity.</p> <p>b) The area and location of the activity.</p> <p>c) Any vegetation that is to be retained.</p> <p>d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values.</p> <p>e) Heritage values in the heritage alert layer.</p> <p>f) The protection of ecosystems unique to the Coastal Environment, such as estuarine and coastal wetland margins, and dunes.</p> |
| Restricted Discretionary activities | | | | |
| 3.14.3(9) | <p>Vegetation clearance, other than that specifically permitted or authorised by another rule, provided that:</p> <p>a) The activity is not for the purpose of erecting a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997.</p> <p>b) The area is not within a residential zone.</p> <p>c) Vegetation clearance exceeds 1ha in any contiguous area and/or exceeds 1ha over any 12 month period.</p> <p><u>Note:</u> this rule does not apply to vegetation clearance associated with a plantation forestry activity which is regulated under regulations 93-95 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017.</p> | Coastal Environment Overlay | Restricted Discretionary | <p>Council shall restrict its discretion to the matters a) - g) specified below:</p> <p>a) The timing and duration of the activity.</p> <p>b) The area and location of the activity.</p> <p>c) Any vegetation that is to be retained.</p> <p>d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values.</p> <p>e) Protecting ecosystems unique to the Coastal Environment such as estuaries, coastal wetlands and dunes.</p> <p>f) Effects on the water quality of waterbodies in the Coastal Environment.</p> <p>g) Heritage values in the heritage alert layer.</p> |
| 3.14.3(10) | <p>Land disturbance, provided that:</p> <p>a) The activity is not for the purpose of erecting a dwelling unit on a site to be erected on a building platform for which a subdivision</p> | Coastal Environment Overlay | Restricted Discretionary | <p>Council shall restrict its discretion to the matters a) - g) specified below:</p> <p>a) The timing and duration of the activity.</p> |

| | | | | |
|------------|---|-----------------------------|--------------------------|--|
| | <p>resource consent has been granted between 1 October 1991 and 8 November 1997.</p> <p>b) The site is not zoned residential or port management zone.</p> <p>c) The activity exposes more than 50m² of earth, measured in a vertical plane view, in any three month period, or disturbs more than 50m³ of earth in any three month period.</p> <p><u>Note:</u> this rule prevails over the earthworks regulations (22-35) in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</p> | | | <p>b) Area, location and length of the activity with particular regard to conformity with existing landforms.</p> <p>c) Placement and management of cuts and fills likely to be visually dominant in the landscape.</p> <p>d) Potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape – including revegetation type, timing and density as they impact on these values.</p> <p>e) Effects on water quality of waterbodies in the Coastal Environment.</p> <p>f) Heritage values in the heritage alert layer.</p> <p>g) The protection of ecosystems unique to the Coastal Environment including those acting as natural defences to erosion and inundation such as estuaries, coastal wetlands and dunes.</p> |
| 3.14.3(11) | <p>Erection of new structures or alteration or additions to existing structures on land that is outside any residential zone; Provided that:</p> <p>a) The structure is not a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997.</p> <p>b) The structure exceeds 5m in height.</p> <p>c) The structure exceeds more than 2.5m above any prominent ridgeline.</p> <p>d) The structure is a pole or mast which exceeds 10m in height and 300mm in diameter, or 180mm x 350mm in the case of a rectangular pole or mast.</p> | Coastal Environment Overlay | Restricted Discretionary | <p>Council shall restrict its discretion to the matters a) - l) specified below:</p> <p>a) The timing and duration of the activity.</p> <p>b) The area, location and size of the structure.</p> <p>c) The cumulative effect of the activity.</p> <p>d) Proximity to existing structures.</p> <p>e) Conformity with the nature and extent of existing structures.</p> <p>f) The area, location and size of the structure with particular regard to conformity with existing landforms.</p> <p>g) The structure's visual dominance in the landscape.</p> <p>h) Any vegetation screening and backdrop.</p> <p>i) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values.</p> <p>j) Proximity to prominent ridgelines.</p> <p>k) Protecting ecosystems unique to the Coastal Environment such as estuaries, coastal wetlands and dunes.</p> <p>l) Heritage values in the heritage alert layer.</p> |
| 3.14.3(12) | <p>Subject to Rule C3.4.3(13), and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground,</p> | Coastal Environment Overlay | Restricted Discretionary | <p>Council shall restrict its discretion to the matters a) – g) specified below:</p> <p>a) The timing and duration of the activity</p> |

| | | | | |
|---------------------------------|---|-----------------------------|---------------|---|
| | including associated vegetation clearance and land disturbance, where the construction corridor exceeds 2m in width. | | | <ul style="list-style-type: none"> b) Area, location and length of the activity with particular regard to conformity with existing landforms c) Placement and management of cuts and fills likely to be visually dominant in the landscape d) Potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape – including revegetation type, timing and density e) Effects on water quality of waterbodies f) Heritage values in the heritage alert layer g) Any vegetation that is to be retained. |
| Discretionary activities | | | | |
| 3.14.3(13) | <p>Tree planting (subject to Land Overlay 3A Rule C7.1.6.19), vegetation clearance, land disturbance, and structures within 200m of MHWS, provided that:</p> <ul style="list-style-type: none"> a) The activity is not for the purpose of erecting a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997. b) The site is outside any residential or port management zone. c) The activity is vegetation clearance greater than 100m² in any one contiguous area, or is tree planting that covers more than 100m² in any one contiguous area (excluding landscaping associated with residential buildings). d) The activity exposes more than 10m² of earth measured in a vertical plane view in any three month period, or disturbs more than 10m³ of earth in any three month period, or alters the natural landform of a dune. <p><u>Note:</u> this rule prevails over the afforestation (8-17), replanting (76-81) vegetation clearance (93-95) and earthworks regulations (22-35) in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</p> | Coastal Environment overlay | Discretionary | |

C3.15 Coastal Financial Contributions and Occupation Rents

C3.15.1 Financial Contributions

C3.15.1.1 Introduction

Where Gisborne District Council grants a resource consent, it may impose a condition requiring that a financial contribution be made for the purposes specified in the RMA.

Financial contributions may be for various purposes specified in the Plan including the purposes of ensuring positive effects on the environment to offset any adverse effects (environmental compensation), but only where the adverse effects cannot be successfully avoided, remedied or mitigated.²⁴

The provisions which follow are intended to reflect the requirements of section 108(9) of the Act and Clause 5 of Part I of the Second Schedule of the Act and set out:

1. The circumstances when such contributions may be imposed.
2. The purposes for which such contributions may be required and used.
3. The maximum amount of any contribution.
4. Assessment criteria which the Council will have regard to when deciding whether to impose financial contribution, the types of contribution, and the amount of such contributions.

Under section 112 of the RMA, the Crown may also fix charges. Specifically section 112 (1) of the Act states:

In every coastal permit authorising the holder to:

- a) Occupy, within the meaning of section 12(4), any land of the coastal marine area; or*
- b) Remove any sand, shingle, shell or other natural material, within the meaning of section 12(4), from any such land –*

There shall be implied a condition that the holder shall at all times throughout the period of the permit pay the relevant regional council, on behalf of the Crown:

- c) Where the permit was permitted to be granted by virtue of an authorisation granted under section 161, the rent and royalties (if any) specified in the authorisation held by the permit holder; and*
- d) Any sum of money required to be paid by any regulations made under section 360(1)(c).*

In deciding on any financial contribution, Gisborne District Council will take into account that requiring a contribution may not be appropriate in every case, even where there are adverse effects. Every resource consent application needs to be considered as to the nature and extent of any contribution that may be required, if any.

Gisborne District Council does not intend that environmental effects should be “fully mitigated” or fully compensated in every case. The “maximum amounts” indicated in this chapter are intended as an upper limit. The actual amount of particular contributions will vary depending upon the circumstances and the application of the criteria outlined above.

CIRCUMSTANCES, PURPOSE and MAXIMUM AMOUNT

Financial contributions may be imposed on any coastal permit in the circumstances and for the purposes set out below. Contributions may be in the form of land, works, services or money, or any combination of these. Contributions of money to the Council must be applied for the general purpose for which such contributions were taken.

The following provisions set out circumstances and purposes for which financial contributions may be imposed and used, and the method of calculating the maximum amount of the contribution in each case.

²⁴ Port Gisborne Consent Order 742/00

C3.15.1.2 Issue – Residual Effects

After measures have been taken to avoid, remedy or mitigate the adverse effects of an activity, that activity can still have residual adverse effects. Without a mechanism to offset these adverse effects there is potential for either significant cumulative adverse effects to occur, or unreasonable restrictions to development to be imposed.

C3.15.1.3 Objective

The remedy or mitigation of adverse effects not practicably avoided, remedied or mitigated by other means through the imposition of conditions requiring financial contributions.

C3.15.1.4 Policy

1. Financial contributions will be imposed on coastal permits or resource consents when the following circumstances occur for the purposes described below:

- A. **Public Open Space and Facilities in the Coastal Marine Area**

Circumstances: Where the activity, for which a resource consent or coastal permit is granted, occupies or affects any part of the coastal marine area which is or was previously open to the public and contains or previously contained facilities or space used by the public in the coastal marine area.

Purposes: To mitigate or compensate for such effects by providing public open space or public facilities on or in the vicinity of the site, or at an alternative location in the Coastal Environment in the same general locality or serving the same general community (including a contribution to any public reserves).

Maximum Amount: The full actual cost of providing land, or an interest in land or works or services to provide public open space or public facilities of a reasonably equivalent standard or extent to those which are lost or affected by the granting of the consents.

- B. **Planting or Maintenance of Coastal Vegetation**

Circumstances: Where the activity for which the resource consent or coastal permit is granted will or is likely to result in destruction or damage to vegetation or habitats.

Purposes: To mitigate, remedy or compensate for the loss of vegetation by planting, replanting, transplanting or maintaining new or existing plantings either at or adjacent to the site concerned or elsewhere in the same general locality.

Maximum Amount: The full actual costs of the works and of providing land, or an interest in land or works or services to provide for planting, replanting, transplanting or maintaining new or existing plantings.

- C. **Landscaping and Planting**

Circumstances: Where the activity for which resource consent or coastal permit is granted is likely to cause or contribute to adverse effects on visual amenities and/or involves land clearance or disturbance.

Purposes: To reduce the adverse effects of land clearance, land disturbance and structures in the coastal marine area by landscaping or replanting on or adjacent to the site in question.

Maximum Amount: The full actual costs of carrying out such works and of providing land sufficient to fully mitigate the adverse effects of the activity.

- D. **Fencing or Screening**

Circumstances: Where the activity for which a resource consent or coastal permit is granted is likely to contribute to adverse effects on visual amenities, heritage features or conservation areas.

Purposes: To contribute to screening to reduce adverse visual effects or to fencing or screening to protect or separate heritage features or conservation areas.

Maximum Amount: The full actual costs of carrying out such works to a standard sufficient to fully mitigate the adverse effects of the activity.

E. **Protection, Maintenance or Restoration of Significant Values Management Areas**

Circumstances: Where the activity for which a resource consent or coastal permit is granted will, or is likely to, contribute to adverse effects on any coastal protection area.

Purposes: To mitigate or offset such effects by providing for works which protect or restore the values within the protection management area.

Maximum Amount: The full actual cost of works reasonably required to fully mitigate or reasonably compensate for such effects.

F. **Protection, Maintenance or Restoration of Sites of Historic or Cultural Importance**

Circumstances: Where the activity for which consent is granted will adversely affect a historic site or one of cultural or spiritual significance to Māori.

Purposes: To mitigate or offset such effects by providing for works which protect or restore that site or to offset such effects by contributing to protection, maintenance or restoration or some alternative historic or cultural site elsewhere within the Coastal Environment in the same general locality.

Maximum Amount: The full actual cost of works and of purchasing land reasonably required to fully mitigate or reasonably compensate for such effects.

G. **Protection, Restoration or Enhancement of Marine Mammal or Bird Sites**

Circumstances: Where the activity for which a resource consent or coastal permit is granted is likely to cause or contribute to adverse effects on any site identified as being important to marine mammals or birds.

Purposes: To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the site, including (without limitation) maintenance and planting of vegetation, fencing, and foreshore protection and including contribution to such measures elsewhere in the same general locality.

Maximum Amount: The full actual costs of works and of providing land sufficient to fully mitigate such effects.

H. **Protection, Restoration or Enhancement of Seabed and Foreshore**

Circumstances: Where the activity for which a resource consent or coastal permit is granted is likely to cause or contribute to adverse effects on the seabed or foreshore.

Purposes: To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the seabed or foreshore, including (without limitation) maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and foreshore protection and including contribution to such measures elsewhere in the same general locality.

Maximum Amount: The full actual costs of works to a standard sufficient to fully mitigate such effects.

I. **Reduction of Litter**

Circumstances: Where the activity for which a resource consent or coastal permit is granted is likely to contribute directly or indirectly to littering of the coastal marine area.

Purposes: To mitigate or offset such effects by contributing to litter collection facilities, services or signage in the general area of the activity.

Maximum Amount: The full actual costs of contributions reasonably required to fully mitigate the effects referred to above.

J. **General Mitigation Works**

Circumstances: Where the activity for which a resource consent or coastal permit is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.

Purposes: Works on or adjacent to the site for the purpose of avoiding, remedying or mitigating the adverse effects of the activity – including protection, restoring or enhancing natural and physical resources or amenity values elsewhere in the Coastal Environment in the same general locality.

Maximum Amount: The full actual costs of providing offsetting positive effects reasonably equivalent in standard, amenity value or environmental value to those amenities or resources which will be lost, compromised or adversely affected.

2. In deciding whether or not to impose financial contributions, the types of contribution and their value, the Council will have particular regard to the following matters:
 - a) The extent to which any adverse effects deriving from the activity can and should be mitigated by way of works carried out on or near the site.
 - b) The extent to which a financial contribution may offset or provide compensation to the community or environment for adverse effects caused or contributed to by the activity and not otherwise avoided, remedied or mitigated by the consent holder.
 - c) The extent to which a contribution is required to achieve objectives and policies of this Plan.
 - d) In deciding the actual value of the financial contribution required, the Council will have particular regard to:
 - i The significance of the effects attributable to the activity.
 - ii Where such effects are contributed to by other activities, the extent to which those effects can be reasonably attributed to the activity for which consent is granted.
 - iii The extent to which any positive effects of the activity offset any adverse effects.
 - e) Financial contributions should relate to the effects of the activity for which consent is granted and be reasonably proportionate to the significance of any adverse effects.
 - f) The costs of establishing and conducting the activity.
 - g) The necessity for establishing or continuing the activity in the coastal marine area, the availability of alternative locations and the reasons for the activity occurring in the coastal marine area.

C3.15.2 Coastal Occupation Rents

The Crown has not established any requirements for coastal tenders but has, through the transitional fees provisions of the RMA regulations, prescribed rents for occupying space. Part II of the Resource Management Act (Transitional Fees, Rents and Royalties) Regulations requires the payment of rents to be made in advance and in accordance with requirements of a coastal permit (or at quarterly intervals if not specified). The regulations specify the following rentals (applying only to Coastal Marine Area owned by the Crown):

- \$1.70m³ of natural material removed from the Coastal Marine Area: with the Minister for the Environment able to refund if he/she thinks fit.
- \$60 per annum for pipelines used for personal purposes located in the Coastal Marine Area.
- \$85 per annum for other pipelines or submarine cables up to 30m in length and an additional \$15 per 30m thereafter.
- \$425 per annum for any commercial structure other than those already listed: including marine farms, boat buildings, boat repair slipway or other commercial activity.
- \$425 per annum + \$12 per meter of berthage + \$84 for every swing mooring for boat storage facilities catering for more than 10 boats.
- \$60 per annum for non-commercial structures (including mooring or whitebait jetties) less than 14m².
- \$60 per annum or \$12 per metre of berthage for any mooring (whichever is the greatest amount) for moorings.
- \$84 per annum per swing mooring.
- \$115 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 14m² but less than 28m².

- \$230 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 28m² but less than 56m².
- \$290 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 56m² but less than 84m².
- \$425 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 84m².

The Regulations also prescribe the following fees:

- \$250 to the Minister of Conservation for an application for a restricted coastal activity.
- \$1000 to the Minister for the Environment for a Water Conservation Order application.
- \$100 to Minister of Fisheries for an application for marine farming in the coastal marine area.

As well as these provisions the regulations also stipulate that when a review of a permit occurs that rentals should apply if anticipated by the permit.

C3.15.2.1 Issue – Fees

A majority of space of the coastal marine area is owned by the Crown. The Crown has specified fees for the use of this space and these need to be applied if the Crown's interest in that space is to be recognised (applying rentals may also).

C3.15.2.2 Objective

1. The fair and consistent application and recovery of fees and rentals stipulated in the Resource Management Act (Transitional Fees, Rents and Royalties) Regulations 1991.

C3.15.2.3 Policy

1. Fees and rents will be collected from occupiers of the Coastal Marine Area at the rate stipulated in the Resource Management Act (Transitional Fees, Rent and Royalties) Regulations 1991.

C4 CULTURAL AND HISTORIC HERITAGE

C4 provisions are district plan provisions.



District Plan

Part C4 is operative.

C4.1 Cultural Heritage

C4.1.1 Introduction

Gisborne district has a wealth of heritage both pre and post European contact. This resource provides an identity unique to the people of the Gisborne district and should be recognised and protected. The management of our heritage implies a duty of care and responsibility to pass it on to future generations with the least possible loss.

The cultural heritage resource consists of the following:

- Archaeological sites (pre and post European contact).
- Waahi tapu and waahi tapu areas (pre and post European contact).
- Heritage buildings, places and precincts (post European contact).

The tools for recognition and protection of cultural heritage are primarily:

- a predictive model of human settlement (a heritage alert overlay), accompanied by:
- a schedule of archaeological sites obtained from a variety of sources including:
 - Heritage New Zealand Register of Archaeological Sites.
 - New Zealand Archaeological Association (NZAA) database of recorded archaeological sites and from information obtained from privately commissioned archaeological surveys.
- a waahi tapu and waahi tapu area schedule; and
- a schedule of post European contact historic areas, places and precincts including a Central Business District Schedule.

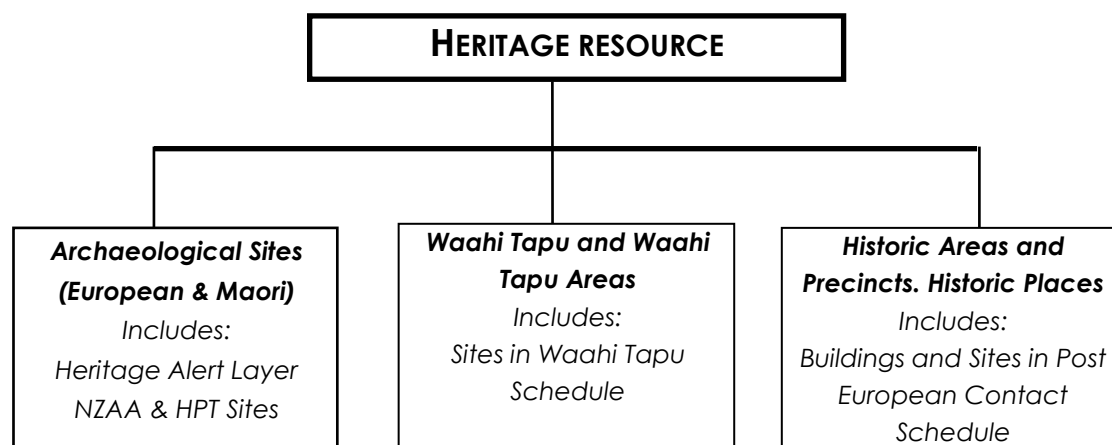


Figure C4.1 – Heritage Layers

There is a responsibility to record the past for the benefit of future generations. It cannot be achieved alone but should be a community effort with particular emphasis placed on finding the balance between legitimate use of land by landowners and the protection and enhancement of the community heritage resource. The benefits can be considerable and long term particularly in respect of education, cultural and spiritual stability, social well-being, community identity and the efficient use of resources.

Cultural heritage (issues, objectives, policies) are also discussed in the RPS, Part B7 which should be referred to in conjunction with this section.

C4.1.2 Issue

1. The district's cultural heritage is being adversely affected through loss or damage occurring because:
 - i. The resource has not been identified – increasing the possibility of unnecessary damage, modification or destruction during development – and increased uncertainty for all parties.
 - ii. There is a lack of understanding of the cultural heritage resource, a lack of appreciation of its value, and inadequate consultation on its management.
 - iii. There is a lack of recognition of the importance of sustaining the well-being of the Inner Commercial zone as a centre for business, entertainment and community activities as an essential means of maintaining the value of the building heritage resource.

C4.1.3 General Objective

1. The recognition and protection of the cultural heritage resource.

Principal reason:

- **Objective 1:** *The district's heritage resource is under threat and is slowly being lost to the detriment of both tangata whenua and the community as a whole. A comprehensive approach provides a holistic means of protecting and managing the heritage resource.*

C4.1.4 General Policy

1. To identify and maintain a post European Contact Schedule and a Central Business District Schedule including:
 - Items registered by the Heritage New Zealand Pouhere Taonga.
 - Items identified by the Gisborne District Council, tangata whenua and the community.

Principal reasons:

- **Policy 1:** *These policies provide the framework for the protection and maintenance of the heritage resource. The general policy meets the requirements of sections 6(e)(f) of the Act and provide a framework for the protection and maintenance of the heritage resource.*

C4.1.5 Objectives (Heritage Alert Layer Overlay 1, Archaeological Sites and Areas Overlay 2)

1. Reduction of risk of damage to archaeological sites.
2. Sustainably manage archaeological sites to ensure that adverse effects on them are avoided, remedied or mitigated.
3. Archaeological sites that are identified as significant by the community, tangata whenua and landowners should, where practicable, have a management regime prepared for them to ensure that adverse effects are avoided, remedied or mitigated.

Principal reasons:

- **Objective 1 & 2** - *Archaeological sites are considered to be a resource that needs to be sustainably managed to meet the cultural needs of future generations. The identification of the resource in consultation with hapu, iwi and landowners will reduce the risk of damage/adverse effects on sites and ensure its sustainable management.*
- **Objective 3:** *Provide for the sustainable management of heritage items (which includes archaeological sites as required under sections 5, 6(e)(f), 7(b)(f)(g) and 8 of the Act.*

C4.1.6 Policies (Heritage Alert Layer Overlay 1, Archaeological Sites and Areas Overlay 2)

1. To manage subdivision, use and development to ensure that adverse effects on archaeological sites are avoided, remedied or mitigated.

2. In considering whether to require an archaeological survey for any activity in the heritage alert layer that requires land disturbance Council shall have regard to the following assessment matters:
 - The nature, form and extent of the activity.
 - The likelihood of damage, modification or destruction of an archaeological site taking into account:
 - The nature of the existing development.
 - The extent to which there has already been land disturbance.
 - Results of any archaeological survey carried out by a qualified archaeologist.
3. In the event of an application to damage, modify or destroy an archaeological site the Council shall have regard to the following assessment matters to ensure that adverse effects are avoided, remedied or mitigated:
 - Alternate methods and locations available for applicants to carry out the works or activities.
 - The nature, form and extent of the activity and the likelihood of damage, modification or destruction of the archaeological site.
 - The result of consultation with tangata whenua.
 - The significance of the archaeological site to be assessed on the uniqueness of the site, representative nature of the site (i.e. the best example of a particular site type), its condition and the importance attached to the site by tangata whenua and the landowner.
 - The findings of any archaeological assessment carried out by a qualified archaeologist. Such a report shall identify and provide an assessment of effects and proposals for avoidance or mitigation of effects, where applicable.
 - The provisions of any relevant management plan, where appropriate, whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
 - Any conditions imposed in an authority issued under the Heritage New Zealand Pouhere Taonga Act 2014.
4. To enable development within the site-specific buffer area identified around each archaeological site where there is no adverse effect on the archaeological site.
5. To encourage landowners, the community and tangata whenua to investigate sources of funding and methods of voluntary protection for the management of archaeological sites – including the use of covenants.
6. To manage significant archaeological sites, to ensure that the resource is sustained to meet the needs of future generations with the test for significance being:
 - Uniqueness of the site or representative nature of the site (i.e. the best example of a particular site type).
 - Condition.
 - Tradition/historic association.

Principal reasons:

- **Policies 1 to 6:** Sections 6(e)(f) and 7(f) of the RMA.
- **Policy 2:** The heritage alert layer is used as an early warning system. In assessing consents the determining criteria will be the risk factor and likelihood of damage to archaeological sites.
- **Policy 4:** Where it can be demonstrated that archaeological sites will not be adversely affected there is no requirement for a resource consent.
- **Policy 5:** Landowners, the community and tangata whenua should be encouraged to prepare management plans for archaeological sites to ensure that they are managed with minimal impact on the heritage resource. Covenants are a means of providing sound legal protection for archaeological sites.

- **Policy 6:** Significant sites, acknowledged by the community and tangata whenua should be managed to ensure their existence for future generations, wherever this is practical and necessary.

C4.1.7 Objectives (Waahi Tapu and Waahi Tapu Areas Schedule Overlay 3)

1. Recognition and protection of waahi tapu and waahi tapu areas through close cooperation with hapu, iwi, the community and landowners.
2. Avoid, remedy or mitigate adverse effects on waahi tapu or waahi tapu areas.
3. Ensure that landowners are advised of the existence of waahi tapu sites.

Principal reasons:

- **Objective 1:** To properly recognise and protect waahi tapu sites, it is necessary to identify their location requiring close co-operation with iwi, hapu and landowners.
- **Objective 2:** If waahi tapu values are not adversely affected, development should be enabled.
- **Objective 3:** Landowners need to be made aware of waahi tapu sites if they are to be suitably recognised and protected. Sections 6(e)(f) and 8 of the RMA require Council to provide for these matters in C4.1.7 of this chapter.

C4.1.8 Policies (Waahi Tapu and Waahi Tapu Areas Schedule Overlay 3)

1. To encourage hapu and iwi to research and document information relating to waahi tapu particularly in respect of their location.
2. In considering whether to grant consent or impose conditions in respect of any resource consent application, designation requirement or modification of a designation affecting a waahi tapu Council shall have regard to the following assessment matters:
 - The nature, form and extent of the proposed activity.
 - alternative methods and locations available to carry out the works or activities.
 - The result of consultation with tangata whenua.
 - The effect on spiritual or cultural values.
 - To ensure that where a waahi tapu is also an archaeological site, the provisions relating to archaeological sites in C4.1.6 of this chapter, also apply.

Principal reasons:

- **Policies 1 & 2:** Sections 6(e)(f) and (8) of the RMA. Location of sites or alert information that could be provided to Council would assist Council in providing recognition and protection of waahi tapu. Also, the process of avoiding waahi tapu is reliant on the consultation process between the parties and, in order to protect waahi tapu from the potential impacts, alternative locations of the activities should be explored if there is the potential for loss or damage.

C4.1.9 Objectives (Category A, B and C – post European Contact and Central Business District Schedules Overlay 4)

1. Sustainable management of the built heritage resource through the adaptive reuse of heritage items.
2. Maintenance and enhancement of the vitality and social functions of the Inner Commercial zone as an area for business and entertainment, recognising the essential link with the ability of the community to preserve, protect and enhance the built heritage resource.
3. The recognition and protection, where practicable, of the heritage resource in categories A and B of the post European contact schedule and the resource contained in the Central Business District Schedule.
4. The acknowledgement of the heritage value of the resource in Category C of the post European contact schedule while noting its limitations in respect of its condition and structural state.

5. Avoid, remedy or mitigate adverse effects on post European and Central Business District Heritage items by:
 - a) Using appropriate building materials and techniques.
 - b) Retaining, where practicable, the architectural and historical integrity of the item.
 - c) Considering the location of the item and its importance in the cultural landscape or townscape.

Principal reasons:

- **Objectives 1, 2 & 3:** Adaptive reuse of buildings should be encouraged to sustainably manage heritage buildings.
- **Objective 4:** In order to preserve and protect buildings of heritage value in the Inner Commercial zone, the buildings must be sought after and considered desirable locations in which to conduct business. If business is occurring in other locations, then there will be no demand for heritage buildings and consequently little or no maintenance will occur.
- **Objective 5:** Section 5 of the RMA requires that adverse environmental effects be avoided, remedied or mitigated.

C4.1.10 Policies (Category A, B and C – post European Contact and Central Business District Schedules Overlay 4)

1. To enable the adaptive reuse of heritage items provided that:
 - a) The adverse effects of the activity on the heritage values can be avoided, remedied or mitigated.
2. To encourage the retention of the heritage items in Category C, where practicable, but if it is not, to ensure that a proper record is kept of the heritage item.
3. In considering whether to grant consent or impose conditions in respect of any application for alteration to the heritage fabric, demolition or relocation of any heritage item in the post European Contact Schedule listed as Category A, B or C in the Central Business District Schedule, the Council shall have regard to the following assessment matters, where appropriate:
 - a) The impact the proposal has on the integrity or value of the heritage item.
 - b) Any immediate or cumulative effects on local, regional or district-wide heritage values.
 - c) Where the item forms part of a group or is within an identified precinct, any adverse effect on the integrity and value of the group or precinct.
 - d) The importance attributed to the heritage item by the wider community.
 - e) Where the proposal involves the alteration or demolition of heritage items, the feasibility and costs of maintaining and repairing the item and the ability of the applicant to develop, use or obtain economic benefit from the site without altering or demolishing the existing item.
 - f) Where the proposal involves the relocation of heritage items, the extent to which the original site and location are important to the heritage value of the item.
 - g) Where the building presents an earthquake risk, fire risk or other safety risk and work (excluding demolition) is proposed to address such risks:
 - the level of upgrading that is acceptable to meet safety standards.
 - the extent to which the proposed work avoids adverse effects on the heritage value of the item.
 - the costs of further minimising adverse effects on the heritage value of the item.
 - h) Where the building presents an earthquake risk, fire risk or other safety risk and demolition of the item is proposed, the feasibility and costs of upgrading the heritage item to address the safety risk and the effect of such work on the heritage value of the item. In some instances, community safety, the costs of upgrading the item and/or the effects of upgrading on the heritage value of the item may intimate that the item should not be retained.
 - i) The policies contained in any conservation plan.

- j) Whether the item is registered under the Heritage New Zealand Pouhere Taonga Act 2014 and the reasons for this registration.
 - k) Where appropriate, whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
 - l) Retention of original design and stylistic features.
 - The main style and character features should be retained. Any alterations or additions should be compatible in terms of symmetry, design finishes and ornamentation
 - Any addition should respect the scale and character of the item
 - Any addition should be compatible in terms of form, materials and colour
 - The restoration of missing elements is encouraged provided there is adequate proof of the original form of the structure in the form of photographic evidence, drawings, building plans or written historical descriptions
 - Repair (where practicable) should be favoured over replacement but repairs should reflect the original materials in terms of texture, form, profile, colour and strength
 - The age of the item and its extent of weathering should be respected
 - Where the building is located on or is visible from a street the exterior façade should be altered least and if possible not at all. If the building is located on a corner both elevations are of importance.
4. In considering whether to grant applications relating to the interiors of buildings, Council shall have regard to the following assessment matters (applicable only to interiors identified for protection in the Schedules G4 or G5):
- a) the floor plan of the building and the dimensions of spaces should be retained as far as possible
 - b) primary spaces such as foyers, lobbies, stairs and major corridors should be altered as little as possible with additions or alterations taking place in secondary spaces
 - c) significant architectural features and finishes such as skirtings, panelling, doors, picture rails, pressed metal ceilings, woodwork and wallpaper should be retained as far as possible.
5. When a resource consent for demolition or relocation is granted or a recommendation on designation requirement made in respect of Category A, B or C heritage items, Council shall consider requesting that a photographic record be provided by the applicant in accordance with New South Wales Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures 1994.

Principal reasons:

- a) **Policy 1:** *The retention of heritage items is reliant on the sustainable use of that item. Alternative uses of heritage items should be encouraged and permitted provided that any effects that may arise from the reuse can be avoided, remedied or mitigated.*
- b) **Policy 2:** *Category C items are of heritage value but may be structurally unsound or in a state of serious disrepair. The intention of the policy is to encourage their retention but in the event of their loss to ensure that a proper record is kept.*
- c) **Policy 3:** *The heritage items scheduled in Category A, B and C are of significance on a regional and in some cases a national level and as such warrant a high level of protection. The policy will guide owners and developers on the areas of concern when considering work on a heritage building. Development proposals have the potential to impact on the integrity or values of heritage items. Heritage items should not be viewed in isolation but should be seen within their context. The heritage value is often not an individual item but the contribution it makes to the streetscape or precinct.*

Alteration of a heritage item to enable its continued use or to attract uses with higher economic return might ultimately result in a greater retention of heritage value than retaining the item in a present configuration. In some cases, demolition or alteration might be appropriate because the costs of maintenance and repair are so high that it is likely that the heritage fabric will only deteriorate.

In some instances, community safety, the costs of upgrading the item and/or the effects of upgrading on the heritage value of the item may intimate that the item should not be retained. In the case of heritage items where a major resource consent application, designation requirement or modification to a designation is proposed, which has the potential to affect the values of the item, conservation plan policies can provide a basis for assessing and providing recommendations for work.

The principles of the ICOMOS New Zealand Charter provide guidance to Council in decision-making and reflect international conservation principles.

The style and character of a built heritage item is an important determinant of its architectural and aesthetic significance. The style and character of a built heritage item may also be important in terms of its contribution to an architectural precinct, which itself may have heritage significance. Style and character is normally dictated by bulk, use of material, form, ornamental details and placement of features such as windows.

Scale: Any addition should respect the scale of the building and should not dominate. Many of the buildings in Gisborne are of a small scale and even minor alterations can have an impact. Additions should not compromise the building.

Distinction between the original and the addition: In order to retain the authenticity of the building any alteration and addition should be distinguishable as being new work. The new work, even though it should be clearly distinguishable, should be compatible in terms of form, scale, cladding materials, window and door proportions and colour.

Restoration: The restoration of missing elements is encouraged provided that there is clear evidence of the original feature.

Repair: Buildings should be repaired by using materials that match the physical composition, texture, form, profile, strength and colour of the original. This applies to the finish as well as the underlying materials. The use of inappropriate materials can compromise the original design of the building as materials which are not compatible in strength and physical characteristics can result in the destruction of the original fabric. Consolidants and waterproof coatings can cause the destruction of the building fabric. Inappropriate cleaning of structures such as sandblasting and water-blasting are not recommended as brickwork and lime renders can be extensively damaged leading to the destruction of the building.

Street Elevation: Visually, this is normally the most important part of the building. This element contributes to the streetscape, particularly if it is located within an identified precinct.

- d) **Policy 4:** The shape and dimensions of spaces are often an important part of a building's character and altering these e.g. by lowering ceilings, partitioning or enlarging rooms, can have a significant effect on the heritage values of the interior. Sometimes it will be the sequence and flow of spaces (the floor plan) and not just the individual rooms, features and finishes that are significant. The sequence and flow of spaces can define and express the building's historic function and unique character.
- e) **Policies 1 to 5:** Section 6(f) and Section 7(f) and (g) of the RMA.
- f) **Policy 5:** If heritage items are demolished or relocated it is good practice to retain a record for future generations.

C4.1.11 Methods

Advocacy

1. Preparation of brochures detailing requirements of the Tairāwhiti Plan and the Heritage New Zealand Pouhere Taonga Act 2014 to be distributed through Council offices.
2. Education and awareness programmes for those involved in the development process clarifying legal rights and responsibilities and promoting the worth and need of protecting heritage resources.
3. Liaise and co-operate with other heritage protection agencies.
4. Liaise and where possible support iwi authorities preparing environmental management plans.

Economic Interests

1. Application will need to be made to the Gisborne District Council to determine eligibility to qualify for one of or a package of financial incentives offered below. Incentives may be phased in through the annual plan process over the period of the life of the Plan.
2. Financial incentives for protection including:
 - a) Waiving of resource consent fees for applications for additions or alterations to heritage buildings and structures or for changes of use provided that the change of use is for adaptive reuse that complies with the ICOMOS charter provisions and the resource consent is granted.
 - b) Refund of consent application fees where an archaeological site survey is undertaken and an archaeological site is identified and mitigating measures – including legal protection of that site is undertaken.
 - c) Parking dispensations where, through the approved adaptive reuse of structure, the parking requirements for the activity cannot be met.
 - d) Partial rates relief for properties or the affected parts thereof, provided the heritage value of the item is maintained and in respect of archaeological sites, suitable protection measures such as covenants are taken.
 - e) Partial rates relief for any building being the subject of a heritage order.
 - f) Annual Plan provisions for:
 - i. Two hours of free advice from a heritage consultant for items scheduled in the post European Contact Schedule in respect of conservation and maintenance, restoration of original architectural elements and shopfronts, adaptive reuse and colour schemes; and
 - ii. Two hours of free advice from an archaeologist or other suitably qualified person for items scheduled in the archaeological site or waahi tapu schedule regarding the preparation of a Conservation or Management Plan.
 - iii. Heritage paint fund available to owners of heritage buildings on the Central Business District Schedule:
 - g) to a maximum determined by Council in the annual plan process
 - h) according to any phasing proposals the Council chooses to implement in the Central Business District
 - i) provided the building is painted in accordance with the painting guidelines that Council may establish.
 - i. A fencing fund to facilitate the protection of significant archaeological sites. Applications to the fencing fund will be considered according to the following criteria:
 - j) level of the threat and potential damage that could result if the archaeological site remained unfenced.
 - k) significance of the archaeological site (to be assessed on the advice of Department of Conservation (DoC), Heritage New Zealand Pouhere Taonga, NZAA tangata whenua and the landowner) based on its uniqueness, representative nature, condition and importance to tangata whenua, the community and landowner.

Information/Research

1. Council will maintain a database of known archaeological sites. The database will be updated by means of plan changes or variations, as required
2. To encourage hapu and iwi to research and document information relating to waahi tapu particularly in respect of their location.
3. Council will identify and maintain a post European Contact Schedule and a Central Business District Schedule which will include information about interiors and interior features of significant value and where townscape values apply.
4. Assist other heritage protection authorities through the provision of information and advice.

5. Compilation of a database of sources of funding nationally and regionally available for:
 - a) Preparation of conservation plans and management plans for heritage items.
 - b) Physical Works (conservation, maintenance, preservation, reassembly, reconstruction, reinstatement, repair, restoration or stabilisation).

Management

1. The provision of guidelines for applicants required to undertake archaeological assessments to assist them in preparing the assessments for work on heritage buildings/items.

Regulation

1. Rules
2. A multi-level approach to heritage protection and management through the creation of four layers:
 - a) Overlay 1: Heritage alert layer.
 - b) Overlay 2: Archaeological sites and areas (NZAA database, Heritage New Zealand Pouhere Taonga sites and sites determined by private and Council.
 - c) Overlay 3: Gisborne District Council Waahi Tapu Schedule: places and areas identified by tangata whenua as being of cultural or spiritual significance and waahi tapu and waahi tapu areas registered by Heritage New Zealand Pouhere Taonga.
 - d) Overlay 4: Gisborne District Council post European Contact Schedule, sites identified by the community and tangata whenua being of post European contact significance and divided into categories A, B and C sites are separated into two schedules.

Principal reasons:

Advocacy

- **Method 1:** The requirements of the Tairāwhiti Plan and other legislation needs to be clearly presented to the public and particularly to the parties involved in the development process.
- **Method 2:** The heritage resource is an area where not enough in the way of public promotion has occurred. In the past it has been necessary for a heritage item to be under threat before the public become aware of the value. Public awareness and knowledge of waahi tapu and archaeological sites needs to be promoted and increased.
- **Method 3:** Improved communication, support and co-operation will increase levels of protection and awareness through joint initiatives and remove duplication of effort.
- **Method 4:** The Act requires that note be taken of iwi management plans. Improved support, liaison and co-operation with iwi will improve levels of protection and awareness particularly in respect of waahi tapu.

Economic Interests

- **Method 1 & 2:** The use of financial incentives to encourage protection of heritage items is proven to be more successful than the blanket use of regulatory means. Heritage protection also requires skilled professional advice and providing a limited number of free hours will assist owners and developers in making informed decisions on the future of their building, archaeological site or waahi tapu.

Information/ Research

- **Method 1 & 2:** Recognition and protection of heritage resources is dependent on knowledge about the location and history of the resource and Council needs to maintain its database to keep this information up to date.
- **Method 3:** The provision of information about which items have significant interiors and townscape values will help to encourage the retention of parts of the building that contribute value.
- **Method 4:** The provision of information and advice to other heritage protection agencies allows an exchange of information which is valuable for Council in its plan writing and implementation role.
- **Method 5:** The Council is under-resourced to provide funding to ensure that the desired levels of protection of the heritage resource are achieved. A database would be a service to the community to advise them of alternate sources of funding.

Management

- **Method 1:** The provision of guidelines for assessments will ensure that owners and developers have certainty and are fully aware of the Council's requirements prior to assessments being undertaken.

Regulation

- **Method 1:** Rules are not the preferred method of implementation and are only used where it is unlikely that compliance could be achieved by any other method.
- **Method 2: Overlay 1:** The Heritage Alert Layer is intended to assist in determining whether developments are in an area of archaeological significance. The criteria used in formulating the model were the following:
 - Location of identified archaeological sites (NZAA and Heritage New Zealand Pouhere Taonga).
 - In the hill country the layer encompasses known visible surface archaeological sites but also allows for sub-surface features that may occur in areas that have been giant disced (ploughed) or otherwise substantially modified.
 - On ploughed alluvium the layer is determined not only from known archaeological sites but from the likely spread of 19th century and pre-European settlement on to the flood-free surfaces of the soil classes Waihirere silt loam (including heavy silt loam), Matawhero silt loam (including where old surfaces may be buried by floods) and in a few areas on Waipaoa silt loam where there is a record of 19th century settlement.
 - In areas where there has been no past systematic survey but where archaeological sites were likely to have occurred in low densities the following criteria are used:

Where rivers were navigable by canoe or where there are open valley floors with flood plains:

- up to 150m above the valley floor and up to 300m above sea level
- on leading ridges, well drained, with good outlooks down valley, potential gardening areas nearby or on the slopes above the valley floor
- possible refuge pa up to 600m above sea level.

Overlay 2: The Heritage New Zealand Pouhere Taonga registered archaeological sites along with sites recorded in the NZAA database are mapped and listed in schedules in the relevant appendices to the Plan.

Overlay 3: Places identified by the community and tangata whenua as having spiritual or cultural importance have been determined primarily through customary knowledge. The sources of information are diverse from oral tradition through to documented evidence in the form of Māori Land Court records, museum artefacts, old maps and public information gained from Waitangi Tribunal claims. These items may be indicated on the planning maps and in the Gisborne District Council Waahi Tapu Schedule. This overlay will also include waahi tapu and waahi tapu areas registered by Heritage New Zealand Pouhere Taonga.

Overlay 4: Overlay 4 includes items identified by the community and tangata whenua as being of significance in respect of post-European contact period.

The heritage resource reflected in the four layers comprise the following elements:

- Archaeological sites.
- Waahi tapu and waahi tapu areas.
- Archaeological sites.
- Historic buildings.
- Historic sites and precincts including battlements and monuments.
- Historic structures including wharves and bridges.
- Landscape within which settlement and development has occurred.

Heritage items have been listed in Overlays 2-4 if they exhibit one or more of the following attributes:

- Archaeological
- Cultural.
- Spiritual

- *Historical: the association of the place with events, persons or ideas of importance on a national and regional scale.*
- *Landscape: the extent to which the item forms part of the wider physical, historical, cultural or archaeological landscape and includes precincts.*
- *Architectural: significant design values with respect to building type, construction, style, design, builder, period, materials or workmanship. The degree of authenticity of the item would be a determining characteristic.*
- *Technological: the contribution of a heritage item to the development of science or technology.*
- *Social – the commemoration of social events, movements or ideas either by location or in the form of a structure (war memorial, church, hotel or educational institution).*

C4.1.12 Rules for Cultural Heritage Overlays

Note:

Activities shall comply, where relevant, with the regional or district rules specified in C2 Built Environment, Infrastructure and Energy, C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C8 Natural Hazards, C9 Natural Heritage, C10 Subdivision, C11.1 Signs and C4.1.13.1 Financial Contributions below. The rules of C4.1.12 apply in addition to the zone chapters.

C4.1.12.1 General Standards

Subject to any other rule in this Plan, the following requirements shall apply in the specified heritage overlay.

A. Archaeological Report

- a) Where land disturbance is proposed to take place within the buffer area surrounding an archaeological site mapped and listed in Schedule G2A, the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the archaeological site will be damaged, modified or destroyed. If the site will not be damaged, modified or destroyed Rule C4.1.12.1 shall apply. If the site will be damaged, modified or destroyed Rules C4.1.12.6 and C4.1.12.7 shall apply. Where a report of the type described above has been previously received by Council then a further report shall not be required.
- b) Where land disturbance is proposed to take place within the buffer area surrounding a waahi tapu site mapped and listed in Schedule G3 the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the waahi tapu site will be damaged, modified or destroyed. If the site will not be damaged, modified or destroyed Rule C4.1.12.1 shall apply. If the site will be damaged, modified or destroyed Rule C4.1.12.8 shall apply. Where a report of the type described above has been previously received by Council then a further report shall not be required.
- c) Where a person proposes to undertake land disturbance in the heritage alert layer, instigates a survey of a property or properties, by a qualified archaeologist and no archaeological sites are recorded the heritage alert layer provisions shall cease to apply.

Note: Maps detailing the extent of buffer areas are available at the Council offices. Maps are available identifying individual sites and the associated buffer areas (in many cases this can be overlaid on an aerial photo), ask for the Duty Planner.

B. Temporary Structures

- a) Temporary structures, safety barriers, and lighting may be erected for a period not exceeding 14 days within the site, cultural landscape, townscape or precinct listed in Schedule G2A, G4 or G5, provided that this does not involve land disturbance and that these are not attached to any structure in such a way as to do damage.

Rule Table C4.1.12

| Rule Number | Rule | Zone/Overlay | Status | Activity Standards; Matters of Control or Discretion |
|--|---|--------------|---------------|--|
| Heritage Overlay 1 (Heritage Alert Overlay) | | | | |
| <i>Note: Heritage matters may be considered in resource consents for discretionary or non-complying activities for any part of any activity or use that requires land disturbance and is located or undertaken in the heritage alert layer. Policy in C4.1.6 guides this circumstance. Heritage matters may also be considered in respect of controlled and restricted discretionary activities where this is specifically stated in the zone or overlay rule that this a matter to which Council will limit its control or restrict its discretion.</i> | | | | |
| Heritage Overlay 2 (Archaeological Site and Areas Schedule – Schedule G2) | | | | |
| 4.1.12(1) | Any activity that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Schedule G2A, where it has been determined by a qualified archaeologist referred to in General Standard C4.1.12.1A that the land disturbance shall not damage, modify or destroy the archaeological site. <i>Note: Maps detailing the extent of buffer areas are available at the Council offices. Maps are available identifying individual sites and the associated buffer areas (in many cases this can be over laid on an aerial photo), ask for the Duty Planner.</i> | Overlay 2 | Permitted | |
| 4.1.12(2) | Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Schedule G2A, where it has been determined by a qualified archaeologist referred to in General Standard C4.1.12.1A that the land disturbance shall damage, modify or destroy the archaeological site. | Overlay 2 | Discretionary | |
| 4.1.12(3) | Any activity or use that requires land disturbance and is located or undertaken within the boundaries of an archaeological area shown on the planning maps and listed in Schedule G2B with an ARA number. | Overlay 2 | Discretionary | |
| 4.1.12(4) | Activities which do not comply with the rules in this chapter and are not provided for as Permitted, Restricted Discretionary or Discretionary activities. | Overlay 2 | Non-complying | |
| Heritage Overlay 3 (Waahi Tapu and Waahi Tapu Areas Schedule – Schedule G3) | | | | |
| 4.1.12(5) | Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Schedule G3 with a WP waahi tapu number, where it has been determined, by a qualified archaeologist referred to in General Standard C4.1.12.1A that the land disturbance shall not damage, modify or destroy the waahi tapu site. <i>Note: Maps detailing the extent of buffer areas are available at the Council offices. Maps are available identifying individual sites and the associated buffer areas (in many cases this can be over laid on an aerial photo), ask for the Duty Planner.</i> | Overlay 3 | Permitted | |
| 4.1.12(6) | Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Schedule G3 with a WP waahi tapu number, where it has been determined, by a qualified archaeologist referred to in General Standard C4.1.12.1A that the land disturbance shall damage, modify or destroy the waahi tapu site. | Overlay 3 | Discretionary | |

| | | | | |
|--|---|-----------|--------------------------|--|
| 4.1.12(7) | Any activity or use that requires land disturbance and is located or undertaken within the boundaries of a site shown on the planning maps and listed in Schedule G3 with a WY waahi tapu number. | Overlay 3 | Discretionary | |
| 4.1.12(8) | Activities which do not comply with the rules in this chapter and are not provided for as Permitted, Restricted Discretionary or Discretionary activities. | Overlay 3 | Non-complying | |
| Heritage Overlay 4 (Category A, B and C Post European Contact and Central Business District Schedules – Schedule G4 and G5) | | | | |
| 4.1.12(9) | Demolition of, relocation of, or alterations to the interiors of buildings where the interior heritage fabric affected is not identified as subject to Rule C4.1.12.(11) in Schedule G4 or G5. | Overlay 4 | Permitted | |
| 4.1.12(10) | Minor works to any heritage item in Category A, B or C in Schedule G4 or G5. | Overlay 4 | Permitted | |
| 4.1.12(11) | Relocation of the heritage fabric of the Matawhero Bridge. | Overlay 4 | Permitted | |
| 4.1.12(12) | Erecting any new structure, (excluding signs), lighting standards, fencing or walling or planting any vegetation which at full growth is taller than 1m in height, within any site identified in Schedule G5 as having cultural landscape or townscape value. | Overlay 4 | Restricted Discretionary | Council shall restrict its discretion to the matter specified below: a) Heritage value of the primary item and on the site, cultural landscape or townscape |
| 4.1.12(13) | The subdivision of any site identified in the Schedule G5 as having cultural landscape or townscape value. | Overlay 4 | Restricted Discretionary | Council shall restrict its discretion to the matter specified below: a) Heritage value of the primary item and on the site, cultural landscape or townscape |
| 4.1.12(14) | Demolition of, relocation of, or alteration to the heritage fabric of any heritage item in Category A, B or C in Schedules G4 or G5 but excluding demolition of, relocation of, or alterations to the interiors of buildings, the relocation of the Matawhero Bridge and minor works. | Overlay 4 | Discretionary | |
| 4.1.12(15) | Demolition of, relocation of, or alterations to the interior of buildings which affect interior heritage fabric identified as subject to Rule 4.1.12(15) in Schedules G4 or G5. | Overlay 4 | Discretionary | |
| 4.1.12(16) | Activities which do not comply with the rules in this chapter and are not provided for as Restricted Discretionary or Discretionary activities. | Overlay 4 | Non-complying | |

C4.1.13 Financial Contributions

C4.1.13.1 Financial Contribution of Land for Protection of an Archaeological Site

Financial contributions of land (including easements) may be imposed on subdivision or land use consent applications for protection of an archaeological site **provided that**

- Discretion or control is reserved over financial contributions, cultural heritage, or heritage value.
- The applicant and landowner agree to the requirement for the contribution.

Purpose of Contributions

To protect or provide for the protection of an archaeological site or feature/s.

Manner for Calculating Contributions

The amount and nature of the contribution will be that which is agreed between the applicant and the Council, or other organisation that will gain the interest in the land.

