

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

Part A: Introduction



OPERATIVE STATUS and SEAL OF THE COUNCIL

Current Approval

The common seal of the Gisborne District Council is here electronically affixed to this, the Part Operative Tairāwhiti Resource Management Plan, under the order of the Council.

DATED this 30th day of AUGUST, 2023.

By affixing the seal Council approves the Plan, including the following changes:

Amendments made by Environment Court consent orders and court decision to:

- B1 Tangata Whenua
- B6 Freshwater
- C6 Freshwater
- DF1 Freshwater Management units: Waipaoa Catchment Management Plan
- E1 Māori Terms and Concepts
- E2 Common Definitions that apply across the Plan
- E6 Freshwater Definitions
- Schedules G15 and G17
- Appendix H20: Requirements of Farm Environment Plans.



Operative Date

The parts of the Plan approved, shall become operative on 30th August 2023

Remaining Exclusions

The approval excludes the following provisions, which remain under consideration:

- C3 Coastal Management (with the exception of C3.14 Coastal Environment Overlay); coastal hazard provisions in C8.5. to C8.5.4 and C8.5.6; DC1 Significant Values Management Area; DC2 General Coastal Management Area; DP1 Port Management Area; E5 Definitions; Schedules 11 to 14; and the regional coastal plan provisions in D1, E1 and E2 (provisions sourced from the previous Regional Coastal Environment Plan)
- C11.2.15 and DP2 Port Management Zones (port provisions).

Previous Approvals

(Refer also to historic plans for operative dates prior to the merger of the plans into the Tairāwhiti Plan.)

Approval Date	Provisions Approved	Operative Date
30.03.2020	Amendments to C2 and new Appendix 30 proposed by Plan Change 4 (Inner Harbour Car Parking)	30.03.2020
30.07.2018	<p>Provisions throughout the plan amended by Plan Change 1 (Rationalisation)</p> <p>Rationalisation of provisions that are not yet operative by Variation 1 (that is, rationalisation of Port Management Zones, Regional Coastal Plan provisions and freshwater provisions).</p> <p>Changes to DD2 Commercial Zones, DD3 Industrial Zones and Appendix 12 proposed by Plan Change 2 (Landscaping Rules Clarifications)</p> <p>Amendments to C2, C9, C11.5, DD2, DD3 and DD4 proposed by Plan Change 3 (Minor Clarifications)</p>	30.07.2018

National Direction Approvals

Approval Date	Provisions Approved	Operative Date
23.11.2021	<p>Plan Change 5</p> <p>On 23 November 2021, and in accordance with Policy 11 and clause 3.38 of the National Policy Statement on Urban Development 2020 (NPS-UD), Gisborne District Council has amended the Tairāwhiti Resource Management Plan (TRMP) to remove or amend all objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for any development, land use, or activity.</p> <p>The parking design standards and minimum loading space requirements in the TRMP are not impacted by the NPS-UD and remain applicable to new development proposals.</p> <p>As required by Section 55 of the Resource Management Act 1991, these changes to the TRMP have been made without a schedule 1 process (the typical public submission process for plan changes).</p> <p>The changes to the TRMP have immediate effect.</p> <p>This notice is given in accordance with Section 55(2A)(b) of the Resource Management Act 1991.</p>	23.11.2021

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A1 PURPOSE, SCOPE and STRUCTURE

Part A provides an introduction to Te Papa Tipu Taunaki o Te Tairāwhiti, the Tairāwhiti Resource Management Plan (referred to as the 'Tairāwhiti Plan' or the 'Plan'), including an overview of:

- A1 – The purpose, scope and structure of the Tairāwhiti Plan;
- A2 – Statutory framework for preparing and implementing the Plan;
- A3 – How the Tairāwhiti Plan works; and
- A4 – Cross boundary issues and relationship with other legislation.

A1.1 Purpose of the Tairāwhiti Plan

The purpose of the Tairāwhiti Plan is to assist Gisborne District Council (Council) to:

- Carry out its functions as a regional council and a territorial authority as set out in sections 30 and 31 of the Resource Management Act 1991 (RMA or the Act); and
- Achieve the purpose of the Act to promote the sustainable management of natural and physical resources.

The Tairāwhiti Plan incorporates the Regional Policy Statement (RPS), regional (including coastal) plan and district plan provisions. Each component of the Tairāwhiti Plan has a specific purpose as follows:

- **Regional Policy Statement provisions:** to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region; and
- **Regional and District plan provisions:** to assist Council carry out any of its functions in order to achieve the purpose of the Act.

A1.2 Replacement of Former RMA Plans

The Tairāwhiti Plan replaced the following Gisborne District Council resource management documents in 2017:

- Gisborne Regional Policy Statement – notified in 1996 and made operative on 10 August 2002;
- Gisborne Freshwater Plan – notified in 2015;
- Gisborne Regional Coastal Environment Plan – notified in 1997;
- Gisborne Regional Air Quality Plan – notified in 1996 and made mostly operative in 2007;
- Gisborne Transitional Plan (remaining provisions were being incorporated into the Freshwater Plan at the time of replacement);
- Gisborne Regional Plan for Discharges to Land, Water, Waste Management and Hazardous Substances (was proposed for deletion at the time of replacement); and
- Gisborne Combined Regional Land and District Plan – notified in 1997 and made mostly operative in 2006, with significant regional chapters operative in 2008 and 2010.

A1.3 Structure of the Plan

The structure of the Tairāwhiti Plan reflects the requirements for RPS, and regional and district plans as outlined in section 62 of the RMA.

The plan has a hierarchical framework with the regional policy statement providing strategic direction that is given effect to through regional and district plan provisions. The plan is structured into eight parts:

- **Part A – Introduction:** this part assists with interpretation and implementation of the Tairāwhiti Plan by outlining the purpose and scope of the plan, statutory framework and how the plan works;

- **Part B – Regional Policy Statement:** this part provides all the regional policy statement content required under the Act to set the strategic direction and focus for the plan by outlining the regionally significant resource management issues, and supporting objectives and policies that apply across the region;
- **Part C – Region Wide Provisions:** this part includes regional and district provisions that apply across the region. It is grouped according to particular issues or resources and each sub-section includes issues, objectives, policies, methods and rules;
- **Part D – Area Based Provisions:** this part includes regional and district provisions that apply to particular management areas in the coastal environment, freshwater catchments, or zones (land based). Each sub-part includes issues, objectives, policies, methods and rules. There are three sub-parts to Part D:
 - DC : coastal management areas;
 - DF : catchment plans and freshwater management units; and
 - DP : port area that straddles Mean High Water Springs (MHWS).
- **Part E – Definitions:** this provides definitions to aid in the interpretation and implementation of the Plan and includes Māori terms and concepts, common definitions that apply across the Plan, and definitions specific to different types of provisions;
- **Part F – Procedural Matters:** this part outlines information requirements for resource consents, consultation requirements, monitoring procedures, plan effectiveness monitoring (including all the Environmental Results Anticipated (ERAs) in the Plan), and information regarding charging and cost recovery;
- **Part G – Schedules (Sites Areas and Resources):** this part provides all the schedules relevant to the Plan that relate to specific places, sites and resources; and
- **Part H – Appendices (Guidelines, Requirements and Standards):** this part provides all the appendices that provide technical standards and requirements and general guidelines for the Plan.

There are different levels of legal weightings and influence for RPS provisions, regional plan provisions, and district plans provisions. The Plan also includes other content included to assist in the interpretation and implementation of the Tairāwhiti Plan such as introduction sections and principal reasons. The location of different provisions within the Tairāwhiti Plan are outlined in Table 1 below and Figure A1 outlines the structure of the Tairāwhiti Plan.

Table 1: Location of different types of plan provisions within the Tairāwhiti Plan.

Regional Policy Statement Provisions	Regional Coastal Plan Provisions	Regional Plan Provisions	District Provisions
B1 – B9	C3	C1	C2
F2 – F4	DC1 – DC2	C6	C3
	DP1	C7	C4
		C8	C5
		C9	C8
		DF1	C9
		DF2	C10
			C11
			C12
			D1 – D5
			DP2

The following symbols are used throughout the Tairāwhiti Plan to show the type of plan



Regional Policy Statement



Regional Coastal Plan



Regional Plan



District Plan

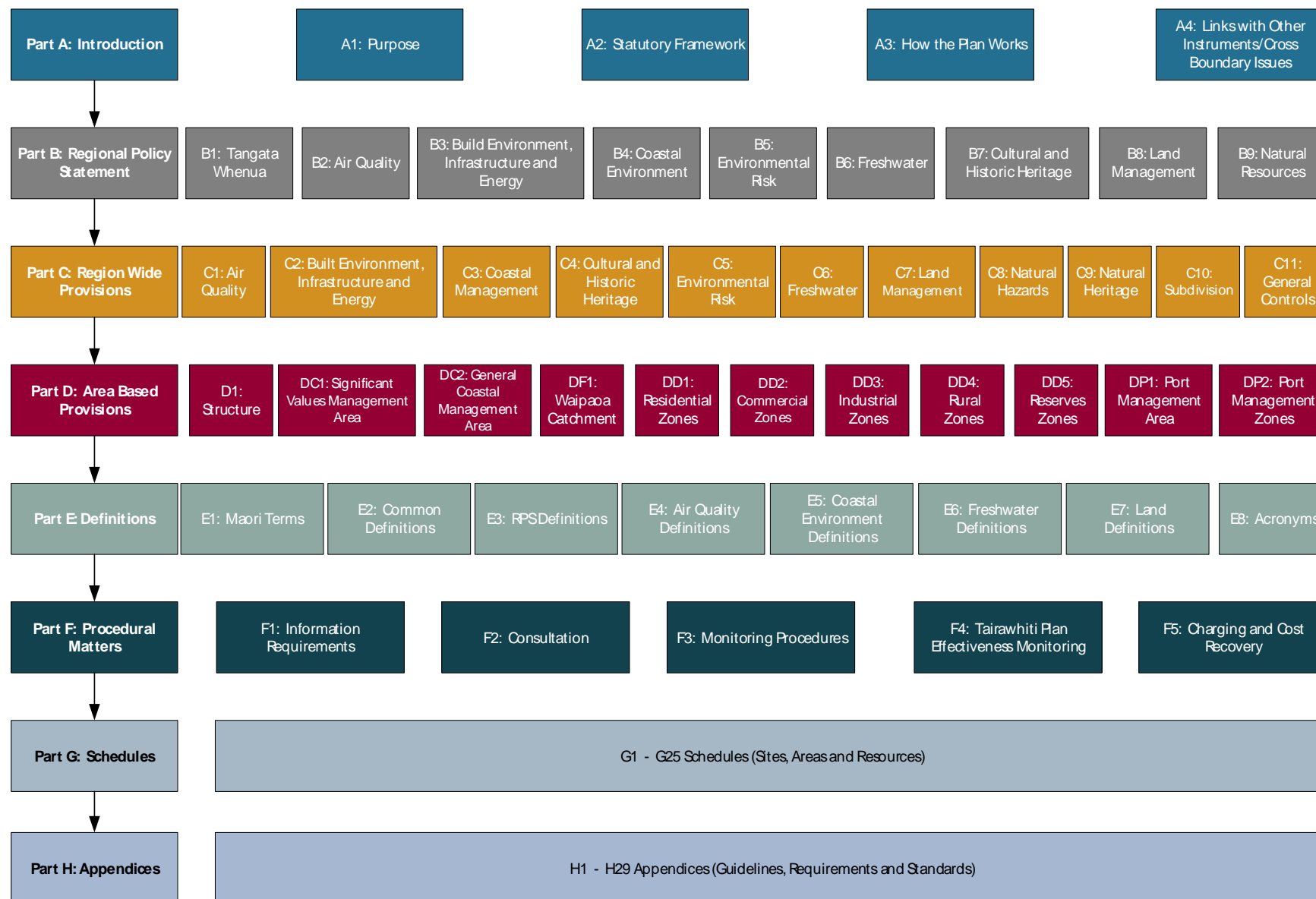


Figure A1: Structure and content of Tairāwhiti Plan

A2 STATUTORY FRAMEWORK

A2.1 The Resource Management Act

The RMA is the principal statute for the management of New Zealand's natural and physical resources. The RMA provides an integrated framework for the management of land, water, air and the coastal environment, and the control of discharges to the environment. It provides for national, regional and territorial levels of responsibility for the management of resources.

The overriding purpose of the RMA is to promote the sustainable management of natural and physical resources, as set out in section 5.

The RMA identifies a number of matters that are of special significance for resource management, which are set out in sections 6, 7 and 8 of the Act.

A2.1.1 Purpose

The purpose of the RMA as stated in section 5(1) of the Act is:

"To promote the sustainable management of natural and physical resources."

Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- 1) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;*
- 2) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- 3) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Guidance on how the purpose of the Act is to be achieved is provided in sections 6, 7 and 8 of the RMA which state particular obligations for those administering the RMA. There are three sets of principles:

- Matters of national importance – which decision makers must 'recognise and provide for'.
- Other matters – which decision makers must 'have particular regard to'.
- The principles of the Treaty of Waitangi – which decision makers are required to 'take into account'.

These matters are set out below.

A2.1.2 Matters of National Importance

Section 6 of the RMA lists seven matters of national importance which must be recognised and provided for by all persons exercising functions and powers under the Act:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;*
- e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- f) the protection of historic heritage from inappropriate subdivision, use and development;*
- g) the protection of protected customary rights;*
- h) the management of significant risks from natural hazards.*

A2.1.3 Other Matters

Section 7 of the RMA sets out 'other matters' which persons exercising functions and powers under the Act are to have 'particular regard' to:

- a) *kaitiakitanga*;
- aa) *the ethic of stewardship*;
- b) *the efficient use and development of natural and physical resources*;
- ba) *the efficiency of the end use of energy*;
- c) *the maintenance and enhancement of amenity values*;
- d) *intrinsic values of ecosystems*;
- e) *[Repealed]*;
- f) *maintenance and enhancement of the quality of the environment*;
- g) *any finite characteristics of natural and physical resources*;
- h) *the protection of the habitat of trout and salmon*;
- i) *the effects of climate change*;
- j) *the benefits to be derived from the use and development of renewable energy*.

A2.1.4 The Treaty of Waitangi

Section 8 of the Act provides that:

'... In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).'

A2.1.5 Functions of Central and Local Government

The RMA sets out the functions, powers and duties of regional councils and territorial authorities. Gisborne District Council – as a unitary authority – possesses the functions, duties and powers of both a regional council and a territorial authority. The integrated nature of the Tairāwhiti Plan provides an effective means to assist Council to carry out these dual functions.

The functions of regional councils are set out in section 30 of the Act which includes:

- The establishment and implementation of objectives, policies and methods to achieve integrated management of the natural and physical resources;
- The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance;
- Control of the use of land for the purpose of:
 - Soil conservation;
 - Maintenance and enhancement of the quality of water and ecosystems in water bodies and coastal water;
 - The maintenance of water quantity in water bodies and coastal water;
 - Avoidance and mitigation of natural hazards;
- Investigation of land for the purpose of identifying and monitoring contaminated land;
- Control of the Coastal Marine Area (CMA) (in conjunction with the Minister of Conservation);
- Control of discharges of contaminants into the environment and control of river and lake beds;
- The establishment and implementation of objectives, policies and methods to maintain indigenous biodiversity; and
- Strategic integration of infrastructure with land use.

The functions of territorial authorities are set out in section 31 of the RMA which includes:

- The establishment and implementation of objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land;
- Control of any actual or potential effects of the use, development, or protection of land, including for the purpose of:
 - The avoidance and mitigation of natural hazards;
 - The prevention or mitigation of adverse effects of the development, subdivision, or use of contaminated land;
 - The maintenance of indigenous biological diversity;
- Control of the emission of noise and the mitigation of the effects of noise;
- Control of actual or potential effects of activities in relation to the surface of water in rivers and lakes; and
- Any other functions specified in the Act.

A2.2 RMA Planning Instruments

The RMA provides for the following planning instruments:

- National Environmental Standards: Sections 43- 44A of the Act;
- National Policy Statements: Sections 45 – 58 of the Act;
- Water Conservation Orders: Sections 199 – 217 of the Act;
- Regional Policy Statements: Sections 59 – 62 of the Act;
- Regional Coastal Plans: Section 64 of the Act;
- Regional Plans: Sections 63 – 70 of the Act;
- District Plans: Sections 72 – 77 of the Act;
- Designations: Sections 166 – 186 of the Act; and Heritage Orders: Sections 189 – 198 of the Act.

A2.2.1 National Environmental Standards

National Environmental Standards (NES) are regulations issued under section 43 of the RMA and apply nationally. NES are technical standards in the form of regulations for maintaining a clean, healthy environment. NES can prescribe technical standards, methods or other requirements for environmental matters which each Regional, City or District Council must enforce. Resource consents may be required under the provisions of an NES. In some circumstances, councils can impose stricter standards. NES in effect in May 2017 are outlined below and the Ministry for the Environment website should be referred to for the most up-to-date list of RMA national instruments.

- **National Environmental Standards for Air Quality 2004:** the NES for air quality aims to set a guaranteed minimum level of health protection for all New Zealanders.
- **National Environmental Standards for Sources of Drinking Water 2008:** the NES sets requirements for protecting sources of human drinking water from becoming contaminated.
- **National Environmental Standards for Telecommunication Facilities 2016:** the NES provides consistency in the rules surrounding the deployment of telecommunication infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately.
- **National Environmental Standards for Electricity Transmission 2010:** the NES sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines, including the operation, maintenance and upgrade of existing lines.
- **National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011:** the NES provides a nationally consistent set of planning controls and soil contaminant values to ensure land affected by contaminants in soil is appropriately assessed and identified before it is developed and remediated, if necessary, to make the land safe for human use.

A2.2.2 National Policy Statements

National Policy Statements (NPS) are instruments which are issued under section 52(2) of the RMA and state objectives and policies on matters of national significance. They are issued on recommendations of the Minister for the Environment. Regional policy statements, regional plans and district plans are required to give effect to national policy statements. Decision makers for resource consents must have regard to any relevant provisions of a national policy statement.

NPS in effect in May 2017 are outlined below and the Ministry for the Environment website should be referred to for the most up-to-date list of RMA instruments:

- **National Policy Statement on Urban Development Capacity 2016:** the NPS sets objectives and policies for providing development capacity under the RMA.
- **National Policy Statement for Freshwater Management 2014:** the NPS is about recognising the national significance of freshwater for all New Zealanders and sets objectives and policies for freshwater management under the RMA.
- **National Policy Statement for Renewable Energy Generation 2013:** the NPS aims to provide a consistent approach to planning for renewable electricity generation and sets out objectives and policies for renewable electricity generation under the RMA.
- **National Policy Statement for Electricity Transmission 2008:** the NPS provides guidance through set objectives and policies on how to recognise the national significance of our national grid in RMA planning documents and local decision-making.
- **New Zealand Coastal Policy Statement 2010:** the NZCPS guides local authorities in their day to day management of the coastal environment through a consistent set of objectives and policies.

A2.2.3 Water Conservation Orders

Water conservation orders (WCO) provide recognition of the outstanding amenity or intrinsic values of waterbodies. WCO may be applied over rivers, lakes, streams, ponds, wetlands or aquifers and over freshwater or geothermal water. They are issued on the recommendation of the Minister, once an application has been submitted.

WCO may restrict or prohibit the granting of resource consents to dam, take water or discharge contaminants into water, or place other restrictions on the use of water but cannot affect existing permits. There is one WCO within the Gisborne region – the National Water Conservation (Motu River) Order 1984.

A2.2.4 Regional Policy Statements

The RMA requires every regional council and unitary authority to prepare a RPS. The purpose of the statement is to promote the sustainable management of the region's natural and physical resources by:

- Setting out the significant resource management issues for the region; and
- Identifying the resource management issues of significance to iwi authorities in the region; and
- Providing policies and methods to achieve integrated management of the region's natural and physical resources.

Part B of the Tairāwhiti Plan encompasses the regional policy statement for Gisborne.

A2.2.5 Regional Coastal Plans

Regional coastal plans are required to be prepared by regional councils and unitary authorities to achieve the purpose of the RMA in relation to the coastal marine area of the region. Regional coastal plans must state objectives for the region, policies to implement objectives, and rules (if any) to implement the policies. Regional coastal plan provisions are primarily contained within Parts C and D of the Tairāwhiti Plan.

A2.2.6 Regional Plans

Regional plans are prepared by regional councils and unitary authorities in order to carry out their functions under the RMA. Regional plans are optional but certain matters must be considered when assessing the desirability of preparing a regional plan. Regional plans may focus on specific activities, issues, resources or geographic areas. Regional plans must state objectives for the region, policies to implement objectives, and rules (if any) to implement the policies. Regional plan provisions are primarily contained within Parts C and D of the Tairāwhiti Plan.

A2.2.7 District Plans

District plans are required to be prepared by all territorial authorities to assist them to carry out their functions under the RMA. District plans must state objectives for the district, policies to implement objectives, and rules (if any) to implement the policies. District plan provisions are primarily contained within Parts C and D of the Tairāwhiti Plan.

A2.2.8 Designations

Designations are provisions made in District plans to give effect to requirements made by requiring authorities (Ministers of the Crown, local authorities or approved network utility operators), for public works, or for projects or works of approved network utility operators. A designation is a form of 'spot zoning' over a site, area or route in a District plan. The 'spot zoning' authorises the requiring authority's work and activity on the site, area or route without the need for land use consent from the relevant territorial authority.

A2.2.9 Relationship with Plans and National Direction Prepared under the RMA

The Tairāwhiti Plan has relationships and links to other policies, standards and plans prepared under the RMA – including NES, NPS and the NZCPS. Figure A2 below shows the relationship and links of the Tairāwhiti Plan to national direction instruments under the RMA. It is important to note that each level of policy or plan must not be inconsistent with the level above.

Linkages between key RMA documents

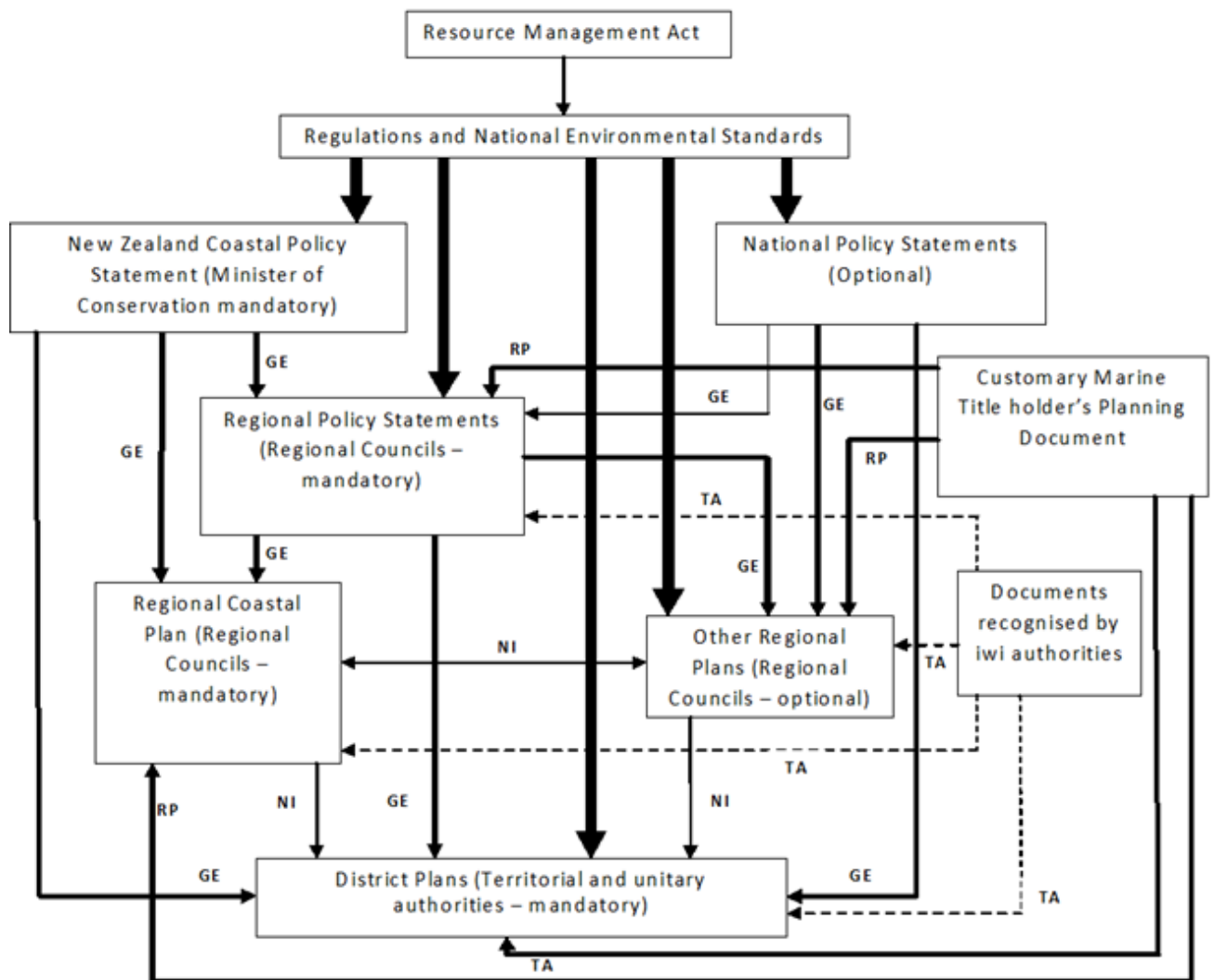


Figure A2: Linkages between RMA planning instruments (source: Quality Planning website).

There are different legal weightings and relationships between national instruments, regional policy statements, and regional and district plans as outlined in the table below.

Regional Policy Statements:

- Must **give effect to** national policy statements;
- Must **not be inconsistent** with water conservation orders (WCO); and
- Must **take into account** any relevant iwi management plan to the extent that their content has a bearing on the resource management issues of the region.

Regional Plans:

- Must **give effect to** any national policy statements and the regional policy statement of the region;
- Must **not be inconsistent** with WCO or any other regional plan for the region; and
- Must **take into account** any relevant iwi management plan to the extent that their content has a bearing on the resource management issues of the region.

District Plans:

- Must **give effect to** any national policy statements and the regional policy statement of the region;
- Must **not be inconsistent** with a WCO or regional plan; and
- Must **take into account** any relevant iwi management plan to the extent that their content has a bearing on the resource management issues of the region.

A3 HOW THE TAIRĀWHITI PLAN WORKS

A3.1 How the Plan Works

As outlined above, the Tairāwhiti Plan is structured into eight parts based around the introduction, regional policy statement, regional wide provisions, area based provisions, definitions, procedural matters, schedules and appendices. The following sections provide a guide on how the Plan works.

A3.1.1 Guide to Using the Plan

The Plan includes the following types of provisions – some of which is mandatory and other non-mandatory content is also included to assist in the interpretation of the Plan.

- **Issues** – an issue is an existing or potential problem that must be resolved to promote the purpose of the RMA. Issue statements are mandatory for RPS which are required to identify:
 - Significant resource management issues for the region; and
 - Resource management issues of significance to iwi authorities in the region.
- **Objectives** – statement of a desired outcome. This is what council would like to see as a result of the issue being resolved or a particular outcome being achieved.
- **Policies** – policies are the course of action to achieve or implement the objective. They outline the actions to be followed to achieve a particular outcome and may be directive or flexible.
- **Methods** – methods are the means to implement policies. Methods may be regulatory (i.e. rules) or non-regulatory such as specific actions, procedures, or programmes adopted by Council.
- **Rules** – rules are regulatory instruments which have the force of regulations and may prevent, restrict or permit activities. Rules define activity classes for different activities and the standards which apply to those activities.
- **Principal reasons** – many of the objectives and policies in the Tairāwhiti Plan are supported by a principal reason for their adoption in the Plan. Principal reasons assist in informing plan users of the rationale behind the adoption of specific aspects of the Plan.
- **Environmental Results Anticipated (ERAs)** – the intended result or outcome on the environment as a consequence of the implementation of policies, rules and other methods. Identifying the expected end results enables an assessment of the success of the policies and methods and assist with plan effectiveness monitoring which is required under section 35 of the RMA.

A3.1.2 Guide to Rules

A3.1.2.1 Types of Rules

Rules are provided in Part C and D of the Plan as follows:

- **Part C – Region wide provisions:** these include the rules that apply across the whole region, excluding the Coastal Marine Area (CMA). (These are all located in Part D); and
- **Part D – Area specific provisions (management areas, catchment plans, zones):** these include the rules that apply to specific zones (land), management areas (coastal marine area) and catchments in the region. The rules are grouped according to the different area, and the Plan includes four types of area/s:
 - Coastal management areas – which apply to activities in the CMA;
 - Freshwater management units – which apply to freshwater catchments and sub-catchments;
 - Zones – which apply to activities on land; and
 - Port areas – which apply to activities on land and the CMA around the Port.

Many of the rules in the plans have standards associated with them – either general standards, specific standards or both. These standards form part of the rules and set limits on the extent to which an activity is permitted or may require a resource consent.

The RMA provides for six classes of activities as set out below:

- **Permitted Activities:** A resource consent is not required for the activity if it complies with any requirements, conditions, and permissions specified for the permitted activity.
- **Controlled Activities:** With controlled activities, the Plan must specify any requirements, conditions, and permissions which the activity must comply with, and the matters over which the consent authority has reserved control. An application for a controlled activity cannot be declined and the council must grant a resource consent but may impose conditions.
- **Restricted Discretionary Activities:** An application for a Restricted Discretionary Activity can be declined or granted (with or without conditions). The plan must specify, any requirements or conditions to be complied with for the activity to be Restricted Discretionary and the matters over which the council has restricted its discretion. The matters of discretion are those matters the council can consider when determining whether to decline or grant a resource consent and what conditions (if any) to impose.
- **Discretionary Activities:** An application for a discretionary activity can be declined or granted (with or without conditions). This activity class is generally used where there is potential for significant adverse effects from an activity, there is uncertainty or variability in the effects of an activity, or the activities did not meet the standards for a more permissive activity status.
- **Non-Complying Activities:** This activity status is often reserved for those activities where there is potential for significant adverse effects but do not necessarily warrant prohibition and/or where an activity is not anticipated in an area but may be acceptable if effects can be adequately managed. Consent for a non-complying activity can only be granted where the activity meets one of the following tests:
 - The adverse effects on the environment will be minor; or
 - The application is not contrary to the objectives and policies of the Plan.
- **Prohibited Activities:** A resource consent application cannot be granted for a prohibited activity.

A3.1.2.2 Do I need a resource consent?

To determine whether you need consent, you need to follow the steps below:

1. Identify what relevant zone, management area and overlays apply to your activity by looking at the relevant planning maps;
2. Identify the rules that apply to your activity within the relevant zone, management area and/or overlay. To do this, you need to work through the relevant tables and follow rule rows across to determine the status of the activity, if there are any standards that must be complied with, and the matters of control or discretion (where applicable); and
3. Identify whether there are any region-wide rules that apply your activity, and then identify the relevant rule table. You then need to work through the relevant tables and follow the specific rule rows across to determine the status of the activity, and if there are any standards that must be complied with and the matters of control or discretion (where applicable).

If you are uncertain about the relevant rule and whether your proposed activity is permitted, you should contact Council. The Council website also has guidance on the resource consent process.

If you wish to confirm with Council that your activity is permitted, a Certificate of Compliance can be applied for. A Certificate of Compliance is essentially treated as a resource consent under section 139. Refer to Part F: Procedural Matters for information requirements for resource consent applications.

A4 LINKS WITH OTHER INSTRUMENTS/ CROSS-BOUNDARY ISSUES

A4.1 Links with Other Instruments/Legislation

Other legislation, instruments and regulations link to the Tairāwhiti Plan and may have implications on activities being managed through the Plan. These may include:

- Building Act 2004;
- Heritage New Zealand (Pouhere Taonga) Act 2014;
- Hazardous Substances and New Organisms Act 1996;
- Gisborne District Bylaws;
- Local Government Act 2002;
- Reserves Act 1977;
- Land Transport Management Act 2003;
- Soil Conservation and Rivers Control Act 1941;
- Conservation Act 1987; and
- Biosecurity Act 1993.

A4.2 Relationship with Treaty Settlements and Iwi Planning Documents

A4.2.1 Statutory Acknowledgments

The Tairāwhiti Plan has a relationship with Treaty Settlements and iwi planning documents.

A statutory acknowledgement is a formal recognition by the Crown of the mana of tangata whenua over a specified area. Statements of statutory acknowledgements are set out in Treaty of Waitangi settlement legislation. The Council, must have regard to statutory acknowledgements relating to a statutory area in deciding under section 95E of the RMA, whether the trustee is an affected person in respect of an application for a resource consent for an activity within, adjacent to, or that directly affects the statutory area. In the Gisborne region, there are statutory acknowledgements in place, particularly around a number of freshwater bodies.

Information recording Statutory Acknowledgements for Statutory Areas covered wholly or partly by the plan must be attached to Regional Policy Statements, regional plans and district plans. Statutory plans are required to specify that information provided in relation to Statutory Acknowledgements is for the purposes of public information only and does not form part of the Plan and is not subject to the provisions of Schedule 1 of the RMA.

A full list and information about each Statutory Acknowledgement within the Gisborne District Council management area is detailed in ["Nga Whakaaetanga a Rohe Mo Te Tairāwhiti" – Statutory Acknowledgements of the Gisborne District"](#).

A4.2.2 Iwi Management Plans

Iwi or hapū management plans are a policy statement that describe resource management issues important to tangata whenua. The plans provide iwi resource management strategies for sustainable development of natural and physical resources. They may also have information relating to specific cultural values, historical accounts, descriptions of areas of interest, hapū and iwi boundaries (rohe) and consultation and engagement protocols for resource consent and plan changes. The plans are not a substitute for consultation or partnership.

Iwi management plans provide a mechanism for tangata whenua interests to be considered in Council processes. There are specific legislative requirements that place a duty on Council staff to take these plans into account.

In the Gisborne region, there are two iwi planning documents recognised by an iwi authority and lodged with the Council:

- Te Aitanga a Mahaki iwi Environmental Inventory; and
- Nga Ariki Kaiputahi Hapu/Iwi Management Plan.

Information on iwi management plans can be found on the Council website:

<http://www.gdc.govt.nz/hapu-and-iwi-management-plans/>

A4.3 Cross Boundary Issues

A4.3.1 Introduction

Section 62 of the RMA requires a RPSs to state the processes to be used to deal with issues that cross local authority boundaries and issues between territorial authorities or between regions. Section 67(2)(f) of the RMA requires regional plans to include the processes to be used to deal with issues that cross local authority boundaries and issues between territorial authorities. Section 75(2)(f) also requires district plans to include the process for dealing with issues that cross territorial authority boundaries.

The Gisborne District Council is a unitary authority, having the powers and functions of both a regional and District Council. This means issues between district and regional functions are usually easily resolved, or at least the potential for cross-boundary issues is reduced.

Cross-boundary issues may occur when:

- There are differences in policies and methods between adjoining plans or councils;
- Environmental effects related to the use of a resource have “downstream” effects in another region or district;
- There are adverse effects of activities in adjoining areas; and
- Community aspirations and goals in adjoining areas are different.

There is a need for a consistent and co-operative approach between regions to manage cross-boundary issues. The RMA requires the Plan to include the process to be used to deal with/resolve cross-boundary issues between territorial authorities between regions.

This section of the plan provides details on cross-boundary issues to ensure:

- Cross boundary issues are identified;
- Processes for dealing with cross-boundary issues are developed; and
- Effects of cross-boundary issues are avoided, remedied or mitigated.

A4.3.2 Establishing Effective Processes for Resolving Cross Boundary Issues

A4.3.2.1 Objective

1. To establish effective processes for resolving issues which cross local authority boundaries.

A4.3.2.2 Policies

Policy: Cross Boundary Processes

In making resource management decisions, consideration shall be given to the actual or potential effects on the environment that are likely to arise across local authority boundaries or outside of the Region. Processes shall be established to deal effectively with:

- Issues which cross local authority boundaries; and
- Issues between the Gisborne region and other regions.

A4.3.2.3 Methods

The Gisborne District Council shall, as appropriate:

- Establish joint working parties or committees, research projects, investigation programmes, monitoring programmes or other joint activities or approaches as required.

- Consult with adjacent authorities where the effects of an activity for which a resource consent application is made, cross regional boundaries.
- Consult with adjoining local authorities in the preparation of regional and district plans regarding issues which cross local authority boundaries and state in those plans the processes for dealing with those issues.
- Establish appropriate protocols for the efficient and effective operation of joint hearings.

A4.3.2.4 Principal Reasons

Resource management decisions on the use, development or protection of resources within the region may lead to effects on the environment in other local authority areas outside of the region.

The RMA requires that the processes to be used to deal with issues which cross local authority boundaries are clearly set out. These policies and methods of implementation have been adopted to fulfil this requirement.

The methods of implementation are those provided by the RMA, and will be supported by a collaborative approach based on negotiation and agreement among the parties.

It is expected that this will lead to:

1. Effective resolution of cross-boundary issues; and
2. Integrated management of natural and physical resources.

A4.3.3 Procedures for Addressing Cross-Boundary Issues

In the region, one predominant cross-boundary issue is the management of the air resource, which by its nature is not constrained within boundaries. The following procedures may be carried out, where appropriate, to address cross-boundary issues relating to the air resource:

- a) Having regard to the policy statements and plans, including resource management plans, strategic plans and annual plans of neighbouring regional and territorial authorities and the extent to which this Plan needs to be consistent with those documents;
- b) Liaising with the Ministry for the Environment over air quality issues that are best dealt with or co-ordinated at the national level or require a multi-levelled approach;
- c) Participating in central government initiatives in the formulation of a strategic approach to managing the enhanced greenhouse effect, in the development of guidelines for local government and in advocating and pursuing efficient and effective mechanisms for greenhouse gas discharge reduction at the national level, including consideration of a national policy statement on the enhanced greenhouse effect.
- d) Liaising with the Hawkes Bay Regional Council and Bay of Plenty Regional Council on matters of air management that are relevant to more than one region;
- e) Continuing to participate in the Regional Air Quality Working Group – a group of staff from regional councils throughout the country that provides an opportunity to exchange information, develop a co-ordinated approach and use the Council's combined resources most effectively;
- f) Liaising with neighbouring regional councils over the possibility of joint ambient air quality monitoring programmes;
- g) Liaising with district officers within the Gisborne District Council on issues affecting air quality management that both regional and district authorities are responsible for;
- h) Encouraging the district function within the Gisborne District Council to continue to apply the provisions of the Health Act 1956 to control minor nuisance effects, particularly the nuisance effects associated with the discharge to air from domestic fires and home heating appliances;
- i) Liaising with the district functions of the Gisborne District Council regarding their functions and responsibilities under the Forest and Rural Fires Act 1977;
- j) Liaising with other public health authorities regarding public health issues that arise in carrying out the Gisborne District Council functions under the Act;

- k) Advocating to the Gisborne District Council that, where appropriate, district plan provisions be included in the Tairāwhiti Plan to avoid, remedy or mitigate the effects on the environment of the discharge of contaminants to air;
- l) Considering the transfer of functions that would be more efficiently, effectively and appropriately carried out by other agencies. Transfers of functions will be considered on the basis of the requirements of section 33 of the Act, including where both authorities agree that the authority to which the transfer is made represents the appropriate community of interest and where the transfer is desirable on the grounds of efficiency and technical or special capability or expertise; and
- m) Making submissions in respect of documents prepared by other authorities.

