

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

Part C: Region Wide Provisions (C5-C8)



CONTENTS

C5 ENVIRONMENTAL RISKS.....	1
C5.1 CONTAMINATED LAND.....	1
C5.1.1 Introduction.....	1
C5.1.2 Issues	1
C5.1.3 Objectives	1
C5.1.4 Policies.....	2
C5.1.5 Methods	3
C5.1.6 Rules for Contaminated Sites	4
C5.2 HAZARDOUS SUBSTANCES	4
C5.2.1 Introduction.....	4
C5.2.2 Issues	4
C5.2.3 Objectives	4
C5.2.4 Policies.....	5
C5.2.5 Methods	5
C5.2.6 Rules for Hazardous Substances	6
C5.2.6.1 General Standards	6
C6 FRESHWATER.....	10
C6.1 WATER QUANTITY AND ALLOCATION	10
C6.1.1 Policies Water Quantity and Allocation	10
C6.1.2.1 General Standards	14
C6.1.3 Other Methods.....	18
C6.2 WATER QUALITY AND DISCHARGES TO LAND AND WATER.....	18
C6.2.1 General Water Quality Policies	18
C6.2.2 Policies for Point Source Discharges	19
C6.2.3 Rules for Point Source Discharges	22
C6.2.4 Other Methods.....	31
C6.2.5 Policies for Discharges to Groundwater and Bedrock – including from bores, oil and gas drilling.....	31
C6.2.6 Rules for Discharges to Groundwater and Bedrock	33
C6.2.7 Other Methods – Discharges to Groundwater and Bedrock.....	35
C6.2.8 Policies for Diffuse Discharges	35
C6.2.9 Rules for Diffuse Discharges	36
C6.2.10 Other Methods – Diffuse Discharges	41
C6.2.11 Policies for Fertilisers and Solid Discharges	41
C6.2.12 Rules for Solid Discharges	43
C6.2.13 Other Methods – Solid Discharges.....	47
C6.2.14 Policies for Discharges from Hazardous Substances and Contaminated Sites.....	47
C6.2.15 Rules for Discharges from Hazardous Substances and Contaminated Sites.....	49
C6.2.16 Other Methods – Discharges from hazardous substances and contaminated sites.....	50
C6.2.17 Policies for Unreticulated Wastewater Treatment, Storage and Disposal.....	50
C6.2.18 Rules for Unreticulated Wastewater Treatment, Storage and Disposal (Wastewater System) ..	50
C6.2.18.1 General Standards	50
C6.2.19 Rules for Unreticulated Wastewater Treatment, Storage and Disposal (Management of Septage, Treated Wastewater and Greywater)	58
C6.2.19.1 General Standards	58
C6.2.20 Rules for Unreticulated Wastewater Treatment, Storage and Disposal (other rules)	61
C6.2.20.1 General Standards	61
C6.3 ACTIVITIES IN THE BEDS OF RIVERS AND LAKES	63
C6.3.1 Policies for Structures in the Beds of Rivers and Lakes	63

C6.3.2 Rules for Structures in the Beds of Rivers and Lakes	64
6.3.2.1 General Standards	64
C6.3.3 Other Methods – Structures in the Beds of Rivers and Lakes.....	74
C6.3.4 Policies for Vegetation Clearance and Disturbance	74
C6.3.5 Rules for Vegetation Clearance and Establishment	74
C6.3.5.1 General Standards	74
C6.3.6 Policies for Vehicle and Stock Access.....	78
C6.3.7 Rules for Stock and Vehicle Access	78
C6.3.7.1 General Standards	78
C6.3.8 Other Methods – Stock and Vehicle Access.....	82
C6.3.9 Policies for Gravel Extraction.....	82
C6.3.9 Rules for Gravel Extraction.....	82
C6.3.10.1 General Standards	82
Rule Table C6.3.10.....	84
C6.3.11 Other Methods – Gravel Extraction	85
C6.3.12 Policies for Damming, Diversion and Drainage of Streams, Rivers and Lakes.....	85
C6.3.13 Rules for Damming, Diversion and Drainage of Streams, Rivers and Lakes	86
C6.3.13.1 General Standards	86
Rule Table C6.3.13.....	87
C6.4 RIPARIAN MARGINS, WETLANDS	89
C6.4.1 Policies for Activities in and adjacent to Wetlands.....	89
C6.4.2 Rules for Wetlands	90
C6.4.2.1 General Standards	90
C6.4.3 Other Methods – Wetlands.....	93
C6.4.4 Policies for Riparian Areas	93
C6.4.5 Rules for Riparian Management Areas	94
C6.4.5.1 General Standards	94
Rule Table C6.4.5.....	95
C6.4.4 Methods – Riparian Management Areas.....	104
C6.5 WATERCOURSES	104
C6.5.1 Watercourses	104
C6.5.2 Maintenance of Watercourses	104
C6.5.3 Obstructions	104
C6.5.5 Miscellaneous	104
C7 LAND MANAGEMENT	105
C7.1 SOIL CONSERVATION	105
C7.1.1 Introduction.....	105
C7.1.2 Issues	106
C7.1.3 Objectives.....	106
C7.1.4 Policies.....	106
C7.1.5 Methods	110
C7.1.6 Rules for Land Disturbance and Vegetation Clearance	112
C7.1.6.1 General Standards	112
C7.1.6.2 Specific Standards.....	113
C8 NATURAL HAZARDS.....	123
C8.1 NATURAL HAZARDS.....	123
C8.1.1 Introduction.....	123
C8.1.2 Issues	123
C8.1.3 General Objectives.....	124
C8.1.4 General Policy	124
C8.1.5 Methods	126
C8.1.6 Regional Rules for Natural Hazards – General.....	130

C8.2	FLOOD HAZARD	131
C8.2.1	Introduction.....	131
C8.2.1.1	Poverty Bay Flats.....	131
C8.2.1.2	Gisborne Urban Area	131
C8.2.1.3	Te Karaka Township	132
C8.2.1.4	Mangatuna and Wharekaka Area	132
C8.2.2	Policies for Flood Hazards	132
C8.2.3	Regional Rules for Flood Hazards.....	133
C8.2.3.1	General Standards	134
C8.3	SEISMIC HAZARD	140
C8.4	LAND INSTABILITY	140
C8.4.1	Policies for Land Instability.....	141
C8.4.2	Regional Rules for Land Instability	142
C8.4.2.1	General Standards	142
C8.5	COASTAL HAZARDS	145
C8.5.1	Introduction.....	145
C8.5.2	Issue – Regional Plan and Regional Coastal Plan.....	145
C8.5.3	Coastal Hazard Objectives – Regional Plan and Regional Coastal Plan.....	145
C8.5.4	Coastal Hazard Policies – Regional Plan and Regional Coastal Plan.....	146
C8.5.5	Coastal Hazard Policies – Regional Plan and District Plan	149
C8.5.6	Coastal Hazard Methods – Regional Plan and Regional Coastal Plan	150
C8.5.7	Regional Rules for Coastal Hazards (Coastal Hazard Overlay)	152

C5 ENVIRONMENTAL RISKS

C5 provisions are district plan provisions.



District Plan

Part C5 is operative.

C5.1 Contaminated Land

C5.1.1 Introduction

Throughout the district there is land which has become contaminated as a result of the manufacture, use, storage and disposal of hazardous substances. Assessment of sites which have been associated with hazardous substances has been undertaken. This has resulted in the identification of sites with known contaminated land on the Tairāwhiti Plan maps and listed in Schedule G9. Identification of sites in the Gisborne district with contaminated land is an ongoing exercise and additional sites which are verified as having contaminated land will be identified through a plan change process.

Contaminated land is land where hazardous substances occur at concentrations above background levels and where assessment indicates it poses or could potentially pose an immediate or long-term hazard to human health or to the environment. Contaminated land may also cause actual or potential harm to human health or the environment when the contaminant becomes exposed to an organism or natural or physical resource which is sensitive to the adverse effects of the contaminant. Exposure to contaminants may occur on the site of contamination and/or as a result of contamination being discharged off the site.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 ("NES") ensures that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and, if necessary, remediated or the contaminants contained to make the land safe for human use. Any use of or activities on contaminated land, including but not limited to contaminated sites mapped in the Plan, must comply with the NES.

Issues relating to the effects on surface water and contaminants discharged to water are addressed in part C6 of the Plan.

C5.1.2 Issues

1. Use and development, or change of use and intensity of contaminated land could adversely affect human health by on site contamination or discharge of contaminants off the site.
2. Contamination may adversely affect the biological and physical environment of the site of contamination. Subsequent discharge or movement of the contaminant off site may cause adverse environmental effects across a wider area.
3. In some circumstances, the occurrence or extent of contamination, and the nature of the adverse effects of contamination may be uncertain.

C5.1.3 Objectives

1. Adverse effects of use and development of contaminated land on human health are reduced to acceptable levels or prevented.
2. Contaminated land is used and developed in a way that ensures adverse effects on the environment are avoided, remedied or mitigated.

3. Contaminated land is managed in a manner which:
 - a) Provides for long term appropriate and acceptable uses of the site given the extent of the contamination; and
 - b) Which maximises options for potential uses of the site.
4. The establishment and maintenance of a comprehensive and accurate record of known contaminated sites with contaminated land within the District.

Principal reasons:

- **Objective 1 & 2** - *The extent of research regarding the effects of contaminants on human health and the environment varies between substances and differs from case to case. In some instances, information on contaminants is well known and can be used to assist with management of the land, however, where this information is not available prevention of human exposure to the contaminant is prudent.*
- **Objective 3** - *Contaminated land does not preclude use and development of these areas. However, the activities undertaken must be appropriately controlled to ensure that this is done with due caution. Future improvements in technology and de-contamination techniques may allow contaminated land to be appropriate locations for a wider range of uses.*
- **Objective 4** - *Identifying and investigating contaminated sites within the District is an ongoing process. A number of known sites have been identified and mapped on the Tairāwhiti Plan maps. An ongoing commitment to continue research and investigations is required.*

C5.1.4 Policies

1. To ensure that contaminated land is utilised in a manner appropriate for the level and type of contamination by relying on guidelines where appropriate, to assist in decision-making with respect to management of the site.
2. When assessing applications for resource consents or plan provisions for use or development of known sites containing contaminated land, regard shall be had to the following assessment criteria as appropriate:
 - a) the zone provisions of the site and any potential alternative uses for the site consistent with zone providers;
 - b) the extent that the proposed activity may increase the risk that the contaminated land poses to the community or the environment including consideration of:
 - level, location and type of contaminants, including the toxicity of contaminants;
 - whether the activity will establish or increase the means of exposure between the contaminants and the community or environment. Consideration shall include assessment of the extent that activities may exacerbate the likelihood of sensitive natural resources (e.g. groundwater) being exposed to contaminants;
 - the sensitivity of humans and the environment exposed (directly or indirectly, such as through bioaccumulation) to the contaminants;
 - the extent the activity exacerbates the adverse effects of the contaminant on site or disperses the contaminant off site.

Principal reasons:

- **Policy 1** - *A number of guidelines have been and are being developed including: ANZECC guidelines, MfE guidelines and industry codes of practice/guidelines which should be utilised in the management of sites with contaminated land where appropriate. Due to the site-specific nature of management of these areas and the range of possible end uses of the site, it is appropriate to utilise established guidelines and to assess each site on a case-by-case basis.*

- **Policy 2** – Sites with contaminated land must be managed in a manner which ensures that the adverse effects on humans and the wider environment are controlled. It is important when assessing resource consents for activities on a contaminated site that associated consequential discharges are not overlooked.

C5.1.5 Methods

Information

1. Council will supply information known about sites with contaminated land to interested members of the public via Project Information Memorandum and Land Information Memorandum statements as requested.
2. Assessment and monitoring of sites known to historically have or currently been used for manufacture, use, storage, or disposal of hazardous substances will be conducted in order to determine if these sites have contaminated land.

Advocacy

1. Encourage appropriate use, development and management of sites with contaminated land by:
 - a) Providing advice to parties undertaking activities on sites with contaminated land to ensure that adverse effects of that site are appropriately addressed;
 - b) Promoting, where appropriate, the development of a management plan for the use of the site to ensure that adverse effects are addressed;
 - c) Submitting on policy related to contaminated land management produced by government departments, industry and interest groups;
 - d) Encouraging appropriate clean-up initiatives that are undertaken by owners or occupiers of sites with contaminated land.

Regulation

1. District rules have been developed controlling the subdivision, use and development of sites with contaminated land.
2. An overlay of sites with contaminated land (known as the contaminated site overlay) has been developed. The purpose of the overlay is to map and define the boundaries of sites with contaminated land to guide the subdivision, use and development of identified sites. Underlying zones will be retained and any activity should be assessed in accordance with requirements of both the zone provisions and contaminated site rules.

Identification of Known Contaminated Sites

1. Known sites with contaminated land have been marked on the Tairāwhiti Plan maps, and listed in Schedule G9, and will be reviewed and updated regularly by way of a plan change, to reflect the changing status/classification of the mapped and listed sites.

Principal reasons:

Information

- **Method 1** - Council has a legal obligation under the Building Act 2004 and Local Government Official Information and Meetings Act 1987 to provide information held to persons requesting such information.
- **Method 2** - The gathering of this information will assist in the development of an accurate database of sites with contaminated land within District to ensure that all sites with contaminated land are managed in an appropriate manner.

Advocacy

- **Method 1** - Advocacy supports and complements the regulatory mechanisms used by Council to manage land use on contaminated sites. This proactive mechanism will assist in managing sites in a manner consistent with the objectives of this chapter. New Zealand's management policy for sites with contaminated land is still being developed and therefore Council should participate in the policy development.

Regulation

- **Method 1 & 2** - The potential consequences of inappropriate activities undertaken on sites with contaminated land are such that regulatory approaches to planning for these sites are necessary. Rules guiding management of sites provide certainty and specificity of outcomes.

Identification of Known Contaminated Sites

- **Method 1** – Mapping of sites is an effective way of identifying areas where policies and rules for sites with contaminated land apply. The maps and appendices of the Tairāwhiti Plan should actively reflect the dynamic status of these sites in relation to remediation, as well as the addition of new sites.

C5.1.6 Rules for Contaminated Sites

- a) Notwithstanding any other rules in the plan, all activities relating to the subdivision, use and development of contaminated sites as identified on Planning maps and listed in Schedule G9 of this plan, and any potentially contaminated sites (refer to the Hazardous Activities and Industries List 2011), must comply with the National Environmental Standards for Assessing and Managing Contaminants in Soil 2011. No rule in any chapter of this plan that duplicates or conflicts with the National Environmental Standard shall apply.
- b) The NES applies in addition to the zone rules for the area and rules for the subdivision.

C5.2 Hazardous Substances

C5.2.1 Introduction

The storage use and transport of hazardous substances are normal parts of many industrial activities. Inappropriate handling, unintentional release or loss of control of these substances can result in significant environmental damage and adverse effects on human health safety and property.

The potential for environmental damage from spills is of particular concern where hazardous facilities are located next to streams, lakes or harbours, above aquifers or close to environmentally sensitive areas such as wetlands.

The safety and health of the people working in hazardous facilities and in the wider community may also be at risk if these facilities are not adequately controlled, especially if they are located in the vicinity of residential areas. The safety and health of workers is subject to regulations under the Health and Safety in Employment Act 1992 which controls conditions on the site. Any off-site effects that may impact on the wider environment and the community are dealt with under the RMA.

C5.2.2 Issues

1. Inappropriate handling, unintentional release or loss of control of hazardous substances has the potential to cause damage to the environment, including ecosystems, and to human health and property.

C5.2.3 Objectives

1. Avoid remedy or mitigate adverse effects and risks to the natural environment presented by facilities and activities involving the use or storage of hazardous substances.
2. Protect the health of the community from unacceptable risks from hazardous facilities.

Principal reason:

- **Objective 1** - Facilities or activities involving hazardous substances may cause adverse environmental effects, environmental contamination and damage when the substances are not adequately controlled and escape into the environment. To avoid remedy or mitigate potential adverse environmental effects, these facilities and activities need to be managed correctly and located appropriately.
- **Objective 2** – The operation of a hazardous facility involves a risk that off site effects may affect the wider community. Such risks can be reduced or mitigated by appropriate planning and management controls.

C5.2.4 Policies

1. Hazardous facilities should be located so that any risk to the natural environment, or to human health is avoided, remedied or mitigated.
2. Hazardous facilities should be designed, constructed and managed to avoid, remedy or mitigate adverse effects and unacceptable risks to the natural environment, or to human health.
3. Council will have particular regard to the following adverse effects of hazardous facilities when developing plan provisions or considering consent applications:
 - a) contamination of water, soil and air;
 - b) short and long term damage to ecosystems;
 - c) any cumulative effects of hazardous facilities in an area;
 - d) any potential for accumulation of persistent substances in the bodies of humans and animals, resulting in chronic or long term damage to their health;
 - e) acute damage to human health through exposure to substances affecting skin, mucous membranes, respiratory and digestive systems;
 - f) damage to the environment from fire or explosion events;
 - g) damage to human health and property from fire or explosion events.

Principal reasons:

- **Policy 1** - The nature and scale of environmental effects and risks associated with hazardous facilities are influenced by their location. Therefore, specific controls for the use and storage of hazardous substances will directly affect the nature of environmental effects and level of risk. Although the use of hazardous substances may provide benefits to the community, the community may decide that the potential cost of a facility in specific neighbourhoods outweighs the potential benefits.
- **Policy 2** - Site design, layout and operational/management procedures greatly affect the risk from hazardous facilities.
- **Policy 3** - Possible adverse effects of hazardous substances can be predicted by the substance properties and the anticipated consequences of its release on human health and the natural and physical environment.

C5.2.5 Methods

Advocacy

1. Council will, in conjunction with industry and communities, identify and promote suitable industrial standards and Codes of Practice. It may develop guidelines.
2. Council will promote “Cleaner Production”.
3. Council will promote public awareness and understanding about the risks associated with hazardous substances and facilities.

Education

1. Council will develop and implement an education programme for users of hazardous substances. This will include promoting the use of appropriate codes of practice and standards.

Regulation

1. Council will use zoning to separate hazardous facilities from sensitive areas.
2. Council will require, where appropriate, operators of hazardous facilities to prepare and operate site management systems and emergency plans.
3. Council will set rules to control the use of hazardous facilities. This includes a Hazardous Facility Screening Procedure (HFSP) to identify the appropriate level of control of hazardous facilities.

Principal reasons:

Advocacy

- **Methods 1 to 3** - These will enable the Council to assist users of hazardous substances to achieve the objectives of this Plan.

Education

- **Method 1** - These will enable the Council to assist users of hazardous substances to achieve the objectives of this Plan.

Regulation

- **Methods 1 to 3** - This will reduce risks to the more sensitive areas and control potential adverse effects in other areas. The HFSP will ensure that all new or significantly altered hazardous facilities are assessed but only those which exceed specific levels of risk are subjected to more detailed scrutiny and additional regulatory control facilities.

C5.2.6 Rules for Hazardous Substances

Note

1. Activities shall comply, where relevant, with the regional or district rules 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, and C11.1 Signs
2. The rules for hazardous substances shall apply in addition to the zone rules for the area.

C5.2.6.1 General Standards

The following General Rules shall apply to all permitted activities involving hazardous substances:

All activities shall comply with rules specified in C11.2 – Noise and the parking provisions in C2.1 Infrastructure, Works and Services.

The general rules and HFSP for hazardous substances shall not apply to any of the following:

- i. waste treatment or disposal facilities;
- ii. storage or use of hazardous consumer products for private domestic purposes;
- iii. retail outlets for the domestic usage and sale of hazardous substances including supermarkets, hardware shops and pharmacies;
- iv. facilities using genetically modified or new organisms;
- v. developments that are or may be hazardous but do not involve hazardous substances including mineral extraction, high voltage transmission lines, radio masts and electrical substations;
- vi. gas and oil pipelines;
- vii. fuel in motor vehicles, boats and small domestic engines;

- viii. storage of up to 100,000 litres of petrol and up to 50,000 litres of diesel in underground storage tanks, provided it can be demonstrated that the "Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems" published by the Department of Labour (Occupational Safety and Health) is adhered to;
- ix. storage of up to 6 tonnes (single vessel storage) of LPG, provided it can be demonstrated that the "Australian Standard (AS 1596) for LP Gas Storage and Handling - Siting of LP Gas Automotive Retail Outlets" is adhered to;
- x. premises where the only hazardous substances present are for the purpose of cleaning or other associated office activities at that site provided that the total storage of hazardous substances is no greater than 100 litres and that no container is larger than 20 litres capacity;
- xi. agrichemical use, storage and disposal where these activities are carried out in accordance with NZS8409:1999 Code of Practice for the Management of Agrichemicals.

Note:

Existing facilities (as of date of notification of the Plan) will not be subject to the HFSP and rules unless they expand or alter their operations, so the effects of the use are not the same or similar in character, intensity or scale. (Refer Section 10 of the Resource Management Act 1991).

A. Site Design

- a) *All hazardous facilities shall be designed, constructed and managed so that all hazardous substances are stored and used in a manner that prevents;*
 - i. exposure to ignition sources;
 - ii. corrosion or other detrimental deterioration to containers;
 - iii. release of any hazardous substance to any land or water; and
 - iv. release of any hazardous substance to any sewerage or stormwater drainage system (unless a discharge permit has been gained from the Council).

B. Spill Containment

- a) *Any spill containment system shall be:*
 - i. constructed of suitable impervious materials resistant to the hazardous substances on site; and
 - ii. able to contain the full volume of the hazardous substances being held in the largest tank used, or half of the maximum volume of hazardous substances contained in drums or small containers.

C. Stormwater

- a) All stormwater grates on the site shall be clearly marked "stormwater only".

D. Washing areas

- a) Any part of the hazardous facility site where vehicles, equipment or containers that are or may have been contaminated with hazardous substance are washed shall be designed, constructed and managed to prevent the effluent from the wash-down area from entering any land, water or sewerage or stormwater drainage system.

E. Waste Management

- a) Any waste containing hazardous substances shall be managed to prevent the waste entering any stormwater system, sewerage system or discharging into or onto any land or water unless approved by the consent authority; and
- b) A record shall be maintained and made available to Council officers upon request of the types and quantities of hazardous wastes generated on the site and the methods of disposal.

F. **Signage**

- a) Any hazardous facility shall be adequately signposted to indicate the nature of the substances stored, used or otherwise handled. Signs are not required for substances used or stored as a permitted activity in the Residential Zone. Adherence to the Code of Practice for "Warning Signs for Premises Storing Hazardous Substances" of the New Zealand Chemical Industry Council, or any other Code of Practice approved by the New Zealand Fire Service will be accepted as one method of complying with this condition.

G. **Records**

- a) All premises used for the manufacture, storage or use of hazardous substances shall maintain an up to date register of all hazardous substances and maximum quantities held in store. The register must be kept in a safe location and be immediately available to Council officers upon request.

H. **Contingency Plan**

- a) Any site used for the manufacture, storage or use of hazardous substances, shall have in place a spillage management plan to prevent any spillage from discharging or entering into any stormwater or drainage system. The plan shall include a list of action to be taken in the event of a spillage.

Rule Table C5.2.6

Rule Number	Rule	Zone/Overlay	Status	Permitted Activity Standards; Matters for Control or Discretion
Permitted Activities				
5.2.6(1)	Establishment and operation of hazardous facilities.	All zones	Permitted	The facility achieves Effects Ratios equal or below that specified in the Hazardous Facilities Screening Procedure set out in Appendix H4.
Discretionary activities				
5.2.6(2)	Hazardous facilities which do not comply with the General Rules or which achieve Effects Ratios greater than those specified in the Hazardous Facilities Screening Procedure set out in Appendix H4.	All zones	Discretionary	

C6 FRESHWATER

C6 provisions are regional plan provisions. The exception are some rules for riparian management areas, which are both regional and district rules.



Regional Plan



District Plan

The rules that are both regional and district rules are operative.

C6.1 Water Quantity and Allocation

This section outlines the policies, rules and other methods for the abstraction and use of water. Where the policies and rules refer to water quantity zones, minimum flows and allocation caps these are set within the individual catchment plans.

C6.1.1 Policies Water Quantity and Allocation

General Policies for Water Quantity and Allocation

1. When considering any application the consent authority must have regard to the following matters:
 - a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and
 - b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.
2. This policy applies to:
 - a) any new activity; and
 - b) any change in the character, intensity or scale of any established activity –

that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

Permitted Takes

1. Small water takes, small community water supplies and reasonable domestic and animal drinking water needs shall be provided for as permitted activities, and be able to continue beyond the minimum flows and water levels set in the relevant catchment plan, unless:
 - a) The taking or use will have, or is likely to have, in combination with other permitted activity takes a more than minor adverse effect on the environment; or
 - b) The taking or use is for irrigation of more than one hectare; or
 - c) The take is from a wetland or an outstanding waterbody as identified in Schedule G18 or
 - d) A water shortage direction is given.

Gisborne Municipal Water Supply

2. The taking and use of water for the Gisborne Municipal Water Supply shall be given priority over other water permits by being able to continue beyond the minimum flows set in the relevant catchment plan provided that:
 - a) A Water Demand Management Plan in accordance with Appendix H29 is developed by 1 July 2017 and demand and efficiency targets are being met; and
 - b) Municipal water users have restrictions in place when other water permit holders in the same water quantity zone are restricted; and
 - c) When taking water below minimum flows in the Waipaoa River, this is for the purpose of domestic use (excluding garden watering) and sanitation purposes and not for industrial or commercial use.
3. The taking and use of water for the Gisborne Municipal Water Supply from the Te Arai River bush intake shall be able to continue as a priority use without a minimum flow until 2026 when a minimum flow shall be set provided that:
 - a) Modification of the intake structure to allow a small year-round flow and access by native fish to the upper catchment is undertaken by 1 May 2020; and
 - b) Sufficient hydrological, cultural and ecological monitoring is undertaken from 2017-2026 to allow a minimum flow to be set in 2026 that provides for the rivers values.

Management of Water Permits

4. Common expiry dates will be used wherever possible to enable water permits in the same water quantity zone to be assessed at the same time.
5. Where no water quantity limits have been set through a catchment plan:
 - a) Applications for the take and use of water shall be assessed in accordance with the criteria set out in Policy C6.1.2(15);
 - b) Permit durations shall be limited to five years unless there is an established five-year history of achieving reasonable and efficient use;
 - c) Where the waterbody is identified as an Aquatic Ecosystem Waterbody within Schedule G15, minimum flow conditions in water permits shall be set at no less than the Mean Annual Low Flow.
 - d) For all other surface water takes, minimum flow conditions in water permits shall be set at no less than 90% of Mean Annual Low Flow; and
 - e) Allocation decisions on individual consents should consider the overall water needs for the catchment so that future over-allocation problems are avoided;
 - f) Consideration shall be given to maintaining the natural hydrological functioning and variation of surface and groundwater.
 - g) Mechanisms to ensure water is used efficiently should be included in the permit.

Advisory Note: Mean Annual Low Flow shall be determined using a methodology approved by the Gisborne District Council and shall account for known upstream abstractions.

6. Where no allocation quantity has been set through a catchment plan, the default allocation limit shall be the greater of:
 - a) 30% of the MALF as calculated by Gisborne District Council, for surface water and groundwater that has a direct hydraulic connection to surface waterways, or 30% of annual average rainfall recharge for groundwater that does not directly affect a surface waterway; or
 - b) The total allocation from the catchment on the date that the decision on Freshwater Plan is released, less any resource consents surrendered, lapsed, cancelled or not replaced.
7. The take and use of water from Wetlands and Outstanding Waterbodies that adversely affects the values of those waterbodies should be avoided wherever possible.
8. The take and use of water from Aquatic Ecosystem Waterbodies identified in Schedule G15 should ensure that the values for which they are scheduled are maintained.

Over-allocated Waterbodies

9. Where an allocation cap has been reached or exceeded:
 - a) Renewals of existing water permits shall have priority over new applications provided that there is no increase in allocation;
 - b) Where a waterbody is over-allocated, reductions of allocation will be undertaken at each consent renewal until the water source is no longer over-allocated;
 - c) Renewals and transfers will be assessed against water meter records of actual past use, and any paper allocation will be removed;
 - d) A waiting list shall be established for new applications;
 - e) New applications shall be considered when existing permits are renewed at common expiry dates;
 - f) New applications will be prioritised by date of application;
 - g) Water shall be made available for new applications by improving and maximising allocative and use efficiency; and
 - h) No new water shall be allocated unless there is water available within the Allocation Cap.
- 9A Where an application for recharge demonstrates significant positive social, cultural, and environmental effects; alongside a significant enduring reduction in over-allocation of freshwater resources; allowing an exceedance of the allocation cap may be considered.
10. Where an allocation cap has been reached or exceeded, permit durations shall be limited to five years unless:
 - a) Adequate water storage is provided;
 - b) There is a five-year proven history of achieving reasonable and efficient use taking into account water meter data and Appendix H22; and
 - c) The results of a water audit demonstrate that a longer permit duration is appropriate taking into account the effects of the take on the waterbody;
 - d) Where a) or b) apply, permits may be issued for up to 20 years where there is evidence that over allocation of the waterbody is progressively reduced over time.

Water Restrictions

11. The timing and procedures for the partial restriction of water permits will be implemented through the conditions of water permits on the following basis:
 - a) Restrictions may be applied to surface water takes when flows move within an allocation block identified in a catchment plan or where no catchment plan exists, at flows identified in water permit conditions;

- b) Restrictions may be applied to groundwater takes when water levels approach minimum static water levels identified in a catchment plan or water permit conditions;
 - c) Monitoring points that water permits are referenced to;
 - d) Providing for water sharing amongst groups of water permit holders in the same water quantity zone;
 - e) Step down or pro rata restrictions based on the water available within an allocation block;
 - f) Identification of horticultural and viticulture rootstock survival water requirements within survival water allocations and above minimum flows; and
 - g) Any specific restriction procedures identified in a catchment plan.
12. When there is a water shortage declared under Section 329 of the Act, water use will be managed with particular regard to the following factors:
- Human health and safety;
 - Maintenance of animal welfare;
 - The importance of avoiding significant damage to instream ecosystems, lake ecosystems and wetlands; and
 - The desirability of providing for essential use for continued operation of a business or industry.

Advisory note: Section 14(3)(e) of the RMA applies despite this policy.

13. The taking and use of water to provide for the survival of horticultural or viticulture root stock may be applied to relevant water permits subject to the following criteria:
- a) The total amount of water available for survival water shall be identified in a survival water allocation block in the relevant catchment plan where root stock survival water is required;
 - b) A survival water minimum flow for the freshwater management unit, water quantity zone or river shall be set;
 - c) Survival water is not available:
 - i. beyond two weeks after A block minimum flows are reached; or
 - ii. If the survival water minimum flow is reached; or
 - iii. If there is a practicable alternative source of water available.

Transfers of Water

14. To help improve and maximise the efficient allocation and use of water, water permit transfers, including temporary transfers, shall be enabled provided that:
- a) The transfer of water is within the same water quantity zone;
 - b) There is no increase in allocation;
 - c) For over-allocated water quantity zones, there is no increase in the water allocated beyond that assessed under the reasonable use test for the current water use; and
 - d) The transferee's take and use is assessed against the relevant water permit criteria.

Assessment Criteria

15. In addition to the policies above, when considering applications to take and use water, the following assessment criteria shall be used:
- a) Whether the amount of water to be taken and used is reasonable for the proposed use;
 - b) The rate, volume and timing of the take including daily, weekly, monthly and annual limits;
 - c) The location of the take and use of the water;
 - d) Water meter requirements;
 - e) Permit duration including common expiry dates, and permit lapse dates;
 - f) For permit renewals in fully or over-allocated water quantity zones, any necessary reductions in the rate of take and allocated volumes to achieve catchment plan targets;

- g) Partial restriction requirements;
 - h) Access to survival water within survival water blocks and above minimum flows, including rostering or application rates;
 - i) The effects the take or use has on any other authorised takes and uses;
 - j) Whether and how fish are prevented from entering the water intake;
 - k) The effects of the proposal on the quantity and quality of all water resources that may be affected by the proposed activity;
 - l) Any actual or potential effects on significant indigenous biodiversity or aquatic ecosystem values identified in Schedule G15;
 - m) The availability and practicability of using alternative supplies of water, including water storage;
 - n) The extent of existing water infrastructure investment;
 - o) Any actual or potential for increasing the landward extent of saline intrusion;
 - p) Any actual or potential adverse effects on tangata whenua values; and
 - q) The requirement for an Irrigation Management Plan in accordance with Appendix H22.
16. In addition to the policies above, when considering any application, the consent authority must have regard to the following matters:
- a) The extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem and
 - b) The extent to which it is feasible and dependable that any adverse effect on the life supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

This policy applies to:

- a) Any new activity; and
- b) Any change in the character, intensity or scale of any established activity -

that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

Rules for Water Quantity and Allocation

Advisory Note 1: *All modification of wetlands including the taking of water requires a resource consent under rules C9.3.2(6), C9.3.2(7), C9.3.2(8)..*

Advisory Note 2: *The installation of bores and wells for the purpose of taking groundwater is under C6.2.5 and C6.2.6 Discharges to Groundwater.*

Advisory Note 3: *The managed installation of surface water intake structures within the bed of a river or lake is under C6.3.*

C6.1.2.1 General Standards

The following General Rules apply to **all permitted activities**:

- A. Fish are prevented from entering the water intake.
- B. The take is not from that part of a river that is subject to a Water Conservation Order.
- C. The take is not from surface water within the Reticulated Services Boundary.
- D. The take is not from a wetland or an outstanding waterbody as identified in Schedule G18.
- E. The taking or use does not, or is not likely to, have in combination with other permitted activity takes and consent takes a more than minor adverse effect on the environment.

Rule Table C6.1.2

Rule Number	Rule	Status	Activity Standards; Matters for Control or Discretion
Permitted Activities			
6.1.2(1)	The taking and use of surface water, spring water or groundwater at rates of less than 5 litres/second to a maximum of 10m ³ per day per property provided that the take and use is not for irrigation of more than one hectare.	Permitted	
6.1.2(2)	The taking and use of surface water, spring water or groundwater for the purpose of stock drinking water at rates of less than 5 litres/second per property (or at not less than 1km from another take on the same property) unless a Farm Environment Plan demonstrates that a larger abstraction is an efficient use of water that causes no adverse effects on any waterbodies and this has been certified by the Consent Authority.	Permitted	
6.1.2(3)	The taking or use of water from lawfully established water storage facilities, including dams, where the facility is not within the bed of a permanently flowing river.	Permitted	
6.1.2(4)	<p>The take and use of surface water for defence training purposes.</p> <p>Advisory Note: <i>Takes and uses of water for firefighting training are generally permitted in accordance with section 14(3)(e) of the RMA.</i></p>	Permitted activity	<p>The Council shall limit its control to matters a) to e) specified below:</p> <ul style="list-style-type: none"> a) In respect of takes from rivers and streams, the take shall not occur when the river or stream flow is at less than 90% of MALF; b) All equipment used in the waterbody shall be cleaned prior to the activity to prevent the spread of freshwater pests; c) The resource user shall notify Council of locations and quantity to be taken three working days before the activity.
Restricted Discretionary Activities			
6.1.2(5)	The renewal of water abstraction permits lawfully established before the date of notification of this Plan.	Restricted discretionary	<p>Council shall restrict its discretion, with guidance from the relevant policies, to matters a) to t) specified below:</p> <ul style="list-style-type: none"> a) Reasonable needs and use; b) Efficiency of use; c) Historical use data; d) The rate, volume and timing of the take including daily, weekly, monthly and annual limits; e) The location of the take and use of the water; f) Water meter requirements; g) Permit duration including common expiry dates, and permit lapse dates; h) For surface water, a minimum flow at which abstraction ceases in accordance with the relevant catchment limits;

Rule Number	Rule	Status	Activity Standards; Matters for Control or Discretion
			<ul style="list-style-type: none"> i) For groundwater, any minimum groundwater levels at which abstraction ceases; j) Partial restriction requirements; k) Access to survival water, within survival water blocks and above minimum flows, including rostering or application rates; l) Any necessary reductions in the rate of take and allocated volumes to achieve catchment plan targets; m) The effects the take or use has on any other authorised takes and uses; n) The prevention of fish entering any intake; o) Water storage capabilities; p) Existing infrastructure investment; q) The effects of the take and use on the quantity and quality of all water resources, including wetlands, that may be affected by the proposed activity; r) Any actual or potential for increasing the landward extent of saline intrusion; s) Any actual or potential adverse effects on tangata whenua values; and t) The requirement for an Irrigation Management Plan in accordance with Appendix H22.
6.1.2(6)	The take and use of surface water or groundwater not lawfully established before the date of notification of this Plan.	Restricted discretionary	See matters a) to t) specified for Rule 6.1.2(5)
6.1.2(7)	<p>The transfer of water permits, including temporary transfers, and partial transfers. Provided that:</p> <ul style="list-style-type: none"> a. The transfer of water is within the same water quantity zone b. There is no increase in allocation c. For over allocated water quantity zones, the applicant demonstrates that there is no increase in the water allocated beyond that assessed under the reasonable use test for the current water use. 	Restricted discretionary	See matters a) to t) specified for Rule 6.1.2(5)
6.1.2(8)	The taking and use of water, including renewals of existing permits, for the Gisborne Municipal Water Supply and for community water supplies.	Restricted discretionary	<p>In addition to matters a) to t) specified for Rule 6.1.2(5), Council shall restrict its discretion to the following matters:</p> <ul style="list-style-type: none"> a) Whether a demand management plan in accordance with Appendix H29 is in place and efficiency and demand initiatives are being implemented; b) In-stream flow requirements where restrictions are required; c) In-stream flow requirements where abstraction shall cease;

Rule Number	Rule	Status	Activity Standards; Matters for Control or Discretion
			d) Alternative supply arrangements; e) How water shortage restrictions will be applied and implemented; and f) In the case of the Te Arai River municipal water supply take, that modification of the intake structure to allow a small year-round flow and access by native fish to the upper catchment is undertaken by 1 May 2020 and a minimum flow requirement at the intake structure is set in 2026.
Discretionary activities			
6.1.2(9)	The take and use of surface water or groundwater not lawfully established before the date of notification of this Plan where no catchment plan and water quantity limits are in place.	Discretionary	
Non-complying activities			
6.1.2(10)	The take, use and transfer of surface water or groundwater not provided for in another rule in this Plan.	Non-complying	

C6.1.3 Other Methods

1. Council will develop a Water Demand Management Plan for all takes by 1 July 2017. The plan shall focus on improving and maximising water use and managing peak demand for the Gisborne Municipal Water Supply that focuses on reducing peak water use. It shall include, but not be limited to, the following:
 - a) Community education programmes;
 - b) Network infrastructure leak management;
 - c) Methods to improve and maximise efficient water use;
 - d) How increased demand will be accommodated;
 - e) How peak demand will be managed to avoid conflicts with other water users;
 - f) Water restrictions regimes to help ensure that water sources do not drop below minimum flows set in catchment plans; and
 - g) Options for alternative water sources.
2. Council will encourage the development of water storage and managed aquifer recharge options to specifically provide solutions to over-allocation and increase security of supply.
3. The Council will, in order to assist and support the community to understand water management and allocation as an essential element of restoring and protecting water bodies:
 - a) Promote water user groups, or voluntary agreements between water users, to schedule takes and manage allocations;
 - b) Initiate and support water user groups to assist with allocations during times of restrictions or when the catchment is fully or over allocated;
 - c) Provide, where available, accurate technical information on which user groups can make decisions;
 - d) Assist water user groups with management of water allocated to abstractors;
 - e) Provide opportunities for shared investment in, and optimal use of water transport and storage infrastructure; and
 - f) Water user groups with making best use of available water.
4. Where a water permit is required for a water abstraction, all takes will be required to install a water meter and provide water use records to the Council.
5. The Council will undertake water audits of the largest 20% of city water users and any activity authorised by a consent or permitted activity rule where the water take and use is unusually high compared to expected good management practice operations. The Council will work with those users to ensure that water efficiency measures are put in place.
6. Council will establish a flow monitoring point above and below the water intake structure on the Te Arai River and will monitor this alongside the fisheries values of the Te Arai River from 2017-2026 in order to enable an ecologically appropriate minimum flow to be set on the water supply intake in 2026.
7. Where a water shortage is declared under section 329 of the RMA, Council will convene a Water Shortage Task Force comprising of representatives of major water users and environmental groups.

C6.2 Water Quality and Discharges to Land and Water

C6.2.1 General Water Quality Policies

1. When considering any application for a discharge the consent authority must have regard to the following matters:

- a) The extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and
 - b) The extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.
- 2. When considering any application for a discharge the consent authority must have regard to the following matters:
 - a) The extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and
 - b) The extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.
- 3. This policy applies to the following discharges (including a diffuse discharge by any person or animal):
 - a) A new discharge or
 - b) A change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

C6.2.2 Policies for Point Source Discharges

- 1. That there are no direct discharges to surface waterbodies, or to land where it can flow directly into a waterbody or to groundwater of:
 - a) Untreated sewage, wastewater (except as a result of extreme weather related overflows where these are being reduced over time); or
 - b) Solid or hazardous waste; or
 - c) Animal effluent from an effluent storage facility or stock holding area; or
 - d) Organic waste or leachate from storage of organic material; or
 - e) Untreated industrial or trade waste.
- 2. Manage point source discharges to land and water so that the existing ecosystem functions within the Region's waterbodies are maintained and that:
 - a) Point source discharges to:
 - i. Regionally Significant Wetlands identified in Schedule G17;
 - ii. Outstanding Waterbodies identified in Schedule G18;
 - iii. Areas above community drinking water supply intakes;
 - iv. Degraded waterbodies where the discharge is of contaminants which cause the waterbody to be degraded.
 - b) Point source discharges are avoided to sensitive waterbodies or to land where it can directly enter water within Aquatic Ecosystem Waterbodies identified in Schedule G15, Significant Recreation Areas identified in Schedule G19 or freshwater bodies discharging within 100m of Marine Areas of Coastal Significance identified in Schedule G22, only occur if this will not impact on the values for which those waterbodies are scheduled;
 - c) The mauri of waterbodies is retained, and where degraded are improved.
- 3. Manage the adverse effects of stormwater discharges through:
 - a) Promoting low impact design and other stormwater management practices, and requiring it where there is a need to:

- i. Improve the quality of stormwater discharges; or
 - ii. Reduce volume and peak flows associated with additional runoff to manage risk to people and property from flooding and to maintain stream base flows; or
 - iii. Protect Outstanding Waterbodies and wetlands;
 - iv. Protect the values of sensitive receiving environments;
- b) Ensuring water quality objectives, targets and limits for the receiving waterbodies, and the quality of coastal waters, will not be compromised by stormwater discharges:
 - i. Progressively reduce the adverse effects of discharges from the public stormwater network, giving priority to areas most affected by poor stormwater quality;
 - ii. Require discharges of stormwater runoff from new impervious areas and new industrial or trade premises to treat stormwater runoff prior to discharge;
 - iii. Require industrial or trade premises to manage stormwater discharges in accordance with a stormwater management plan detailing best practicable stormwater management. The stormwater management plan is to be provided to the Council for approval prior to the commencement of the activity or by May 2020 for existing activities.
- 4. Manage point source discharges of uncontaminated water that have minor or no adverse effects on the receiving environment without the need for resource consent.
- 5. Encourage discharges to land or constructed wetlands prior to discharging to water where:
 - a) Liquid wastes have high levels of organic waste or other contaminants that are likely to be toxic to aquatic organisms;
 - b) Where the effects of the discharge are either uncertain or likely to result in the water quality objective not being met or a limit/target being exceeded for the receiving waterbody in surface water either by overland flow, or via groundwater; or
 - c) Where this will result better in the protection of the mauri of the receiving water body.

Provided that the discharge should not result in contaminated sites being created or the contamination of groundwater.
- 6. Where a water quality objective is not being met or a limit/target has been exceeded or the waterbody, including coastal waters, is identified as degraded:
 - a) Targets, methods and timeframes for improvements in water quality will be identified through the catchment planning process;
 - b) Ongoing monitoring will be undertaken to track the progress in water quality improvement;
 - c) New discharges and renewals of existing discharge consents will be managed to:
 - i. Assist the improvement of water quality in the receiving waterbody and meet the relevant water quality targets; and/or
 - ii. Better achieve the relevant water quality objective(s) for the receiving waterbody;
 - d) No discharge consents for new point source discharges of contaminants of concern will be issued unless the contaminants of concern are reduced to a concentration that maintains or improves water quality after reasonable mixing;
 - e) As existing discharge consents are renewed additional requirements for avoidance of contamination, recovery of contaminants, treatment, or alternative disposal methods will be required unless treatment reduces the contaminants of concern to a concentration that maintains or improves water quality after reasonable mixing; and
 - f) Where a section 128 review of conditions of an existing discharge consent is undertaken additional conditions aimed at bringing the waterbody back within the limit, or to better achieve the freshwater quality objectives, may be placed on the consent.

7. When waterbodies are identified in a catchment as degraded due to:
 - a) Bacterial contaminants, wastewater discharges will be required to improve the quality of the discharge and/or reduce the volume of the discharge in order to meet the relevant freshwater objective as quickly as practicable; and
 - b) Stormwater contaminants, stormwater discharges will be required to improve the quality of the discharge and/or reduce the volume of the discharge in order to meet the relevant freshwater objective as quickly as practicable.
8. When considering applications to discharge contaminants directly to land or water, assessment criteria are:
 - a) The total contaminant load of the discharge [composition/flow rate] and how the water quality will be maintained within the limits for the waterbody, in a manner consistent with achieving the objectives;
 - b) The proposed treatment methods and the likelihood of this being the Best Practicable Option for the contaminants;
 - c) The need to provide for a high standard of pre-discharge treatment for Scheduled waterbodies and where water quality limits for a waterbody have been exceeded or are likely to be exceeded, or water quality objectives are not met;
 - d) The actual or potential impact on any values of scheduled waterbodies;
 - e) The assimilative capacity and an allowance for reasonable mixing in the waterbody;
 - f) The need to safeguard the life-supporting capacity of the waterbody;
 - g) The potential for bio-accumulative or synergistic effects;
 - h) The actual or potential risk to human and animal health from the discharge;
 - i) The measures to reduce the quantity of contaminants to be discharged;
 - j) The mauri of the receiving waterbody and any other values placed on the site by tangata whenua;
 - k) The need to avoid exacerbation of flooding risk;
 - l) The need to avoid erosion of the banks or bed or land instability at or downstream of the discharge point.
9. Discharges of untreated sewage from the reticulated infrastructure network shall be managed to:
 - a) Minimise the frequency of these discharges; and
 - b) Achieve performance of an overflow occurrence of no more than 50% probability in any given year;
 - c) Issue discharge permits for no longer than 5 years except where there is evidence from past performance to demonstrate that wastewater overflow events can reliably achieve the performance standard in clause b. above.

C6.2.3 Rules for Point Source Discharges

Advisory Note 1: For the relevant permitted activity standards in section C6.2, the reasonable mixing zone is to be measured downstream of the discharge point at a distance of seven times the width of the stream/river (wetted edge to wetted edge) up to a maximum distance 100 meters, unless evidence is provided to demonstrate that a larger mixing zone will not adversely affect water quality. For all other waterbodies, including estuaries, lakes and wetlands, the appropriate mixing zone will be determined by Council on a case-by-case basis.

Rule Table C6.2.3

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.3(1)	Point Source Discharges of Untreated Sewage Resulting from Overflows from wastewater reticulation and pumping stations during wet weather events until 1 July 2020 .	Permitted	<ul style="list-style-type: none"> a) The overflow occurs only in periods of heavy rainfall events; b) Regular monitoring of the impacts of the wastewater overflows on the water quality and environment of the receiving environment is undertaken and that the results of this monitoring are reported to the Consent Authority on an annual basis; c) Public notification is undertaken in accordance with a public notification protocol agreed in writing with the Consent Authority; d) Signage must remain in place until faecal contamination testing indicates that recreational use and food gathering activities are within health guidelines; and e) An annual public report on the number and size of overflows, and progress towards their reduction is provided.
6.2.3(2)	<p>The discharge of stormwater from land, roofs, paved areas and roads, or diversion of the same to a public stormwater network, except:</p> <ul style="list-style-type: none"> a) From industrial or trade premises; or b) Discharges to Regionally Significant Wetlands and Outstanding Waterbodies identified in Schedule G17 (Regionally Significant Wetlands) and G18 (Outstanding Waterbodies) not lawfully established before the date of notification of this plan. <p><i>Note:</i> This rule applies to point source discharges of stormwater from forestry roads and earthworks associated with plantation forestry. It prevails over Regulations 97(1) in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</p>	Permitted	<ul style="list-style-type: none"> a) Discharge shall be by pipe, open drain, swale, constructed wetland or vegetated filter into a natural watercourse which is the natural receiver of surface drainage water from that area; b) For stormwater discharge not lawfully established before the date of notification of this Plan; <ul style="list-style-type: none"> i. Where the impervious area is greater than 1000m² and the stormwater does not originate from a farming, horticultural, rural community facility or local roading activity; ii. Where the impervious area is greater than 1000m² and the stormwater originates from within the area serviced by the public stormwater network of the Gisborne urban area; <p>Contaminant reduction methods shall be designed and implemented to treat stormwater from the impervious area in accordance with TP 10, or by alternative methods that are demonstrated to achieve an equivalent level of contaminant removal as TP 10 devices. These methods include but are not limited to constructed wetlands, swales, vegetative filters or infiltration practices. See Advisory Note.</p>

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<p>c) The discharge shall not contain any wastes from an industrial or trade process;</p> <p>d) The discharge shall not cause erosion of the banks or bed of the watercourse at, or downstream of, the discharge point;</p> <p>e) The discharge shall not give rise to or exacerbate any flooding of land upstream or downstream of the discharge point in rainfall events up to the 10 per cent AEP or flooding of dwellings on other properties in rainfall events up to the 1 per cent AEP;</p> <p>f) The discharge shall not contain hazardous substances, agricultural chemicals, or cause exceedance in trigger values for 95% species protection for substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 2000) in receiving water bodies after reasonable mixing;</p> <p>g) The discharge shall meet the following water quality standards downstream of the discharge point after reasonable mixing:</p> <ul style="list-style-type: none"> i. No conspicuous change in the colour or visual clarity of the receiving water; ii. No emission of objectionable odour; iii. No production of conspicuous oil or grease films, scums or foams, or floatable materials; iv. No rendering of fresh water unsuitable for consumption by farm animals; v. No significant adverse effects on aquatic life. <p>Advisory Note: <i>Demonstration of compliance with this Rule is required to be given to the Council. Compliance with this rule will be deemed to have occurred where the stormwater treatment is undertaken in accordance with Stormwater Management Devices: Design Guidelines Manual 2003. Technical Publication 10 (TP10) of the Auckland Council.</i></p>
6.2.3(3)	<p>The discharge of stormwater from land, roofs, paved areas and roads from industrial or trade premises, or diversion of the same to a public stormwater network, except:</p> <p>a) Industrial or trade premises where hazardous substances are stored or used unless:</p> <ul style="list-style-type: none"> i. Hazardous substances cannot enter the stormwater system; or ii. There is an interceptor system in place to collect hazardous contaminants or divert contaminated stormwater to a trade waste system. 	Permitted	<p>a) Discharge shall be by pipe, open drain, swale, constructed wetland or vegetated filter into a natural watercourse which is the natural receiver of surface drainage water from that area;</p> <p>b) Where the stormwater discharge was not lawfully established before the date of notification of this Plan a stormwater management plan shall be prepared, lodged with the Council and implemented prior to the establishment of the activity, which details:</p> <ul style="list-style-type: none"> i. How contamination of stormwater will be avoided or minimised; ii. How stormwater from the site will be treated in accordance with TP10, or by alternative methods that are demonstrated to achieve an equivalent level of contaminant removal as TP 10 devices;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	b) Discharges to Outstanding Waterbodies and Regionally Significant Wetlands identified in Schedules G17 and G18 not lawfully established before the date of notification of this Plan.		<p>iii. How the treatment systems will be maintained and operated and where any sediment removed from the treatment systems will be disposed of. Treatment methods include but are not limited to constructed wetlands, swales, vegetative filters or infiltration practices;</p> <p>c) Where the stormwater discharge was lawfully established before notification of this Plan, a stormwater management plan addressing best practice stormwater management, shall be prepared and lodged with council by 1 May 2020 and stormwater shall be managed in accordance with that plan. See Advisory Note.</p> <p>d) The discharge shall not contain any wastes from an industrial or trade process;</p> <p>e) The discharge shall not cause erosion of the banks or bed of the watercourse at, or downstream of, the discharge point;</p> <p>f) The discharge shall not give rise to or exacerbate any flooding of land upstream or downstream of the discharge point in rainfall events up to the 10 per cent AEP or flooding of buildings on other properties in rainfall events up to the 1 per cent AEP;</p> <p>g) The discharge shall not contain hazardous substances, agricultural chemicals, or cause exceedance of trigger values for 95% species protection for substances that are toxic to aquatic ecosystems (identified in the ANZECC Guidelines for Fresh and Marine Water Quality, 2000) in receiving water bodies after reasonable mixing;</p> <p>h) The discharge shall meet the following water quality standards downstream of the discharge point after reasonable mixing:</p> <ul style="list-style-type: none"> i. No conspicuous change in the colour or visual clarity of the receiving water; ii. No emission of objectionable odour; iii. No production of conspicuous oil or grease films, scums or foams, or floatable materials; iv. No rendering of fresh water unsuitable for consumption by farm animals; v. No significant adverse effects on aquatic life <p><i>Advisory note: Demonstration of compliance with this Rule is required to be given to the Council. Compliance with this rule will be deemed to have occurred where the stormwater treatment is undertaken in accordance with Stormwater Management Devices: Design Guidelines Manual 2003. Technical Publication 10 (TP10) of the Auckland Council.</i></p>
6.2.3(4)	The discharge of stormwater, except to Outstanding Waterbodies and Regionally Significant Wetlands identified in Schedules G17 and G18	Permitted	a) The discharges from the public stormwater network shall be subject to a water quality monitoring programme which includes nutrients, pathogens,

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	<p>not lawfully established before the date of notification of this Plan, from:</p> <p>a) The public stormwater network prior to 1 July 2025, where the discharge is in accordance with an Integrated Catchment Management Plan lodged with the Council, or where no Integrated Catchment Management Plan exists;</p> <p>b) The public Stormwater network after 1 July 2025 where these are in accordance with an Integrated Catchment Management Plan lodged with the Council.</p>		<p>hydrocarbons and metals, with the results reported to the Council annually and compared to background levels in the receiving environment;</p> <p>b) The discharge shall not cause erosion of the banks or bed of the watercourse at, or downstream of, the discharge point;</p> <p>c) The discharge shall not give rise to or exacerbate any flooding of land upstream or downstream of the discharge point in rainfall events up to the 10 per cent AEP or flooding of buildings on other properties in rainfall events up to the 1 per cent AEP;</p> <p>d) The discharge shall not contain hazardous substances, agricultural chemicals, or cause exceedance of trigger values for 95% species protection for substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 2000) in receiving water bodies after reasonable mixing;</p> <p>e) The discharge shall meet the following water quality standards downstream of the discharge point after reasonable mixing:</p> <ol style="list-style-type: none"> No conspicuous change in the colour or visual clarity of the receiving water; No emission of objectionable odour; No production of conspicuous oil or grease films, scums or foams, or floatable materials; The rendering of freshwater unsuitable for consumption by farm animals; No significant adverse effects on aquatic life.
6.2.3(5)	Discharge of dye tracing materials into water except to Outstanding Waterbodies or Regionally Significant Wetlands	Permitted	<p>a) The Consent Authority is notified at least 24 hours prior to the release of any traces;</p> <p>b) The tracing material and its discharge concentration are to be non-toxic and biologically and chemically inert.</p>
6.2.3(6)	<p>Discharges of potable water into fresh water or to land from a water storage reservoir or water supply pipeline, where this is from a Council municipal water supply; or</p> <p>Discharges from military use of portable water treatment plants into freshwater or to land, except discharges to Outstanding Waterbodies identified in Schedule G18 and Regional Significant Wetlands identified in Schedule G17.</p>	Permitted	<p>a) The discharge does not contain:</p> <ol style="list-style-type: none"> Disinfectants, or antiseptics, except not more than 0.3mg/l of free or combined residual chlorine; more than 1mg/l of fluoride; more than 50mg/l of suspended solids; <p>b) The Consent Authority is notified at least 48 hours prior to any such discharge;</p> <p>c) The discharge shall not cause any erosion at, upstream of, or downstream of, the discharge point;</p> <p>d) The discharge does not alter the natural course of the river or stream;</p> <p>e) The discharge shall not give rise to any flooding of land or assets upstream or downstream of the discharge point under any conditions.</p>

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
6.2.3(6)A	The discharge of water for firefighting training purposes, except discharges into Outstanding Waterbodies identified in Schedule G18 and Regionally Significant Wetlands identified in Schedule G17.	Permitted	<ul style="list-style-type: none"> a) The discharge shall not contain hazardous substances; b) The Consent Authority is notified at least 48 hours prior to any such discharge; c) The discharge shall not cause any erosion at, upstream of, or downstream of, the discharge point; d) The discharge does not alter the natural course of the river or stream; e) The discharge shall not give rise to any flooding of land or assets upstream or downstream of the discharge point under any conditions.
6.2.3(7)	The discharge of water from rural field and tile drainage systems where no pumping occurs, groundwater pump tests and other temporary groundwater level lowering activities.	Permitted	<ul style="list-style-type: none"> a) The discharge shall not give rise to any flooding of land or assets upstream or downstream of the discharge point under any conditions; b) The discharge shall not cause any erosion at, or downstream of the discharge point. c) The discharge after reasonable mixing shall not contribute to elevated bacterial, nutrient or other chemical contaminant concentrations in the receiving waterbody into which the discharge shall occur. <p>Advisory Note: work in a wetland, or outside of a wetland which leads to drainage, infilling, vegetation clearance or other modification of the wetland requires a resource consent under Rule C9.3.2(6)</p>
6.2.3(8)	The temporary discharge of stormwater from Road Construction and/or Maintenance except to Outstanding Waterbodies identified in Schedule G18 or Regionally Significant Wetlands in Schedule G17.	Permitted	<ul style="list-style-type: none"> a) The discharge shall be for the purpose of draining and/or diverting water for the duration of activities associated with the formation and/or maintenance of a road; b) The discharge shall be by pipe, open drain, swale or vegetative filter into a natural watercourse which is the natural receiver of surface drainage water from that area; c) The discharge shall not cause erosion of the banks or bed of the watercourse at, or downstream of, the discharge point; d) The discharge shall not give rise to or exacerbate any flooding of land upstream or downstream of the discharge point in rainfall events up to the 10 per cent AEP or flooding of buildings on other properties in rainfall events up to the 1 per cent AEP; e) All practicable steps shall be taken to avoid the release of sediment from the activity; f) The discharge shall not contain hazardous substances, agricultural chemicals, or cause exceedance of trigger values for 95% species protection for substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 2000) in receiving water bodies after reasonable mixing;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			g) The discharge shall meet the following water quality standards after reasonable mixing: <ul style="list-style-type: none"> i. No clearly discernible change in visual clarity of the water shall occur; ii. No emission of objectionable odour; iii. No production of conspicuous oil or grease films, scums or foams, or floatable materials. h) A management plan is in place and implemented to avoid lime, cement and asphalt related contaminants from entering stormwater discharges.
Controlled Activities			
6.2.3(9)	The discharge of stormwater from the public stormwater network not meeting the Permitted Activity standards provided that the applicant has prepared an Integrated Catchment Management Plan (ICMP).	Controlled	Council shall limit its control to the matters a) to g) specified below: <ul style="list-style-type: none"> a) The location of any future discharges where the overall quantity and effects of those discharges have been assessed, but their precise location had not been specified in the application for consent; b) The effects of the discharge of contaminants from the wastewater network, after reasonable mixing in the relevant receiving environment; c) The programme of works, services and other methods adopted to prevent or minimise the actual or potential adverse effects on the environment from diversions and discharges; d) The matters listed in Policy C6.2.1(8); e) The need to maintain existing water quality objectives and/or limits; or enhance water quality, including coastal water, where degraded over time; f) The effects on in-stream habitat and indigenous species; g) Monitoring, reporting and review requirements; h) Consent duration; i) Administrative fees and charges.
Restricted Discretionary Activities			

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
6.2.3(10)	Point Source Discharges of Untreated Sewage Resulting from Overflows from wastewater reticulation and pumping stations not meeting the Permitted Activity standards provided that the applicant has prepared an Assessment of Environmental Effects (AEE) that addresses each component required in F1.4.2 of this Plan.	Restricted discretionary	<p>Council shall restrict discretion to the matters a) to g) specified below:</p> <ul style="list-style-type: none"> a) The location of any future discharges where the overall quantity and effects of those discharges have been assessed, but their precise location had not been specified in the application for consent; b) The effects of the discharge of contaminants from the wastewater network, after reasonable mixing in the relevant receiving environment; c) The programme of works, services and other methods adopted to prevent or minimise the actual or potential adverse effects on the environment from diversions and discharges; d) The matters listed in Policy C6.2.1 (8); e) Monitoring, reporting and review requirements; f) Consent duration; g) Administrative fees and charges.
6.2.3(11)	<p>The discharge of pumped rural tile drainage water except directly to Waterbodies in Schedules G17 and G18 provided that the discharge:</p> <ul style="list-style-type: none"> a) Shall not contain hazardous substances, agricultural chemicals, or cause exceedance of trigger values for 95% species protection for substances that are toxic to aquatic ecosystems (identified in the ANZECC Guidelines for Fresh and Marine Water Quality, 2000) in receiving water bodies after reasonable mixing. b) Reduces bacterial, nutrient or other chemical contaminant concentrations in the receiving waterbody in order to improve the quality of degraded waterbodies, and maintain or improve the quality of other waterbodies. 	Restricted discretionary	<p>Council shall limit its control to the matters a) to e) specified below:</p> <ul style="list-style-type: none"> a) The timing of the discharge by setting maximum water levels in the receiving watercourse; b) Ensuring the banks of the receiving watercourse are adequately protected against scouring; c) Ensuring there is appropriate warning to other beneficiaries of the receiving drain to indicate when the pump is operating; d) Measures to avoid, remedy or mitigate the adverse effects of the rural tile drainage water on: <ul style="list-style-type: none"> i. Erosion or land instability ii. Flooding of land owned or occupied by another person iii. The water quality in the receiving watercourse, in a manner that is consistent with ensuring that the discharge does not lead to freshwater objectives not being met or an exceedance of instream limits. e) Ensuring the discharge shall not result in the lowering of water levels in any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna. <p>Advisory Note: work in a wetland, or outside of a wetland which leads to drainage, infilling, vegetation clearance or other modification of the wetland requires a resource consent under Rule C9.3.2(6)</p>
6.2.3(12)	The discharge of stormwater, including by pumped rural tile drainage water, to Outstanding Waterbodies and Regionally Significant Wetlands as identified in Schedules G17 and G18 of the Plan.	Discretionary	

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	<u>Note:</u> this rule prevails over the regulations in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 relating to the point source discharge of stormwater from a plantation forestry activity where the discharge is to an Outstanding Waterbody or Regionally Significant Wetland.		
6.2.3(13)	<p>The point source discharge of all liquids to land or waterbodies and their margins where the discharge is:</p> <ul style="list-style-type: none"> a) Not provided for in another rule in this plan; b) Not to Outstanding Waterbodies and Regionally Significant Wetlands identified in Schedules G17 and G18; c) Not a direct discharge to a waterbody or to land in a way that directly enters water above a community drinking water supply intake point; d) Will not result in a water quality objective not being met or a limit/target being exceeded; and e) The discharge is not to a degraded waterbody where the discharge is a new discharge of contaminants which contribute to the degradation. 	Discretionary	
Non-complying Activities			
6.2.3(14)	<p>The point source discharge of liquids to land or waterbodies and their margins where the discharge:</p> <ul style="list-style-type: none"> a) Is to an Outstanding Waterbody or Regionally Significant Wetland identified in Schedule G17 or G18 and is not provided for in another Rule; or b) Is to a waterbody or to land in a way that directly enters water above a community drinking water supply intake point; or c) Will result in a water quality objective not being met or a limit/target being exceeded. 	Non-complying	
6.2.3(15)	The discharge of wastewater via a pumping station or network overflow in dry weather conditions.	Non-complying	
Prohibited Activities			
6.2.3(16)	<p>Point source discharge to surface waterbodies, to land in a way that directly enters water, or to groundwater of:</p> <ul style="list-style-type: none"> a) Untreated sewage, wastewater (except as allowed for as in another Rule); or b) Untreated animal effluent from an effluent storage facility or stock holding area; or 	Prohibited	

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	c) Organic waste or untreated leachate from storage of organic material; or d) Untreated industrial or trade waste; or e) Hazardous waste.		

C6.2.4 Other Methods

1. Council will upgrade and manage its wastewater reticulation in order to eliminate overflows to private property and reduce overflows to waterways.
2. The Council will work with industry to ensure that sufficient facilities for cleaning of trucks are provided and that appropriate Codes related to truck wastes are actively promoted via the industry. This will include liaison with appropriate national agencies.
3. The Council will continue to work with tangata whenua over waste disposal options and give particular consideration to any relevant iwi management plans or statements of tangata whenua views.
4. Where waterbodies are identified as degraded, the Council will develop specific targets and methods for the restoration of water quality and include these within the relevant Catchment Plan.
5. Provide information and advice to the public, industry and land users on the requirement for, and proper handling of, waste discharges.
6. Identify areas where there is a significant risk of spills and formulate general response plans for the area.
7. Council to progressively develop integrated stormwater catchment management plans to cover all urban stormwater discharges.
8. Council to progressively undertake water quality improvement works, eg installing gross pollutant traps, sand filters, ponds or other stormwater treatment devices, with first priority placed on the areas most affected by poor stormwater quality.
9. Council to develop information and education material about management of stormwater for improved water quality.
10. Compliance and monitoring programmes to check compliance with the Permitted Activity rules.

C6.2.5 Policies for Discharges to Groundwater and Bedrock – including from bores, oil and gas drilling

1. Maintain or improve groundwater quality within aquifers recognising that these provide a substantial basis for food production values, irrigation values, surface water quality and associated ecosystem values.
2. Manage the use of bores and galleries, including decommissioned bores, so that they do not result in:
 - a) The contamination of surface water or groundwater; or
 - b) The mixing of groundwaters of different qualities through backflow of water; or
 - c) Surface water entering bores or galleries.
3. Protect the significant values, water quality and hydrological regime within Outstanding Waterbodies identified in Schedule G18 and Regionally Significant Wetlands identified in Schedule G17 from the adverse effects of bore construction and groundwater discharges.
4. Avoid hydrocarbon extraction, hydraulic fracturing, or deep well injection activities within Regionally Significant Wetlands identified in Schedule G17, Outstanding Waterbodies identified in Schedule G18 and Aquifer Management Areas identified in Schedule G23.
5. Any bore penetrating bedrock is cased to prevent any potential contaminants leaking into groundwater and, when decommissioned, the release of contaminants from the bedrock into the overlying aquifers and any entry of contaminants from the land surface into the well or bore is prevented.

6. Avoid groundwater or surface water contamination from the use of chemicals, materials, additives or hydrocarbons during the exploration for, or extraction of, hydrocarbons in solid, liquid or gaseous form.
7. Where an application seeks resource consent for a hydrocarbon bore, deep well injection or hydraulic fracturing:
 - a) Baseline groundwater and surface water monitoring shall be required in accordance with the significance and scale of the activity;
 - b) Any natural hazards including faults, flood risks and areas of land instability shall be identified and measures taken to avoid, remedy or mitigate the risks; and
 - c) Conditions should be imposed to ensure that unused bores are properly decommissioned and sealed within one year of the bore no longer being required for use.
8. Provide for the recharge of aquifers through discharges to groundwater provided these will not result in adverse effects on water quality within the aquifer.
9. To consider requiring a bond, or an acceptable alternative for any bore or discharge of contaminants to groundwater or bedrock where the scale, intensity, duration or frequency of the discharge could have a high potential impact if it led to contamination of groundwater. The bond will be administered according to Section 108A of the Act.

C6.2.6 Rules for Discharges to Groundwater and Bedrock

Rule Table C6.2.6

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.6(1)	Use, maintenance or reconstruction of existing domestic groundwater bores and other groundwater bores, wells and holes lawfully established prior to the date of notification of this Plan provided well integrity is maintained in accordance with Appendix H21.	Permitted	Within one year of the bore no longer being required for use, it must be decommissioned and sealed in accordance with Rule 6.2.6(2).
6.2.6(2)	The decommissioning of groundwater bores, wells and holes.	Permitted	<ul style="list-style-type: none"> a) The upper 1.5 metres of the bore is completely removed and the area is to be covered with topsoil; b) Any bore casing and screen that is not salvaged shall be perforated with a casing ripper; c) The bore to be sealed by concrete, cement grout or neat cement; d) Decommissioning shall be carried out by a suitably qualified person; e) The Consent Authority is notified of the bore decommissioning activity; and f) Any person who undertakes the activity must provide, upon request from the Consent Authority, proof of compliance with conditions a- d.
Restricted Discretionary Activities			
6.2.6(3)	Making, altering or installing bores for groundwater abstraction and associated discharges in accordance with NZS 4411-2011 Environmental Standard for Drilling of Soil and Rock provided these do not occur in or within 50 metres of an Outstanding Waterbody identified in Schedule G18 or in a wetland.	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to k) specified below:</p> <ul style="list-style-type: none"> a) Compliance with the NZS 4411-2011 Environmental Standard for Drilling of Soil and Rock and any other relevant standard; b) Bore location, size (including diameter of the bore casing) and depth including any setbacks from other bores; c) Bore screening depth and type; d) Backflow prevention; e) Details of pump tests performed in accordance with Appendix H21; f) Information requirements including bore logs, piezometric levels, groundwater tests and bore construction details; g) Duration of consent; h) Review of consent conditions;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			i) Monitoring requirements including provision of access for measuring water level, water pressure or water quality and provision made for water meter installation; j) Measures to conserve water, including sealing artesian bores; and k) Requiring payment of a monitoring fee.
Discretionary Activities			
6.2.6(4)	Making, altering, installing or decommissioning any groundwater bore, well or hole not provided for in another rule in this Plan.	Discretionary	
6.2.6(5)	Making, altering, installing or decommissioning any hydrocarbon bore and associated discharges from drilling except: a) In or within 50 metres of Outstanding Waterbodies or Regionally Significant Wetlands identified in Schedules G17 and G18; or b) Within the Aquifer Management Areas.	Discretionary	
6.2.6(6)	Discharges to groundwater or bedrock from hydrocarbon extraction or produced water disposal activities except: a) In or within 50 metres of Outstanding Waterbodies or Regionally Significant Wetlands identified in Schedules G17 and G18; or Within the Aquifer Management Areas.	Discretionary	
6.2.6(7)	Any other discharges to groundwater or bedrock not explicitly provided for in another rule in this Plan.	Discretionary	
Non-complying Activities			
6.2.6(8)	Making, altering or installing any groundwater bore within an Outstanding Waterbody identified in Schedule G18 or Regionally Significant Wetland in Schedule G17.	Non-complying	
Prohibited Activities			
6.2.6(9)	Making, altering or installing any hydrocarbon bore within an Aquifer Management Area or within 50 metres of an Outstanding Waterbody or Regionally Significant Wetland identified in Schedules G17 or G18.	Prohibited	
6.2.6(10)	Discharges to groundwater or bedrock from hydrocarbon extraction or produced water disposal activities within an Aquifer Management Area or within 50 metres of an Outstanding Waterbody or Regionally Significant Wetland identified in Schedules G17 or G18	Prohibited	

C6.2.7 Other Methods – Discharges to Groundwater and Bedrock

1. Monitoring fees will be set annually for owners of bores to enable Council to effectively monitor the quality of groundwater and identify any impacts of bore discharges on the environment.
2. Council will inspect bores as required to ensure bore integrity.
3. Council will develop a database of abandoned or poorly constructed hydrocarbon bores within the region and undertake an inspection programme to ensure bore integrity is maintained and to minimise the potential contamination pathways into groundwater, including sources of human drinking water.

C6.2.8 Policies for Diffuse Discharges

1. Work with industry and landowners to develop good management practices for the management of diffuse discharges and progressively implement these through the use of Farm Environment Plans.
2. Where intensive land use occurs, or where freshwater objectives are not met or water quality limits are exceeded, require the implementation of industry good practice measures in order to maximise nutrient use efficiency and minimise nutrient run – off, faecal contamination and sedimentation.
3. Enable Farm Environment Plans to be used as an alternative to the minimum requirements in the rules for diffuse discharges where site specific conditions make an alternative management approach appropriate, provided that it can be demonstrated to the Consent Authority that the same level of environmental performance can be achieved.

C6.2.9 Rules for Diffuse Discharges

Rule Table C6.2.9

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.9(1)	Diffuse discharges not provided for in another rule in this Plan.	Permitted	
6.2.9(2)	Diffuse discharges from intensively farmed stock activities lawfully established prior to 14 October 2015.	Permitted	<p>a) From 1 May 2021, intensively farmed stock activities shall have prepared and submitted to the Consent Authority a Farm Environment Plan which has been certified by the Consent Authority as meeting the requirements outlined in Appendix H20. All intensively farmed stock activities shall be carried out in accordance with the actions and timeframes specified in the certified Farm Environment Plan. An annual report will be provided to the Consent Authority on the implementation of the Farm Environment Plan; except that</p> <p>b) Where the area of intensively farmed stock is less than 5 hectares, a Farm Environment Plan is not required provided that the activity complies with the following standards:</p> <ol style="list-style-type: none"> Where the land slope is less than 15 degrees, no establishment of feed crops or irrigation of pasture is undertaken within 5 metres of the top of the bank of any permanently flowing stream, lake or wetland and within 10 metres of the top of the bank or edge of any Outstanding Waterbody identified in Schedule G18 or Regionally Significant Wetland identified in Schedule G17. A smaller setback of at least 1 metre can only occur where a Farm Environment Plan is prepared that demonstrates that this smaller setback will not adversely impact on the quality of receiving waterbody and this is certified by the Consent Authority; Where the land slope is between 15 and 25 degrees, no establishment of feed crops or irrigation of pasture is undertaken within 10m of any permanently flowing stream, lake or wetland. A smaller setback of at least 1 metre can only occur where a Farm Environment Plan is prepared that demonstrates that this smaller setback will not adversely impact on the quality of receiving waterbody and this is certified by the Consent Authority; No feed crops are established on land with a slope greater than 25 degrees; No cultivation occurs within 1 metre of open surface water drains. <p>c) Where the area of intensively farmed stock is 5 hectares or greater and intensively farmed stock activities are within a paddock adjoining a waterbody, all livestock shall be excluded from:</p> <ol style="list-style-type: none"> within 10 metres of the top of the bank or edge of: <ol style="list-style-type: none"> any Aquatic Ecosystem Waterbody identified in Schedule G15; any Outstanding Waterbody identified in Schedule G18; or any Regionally Significant Wetland identified in Schedule G17; and

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<p>ii. 5 metres from the top of the bank or edge of any other permanently flowing stream, lake or wetland;</p> <p>d) From 1 July 2019, all permanent and intermittent streams and rivers that are crossed by formed stock crossings as part of the intensively farmed stock activity shall be bridged or culverted. However, cattle, deer and pigs are able to enter waterbodies for the purpose of crossing from one side to the other provided:</p> <p>i. They are being supervised and are actively driven across the water body in one continuous movement; and</p> <p>ii. This occurs less frequently than once per week.</p> <p>Advisory Note: The discharge of dairy farm effluent to land is a discretionary activity in accordance with Rule C6.2.3(13).</p> <p>Farm Environment Plans will be assessed by the Consent Authority for compliance with the information requirements in Appendix H20. If a Farm Environment Plan which meets the Appendix H20 requirements is not produced by the 1 May 2021 then existing intensively farmed stock activities will require a resource consent to continue.</p> <p>Stock access to the beds of rivers and lakes including stock crossings not addressed by this rule is subject to Rules C6.3.7(1) and C6.3.7(2).</p>
6.2.9(3)	Diffuse discharges from commercial vegetable growing and cropping activities lawfully established prior to 14 October 2015.	Permitted	<p>a) From 1 May 2021 onwards all commercial vegetable growing and cropping activities shall have prepared and submitted to the Consent Authority a Farm Environment Plan which has been certified by the Consent Authority as meeting the requirements outlined in Appendix H20. All commercial vegetable growing and cropping activities shall be carried out in accordance with the actions and timeframes specified in the certified Farm Environment Plan. An annual report shall be provided to the Consent Authority on the implementation of the Farm Environment Plan;</p> <p>b) From 1 July 2021, no cultivation is undertaken within 5 metres of the edge of any modified watercourse, permanent or intermittent stream, except where the Farm Environment Plan can demonstrate that a smaller setback of at least 1 metre can occur without adversely impacting on the quality of receiving waterbody and this is certified by the Consent Authority.</p> <p>Advisory Note: Farm Environment Plans will be assessed by the Consent Authority for compliance with the information requirements in Appendix H20. If a Farm Environment Plan which meets the Appendix H20 requirements is not produced by the 1 May 2021 then existing commercial vegetable growing and cropping activities will require a resource consent to continue.</p> <p>Advisory Note: Refer to the definitions of Intermittent Stream and Modified Watercourse because many "drains" are likely to meet these definitions and the requirements of the rule.</p>
6.2.9(4)	Diffuse discharges from new commercial vegetable growing, cropping and intensively farmed stock activities established	Permitted	<p>a) A Farm Environment Plan which has been certified by the Consent Authority as meeting the requirements outlined in Appendix H20 must be prepared and submitted to the Consent Authority prior to the commencement of the activity. All commercial</p>

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	<p>after 14 October 2015 except where they are within 20 metres of an Outstanding Waterbody identified in Schedule G18.</p> <p>Commercial vegetable growing and cropping on land that has been used for that activity within the previous 10 years is not considered "new" for the purposes of this rule and rule 6.2.9(3) applies.</p>		<p>vegetable growing, cropping and intensively farmed stock activities must be carried out in accordance with the actions and timeframes specified in the certified Farm Environment Plan. An annual report shall be provided to the Consent Authority on the implementation of the Farm Environment Plan. Farm Environment Plans are only required under this activity standard for the area of land where the activity classified as "new" under this rule is being undertaken;</p> <p>b) Where dairy farming or intensively farmed stock activities are within a paddock adjoining a waterbody, all livestock shall be excluded from 5 metres from the top of the bank or edge of any permanently flowing stream, or the edge of any lake or wetland, or within 10 metres of the top of the bank or edge of any Aquatic Ecosystem Waterbody identified in Schedule G15, or any Regionally Significant Wetland identified in Schedule G17, or within 20 metres of any Outstanding Waterbody identified in Schedule G18. ;</p> <p>c) All permanent and intermittent streams and rivers that are crossed by formed stock crossings as part of the intensively farmed stock unit shall be bridged or culverted. This must be done by 1 July 2019 or when the activity is established if after this date. However, cattle, deer and pigs are able to enter waterbodies for the purpose of crossing from one side to the other provided:</p> <ol style="list-style-type: none"> They are being supervised and are actively driven across the water body in one continuous movement; and This occurs less frequently than once per week; <p>d) No cultivation is undertaken within 5 metres of the edge of any modified watercourse, permanent or intermittent stream, unless the Farm Environment Plan can demonstrate that a smaller setback of at least 1 metre can occur without adversely impacting on the quality of receiving waterbody and this is certified by the Consent Authority.</p> <p>Advisory Note: The discharge of dairy farm effluent to land is a discretionary activity in accordance with Rule C6.2.3(13).</p> <p>Advisory Note: Stock access to the beds of river and lakes including stock crossings not addressed by the rule is subject to Rules C6.3.7(1) and C6.3.7(2).</p>
6.2.9(5)	Diffuse discharges from stock access or grazing when winter intensive grazing is being undertaken.	Permitted	<p>a) From 1 July 2017, stock are excluded from within 5 metres of the top of the bank or edge of any permanently flowing or intermittent stream, lake or wetland and within 10 metres of the top of the bank or edge of any Aquatic Ecosystem Waterbody identified in Schedule G15, Outstanding Waterbody identified in Schedule G18 or Regionally Significant Wetland identified in Schedule G17 for the period 1 May to 30 September on all winter intensive grazing land of less than a 15 degree slope;</p> <p>b) From 1 July 2017, stock are excluded from 10 metres from the wetted bed of all permanent and intermittent streams and rivers, all lakes and the edge of all wetlands for the period 1 May to 30 September on all winter intensive grazing land of a 15 degree slope or greater.</p>

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
6.2.9(6)	Diffuse discharges from the discharge of greenhouse nutrient solution to land.	Permitted	<ul style="list-style-type: none"> a) The discharge is in accordance with the Code of Practice for Management of Greenhouse Nutrient Discharges (2007); and b) The application rate of nitrogen does not exceed: <ul style="list-style-type: none"> i. 150kgN/year and 30 kgN/ha/31 days onto grazed pasture underlain by sandy and pumice soils; ii. 200kgN/year and 50kgN/31 day onto grazed pasture underlain by soils other than those listed above; iii. Exceed the reasonable nitrogen requirements of the crop or vegetation being grown on ground other than grazed pasture. c) The application rate of phosphate does not exceed 100 kgP/ha/31 days.
6.2.9(6)A	Diffuse discharges from the use of feedpads.	Permitted	<ul style="list-style-type: none"> a) The feedpad is not located in a flood hazard overlay; b) The base of the feedpad is no less than 0.5m above the highest level of the water table; c) The feedpad is not located within 50 metres of: <ul style="list-style-type: none"> i. a surface waterbody, sub-surface drain, lake or artificial watercourse; ii. a bore used for water abstraction; iii. a Protection Management Area identified in the Tairāwhiti Plan; iv. the Coastal Marine Area; v. the boundary of the site; vi. another feedpad on the same property. d. The feedpad is not located within 250 metres of the intake point of a community water supply; e. The feedpad is constructed with an impermeable base that has a permeability no greater than 10⁻⁹ m/s (0.000000001 m/s); f. Any liquid animal effluent or stormwater containing animal effluent discharging from the feed pad is collected in an animal effluent storage system for which consent has been granted under Rule C6.2.3(13) or Rule C6.2.3(14); g. Any material scraped from the feedpad, including solid animal waste, is collected and if applied to land is applied in accordance with Rule C6.2.12(5); h. The overland flow of stormwater or surface runoff from surrounding land is prevented from entering the feed pad and any area of pugging/treading damage/soil and pasture damage around the feedpad.
Restricted Discretionary Activities			
6.2.9(6)B	Diffuse discharges from intensively farmed stock activities lawfully established prior to 14 October 2015 that cannot meet permitted activity standard (b) or (c) of Rule C6.2.9(2).	Restricted Discretionary	<p>Council shall restrict its discretion to the matters specified below:</p> <ul style="list-style-type: none"> a. Location of the activity; b. Timing and duration of activity; c. Effects on bank erosion; d. Effects on fisheries and ecosystem health including

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			'threatened' or 'at-risk' species; e. Effects on water quality and the values of scheduled waterbodies; f. Effects on mauri, wahi tapu and any cultural values identified by tangata whenua; g. Effects on natural character, landscape and amenity values.
6.2.9(6)C	Diffuse discharges from new commercial vegetable growing, cropping and intensively farmed stock activities established after 14 October 2015 that are: a. Not located within 20 metres of an Outstanding Waterbody identified in Schedule G18; and b. Cannot meet permitted activity standard (b) for Rule C6.2.9(4).	Restricted Discretionary	Council shall restrict its discretion to the matters specified below: a. Location of the activity; b. Timing and duration of activity; c. Effects on bank erosion; d. Effects on fisheries and ecosystem health including 'threatened' or 'at-risk' species; e. Effects on water quality and the values of scheduled waterbodies; f. Effects on mauri, wahi tapu and any cultural values identified by tangata whenua; g. Effects on natural character, landscape and amenity values.

Discretionary activities			
6.2.9(7)	The discharge of runoff from feedlots.	Discretionary	
6.2.9(8)	Diffuse discharges that do not meet the permitted activity standards for the rules in section C6.2 or is not provided for by another rule in this Plan. <u>Note:</u> This rule applies to diffuse discharges of stormwater from forestry roads and earthworks associated with plantation forestry. It prevails over Regulation 97(1) in the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.	Discretionary	

C6.2.10 Other Methods – Diffuse Discharges

1. Council will work with industry organisations such as HortNZ, Dairy NZ, Foundation for Arable Research, Fertiliser Association of NZ, and Beef and Lamb New Zealand to ensure that good management practice guidelines for different types of intensively farmed stock, commercial vegetable growing or cropping activities in Gisborne conditions are available.
2. Council will work with growers, farmers and foresters to improve skills and implementation of good practice measures through Farm Environment Plans, including riparian management.
3. Council will work with industry organisations to promote and facilitate the understanding of good environmental management of diffuse discharges by:
 - a) Developing case studies of good environmental practice;
 - b) Preparing publications and information sheets;
 - c) Holding seminars, field days and workshops on specific issues.
4. Require Farm Environment Plans by 1 July 2021 where intensively farmed stock, commercial vegetable growing and cropping activities are undertaken and encourage their development for all primary production and horticultural land use activities. Council will endeavour to undertake a sub-catchment-based approach to the development of Farm Environment Plans and will work collaboratively with sector organisations and other stakeholders to implement Farm Environment Plans.

C6.2.11 Policies for Fertilisers and Solid Discharges

1. Discharges of solids and fertilisers to land should be managed so that any relevant freshwater objectives are met and water quality is maintained within any relevant limits for that freshwater body or improved where degraded.
2. Landfills and other waste collection or disposal sites are designed and sited to avoid the contamination of groundwater or surface water either through the direct discharge of hazardous substances to water, or the leaching of contaminants into or onto land where they may enter water.
3. Aftercare of existing landfill or waste disposal sites shall be undertaken to ensure that discharges to freshwater bodies achieve water quality objectives and are within the water quality limits for that waterbody.
4. In assessing applications for landfills the Council will be guided by the provisions of the Guide to Landfill Consent Conditions (Ministry for the Environment 2001).
5. Siting of new facilities for handling, processing, treating, storing or disposing of solid waste and associated contaminated or potentially contaminated materials (including landfills, transfer stations, treatment or bulk storage facilities, solid wastes from hydrocarbon extraction) should be avoided in or near the areas set out below:
 - a) Areas vulnerable to natural hazards, including:
 - i. Areas susceptible to flooding;
 - ii. Areas with active geological faulting;
 - iii. Unstable or erosion-prone land;
 - iv. Areas susceptible to coastal hazards including erosion, flooding, landslip and slumping.
 - b) Areas which support ecosystems that are particularly vulnerable to the effects of contaminants, including:
 - i. Scheduled Waterbodies in this Plan or any Catchment Management Plan;
 - ii. Protection Management Areas identified in the planning maps of the Tairāwhiti Plan;
 - iii. Other areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - iv. Riparian Management Areas identified in C9 of the Tairāwhiti Plan;

- v. Coastal Protection Areas identified in planning maps of the Tairāwhiti Plan;
 - vi. Wetlands;
 - vii. Intertidal areas, estuaries and coastal dunes and their margins.
- c) Areas valued for other reasons or used for other purposes which are incompatible with the effects of contaminant discharges, including:
- i. National, regional and local parks and reserves;
 - ii. Waahi tapu, cemeteries and other sacred sites;
 - iii. Outstanding natural features and landscapes;
 - iv. Water supply catchments;
 - v. Recharge areas for groundwater aquifers;
 - vi. Areas in proximity to airfields or flight paths;
 - vii. Areas of historic, scenic or cultural significance.
6. When considering applications to discharge solid or fertiliser contaminants to land or water, assessment criteria are:
- a) The nature of the materials to be discharged;
 - b) The potential for any long-term contamination or other long term or cumulative effects arising from the operation;
 - c) Any actions planned or required in order to manage any actual or potential adverse effects of the site when it is no longer used for a solid disposal or discharge;
 - d) Any effects of leachate and stormwater on groundwater, surface water and coastal water and whether it is maintained within any relevant limits for the receiving waterbody, and whether those effects are consistent with achieving any relevant objectives for that waterbody;
 - e) Any actual or potential effects of any discharges on human health or amenity and on the health and functioning of plants, animals or ecosystems;
 - f) The mauri of the waterbody and any values placed on the site by tangata whenua;
 - g) The values identified in a catchment plan for the receiving waterbody and any other values identified in a schedule of this Plan;
 - h) The need for, and adequacy of, discharge monitoring systems, including:
 - i. Upstream and downstream monitoring of contaminants from any discharge and their affects on aquatic ecosystem indicator species within any freshwater body;
 - ii. Landfill leachate monitoring in relation to both groundwater and surface water;
 - iii. Landfill gas monitoring;
 - iv. Proposed measurement of the quantity and types of waste.
 - i) Any adverse effect on values contained in areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - j) Any relevant industry codes of practice, the implementation of which would assist in the avoiding, remedying or mitigating of adverse effects on the environment;
 - k) The need to avoid exacerbation of any flooding risk; and
 - l) The need for contingency plans to manage accidental or emergency discharges

C6.2.12 Rules for Solid Discharges

Rule Table C6.2.12

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.12(1)	Discharges from application of fertiliser	Permitted	<ul style="list-style-type: none"> a) Fertiliser shall be stored or discharged in accordance with good management practices as identified in the Fertiliser Association of New Zealand's Code of Practice for Nutrient Management (2013) or in the case of commercial vegetable cropping, Horticulture NZ's Code of Practice for Nutrient Management (August 2014, Version 1.0); b) Fertiliser storage and loading sites are at least 50 metres from any surface waterbody on areas that are not susceptible to flooding; c) For activities that require a Farm Environment Plan under section C6.2.9 the magnitude and timing of fertiliser applications throughout the year and the total annual application must be specified in a Farm Environment Plan that has been certified by the Council. The Farm Environment Plan must demonstrate that the timing and magnitude of fertiliser applications is managed to maximise plant uptake and to minimise loss of nutrients to freshwater, whether directly or indirectly. d) Non-target application of fertiliser is minimised; e) Fertiliser or contaminants must not be discharged to land within 5 metres of an Outstanding Waterbody as identified in Schedule G18 or a Regionally Significant Wetland as identified in Schedule G17; except fertiliser may be applied by hand within the 5 metre buffer.
6.2.12(2)	<p>The deposition of any material into or onto land that is:</p> <ul style="list-style-type: none"> a) Solid; and b) Not a hazardous substance; c) Biologically and chemically inert for the duration of the time that they material is to be in contact with the land into or onto which they are discharged. 	Permitted	<ul style="list-style-type: none"> a) The deposition has a volume of less than 500m³; b) No objectionable or offensive odour or dust shall be discernible beyond the boundary of the property as a result of the discharge; c) The material shall not be located within 20 metres of any Aquatic Ecosystem Waterbody identified in Schedule G15, Regionally Significant Wetland identified in Schedule G17, or Outstanding Waterbody identified in Schedule G18; d) The material does not cause any diversion of overland flows of stormwater or floodwater on to other property; e) The material does not provide an attraction or accommodation for vermin; f) The material is not deposited in any area of significant indigenous vegetation or significant indigenous habitat, or any heritage site identified in the Tairāwhiti Plan.

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
6.2.12(3)	The discharge of any contaminants into or onto land in connection with solid waste disposal at farms.	Permitted	<ul style="list-style-type: none"> a) The discharge shall consist only of household or farm wastes generated on that property, shall contain no hazardous substances and be discharged to a pit with a volume of less than 50m³; b) The discharge shall be sited and designed to prevent surface runoff and animals entering the pit; c) The discharge shall occur no less than 100 metres from any river, surface waterbody, wetland, drain or channel, from any bore used for drinking water supply, from the coastal marine area, or from any Protection Management Areas identified within the Tairāwhiti Plan; d) The base of the fill area shall be no less than 1 metre above the highest level of the water table; e) No offensive odour shall be discernible beyond the boundary of the property as a result of the discharge; f) There shall be no windblown litter from the site; g) No more than six months after the closure of the discharge site, the site shall be rehabilitated to a condition which is compatible with surrounding land uses, and does not constitute a greater hazard than the surrounding land with respect to landslip and subsidence.
6.2.12(4)	Discharges associated with ofal pits.	Permitted	<p>The discharge is to a pit that:</p> <ul style="list-style-type: none"> a) Has a volume of less than 50 m³; b) Shall be sited and designed to prevent surface runoff and animals entering the pit; c) Only of dead animals or animal parts produced on the property or a property in the same ownership to where the pit is located; d) The base of the pit shall be no less than 1 metre above the highest level of the water table; e) No more than one pit is constructed or used per 100 hectares of property area site per annum; f) When filled to within 0.5 metres of the original land surface, or is no longer used, the contents are covered with soil to a depth of at least 0.5 metres or the pit is covered with an impermeable lid; g) The pit is not located within 50 metres of a surface waterbody, a bore used for water abstraction, the boundary of the site, or the Coastal Marine Area, or within any area or zone identified in a proposed or operative district plan for residential, commercial or industrial purposes.
6.2.12(5)	The discharge of solid animal waste (excluding any discharge directly from an animal to land), or vegetative material, including from intensively farmed stock, commercial vegetable growing or cropping	Permitted	<ul style="list-style-type: none"> a) The discharge is only of material generated on the property site where the discharge is located; b) The material does not contain any hazardous substance or hazardous waste;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	activities, into or onto land, or into or onto land in circumstances where a contaminant may enter water.		<ul style="list-style-type: none"> c) The material does not include any waste from a human effluent treatment process; d) The application rate of nitrogen does not: <ul style="list-style-type: none"> i. Exceed 150kgN/ha/year and 30kgN/ha/31 days onto grazed pasture underlain by sandy and pumice soils; ii. Exceed 200kgN/ha/year and 50kgN/ha/31 days onto grazed pasture underlain by soils other than those listed above; iii. Exceed the reasonable nitrogen requirements of the crop being grown on ground other than grazed pasture. e) The material is not discharged: <ul style="list-style-type: none"> i. Onto the same area of land more frequently than once every two months; or ii. Onto land where solid animal waste, or vegetative material containing animal excrement or vegetative material from a previous application is still visible on the land surface; or iii. Onto land when the soil moisture exceeds field capacity; or iv. Within 20 metres of a bore used for water abstraction, a surface waterbody not listed in a Schedule of the Plan or the Coastal Marine Area; or v. Within 50 metres of an Aquatic Ecosystem Waterbody identified in Schedule G15, Regionally Significant Wetland identified in Schedule G17 or Outstanding Waterbody identified in Schedule G18.
6.2.12(6)	The use of land for a silage pit or the stockpiling of organic matter (including compost) and any associated discharge into or onto land where a contaminant may enter water.	Permitted	<ul style="list-style-type: none"> a) The discharge is only of material generated on the property site where the discharge is located; b) The volume of any silage pit or stockpile is less than 100 m³; c) The discharge shall be sited and designed to prevent surface runoff and is not within an overland flow path of flood hazard zone; d) The silage pit or stockpile is not sited within 50 metres of a surface waterbody, the boundary of the property site, a bore or the Coastal Marine Area; e) The base of the pit or stockpile shall be no less than 1 metre above the highest level of the water table; f) The silage pit or stockpile is not sited within a Protection Management Area identified in the Tairāwhiti Plan; g) Any liquid that drains from the stockpile or silage pit does not enter a surface waterbody, other than a wetland constructed for the purpose of treatment;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			h) Any fermenting or decaying organic matter does not originate from an industrial or trade process.
Discretionary Activities			
6.2.12(7)	Activities that do not comply with the permitted activity standards or any other solid or fertiliser discharges not provided for in another rule in this plan.	Discretionary	
6.2.12(8)	Landfills which are established in accordance with the Centre for Advanced Engineering 2000 Landfill Guidelines and waste handling sites.	Discretionary	
Non- Complying Activities			
6.2.12(9)	Any landfill not provided for in another Rule in this Plan.	Non-complying	

C6.2.13 Other Methods – Solid Discharges

1. Work with industry organisations to develop a guideline for farming and production industries around good management practices for permitted solid discharges.
2. Encourage good management practices for solid wastes at landfills which avoid the production of leachate, including:
 - a) Diversion of organic materials from landfills by composting, reuse of organic materials where opportunities are available, and land application of organic materials;
 - b) Limiting the volume of liquid or sludge wastes disposed to landfills;
 - c) Diversion of stormwater from waste disposal sites;
 - d) Covering of site to control or minimise rainfall infiltration.

C6.2.14 Policies for Discharges from Hazardous Substances and Contaminated Sites

1. Manage the location, storage, use and disposal of hazardous substances and the discharge of agrichemicals to minimise the potential occurrence and impact of hazardous substance spills and the adverse effects of the discharge of these substances on waterbodies.
2. Manage any discharges of hazardous substances from contaminated land, including existing and closed landfills so that adverse effects on people's health and safety, on human or stock water supplies, or on the life supporting capacity of aquatic ecosystems are avoided.
3. Ensure that all hazardous wastes generated in the region are stored at or disposed of in a facility or manner which avoids the discharge of hazardous substances to water.
4. To consider requiring a bond or an acceptable alternative for any discharge of contaminants from industrial or trade premises where the contaminant is a hazardous substance and the scale, intensity, duration or frequency of the effects of the discharge have a high potential to cause the long-term contamination of soil, or adverse effects on water quality and aquatic ecosystems.
5. Require the management of the region's contaminated sites in a manner that maintains water quality in the region's waterbodies. Where these sites are discharging contaminants to a waterbody identified as degraded, then priority will be placed on remediation and avoidance of further discharges to that waterbody.
6. When considering applications to discharge contaminants directly to land or water, matters to be taken into account include:
 - a) The mauri of the receiving waterbody and any values of the site identified by tangata whenua;
 - b) The hydro-geological conditions at or near the site;
 - c) The water quality objectives and limits of the receiving waterbody;
 - d) Any Scheduled Areas identified in this Plan or in any Catchment Plan;
 - e) Riparian Management Areas and other natural heritage management areas identified in the Tairāwhiti Plan;
 - f) Classification of receiving waters pursuant to section 69 of the RMA and/or any Proposed, Notified or Operative Regional Plan;
 - g) The nature of the contaminants being discharged;
 - h) Any actual or potential adverse effects on the quality and ecosystem health of ground, surface and coastal waters including marine areas of coastal significance;
 - i) The potential for any long term contamination or other long term and cumulative adverse effects arising from the discharge;
 - j) Any steps taken, or planned, to reduce the quantity of contaminants discharged, or to otherwise avoid, remedy or mitigate any adverse effects of the discharge;

- k) The need for a financial bond or other alternative where there is potential for long-term contamination or adverse effects on water quality;
- l) The need to maintain, or improve, the life supporting capacity of freshwater.

C6.2.15 Rules for Discharges from Hazardous Substances and Contaminated Sites

Rule Table C6.2.15

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.15(1)	Discharge of agrichemicals	Permitted	<p>a) The application rate is in accordance with the product label, manufacturer's recommendations, safety data sheets or a maximum application rate approved by the Environmental Protection Authority;</p> <p>b) Transport, storage and application of agrichemicals by a commercial operator shall be in accordance with NZS8409:2004 The Code of Practice for the Management of Agrichemicals, or any subsequent NZ Standard;</p> <p>c) Any discharge of agrichemicals shall not occur directly above a surface waterbody, including any open drain or opening to a drain unless the chemical is registered for discharge over waterbodies;</p> <p>d) The discharge shall not result in the deposition of noxious or dangerous levels of agrichemicals or hazardous contaminants onto waterbodies specifically managed for public water supply purposes;</p> <p>e) The discharge shall not result in the deposition of any agrichemical onto any roof.</p> <p>Advisory note: Discharge of agrichemicals are also required to comply with the requirements for air discharges in C1.</p>
Discretionary Activities			
6.2.15(2)	Discharges from contaminated land to land or water, including those that arise from remediation activities.	Discretionary	
6.2.15(3)	Discharges of agrichemicals not meeting permitted activity standards of Rule C6.2.15(1).	Discretionary	
Non-Complying Activities			
6.2.15(3)	The use of clean oil as a dust suppressant on roads.	Non-Complying	
Prohibited Activities			
6.2.15(4)	Disposal of hazardous substances and wastes by discharge to Prohibited land or water where this is not disposal to a Class A or B Landfill.	Prohibited	

C6.2.16 Other Methods – Discharges from hazardous substances and contaminated sites

1. The Council will update and maintain records of contaminated and potentially contaminated sites within the region.
2. The Council will refer to the Ministry for the Environment Hazardous Waste Guidelines 2004 and other relevant guidelines when assessing discharge consents for both landfills and hazardous substances.

C6.2.17 Policies for Unreticulated Wastewater Treatment, Storage and Disposal

1. Manage the design, construction and maintenance of on-site wastewater treatment and land application systems so that they are appropriate to the site activities, system location, environmental characteristics and limitations of the site. This includes:
 - a) Ensuring the inspection, cleaning, regular maintenance and required upgrading and repair; and
 - b) Encouraging the use of effluent outlet filters and extensions on existing systems.
2. Ensure that wastewater receives the best practicable treatment to minimise adverse effects on the receiving environment including adequate treatment on sites where soils cannot adequately assimilate primary treated effluent within the site.
3. To encourage the use of innovative solutions for wastewater treatment and disposal where these have been assessed as meeting required environmental standards.
4. To ensure that there are adequate facilities for the management, treatment and disposal of septage from on-site wastewater treatment systems throughout the region.
5. To ensure that owners and users of wastewater systems know how to locate, use and care for wastewater systems in a way that minimises adverse environmental effects.
6. To discourage the use of on-site wastewater systems where a sewer network is available.

C6.2.18 Rules for Unreticulated Wastewater Treatment, Storage and Disposal (Wastewater System)

Advisory Notes

1. Applicants are advised to check the requirements of the Building Act 2004 for on-site wastewater systems.
2. Available in respect of a sewer network means:
 - a) A sewer network passes within 30 metres of the property boundary; and
 - b) A sewer network is 60 metres or less from the nearest part of a building containing wastewater producing fixtures; and
 - c) The sewer network owners/operators agree to the connection and accepting the sewage discharge.

C6.2.18.1 General Standards

- A. Except where explicitly stated in a Rule, discharge activities must comply with the following General Rules in addition to any relevant specific Rules in the Plan
 - a) All wastewater systems existing at 17 June 2013 shall have been lawfully established;
 - b) Where new wastewater treatment and land application systems or other alternative systems (except greywater systems) are established there shall be no sewer network available;
 - c) Discharges shall not emit offensive or objectionable odour;
 - d) The area of the discharge shall not be into or onto land likely to be subject to slippage, subsidence, erosion or inundation;

- e) Discharges shall not induce slippage, subsidence, erosion or inundation on any property;
- f) Discharges shall not be a point source discharge into a waterbody, artificial waterbody or coastal water;
- g) There shall be no intermittent or permanent discharge, overflows or seepage onto land surface or into any waterbody, artificial waterbody or coastal water;
- h) Discharges shall not be aerosolised or applied onto land by uncovered surface or spray irrigation;
- i) The discharge shall be applied into land within the legal boundaries of the property where the discharge originates from; and
- j) Wastewater system selection, design, construction and installation shall follow best practice and be informed by standard(s) recognised by Council. The Gisborne District Council *Guidelines for On-site Wastewater Management 2014* provide a minimum standard for system selection, design, construction and installation. However alternative proposals will be assessed on their merits.

Note: Point source discharges of untreated sewage are a Prohibited activity under Rule C6.2.3 (16) of this Plan and no application for resource consent will be accepted for this activity

Rule Table C6.2.18

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.18(1)	<p>The discharge of contaminants into (but not onto) land from an individual conventional on-site wastewater system (commonly known as a septic tank) if the discharge:</p> <p>a) Exists prior to April 2002 and the discharge complies with all of the standards (except standards c, e and f(i)) in this Rule; or</p> <p>b) Is established after April 2002 and the discharge complies with all of the standards (except Standard b) in this Rule; or</p> <p>c) Is an existing system serving food premises and the discharge complies with all of the Conditions in this Rule.</p>	Permitted	<p>a) The wastewater originates from:</p> <ul style="list-style-type: none"> i. A single dwelling unit; or ii. A Marae; or iii. A public hall; or iv. A club facility; or v. An institutional facility; or vi. An industrial facility; or vii. A commercial facility; or viii. A public sanitary facility. <p>located on the same property as it is disposed on;</p> <p>b) A discharge that existed prior to notification of this Rule and prior to April 2002 is authorised under this Rule provided that the wastewater is treated through a wastewater system of sufficient capacity to receive all wastewater outputs from buildings or sanitary facilities on the property or land;</p> <p>c) The on-site wastewater treatment unit has sufficient capacity to receive influent from buildings or sanitary facilities connected to it. Design flow allowances shall comply with Appendix H24: Table 1 - Wastewater Flow Design Allowances;</p> <p>d) The discharge rate into land shall not exceed the design loading rate for the soil and for the land application method. The discharge shall be evenly applied over the land application area;</p> <p>e) The effluent shall pass through an effluent outlet filter capable of filtering out particles greater than 3mm in size before discharging into the land application system;</p> <p>f) Where the discharge occurs within any area zoned Residential, Rural Lifestyle, Commercial, Industrial and Reserve in this Tairāwhiti Plan, the treatment tank(s) or chamber(s) shall:</p> <ul style="list-style-type: none"> i. Have access points above ground level for inspecting and maintaining the effluent outlet filter, monitoring the sludge accumulation and desludging the tank(s) or chamber(s). The access points shall be accessible for these purposes at all times; and ii. Be pumped out and desludged: <ul style="list-style-type: none"> - When the accumulated sludge and scum combined occupy two thirds or more of the volume of any tank or chamber in the system; or - At least once every five years for all systems whichever occurs first; and - Be inspected at the time of pump out and/or desludging.

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<ul style="list-style-type: none"> g) The information listed in Appendix H22 shall be recorded during each inspection and/or pump out and provided to the Consent Authority within 60 days of the inspection and pump out; h) When there is a change to the design flow or to the origin, quality or volume of the discharge, or any modification to the system, as a result of: <ul style="list-style-type: none"> i. Alteration of the building connected to the system; or ii. The connection to the system of a new or relocated building or a replacement building; or iii. Any alteration to the existing system, excluding routine maintenance of the system or fitting an effluent outlet filter or access to land surface from the treatment system in accordance with Conditions e and f(i) of this Rule; iv. the discharge flow shall be recalculated and discharge reassessed against Conditions c and d of this Rule; i) The wastewater influent shall not contain any: <ul style="list-style-type: none"> i. Disinfected wastewater from portable toilets; or ii. Commercial laundry flows; or iii. Animal effluent or kennel/cattery wash-down flows; or iv. Commercial or industrial waste flows other than flows generated from facilities serving employees, residents, students, or guests. j) The setback and clearance distances listed in Appendix H23 shall be met.
6.2.18(2)	<p>Discharge of contaminants into (but not onto) land from an individual advanced on-site wastewater system if the discharge:</p> <ul style="list-style-type: none"> a) Existed prior to 17 June 2013 and the discharge complies with all the standards (except Standard d) in this Rule; or b) Is established after 17 June 2013 and the discharge complies with all of the standards in this Rule 	Permitted	<ul style="list-style-type: none"> a) The wastewater originates from a single dwelling unit, a marae, public hall, club facility, an institutional, industrial or commercial facility or a public sanitary facility located on the same property as it is disposed on; b) The wastewater influent shall not contain any: <ul style="list-style-type: none"> i. Disinfected wastewater from portable toilets; or ii. Commercial kitchen flows; or iii. Commercial laundry flows; or iv. Animal effluent or kennel/cattery washdown flows; or v. Commercial or industrial waste flows other than other than flows generated from facilities serving employees, residents, students, or guests; c) The advanced on-site wastewater treatment unit has sufficient collection capacity to receive peak influent from buildings or sanitary facilities connected to it and treatment capability for that influent. Design flow allowances shall comply with Appendix H24: Table 1 - Wastewater Flow Design Allowances; d) A discharge from any proprietary advanced on-site wastewater treatment unit established after notification of this Rule shall be only from a proprietary advanced on-site wastewater-treatment unit for which a Producer Statement and a Secondary-effluent Producer Statement has been lodged with and accepted by the Consent Authority;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<ul style="list-style-type: none"> e) A proprietary advanced on-site wastewater treatment unit shall be operated and maintained in accordance with manufacturer's design specifications, including regular maintenance servicing by a person with sufficient expertise, and desludging by a registered offensive trade operator. Service maintenance records shall be provided to the Consent Authority within 60 days of the maintenance servicing; f) Maintenance service records shall identify performance and functional conditions of the advanced on-site wastewater treatment unit including but not exclusive to: <ul style="list-style-type: none"> i. Malfunction, damage or inadequate performance of a component in the system; ii. Repair or service work required and the completion of this work; and iii. Sludge and scum pump out requirements and the completion of this work; g) Prior to discharge into the land application system the wastewater shall receive advanced treatment so that the effluent quality measured from any grab sample does not exceed 20 grams per cubic metre of BOD5 and 30 grams per cubic metre of suspended solids; h) The peak discharge rate into land shall not exceed the design loading rate or design irrigation rate, for the treated effluent quality, the soil category and the land application method; i) The discharge shall be evenly applied within the area of the land application system; j) Dripper irrigation systems for land application of treated wastewater shall be subject to maintenance servicing by a person with sufficient expertise at least once per year. Service maintenance reports shall be provided to the Consent Authority within 60 days of maintenance servicing; k) The setback and clearance distances listed in Appendix H23 shall be met.
6.2.18(3)	The discharge of greywater into land from an individual on-site greywater system if the discharge complies with all of the standards in this Rule.	Permitted	<ul style="list-style-type: none"> a) The greywater originates from a single dwelling unit, a marae, public hall, club facility, an institutional, industrial or commercial facility or a public sanitary facility located on the same property as it is disposed on; b) The greywater discharge shall not contain any: <ul style="list-style-type: none"> i. Human waste flows from toilets or urinals; ii. Commercial kitchen flows; iii. Commercial laundry flows; iv. Animal effluent or kennel/cattery wash-down flows; or commercial or industrial waste flows other than greywater flows generated from facilities serving employees, residents, students or guests; v. Domestic kitchen flows and laundry tub flows if the discharge is from a greywater diversion system. c) The setback and clearance distances listed in Appendix H23 shall be met;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<ul style="list-style-type: none"> d) The greywater shall pass through a treatment unit which includes a filtration system before being discharged into land; e) The treatment unit shall have sufficient capacity to receive influent from sanitary facilities connected to it and treatment capability for that influent and specific use. Design flow allowances shall comply with Appendix H24 Table 1 - Wastewater Flow Design Allowances; f) The greywater shall be discharged into land via a subsurface drainage system; g) The discharge rate into land shall not exceed the maximum design loading rate for the soil permeability and the land application method; h) Any greywater diversion system shall be able to automatically divert to either a sewer network or a wastewater treatment unit if blockages occur that result in malfunction; i) The greywater system shall be operated, maintained and serviced in accordance with manufacturer's specifications by a person with sufficient expertise and maintenance records shall be made available by the landowner to the Consent Authority upon request.
6.2.18(4)	The discharge of human waste through a pit latrine into land.	Permitted	<ul style="list-style-type: none"> a) The discharge shall only contain human waste; b) The pit latrine is used intermittently and for short duration; c) The setback and clearance distances listed in Appendix H23 shall be met; and d) When the pit is filled to within 1 metre of the land surface, or is no longer used, the contents shall be covered to ground level with a minimum of 1 metre of soil.
6.2.18(5)	Discharge of untreated or disinfected wastewater from portable toilets, campervan and mobile home foul water tanks.	Permitted	<ul style="list-style-type: none"> a) The discharge is into an authorised discharge point; and b) There is no point source discharge into: <ul style="list-style-type: none"> i. Land; or ii. A fresh waterbody or artificial waterbody.
6.2.18(6)	<p>The discharge of untreated or disinfected wastewater to temporary holding tanks for off-site discharge to an authorised discharge point provided that the discharge:</p> <ul style="list-style-type: none"> a) Existed prior to 17 June 2013 and the discharge complies with all of the relevant standards in this Rule; or b) Was established after 17 June 2013 and the discharge complies with all of the standards in this Rule. 	Permitted	<ul style="list-style-type: none"> a) The discharge originates from: <ul style="list-style-type: none"> i. A permanently established building or public sanitary facility connected to the holding tank which is on the same property or land as the building or sanitary facility; or ii. Campervans and mobile homes with foul water tanks; or iii. Individual portable camping toilets; or iv. A temporary ablution building on the same property as the temporary holding tank; or v. Temporary portable toilets on the same property as the temporary holding tank. b) The discharge is human sewage and contains no other hazardous substances; c) The building or activity serviced by holding tank(s) is used intermittently and for short duration;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<ul style="list-style-type: none"> d) Any new holding tank: <ul style="list-style-type: none"> i. Is not permanently established in or on the ground; ii. Is for temporary usage and will not be located on a property for more than five consecutive months; iii. Has a holding capacity 3000 litres or less; iv. The tank is emptied at a frequency that avoids nuisance and adverse environmental effects; v. The land containing the holding tank is not likely to be subject to slippage, subsidence, erosion or inundation; vi. The holding tank is not likely to induce slippage, subsidence, erosion or inundation.
6.2.18(7)	<p>The discharge of untreated or disinfected wastewater to permanently established holding tanks for off-site disposal to an authorised discharge point where:</p> <ul style="list-style-type: none"> a) The discharge originates from: <ul style="list-style-type: none"> i. A permanently established building or public sanitary facility connected to the holding tank(s) which are on the same property or land as the building or sanitary facility; or ii. Campervans and mobile homes with foul water tanks; b) The holding tank(s) are permanently established in or on the ground; c) The discharge is human wastewater and contains no other hazardous substances; d) The building or activity serviced by a holding tank(s) is used intermittently and for short duration; e) The holding tank is emptied at a frequency that avoids nuisance and adverse environmental effects f) The land containing the holding tank is not likely to be subject to inundation, slippage, subsidence or erosion; g) The holding tank is not likely to induce inundation, slippage, subsidence or erosion. 	Permitted	<ul style="list-style-type: none"> a) The discharge originates from: <ul style="list-style-type: none"> i. A permanently established building or public sanitary facility connected to the holding tank which is on the same property or land as the building or sanitary facility; or ii. Campervans and mobile homes with foul water tanks; or iii. Individual portable camping toilets; or iv. A temporary ablution building on the same property as the temporary holding tank; or v. Temporary portable toilets on the same property as the temporary holding tank. b) The discharge is human sewage and contains no other hazardous substances; c) The building or activity serviced by holding tank(s) is used intermittently and for short duration; d) Any new holding tank: <ul style="list-style-type: none"> i. Is not permanently established in or on the ground; ii. The tank is emptied at a frequency that avoids nuisance and adverse environmental effects; iii. The land containing the holding tank is not likely to be subject to slippage, subsidence, erosion or inundation; iv. The holding tank is not likely to induce slippage, subsidence, erosion or inundation.
Controlled Activities			
6.2.18(8)	<p>The discharge of contaminants into (but not onto) land from an individual on-site wastewater system if the discharge:</p> <p>Complies with all of the Permitted Activity standards for the relevant type of system except that it serves more than one dwelling on the same property.</p>	Controlled	<p>Council shall limit its control to the matters a) - d) specified below:</p> <ul style="list-style-type: none"> a) Effects on safety and human health; b) Nuisance effects; c) Effects on soil and water quality;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			d) The location of the discharge.
6.2.18(9)	<p>The discharge of composted human waste from an individual on-site composting system into land where:</p> <ul style="list-style-type: none"> a) The discharge originates from a single dwelling unit; b) The compost discharge shall only contain human waste flows from toilets or urinals; c) The material is subject to aerobic decomposition for a minimum of 12 months from the last addition of raw sewage; d) The discharge shall be worked into soil or buried under a minimum soil cover of 200mm; e) The setback and clearance distances listed in Appendix H24 shall be met; f) The disposal area used for the discharge of compost material shall be used only once in any 12 month period. 	Controlled	<p>Council shall limit its control to the matters a) - d) specified below:</p> <ul style="list-style-type: none"> a) Effects on safety and human health; b) Nuisance effects; c) Effects on soil and water quality; d) The location of the discharge.
Discretionary activities			
6.2.18(10)	Discharge of wastewater to land from a wetland treatment or plant filter treatment system	Discretionary	

C6.2.19 Rules for Unreticulated Wastewater Treatment, Storage and Disposal (Management of Septage, Treated Wastewater and Greywater)

C6.2.19.1 General Standards

Except where explicitly stated in a Rule, discharge activities must comply with the following General Rules in addition to any relevant specific Rules in the Plan

- A.
- a) All wastewater systems existing at 17 June 2013 shall have been lawfully established;
 - b) Where new wastewater treatment and land application systems or other alternative systems (except greywater systems) are established there shall be no sewer network available;
 - c) Discharges shall not emit offensive or objectionable odour;
 - d) The area of the discharge shall not be into or onto land likely to be subject to slippage, subsidence, erosion or inundation;
 - e) Discharge shall not be a point source discharge into a waterbody, artificial waterbody or coastal water;

Note: Point source discharges of untreated sewage are a Prohibited activity under Rule **C6.2.3 (16)** of this Plan and no application for resource consent will be accepted for this activity

- f) There shall be no intermittent or permanent discharge, overflows or seepage onto land surface or into any waterbody, artificial waterbody or coastal water;
- g) Discharges shall not be aerosolised or applied onto land by uncovered surface or spray irrigation;
- h) The discharge shall be applied into land within the legal boundaries of the property where the discharge originates from; and
- i) Wastewater system selection, design, construction and installation shall follow best practice and be informed by standard(s) recognised by Council. The Gisborne District Council *Guidelines for On-site Wastewater Management 2014* provide a minimum standard for system selection, design, construction and installation. However alternative proposals will be assessed on their merits.

Rule Table C6.2.19

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.19(1)	The disposal of septage by discharge to land on the same property that the septage originates.	Permitted	<ul style="list-style-type: none"> a) The discharge of septage is on land zoned Rural General or Rural Production as identified in the Tairāwhiti Resource Management Plan; b) Disposal must be carried out by a registered operator; c) The discharge site shall not be used more than once for the disposal of septage; d) The setback and clearance distances listed in Appendix H23 shall be met; e) The septage discharge shall not be into land where: <ul style="list-style-type: none"> i. The soil comprises gravels, or fissured rock that allow the rapid migration of effluent from the septage; or ii. The soil comprises light clays or medium to heavy clays with poor drainage characteristics; or iii. The property is sloping. f) The property shall be protected from any inundation, slippage, subsidence or erosion; g) The volume of the discharge pit shall be at least 1.5 times the volume of effluent to be disposed of; h) The discharge pit shall be secured with adequate fencing and signage, prior to and after disposal, to prevent access by animals or children; i) Any spillage must be immediately cleaned up and placed in the pit; j) Within 14 days of the septage being discharged into the discharge pit and when the septage material surface has solidified, a minimum of 600mm soil cover shall be mounded over the entire area of the discharge pit; k) The disposal site shall be marked on a site plan and the plan submitted to the Consent Authority within 14 days of disposal taking place, along with details of: <ul style="list-style-type: none"> i. Property legal description and location; ii. Landowner name and address; iii. Operator's name; iv. Source of the septage; v. Disposal date; and vi. The approximate volume of septage disposed.
6.2.19(2)	<p>Discharge of wastewater through a deep bore or soakage pit into land from an individual on-site wastewater treatment unit is if the discharge:</p> <ul style="list-style-type: none"> a) Exists prior to notification of this Rule and the discharge complies with all of the Conditions of this Rule except condition a; or 	Permitted	<ul style="list-style-type: none"> a) The discharge of wastewater through a deep bore shall not occur within any property zoned Residential, Commercial or Industrial in the Tairāwhiti Plan; b) The discharge shall only comprise effluent from an individual on-site wastewater treatment unit servicing a habitable building; c) The deep bore or soakage pit discharge shall not be into land where the soil comprises rapidly draining coarse gravels or fissured rock that allow the rapid migration of effluent from the bore or soakage pit;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
	b) Is established after notification of this Rule and the discharge complies with all of the Conditions of this Rule.		d) The deep bore or soakage pit discharge shall not be into land where the soil is categorised as '5' Light clay or '6' Heavy clays with poor drainage characteristics; and e) The setback and clearance distances listed in Appendix H23 shall be met.
Discretionary activities			
6.2.19(3)	The discharge of septage to land from a property or properties where the septage did not originate.	Discretionary	
6.2.19(4)	The discharge of wastewater or greywater from an individual on-site wastewater or greywater system onto land by uncovered surface drip irrigation or spray irrigation.	Discretionary	
6.2.19(5)	The point source discharge of treated wastewater or greywater from an individual on-site wastewater or greywater treatment unit: a) Into a fresh waterbody or artificial waterbody with a continuous water flow; or b) Onto land where it may directly enter a fresh waterbody or artificial waterbody with a continuous water flow (excluding a natural or constructed lake or wetland); or c) Into a natural or constructed lake or wetland but not a lake or wetland constructed as part of the treatment system.	Discretionary	
Non-Complying Activities			
6.2.19(6)	Point source discharge of treated wastewater or greywater from an individual on-site wastewater or greywater treatment unit into a waterbody not provided for in Rule C6.2.19.4.	Non-complying	
Prohibited Activities			
6.2.19(7)	The use of explosives to maintain deep bore infiltration for disposal of wastewater from an individual on-site wastewater treatment unit.	Prohibited	

C6.2.20 Rules for Unreticulated Wastewater Treatment, Storage and Disposal (other rules)

C6.2.20.1 General Standards

Except where explicitly stated in a Rule, discharge activities must comply with the following General Rules in addition to any relevant specific Rules in the Plan

- A.
- a) All wastewater systems existing at 17 June 2013 shall have been lawfully established;
 - b) Where new wastewater treatment and land application systems or other alternative systems (except greywater systems) are established there shall be no sewer network available;
 - c) Discharges shall not emit offensive or objectionable odour;
 - d) The area of the discharge shall not be into or onto land likely to be subject to slippage, subsidence, erosion or inundation;
 - e) Discharge shall not be a point source discharge into a waterbody, artificial waterbody or coastal water;

Note: Point source discharges of untreated sewage are a Prohibited activity under Rule **C6.2.3 (16)** of this Plan and no application for resource consent will be accepted for this activity

- f) There shall be no intermittent or permanent discharge, overflows or seepage onto land surface or into any waterbody, artificial waterbody or coastal water;
 - g) Discharges shall not be aerosolised or applied onto land by uncovered surface or spray irrigation;
 - h) The discharge shall be applied into land within the legal boundaries of the property where the discharge originates from; and
 - i) Wastewater system selection, design, construction and installation shall follow best practice and be informed by standard(s) recognised by Council. The Gisborne District Council *Guidelines for On-site Wastewater Management 2014* provide a minimum standard for system selection, design, construction and installation. However alternative proposals will be assessed on their merits.
- b) Written notification to the Consent Authority is provided within 60 days of decommissioning the system. Written notification shall include the following information:
- i. The address and legal description of the property;
 - ii. A description of what decommissioning work was completed; and
 - iii. A site sketch indicating the location of the decommissioning work.

Rule Table C6.2.20

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.2.20(1)	The decommissioning of on-site wastewater treatment systems.	Permitted	a) Unused tanks are emptied of wastewater and sludge; and <ul style="list-style-type: none"> i. Fully removed with the hole backfilled; or ii. The bottom of the tank is fractured and the tank is backfilled to land surface with material not likely to compress and slump or provide voids and cavities which would present a safety hazard to people or animals. b) Written notification to the Consent Authority is provided within 60 days of decommissioning the system. Written notification shall include the following information: <ul style="list-style-type: none"> i. The address and legal description of the property; ii. A description of what decommissioning work was completed; and iii. A site sketch indicating the location of the decommissioning work
Controlled Activities			
6.2.20(2)	The decommissioning of on-site wastewater treatment systems unable to comply with Rule C6.2.19(7)	Controlled	Council shall limit its control to the matters a) - d) specified below: <ul style="list-style-type: none"> a) Effects on safety and human health; b) Nuisance effects; c) Effects on soil and water quality; d) The location of the discharge.
Discretionary Activities			
6.2.20(3)	Discharge of wastewater into land from an existing on-site wastewater system with actual or potential changes in the origin, quality or volume of the discharge after 17 June 2013.	Discretionary	
6.2.20(4)	Discharges of wastewater, greywater or septage to land not provided for in any other Rule.	Discretionary	
Non-Complying Activities			
6.2.20(5)	The discharge of wastewater from an individual on-site wastewater system to land where a sewer network is available (except greywater systems provided for in Rule C6.2.18(2))	Non-complying	

C6.3 Activities in the Beds of Rivers and Lakes

Advisory Notes

1. Rules in C6.3.2, C6.3.5, C6.3.7, C6.3.10, C6.3.13 control activities in, on, under or over the beds of rivers, streams (including modified watercourses) and lakes. The rules do not control activities in artificial watercourses (including farm drains and roadside drains) or ephemeral streams (refer to Definition of Terms). Refer to **C9** for rules addressing the modification of wetlands, including wetlands in the beds of rivers, streams and lakes.
2. A National Water Conservation (Motu River) Order 1984 exists on the Motu River and includes the Motu River from and including the Motu Falls (at or about map reference NZMS 1 N88:007886) to the State Highway 35 bridge (at or about map reference NZMS1 N70:052354) together with -
 - a) The following tributaries of the Motu River:
 - I. The Waitangirua Stream;
 - II. The Mangaotane Stream;
 - III. The Te Kahika Stream;
 - IV. The Mangatutara Stream.
 - c) That part of the Takaputahi River below its confluence with the Whiti kau Stream (at or about map reference NZMS 1 N79:004116).

This area is identified in the Maps of the Plan.

C6.3.1 Policies for Structures in the Beds of Rivers and Lakes

1. Structures within streams, rivers and lakes should be managed so that:
 - a) Sediment generation is minimised to support achieving freshwater objectives and limits.
 - b) Where possible work within Outstanding Waterbodies shall be avoided.
2. Improve fish passage in the region by:
 - a) Progressively improve fish passage in priority areas (identified by 2020)
 - b) Avoiding the creation of future barriers to native fish passage by requiring the use of appropriately designed, placed, installed and maintained structures including the use of culverts and bridges for permanent river crossings rather than permanently constructed fords.
 - c) Recognising that the best time to remove barriers is often at time of infrastructure renewal.

Advisory Note:

Since 1983, under the Freshwater Fisheries Regulations 1983, culverts, fords, dams and diversion structures that impede fish passage require approval from the Department of Conservation. This is a separate statutory process that applies in addition to the requirements of the Tairāwhiti Resource Management Plan.

3. Provide for new structures and activities in streams, rivers and lakes where:
 - a) Fish passage for migration, recruitment and habitat range is maintained and structures are established according to best practice;
 - b) Adverse effects on the significant habitats and migratory and breeding activities of native aquatic and terrestrial species and trout are minimised;
 - c) Where only native aquatic species are found and not trout, fish passage should be designed to only allow the passage of native aquatic species;
 - d) They will not hinder the recharge of groundwater aquifers.

- e) Impacts on water quality and flow are managed within the objectives and limits/targets set for the waterbody;
 - f) There is no reduction in flood carrying capacity, increased flood levels, adversely altered floating debris carrying ability of the stream or river, or adverse alteration to rates of aggradation or bank erosion;
 - g) There is no damage to heritage items, waahi tapu, taonga and areas of cultural significance;
 - h) There is no reduction in value of the waterbody for activities such as kohinga kai harvesting or recreational use, including the protection of public access and impacts on natural character and amenity values;
 - i) There is a functional need for the structure to be located in a bed of a lake, river or stream;
 - j) The new structure is the most practical alternative;
 - k) Adverse effects on the known habitats of threatened or at risk species are avoided;
 - l) The health of waterbodies affected by the proposed activity is maintained or improved.
4. Provide for the use, maintenance, repair and minor upgrade of existing network utility infrastructure and lawfully established structures within the beds of streams, rivers and lakes where these are not having adverse effects on the environment.
 5. Enable Farm Environment Plans to be used as an alternative to the minimum requirements in the rules for structures in the beds or lakes and rivers where site specific conditions make an alternative management approach appropriate, provided that it can be demonstrated to the Consent Authority that the same level of environmental performance can be achieved.

C6.3.2 Rules for Structures in the Beds of Rivers and Lakes

Advisory Notes:

Under the Freshwater Fisheries Regulations 1983 culverts and fords may not be built to impede fish passage without a permit from the Department of Conservation.

*For the rules in section 6, the **reasonable mixing zone** is to be measured downstream of the discharge point at a distance of seven times the width of the stream/river (wetted edge to wetted edge) up to a maximum distance 100 meters, unless evidence is provided to demonstrate that a larger mixing zone will not adversely affect water quality. For all other waterbodies, including estuaries, lakes and wetlands, the appropriate mixing zone will be determined by Council on a case-by-case basis.*

6.3.2.1 General Standards

The following General Rules apply to **all permitted activities** in the beds of lakes, rivers and streams:

Note: General Standards e), f), g) and h) prevail over the river crossing and discharges, disturbances and diversions regulations in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over all other general standards for permitted activities in the beds of lakes, rivers and streams in 6.3.2.1.

Advisory Note 2: *Since 1983, under the Freshwater Fisheries Regulations 1983, culverts, fords dams and diversions structures that impede fish passage require approval from the Department of Conservation. This separate statutory process that applies in addition to the requirements of the Tairāwhiti Resource Management Plan.*

- A.
 - a) Native fish passage shall not be impeded by physical barriers or other means;
 - b) Activities shall not reduce the flood carrying capacity or the ability of the stream or river to carry floating debris;
 - c) Activities shall not cause any increase in induced bank erosion or permanent destabilisation of the bed or river;
 - d) All practicable steps shall be taken to avoid the release of sediment from the activity, and no clearly discernible change in visual clarity of the water shall occur after reasonable mixing

downstream of the activity site more than 48 hours after construction work commences in the lake, river or stream;

- e) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams between 1 March and 30 June;
- f) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(E) (trout) between 1 May and 30 September;
- g) No works shall be undertaken in the bed of a waterbody listed in Schedules G15(A) or G15(B) (Aquatic habitat) between 1 May and 30 August;
- h) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(C) (Habitats of Threatened Indigenous Flora and Fauna) where NZ or Banded Dotterel or other river bed nesting and/or roosting birds are found between 31 August to 31 December;
- i) The activity shall not alter the natural course of the stream or river;
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be released to water from the activity;
- k) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any waterbody;
- l) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in Council Administered Drainage Areas (defined in Schedule H19).

Rule Table C6.3.2

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.3.2(1)	Any structure (including river control works) and its use occurring in, on, under or over the bed of a lake, river or stream provided that: a) It is not specifically provided for in a rule in this plan; b) It was lawfully established prior to the date of notification of this Plan.	Permitted	
6.3.2(2)	Use, erection, construction, placement, alteration or extension of a single span stock bridge in the bed of a river or stream Provided that the stock bridge: a) Is not located in a wetland; b) The catchment of the stream or river over which the crossing is located does not exceed 100ha or, where the catchment of the stream or river exceeds 100ha, the bridge has been approved through a Farm Environment Plan certified by the Consent Authority; c) The stream or river is not an Outstanding Waterbody identified in Schedule G18.	Permitted	a) The height of the deck of the bridge shall be sufficient that it is not overtopped by a 20% annual exceedance probability (5 year) flood with a minimum clearance of 0.5 metres; b) There are no piers within the bed; c) The underside of any bridge is higher than the top of the river bank; d) No excavations or infilling of the banks of a river, stream, lake or wetland shall be carried out; e) The bridge and approaches shall be designed and constructed to prevent animal waste and runoff from the stock crossing approach from entering the water.
6.3.2(3)	The maintenance, repair, alteration, reconstruction and extension of lawfully established structures (including river control works, but excluding the extension of dams which act to impound water) occurring in, on, under or over the beds of lakes, rivers and streams. Provided that: a) No increase or extension occurs to structures within Outstanding Waterbodies; b) In all other waterbodies any increase in the size of the structure is not more than 10% of the size of the structure when legally established, provided the increase does not exceed the Permitted Activity limit for structures authorised by a Permitted Activity rule; c) From 1 May 2020 the structure has not been identified as preventing the passage of migrating fish; The structure will not cause more than minor adverse flooding or erosion effects to land, property owned or occupied by another person, buildings or accessways.	Permitted	a) Any materials used for maintenance, repair, alteration, reconstruction or extension do not include vehicle or machinery bodies; b) There shall be no discharges of contaminants to water from maintenance activities; c) The disturbance of the bed shall be limited to the extent necessary to carry out the activity; d) Fish passage shall be impeded for no more than 24 hours; and e) The disturbance of the waterbody and release of sediment resulting from the activity shall not occur for a period greater than: i. A total period of 12 consecutive hours per maintenance activity in any waterbody listed in Schedule G15; ii. A total period of two consecutive days per maintenance activity in any waterbody not otherwise covered by (i).
6.3.2(4)	The use, erection, reconstruction, placement, alteration and extension of a surface water intake structure in, on, under or over the bed of a stream, river or lake, and associated bed disturbance. Provided that: a) The intake structure must be for a lawfully established surface water take; b) The structure is not located on a stream or river which flows within the reticulated services area of Gisborne City.	Permitted	a) The structure shall not restrict the cross-sectional area by more than five square metres, or 5% of the width of the river, stream, or lake; whichever is the lesser; b) The intake structure shall be screened with a mesh aperture size: i. Not exceeding 3mm by 30mm in the tidal areas of rivers and streams;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<p>II. Not exceeding 5mm by 30mm or 5mm diameter holes in any other area that is not in the tidal area of a river or stream;</p> <p>c) The intake velocity shall not exceed 0.3m/s;</p> <p>d) The disturbance of the bed shall be limited to the extent necessary to carry out the activity;</p> <p>e) All machinery shall be kept out of the bed of the river or lake unless necessary to undertake the work and no alternative exists;</p> <p>f) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a waterbody or placed in a position where it could readily enter or be carried into a waterbody;</p> <p>g) The structure shall at all times be maintained in a sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris;</p> <p>h) The structure shall be constructed to ensure that the structure cannot break free and cause a blockage or erosion;</p> <p>i) Structures in, on or over the beds of lakes shall be designed and constructed to account for natural lake water level fluctuations.</p>
6.3.2(5)	<p>Erection, placement, alteration or extension of a culvert, in, on, or under the bed of a river, stream or lake, and associated bed disturbance, where the culvert:</p> <p>a) Is not located in a wetland;</p> <p>b) Is not located in an Outstanding Waterbody;</p> <p>c) Is not located within the reticulated services area of Gisborne City or within a rural township;</p> <p>d) The catchment of the stream or river in which the culvert is located does not exceed 100ha or, where the catchment of the stream or river exceeds 100ha, the culvert has been approved through a Farm Environment Plan certified by the Consent Authority;</p> <p><i>Note: This rule applies to culverts associated with plantation forestry; however because the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 also apply, only clause d) above and standards h) to m) apply.</i></p>	Permitted	<p>a) The minimum culvert diameter shall be the larger of:</p> <p>I. 375mm; or</p> <p>II. 20% wider than the natural width of the stream plus 0.5m;</p> <p>III. Except where a Farm Environment Plan can demonstrate that a smaller culvert will not be contrary to the other permitted activity standards in this rule and this is certified by the Consent Authority</p> <p>b) Any culvert shall convey at least 20% annual exceedance probability (5 year) flood without heading up more than 0.5 metres or causing any significant increase in upstream water levels on neighbouring properties;</p> <p>c) The culvert invert shall be installed a minimum of 0.1 metres below the level of the bed of a river, stream or lake;</p> <p>d) Construction shall ensure that:</p> <p>I. Fish passage is maintained following construction;</p> <p>II. Sediment discharge is minimised;</p> <p>e) Within 48 hours of construction commencing within the river channel or lake, ambient levels of sediment and fish passage are returned;</p> <p>f) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity;</p> <p>g) Culvert inlets (entry point) and outlets (exit point) shall be protected against erosion;</p>

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<ul style="list-style-type: none"> h) Culverts shall include provision for overflow to ensure safe passage of flood flows; i) The maximum fill height over a culvert shall be 2.5 metres; j) The structure shall be maintained to give effect to its design capacity, including remedying as soon as practicable any blockage or obstruction occurring as a result of the structure; k) Where the culvert is in a waterbody listed in Schedule G15, the owner of the structure shall notify Gisborne District Council of the location of the culvert at least five working days prior to construction; l) The maximum length of a culvert with no slope shall be 20 metres; m) Within the Council Administered Drainage Areas identified in Appendix H19, in addition to the matters listed above: <ul style="list-style-type: none"> i. The Gisborne District Council shall be notified at least 10 days prior to construction; ii. Construction shall comply with the Gisborne District Council (2014) Culvert Construction Guidelines for Council Administered Drainage Areas (Refer Appendix H19 except if the construction of any river (or modified river) crossing is for the purpose of operating State Highways.
6.3.2(6)	<p>Use, erection, construction, placement, alteration, maintenance or extension of a ford in, or on the bed of a river, stream or lake and associated bed disturbance where the ford is not:</p> <ul style="list-style-type: none"> a) Located in a wetland; b) Located in an Outstanding Waterbody identified in Schedule G18; c) A permanent structure but intended for temporary use and is restored or removed after a 6 month period or an existing permanent structure at notification of the Plan. <p>Provided that the catchment of the stream or river in which the ford is located does not exceed 100ha or, where the catchment of the stream or river exceeds 100ha, the ford has been approved through a Farm Environment Plan certified by the Consent Authority;</p> <p><i>Note: standards a), c), f), and i) apply to foods associated with plantation forestry that are regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over all the other permitted activity standards in this rule for the erection, construction, placement, alteration, maintenance or extension of a ford where the purpose of that ford is related to plantation forestry</i></p>	Permitted	<ul style="list-style-type: none"> a) The ford shall be constructed in a location where there are hard and stable beds and banks; b) Any concrete pouring shall be carried out so as to prevent concrete or concrete ingredients washing out into the waterbody; c) Banks on either side of the ford shall be less than 1 metre high; d) During construction of the ford, all machinery shall be kept out of the bed of the stream, river or lake where practicable; e) The disturbance of the bed shall be limited to the extent necessary to carry out the activity; f) The structure shall be maintained in a sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris; g) Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake; h) Construction, alteration or extension shall ensure that: <ul style="list-style-type: none"> i. Fish passage is maintained following construction, alteration or extension; ii. Sediment discharge is minimised.

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			i) Within the Council Administered Drainage Areas (Refer Appendix H19), in addition to the matters listed above: <ul style="list-style-type: none"> i. The Gisborne District Council shall be notified at least 10 days prior to construction.
6.3.2(7)	Use, erection and placement of temporary white-baiting and game shooting structures, or the use, erection and placement of scientific and monitoring structures in, on or under the bed of a lake or river where structures do not protrude into the water flow in excess of 5% of the average river channel width.	Permitted	Structures for the purpose of game bird shooting or white-baiting erected after this plan becomes operative shall: <ul style="list-style-type: none"> i. Be erected no more than one month prior to and shall be dismantled no more than 2 weeks after the relevant season; and ii. Shall not be used as temporary dwelling or for camping <p>Advice Note: <i>On land held or administered by the Department of Conservation additional requirements and permits may be required. The Department of Conservation Office should be contacted prior to undertaking works on Public Conservation Land.</i></p>
6.3.2.(7A)	Use, erection and placement of game shooting structures in , on or under the bed of a lake or river where the structure: <ul style="list-style-type: none"> a) Is less than 5m² in floor area; b) Does not protrude into the water flow in excess of 5% of the average channel width; c) Is not located in an Outstanding Waterbody. 	Permitted	<ul style="list-style-type: none"> a) The structure shall be open piled and not impede the free flow of water; b) The structure shall be located at least 20 metres from any gate, culvert, bridge stopbank or confluence; c) The floor of the structure shall be no higher than 0.5 metres above maximum water level; d) The overall (maximum) height of the structure shall not exceed 2.5 metres from the floor height; e) The structure shall not cause a hazard to navigation; f) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body during the activity; g) The structure shall at all times be maintained in a structurally sound condition for the purpose for which it was constructed, and be kept clear of accumulated debris; h) All equipment and surplus construction materials shall be removed from the site on the completion of that activity; i) The structure shall not be used as a temporary dwelling or for camping. <p>Advice Note: <i>On land held or administered by the Department of Conservation additional requirements and permits may be required.</i></p>

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<i>The Department of Conservation Office should be contacted prior to undertaking works on Public Conservation Land.</i>
6.3.2(8)	The use, erection, reconstruction, placement, alteration and extension of structures, including bridges, cables, lines, pipelines and suspended fences, which are suspended over the bed of a lake or river which do not have any contact with the bed of the river where structures are suspended at least 500mm above the 2% AEP flood level (50 year flood) at the lowest point of the structure.	Permitted	
6.3.2(9)	<p>The suspension and use of a temporary hauler cable and loads over the bed of a lake, river or stream in the normal course of plantation forest harvesting. Provided that:</p> <p>a) The suspension and use is not over an Outstanding Waterbody;</p> <p>b) The material which is being hauled does not come in contact with the bed.</p> <p><i>Note: this rule prevails over the harvesting regulations (62-71) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	Permitted	<p>a) No vegetation, slash, soil or other debris associated with plantation forestry shall be left in, on or under the beds of lakes, rivers or wetlands, or be left in a position where it can readily enter or be carried into a permanently flowing river or lake where the vegetation exceeds:</p> <ol style="list-style-type: none"> 100mm diameter and 3 metres in length; or 100mm diameter and any lesser length, where the vegetation may cause diversion, damming, bed erosion or habitat destruction.
6.3.2(10)	<p>The erection, placement or maintenance of any line or cable owned by a network utility operator in, on, or under the bed of a lake, river or stream. Provided that:</p> <p>a) Erection and placement of new lines and cables do not occur in an Outstanding Waterbody in Schedule G18.</p>	Permitted	<p>a) No mobilisation of base or sides of the lake, river or stream bed occurs;</p> <p>b) Where the structure conveys a contaminant, there shall be no discharge of contaminants from the structure.</p>
6.3.2(11)	<p>The use, erection, construction, placement, removal, or demolition of a temporary bridge in, on, under or over the bed of a stream or river, and associated bed disturbance, provided that:</p> <p>a) The bridge is removed entirely within 2 weeks of its erection.</p> <p><i>Note: this rule prevails over the regulations for temporary single-span bridges in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	Permitted	<p>a) The height of the deck of the bridge shall be sufficient that it is not overtopped by a 20% annual exceedance probability (5 year) flood with a minimum clearance of 0.5 metres;</p> <p>b) There are no piers within the bed;</p> <p>c) The underside of any bridge is higher than the top of the river bank;</p> <p>d) The bridge abutments or foundations are constructed parallel to the flow;</p> <p>e) No excavations or infilling of the banks of a river, stream, lake or wetland shall be carried out;</p> <p>f) The bridge and approaches shall be designed and constructed to prevent animal waste and runoff from the stock crossing approach from entering the water.</p>

Controlled Activities			
6.3.2(12)	<p>The maintenance, repair, alteration and reconstruction of lawfully established structures in, on or under the bed of a lake, river or stream (including river control works, but excluding the extension of dams which act to impound water) which have been identified that the structure:</p> <p>a) Prevents the passage of migrating fish, or</p> <p>b) Is causing more than minor adverse flooding effects on land, property owned or occupied by another person, buildings or accessways.</p> <p>But the activity otherwise complies with all the Permitted Activity standards of Rule C6.3.2.1.</p>	Controlled	<p>Council shall limit its control to the matters a) to b) specified below:</p> <p>a) The ability to provide for the passage of:</p> <ul style="list-style-type: none"> i. migrating native fish; and ii. migrating trout, where the structure is within a river or stream listed in Schedule G15E; <p>b) Methods necessary to reduce flooding effects.</p> <p>Advisory Note: Since 1983, under the Freshwater Fisheries Regulations 1983, culverts, fords, dams and diversion structures that impede fish passage require approval from that Department of Conservation. This separate statutory process that applies in addition to the requirements of the Tairāwhiti Resource Management Plan.</p>
6.3.2(13)	<p>The erection, placement or maintenance of any debris catching device.</p> <p><u>Note:</u> this rule prevails over the Slash trap regulations (83-92) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</p>	Controlled	<p>Council shall limit its control to the matters a) to g) specified below:</p> <ul style="list-style-type: none"> a) The design, construction and maintenance of the device b) Effectiveness of the device to mitigate the adverse effects of debris mobilisation and downstream deposition; c) Catchment size, characteristics and flows; d) Ecological effects including fish passage; e) Effects on properties and infrastructure; f) Alternative measures to manage debris mobilisation; g) Effects on flows, erosion and river and bank stability.
Restricted Discretionary Activities			
6.3.2(14)	<p>The suspension and use of a temporary hauler cable and loads over the bed of a lake, river or stream in the normal course of plantation forest harvesting which is unable to comply with the rules for Permitted Activities in respect of no contact with the bed.</p> <p><u>Note:</u> this rule prevails over the harvesting regulations (62-71) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</p>	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to d) specified below:</p> <ul style="list-style-type: none"> a) Effects on fisheries and instream habitat including fish passage b) Methods necessary to avoid bank erosion; destabilisation of the bed; c) Methods to avoid or mitigate the effects of woody debris or spoil deposition; d) Methods necessary to reduce sediment discharge.
6.3.2(15)	<p>The extension of lawfully established structures (including river control works, but excluding the extension of dams which act to impound water) occurring in, on, under or over the bed of an Outstanding Waterbody.</p> <p>Provided that:</p> <p>Any increase in the structure is not more than 10% of the size of the structure.</p>	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to h) specified below:</p> <ul style="list-style-type: none"> a) Size and placement of the structure; b) Timing and duration of activity; c) Effects on water flow, capacity of the waterbody and ability of the waterbody to carry floating debris; d) Effects on bank erosion and destabilisation of the bed; e) Effects on fisheries habitats, migration and spawning activities;

			<ul style="list-style-type: none"> f) Effects on hazard management, heritage items and natural heritage values; g) Effects on mauri, waahi tapu and any cultural values identified by tangata whenua; h) Effects on the natural character and amenity values of the waterbody.
6.3.2(16)	<p>Erection, placement and ensuring use of a ford or culvert in the bed of a lake, river or stream which is unable to comply with the Permitted Activity standards with respect to:</p> <ul style="list-style-type: none"> a) Timing of the event of the activity; b) Temporary nature of ford placement; c) Size of the catchment in which the culvert or a temporary ford is placed. d) All practicable steps shall be taken to avoid the release of sediment from the activity, and no clearly discernible change in visual clarity of the water shall occur after reasonable mixing more than 48 hours after any construction work commences in the lake, river or stream. <p>Provided that: The activity shall comply with all rules (except those listed above) specified for a Permitted Activity.</p> <p><i>Note: this rule applies to fords and culverts associated with plantation forestry that are unable to comply the above permitted activity standards. This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, when there is conflict.</i></p>	Restricted discretionary	<p>Council shall restrict its discretion to the matters a) to f) specified below:</p> <ul style="list-style-type: none"> a) Size, placement, type and location of crossing; b) Timing and duration of activity; c) Effects on water flow, capacity of river and ability of the river to carry floating debris; d) Effects on bank erosion and destabilisation of the bed; e) Effect on fisheries and spawning tributaries; f) Effects on hazard management, heritage items and natural heritage values.
6.3.2(17)	<p>The erection, placement or maintenance of any line or cable owned by a network utility operator in, on or under the bed of a lake, river or stream which is unable to comply with the Permitted Activity standards with respect to:</p> <ul style="list-style-type: none"> a) Timing of the activity; b) Mobilisation of base or sides of the lake, river or wetland bed; c) The activity shall comply with all rules (except those listed above) specified for a Permitted Activity; <p>For any activity for which a resource consent is required, provision for financial contributions, works and services may be stipulated as a condition on consent. The maximum provision provided for shall be the full and actual costs of addressing the adverse effects of the activity.</p>	Restricted discretionary	<p>Council shall limit its discretion to the matter a) to e) specified below:</p> <ul style="list-style-type: none"> a) Location and placement of any line or cable; b) Timing and duration of activity; c) Effects on bank erosion, mobilisation and destabilisation of the bed; d) Effects on fisheries and spawning tributaries; e) Effects on hazard management, heritage items and natural heritage values.
Discretionary activities			
6.3.2(18)	Use, erection, reconstruction, placement, alteration, removal or demolition of any structure or part of any structure in the bed of a lake, river or stream which is not already provided for by a rule in the Plan or the river crossing regulations in the Resource Management (National Environmental	Discretionary	

	Standards for Plantation Forestry) Regulations 2017 where the structure is a river crossing associated with a plantation forest. Those regulations prevail over this rule where there is conflict.		
6.3.2(19)	Excavation, drilling, tunneling or otherwise disturbance of the bed of a lake, river or stream which is not already provided for by another rule in the Plan.	Discretionary	
6.3.2(20)	Deposition of any substance in, on or under the bed of a lake, river or stream which is not already provided for by a rule in the Plan.	Discretionary	

C6.3.3 Other Methods – Structures in the Beds of Rivers and Lakes

1. Council will develop guidelines for work within waterbodies.
2. Council will work with the Department of Conservation to develop guidelines for in stream habitat restoration and restoration of fish passage.
3. Council will work with the Department of Conservation and interested stakeholders to develop a programme of removing barriers to fish passage caused by Council assets such as road culverts.
4. Council will revise the Code of Practice for Land Development to better reflect good management and best practice measures.
5. Council will develop a Bylaw in relation to the maintenance of drains and waterbodies within the Council Administered Drainage Areas.
6. Council will develop a culvert design guideline document to assist landowners installing culverts to provide for fish passage.
7. When appropriate, taking into account Council priorities, develop a non-statutory GIS layer and or register identifying structures in rivers and streams that are a barrier to the movement of fish.

C6.3.4 Policies for Vegetation Clearance and Disturbance

1. Plants introduced into the beds of streams, rivers and lakes should be of a species and at a location suitable to maintain or enhance the values and uses of the waterbody. Pest Plants shall not be introduced into the beds of streams, rivers and lakes, and the use of indigenous species are encouraged.
2. Vegetation clearance and the disturbance of the beds of Outstanding Waterbodies should be minimised unless the activity will maintain and enhance outstanding values of that waterbody.
3. Encourage and promote the removal of inappropriate species of plants, or plants inappropriately located, including wilding willows and any plant identified in the Regional Pest Management Plan, the National Pest Plant Accord or any unwanted organism under the Biosecurity Act 1993, from the beds of streams, rivers and lakes where these are causing adverse effects on water flows, water quality, or the stability of the beds and banks of the waterbody.
4. Provide for vegetation clearance and planting in streams, rivers and lakes where:
 - a) Adverse effects on the significant habitats and migratory and breeding activities of native aquatic and terrestrial species and trout are minimised;
 - b) There is no reduction in flood carrying capacity, increased flood levels, adversely altered floating debris carrying ability of the stream or river, or adverse alteration to rates of aggradation or bank erosion;
 - c) There is no damage to heritage items, waahi tapu, taonga and areas of cultural significance;
 - d) There is no reduction in value of the waterbody for activities such as kohinga kai harvesting or recreational use, including the protection of public access and impacts on natural character and amenity values.

C6.3.5 Rules for Vegetation Clearance and Establishment

C6.3.5.1 General Standards

The following General Rules apply to **all permitted activities** in the beds of lakes, rivers and streams:

- A.
 - a) Native fish passage shall not be impeded by physical barriers or other means;
 - b) Activities shall not reduce the flood carrying capacity or the ability of the stream or river to carry floating debris;

- c) Activities shall not cause any increase in induced bank erosion or permanent destabilisation of the bed or river;
- d) All practicable steps shall be taken to avoid the release of sediment from the activity, and no clearly discernible change in visual clarity of the water shall occur after reasonable mixing downstream of the activity site more than 48 hours after construction work commences in the lake, river or stream;
- e) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams between 1 March and 30 June;
- f) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(E) (trout) between 1 May and 30 September;
- g) No works shall be undertaken in the bed of a waterbody listed in Schedules G15(A) or G15(B) (Aquatic habitat) between 1 May and 30 August;
- h) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(C) (Habitats of Threatened Indigenous Flora and Fauna) where NZ or Banded Dotterel or other river bed nesting and/or roosting birds are found between 31 August to 31 December;
- i) The activity shall not alter the natural course of the stream or river;
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be released to water from the activity;
- k) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any waterbody;
- l) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in Council Administered Drainage Areas (defined in Schedule H19).

Rule Table C6.3.5

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.3.5(1)	Disturbance, removal, damage or destruction to any plant, or part of any plant (whether exotic or indigenous) in, on or under the bed of any lake, river or stream except for: a) Outstanding Waterbodies; b) During the period of 31 August to 31 December in any Aquatic Ecosystem Waterbody listed in Schedule G15(C) where NZ or banded dotterel are found; c) During the period of 1 March to 30 June in the tidal reaches of rivers and streams.	Permitted	<p>a) The activity is for the purposes of control of any pest plant which is included within the Gisborne Regional Pest Management Plan, the National Pest Plant Accord or any unwanted organism under the Biosecurity Act 1993; or</p> <p>b) The activity is for the purposes of customary harvest by tangata whenua; or</p> <p>c) The activity is for the purposes of control of natural hazards and:</p> <ul style="list-style-type: none"> i. The area to be cleared does not exceed 100m² per contiguous 100 metres of the bed; and ii. Clearance does not exceed 100m² over any 24 month period; and iii. The area to be cleared does not include any indigenous vegetation which lies within Protection Management Areas, Outstanding Landscape Areas, or the Coastal Environment. <p>d) The activity is not the clearance and maintenance of drains subject to Rule C6.3.13.3.; and</p> <p>e) No vegetation, slash, soil or other debris shall be:</p> <ul style="list-style-type: none"> i. Directly deposited in, on or under the bed of a lake or river, or deposited into a position where it can readily enter or be carried into a permanently flowing river or lake; ii. Left in a position described by i) above, where the vegetation exceeds: <ul style="list-style-type: none"> • 100mm diameter and 3 metres in length; or • 100mm diameter and any lesser length, where the vegetation may cause diversion, damming, bed erosion or habitat destruction. <p>f) The activity does not result in the prevention of fish passage upstream or downstream;</p> <p>g) The activity does not alter the natural course of the river or stream;</p> <p>h) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be discharged to water from the activity;</p> <p>i) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any waterbody;</p> <p>j) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in Council Administered Drainage Areas (defined in Schedule G22).</p>
6.3.5(2)	Introduction or planting of any plant or part of any plant (whether exotic or indigenous) in, on or under the bed and banks of a lake, river or stream where this is for the purposes of soil conservation or the avoidance or mitigation of natural hazards.	Permitted	<p>a) Introduction or planting does not include:</p> <ul style="list-style-type: none"> i. The introduction or planting of any plant or part of any pest plant which is included within the Gisborne Regional Pest Management Plan or any National Accord Plant Pests; or ii. <i>Salix viminalis</i> (an osier type willow); or iii. Any unwanted organism under the Biosecurity Act 1993.

Discretionary activities

6.3.5(3)	Disturbance, removal, damage or destruction to any plant, or part of any plant (whether exotic or indigenous) in, on or under the bed of any lake, river or stream not provided for as a Permitted Activity.	Discretionary	
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C6.3.6 Policies for Vehicle and Stock Access

1. To allow for low levels of stock access to the beds of streams, rivers and lakes where:
 - a) Adverse effects on the significant habitats and migratory and breeding activities of native aquatic and terrestrial species and trout are minimised;
 - b) Impacts on water quality are low;
 - c) There is no reduction in capacity of the waterbody to provide for activities such as kohinga kai harvesting or recreational use.

But:

 - i. Require reduced access where impacts of stock use occurs beyond thresholds which involve more than minor effects on water quality or where they contribute to degraded water quality; and
 - ii. Consider prevention of stock access where water quality is degraded and there is a practicable alternative for farm management.
2. To allow for vehicle access along beds of rivers, streams and lakes where no other practicable option is available provided that impacts on 'threatened' or 'at-risk' species, nesting indigenous bird species and aquatic habitats are minimised.

C6.3.7 Rules for Stock and Vehicle Access

C6.3.7.1 General Standards

- A. The following General Rules apply to **all permitted activities** in the beds of lakes, rivers and streams:
- a) Native fish passage shall not be impeded by physical barriers or other means;
 - b) Activities shall not reduce the flood carrying capacity or the ability of the stream or river to carry floating debris;
 - c) Activities shall not cause any increase in induced bank erosion or permanent destabilisation of the bed or river;
 - d) All practicable steps shall be taken to avoid the release of sediment from the activity, and no clearly discernible change in visual clarity of the water shall occur after reasonable mixing downstream of the activity site more than 48 hours after construction work commences in the lake, river or stream;
 - e) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams between 1 March and 30 June;
 - f) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(E) (trout) between 1 May and 30 September;
 - g) No works shall be undertaken in the bed of a waterbody listed in Schedules G15(A) or G15(B) (Aquatic habitat) between 1 May and 30 August;
 - h) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(C) (Habitats of Threatened Indigenous Flora and Fauna) where NZ or Banded Dotterel or other river bed nesting and/or roosting birds are found between 31 August to 31 December;
 - i) The activity shall not alter the natural course of the stream or river;
 - j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be released to water from the activity;
 - k) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any waterbody;

- l) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in Council Administered Drainage Areas (defined in Schedule H19).
- B. The following standards shall apply to all permitted stock grazing and vehicle access activities in the beds of lakes, rivers and streams:
 - a) The activity shall not cause or induce erosion to the bed or banks of the surface waterbody;
 - b) The activity shall not damage or destroy a wetland, or a whitebait spawning site identified in Schedule G15(D);
 - c) The activity shall not destroy significant aquatic indigenous vegetation, or aquatic habitat or spawning areas of indigenous species, or significant habitats of trout, as identified in Schedules G15, G17 and G18.

Rule Table C6.3.7

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.3.7(1)	<p>Stock access and associated disturbance of the bed of any lake, river or stream by livestock access resulting from a formed stock crossing provided that:</p> <p>a) The stock crossing is not within an Outstanding Waterbody as identified in Schedule G18, or in a wetland;</p> <p>This rule does not apply to stock access permitted under Rules C6.2.9(2), C6.2.9(4) and C6.2.9(5).</p>	Permitted	<p>a) The activity is provided for within a Farm Environment Plan prepared in accordance with Appendix H20 and certified by the Consent Authority that addresses the adverse effects of stock in surface waterbodies; or</p> <p>b) The activity complies with the following standards:</p> <ol style="list-style-type: none"> The formed stock crossing shall be bridged or culverted on any permanently flowing stream or river by 1 July 2018 except where a certified Farm Environment Plan can demonstrate that this is not practicable due to the mobile nature of the river or stream and adverse effects can be adequately managed; The formed stock crossing shall not contaminate a bathing site listed in Schedule G19 ; The formed stock crossing shall be made at, or near, right angles to the flow of water in the river or stream where the topography and contour of the land allows; The formed stock crossing approach shall be on a shallow slope; All practicable steps shall be taken to divert runoff away from the stock crossing approach. This is to prevent runoff from adjacent land and stock races from flowing directly into a stream or river via the stock crossing approach. <p>Advisory notes:</p> <ol style="list-style-type: none"> <i>The preferred option for crossing stock over a stream or river is to install a culvert or single-span bridge</i> <i>In relation to condition b (i), where the formed stock crossing occurs more than twice a week, the activity is not permitted after the dates specified in the Rule. Until the specified date, the activity is permitted subject to standards b (i-v).</i> <i>In relation to condition b (v), the use of cut-off drains and diversion drains can be used to achieve the requirement.</i>
6.3.7(2)	<p>Stock access to the bed of any lake, river or stream by livestock, excluding formed stock crossings and stock access where resource consent is required under Section C6.2.8 - Diffuse Discharges from Stock Grazing, Horticulture, Agriculture and Forestry.</p>	Permitted	<p>a) The activity is provided for within a Farm Environment Plan prepared in accordance with Appendix H20 certified by the Consent Authority that addresses the adverse effects of stock in surface waterbodies; or</p> <p>b) The activity complies with the following standards:</p> <ol style="list-style-type: none"> The stock access shall not directly contaminate a bathing site listed in Schedule G19 in the period between 1 October and 30 April, inclusive; The bed is not used as a standoff for stock and there is no feeding out of supplementary feed on the bed of any lake, river or stream;

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
			<ul style="list-style-type: none"> iii. The stock access shall not cause significant devegetation of the bed or banks of the lake, river or stream and grazing shall be managed to maintain sufficient vegetation cover to provide a filter between land and the surface waterbody; iv. The stock access does not give rise to any of the following effects on water quality: <ul style="list-style-type: none"> 1. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; 2. Any conspicuous change in the colour or visual clarity; 3. Any emission of objectionable odour; 4. The rendering of fresh water unsuitable for consumption by farm animals; or 5. Any significant adverse effects on aquatic life including preventing fish spawning or migration.
6.3.7(3)	<p>Motorised vehicle entry or passage along the bed of a lake, river or stream, provided that:</p> <ul style="list-style-type: none"> a) There is no entry or passage to the bed of an Outstanding waterbody as identified in Schedule G18; b) No lawfully established structure provides for such an activity; c) No other practical convenient alternative access route is locally available; d) Vehicle passage (including river crossings) within the wetted area is minimised; and e) No vehicle access occurs to dotterel habitat identified in Schedule G15(C) during their breeding season (1 August to 31 December). 	Permitted	<ul style="list-style-type: none"> a) The vehicle access shall not destroy: <ul style="list-style-type: none"> i. Significant aquatic indigenous vegetation; ii. Aquatic habitat or spawning areas of indigenous species as identified in Schedules G15 – Aquatic Ecosystem Waterbodies, G17 – Regionally Significant Wetlands or G18 – Outstanding Waterbodies.
Discretionary activities			
6.3.7(4)	Stock access to the bed of a lake, river or stream that is not Permitted by Rule C6.3.7(1) or C6.3.7(2)	Discretionary	
6.3.7(5)	Vehicle entry or passage to the bed of a lake, river or stream that is not Permitted by Rule C6.3.7(3)	Discretionary	

C6.3.8 Other Methods – Stock and Vehicle Access

1. The Council will promote the installation of reticulated stock water systems to provide drinking water for stock, particularly cattle.
2. The Council will promote the development of Farm Environment Plans as a way for farmers to identify most appropriate measures on their farm to reduce stock impacts on water quality and aquatic habitat values.
3. The Council will work with the Department of Conservation to develop education material and appropriate signage about breeding areas of NZ and banded dotterel.

C6.3.9 Policies for Gravel Extraction

1. Encourage gravel extraction in areas where it provides the most benefit for:
 - a) River management purposes;
 - b) The minimisation of flood risk; and
 - c) Maintaining or protecting existing structures.
2. Gravel extraction shall not be undertaken in Outstanding Waterbodies unless the values of the waterbody are maintained or enhanced.
3. Gravel extraction from streams and rivers should be undertaken at a rate, and within time periods that ensures:
 - a) Adverse effects on the significant habitats and migratory and breeding activities of native aquatic and terrestrial species and trout are minimised;
 - b) There is no reduction in flood carrying capacity, increased flood levels, adversely altered floating debris carrying ability of the stream or river, or adverse alteration to rates of aggradation or bank erosion;
 - c) There is no damage to heritage items, waahi tapu, taonga and areas of cultural significance; and
 - d) There is no reduction in value of the waterbody for activities such as mahinga kai harvesting or recreational use, including the protection of public access and impacts on natural character and amenity values.

C6.3.10 Rules for Gravel Extraction

C6.3.10.1 General Standards

The following General Rules apply to **all permitted activities** in the beds of lakes, rivers and streams:

- A.
 - a) Native fish passage shall not be impeded by physical barriers or other means;
 - b) Activities shall not reduce the flood carrying capacity or the ability of the stream or river to carry floating debris;
 - c) Activities shall not cause any increase in induced bank erosion or permanent destabilisation of the bed or river;
 - d) All practicable steps shall be taken to avoid the release of sediment from the activity, and no clearly discernible change in visual clarity of the water shall occur after reasonable mixing downstream of the activity site more than 48 hours after construction work commences in the lake, river or stream;
 - e) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams between 1 March and 30 June;
 - f) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(E) (trout) between 1 May and 30 September;

- g) No works shall be undertaken in the bed of a waterbody listed in Schedules G15(A) or G15(B) (Aquatic habitat) between 1 May and 30 August;
- h) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(C) (Habitats of Threatened Indigenous Flora and Fauna) where NZ or Banded Dotterel or other river bed nesting and/or roosting birds are found between 31 August to 31 December;
- i) The activity shall not alter the natural course of the stream or river;
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be released to water from the activity;
- k) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any waterbody;
- l) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in Council Administered Drainage Areas (defined in Schedule H19).

Rule Table C6.3.10

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.3.10(1)	The extraction of sand, shingle, gravel or rock in quantities less than 30 cubic metres per individual over any 12 month period from the dry bed of the river.	Permitted	<ul style="list-style-type: none"> a) No gravel is taken from an Outstanding Waterbody identified in G18 unless it is provided for in a gravel management plan for that Outstanding Waterbody; b) Gravel is not taken from the tidal reaches of rivers and streams between 1 March and 31 May; c) No gravel shall be taken from the bed of a waterbody listed in Schedule G15(A) between 1 May and 30 August; d) No gravel shall be taken from the bed of a waterbody listed in Schedule G15(E) (trout) between 14 August and 15 October; e) No gravel shall be taken from the bed of a waterbody identified in Schedule G15(C) as a nesting area of dotterel between 31 August to 31 December; f) Gravel is taken from a location in the bed that is at least 2 metres from both the water channel and the river bank; g) Excavation is not more than 500mm in depth as measured from existing material level; h) The activity does not occur within 10 metres of an existing structure within the bed; and i) Resulting spoil is redistributed within the dry river bed immediately on completion, at least 2 metres from both the water channel and the river bank, and in a manner which does not change the profile of the river bed. j) Extraction site is not covered by water at the time of extraction; k) The extraction shall not extend to a level deeper than whichever is the greater of; <ul style="list-style-type: none"> i. 0.1m above the water level adjacent to the extraction site, or ii. 0.5m below the original height of the beach where the extraction is occurring l) No machinery shall operate in the area of the river bed covered in water, except for crossings to access and haul gravel. River crossing for this purpose shall be limited to one crossing point at each gravel extraction site; and m) There shall be no stockpiling of extracted gravel on the bed of the river.
Discretionary activities			
6.3.10(2)	The extraction of sand, shingle, gravel or rock from the dry bed of a river that is not permitted by Rule C6.3.10(1).	Discretionary	

C6.3.11 Other Methods – Gravel Extraction

1. The Council will identify Outstanding Waterbodies (Schedule G18) and other high value water bodies where gravel management plans would be beneficial, including when conflict between gravel extractors may arise or where gravel extraction may adversely affect the environmental values of the waterbody. These plans will identify the cause of aggradation and will seek to reduce bed levels while protecting or restoring in-stream river values.
2. The Council will develop guidance to assist in the understanding and implementation of permitted activity standards for gravel extraction.

C6.3.12 Policies for Damming, Diversion and Drainage of Streams, Rivers and Lakes

1. Recognise that the damming and diversion of water can have a range of beneficial purposes, including:
 - a) Providing for community water supplies;
 - b) Power generation;
 - c) Stock water;
 - d) Irrigation water;
 - e) Recreation;
 - f) Flooding/stormwater control;
 - g) Enhancement of wetlands;
 - h) Sediment control measures;
 - i) Property access to land; and
 - j) The provision of significant infrastructure.
2. Provide for the damming, diversion and drainage of streams, rivers and lakes only where:
 - a) It is reasonably necessary to provide for the benefits outlined in Policy C6.3.12.1;
 - b) There is a functional need to do so;
 - c) There is no practical alternative; and
 - d) Significant effects are avoided or other adverse effects are avoided, remedied or mitigated.
3. Modification such as straightening and piping of natural water channels should be avoided where possible. Where channels are already modified these should be managed to improve in stream habitat values.
4. Provide for domestic or community scale hydropower generation in locations consistent with the values, objectives and limits for the waterbody. Hydropower generation shall not be allowed within Outstanding Waterbodies.
5. Any new damming and diversion activities, or changes to existing (at plan notification) damming and diversion activities should ensure that fish passage is maintained or enhanced, and a residual flow, and appropriate flow variations for freshes and floods are retained within the waterway which:
 - a) maintains instream habitat values including the ability of native fish to migrate;
 - b) provides for existing surface water takes; and
 - c) allows for existing assimilative requirements associated with existing discharges of contaminants to water in downstream areas.

Advisory Note: Since 1983, under the Freshwater Fisheries Regulations 1983, culverts, fords dams and diversions structures that impede fish passage require approval from the Department of Conservation. This separate statutory process that applies in addition to the requirements of the Tairāwhiti Resource Management Plan.

6. Encourage water storage initiatives where this is consistent with the values, objectives and limits of the waterbody. Water storage dams should be constructed outside the beds of permanently flowing rivers and wetlands.
7. Earthworks should be avoided in Outstanding Waterbodies identified in Schedule G18.
8. Reclamation, damming, diversion and drainage of Outstanding Waterbodies identified in Schedule G18 shall not be undertaken and should be avoided where possible in Aquatic Ecosystem Waterbodies identified in Schedule G15.

C6.3.13 Rules for Damming, Diversion and Drainage of Streams, Rivers and Lakes

C6.3.13.1 General Standards

The following General Rules apply to **all permitted activities** in the beds of lakes, rivers and streams:

- A.
 - a) Native fish passage shall not be impeded by physical barriers or other means;
 - b) Activities shall not reduce the flood carrying capacity or the ability of the stream or river to carry floating debris;
 - c) Activities shall not cause any increase in induced bank erosion or permanent destabilisation of the bed or river;
 - d) All practicable steps shall be taken to avoid the release of sediment from the activity, and no clearly discernible change in visual clarity of the water shall occur after reasonable mixing downstream of the activity site more than 48 hours after construction work commences in the lake, river or stream;
 - e) No works shall be carried out in the wet part of the bed in the tidal reaches of rivers and streams between 1 March and 30 June;
 - f) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(E) (trout) between 1 May and 30 September;
 - g) No works shall be undertaken in the bed of a waterbody listed in Schedules G15(A) or G15(B) (Aquatic habitat) between 1 May and 30 August;
 - h) No works shall be undertaken in the bed of a waterbody listed in Schedule G15(C) (Habitats of Threatened Indigenous Flora and Fauna) where NZ or Banded Dotterel or other river bed nesting and/or roosting birds are found between 31 August to 31 December;
 - i) The activity shall not alter the natural course of the stream or river;
 - j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints), excluding sediment, shall be released to water from the activity;
 - k) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any waterbody;
 - l) The activity shall not compromise the structural integrity or use of any other authorised structure or activity in the bed of the stream, river or lake, including flood control works in Council Administered Drainage Areas (defined in Schedule H19).

Advisory Note: Refer to the Definitions section for the Definition of a Drain. The Freshwater Fisheries Regulations require that fish are to be returned to the waterbody immediately if they are removed incidentally or intentionally by activities such as the cleaning of drains.

Rule Table C6.3.13

Rule Number	Rule	Status	Activity Standards; Matters of Control or Discretion
Permitted Activities			
6.3.13(1)	Damming and diversion of water by existing flood control structures legally established before the date of notification of this Plan.	Permitted	a) The authorised maintenance or restoration of any stopbank or other flood control structure is limited to its height and profile as at the date of notification of this Plan.
6.3.13(2)	The damming and diversion of water within the bed of stream, which is not permanently flowing where: a) The volume of water impounded is less than 20, 000m ³ ; b) The maximum depth of water is less than 3 metres; and c) The catchment area is less than 5 hectares. <u>Advisory note:</u> For damming and diversion when affects wetlands, refer to Section c9.3.1 Activities in and Adjacent to Wetlands.	Permitted	
6.3.13(3)	The clearance and maintenance of drains.	Permitted	a) Clearance and maintenance does not involve relocating the drain or alteration in design of drain, size, grade or depth; b) No mobilisation of drain base and sides occurs; and c) Any maintenance of drains identified in Schedule G0 - 'Watercourses in Land Drainage Areas with Ecological Values' shall be undertaken at a time, and in such a manner, that the ecological values are not degraded.
Discretionary activities			
6.3.13(4)	Damming, diversion and drainage of water in the bed of a river or stream which does not comply with permitted activity standards, except for Outstanding Waterbodies in Schedule G18 – Outstanding Waterbodies. <u>Advisory note:</u> For damming and diversion when affects wetlands, refer to Section C9.3.1 Activities in and Adjacent to Wetlands.	Discretionary	
Non- Complying Activities			
6.3.13(5)	The damming, diversion and drainage of Outstanding Waterbodies in Schedule G18 – Outstanding Waterbodies	Non-complying	

Prohibited Activities			
6.3.13(6)	<p>The damming of any part of the Motu River and its tributaries which fall within the <u>National Water Conservation Order (Motu River) 1984</u>. This includes the Motu River from and including the Motu Falls (at or about map reference NZMS 1 N88:007886) to the State Highway 35 bridge (at or about map reference NZMS1 N70:052354) together with</p> <p>a) The following tributaries of the Motu River:</p> <ul style="list-style-type: none"> i. The Waitangirua Stream; ii. The Mangaotane Stream; iii. The Te Kahika Stream; <i>and</i> iv. The Mangatutara Stream: <p>That part of the Takaputahi River below its confluence with the Whitikau Stream (at or about map reference NZMS 1 N79:004116.</p>	Prohibited	

C6.4 Riparian Margins, Wetlands

C6.4.1 Policies for Activities in and adjacent to Wetlands

1. Protect the significant values of wetlands and their margins, including the significant values of small wetlands, from the inappropriate effects of land and water use.
2. Promote the restoration of degraded wetlands through the development of wetland management plans as described in Appendix H26 and the creation of constructed wetlands in appropriate locations.
3. Encourage landowners and the community to maintain or enhance the values of existing wetlands, including but not limited to their values:
 - a) As habitat for indigenous flora and fauna;
 - b) For their significance to mana whenua;
 - c) For their role in the hydrological cycle including flood protection;
 - d) For nutrient attenuation;
 - e) As a fisheries resource;
 - f) For recreation;
 - g) For education and scientific research; and
 - h) For their amenity and natural character.

Promote wetland management plans as outlined in Appendix H26 as a tool for guiding the maintenance and enhancement of wetlands.

4. Avoid activities, including earthworks, vegetation clearance, diversion, drainage and stock access that could impact on the values of Regionally Significant Wetlands and only permit activities in other wetlands where their significant values can be protected or enhanced.
5. Reduce the level of stock access to wetlands so the cattle are progressively excluded and the access of other stock is reduced stocking rates that avoid evident damage.
6. When assessing resource consents for activities within wetlands and their margins have regard to the following matters:
 - a) The practicality of avoiding the natural wetland, including alternative locations or methods for the activity;
 - b) The ecological significance of the wetland, and the actual and potential for adverse effects on the significant values of the wetland;
 - c) Any Biodiversity Offsets of ecologically significant residual adverse effects through the enhancement, restoration, or creation of wetland area;
 - (ca) Any proposed environmental compensation or other measures that will result in positive effects on wetland values;
 - d) The magnitude and proportion of reduction in area of the wetland;
 - e) The amenity values of the wetland – including, recreational, and aesthetic values;
 - f) The cultural values of the wetland;
 - g) The degree to which the wetland provides for the continued functioning of ecological and physical processes;
 - h) The timing of activities in accordance with Schedule G16;
 - i) The presence of 'threatened' or 'at-risk' species;
 - j) Effects on ecosystem services provided by the wetland such as maintaining water quality;
 - k) Whether the activity will achieve Policy C9.3.1.2 and C9.3.1.4; and
 - l) Whether the activity is consistent with any wetland management plan approved in accordance with Appendix H26.

7. Activities in and adjacent to natural wetlands should be managed to maintain or enhance their significant values.

C6.4.2 Rules for Wetlands

C6.4.2.1 General Standards

The following standards apply to all permitted activities in wetlands and their margins:

Note: all the general standards in C6.4.2.1 apply to plantation forestry activities in wetlands less than or equal to 0.25ha in area and their margins. The resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 prevail over general standards in C6.4.2. in relation to wetlands larger than 0.25ha and their margins with the exception of standards b), d) g), and h) which apply to all plantation forestry activities located in wetlands and their margins.

- A.
- a) Native fish passage shall not be impeded by physical barriers or other means;
 - b) Water flow and quantity within the wetland shall not be altered;
 - c) Natural form of the wetland shall not be altered;
 - d) No contaminants – including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints – shall be discharged into the wetland;
 - e) All machinery shall be kept out of the bed of the wetland and refuelling or fuel storage shall occur at a location where fuel cannot enter any wetland or other water body;
 - f) The activity shall not cause or induce ongoing erosion of the bed or banks of any surface water body;
 - g) Any disturbance of a wetland – including damage to indigenous vegetation – shall be no more than minor in scale, and temporary in duration;
 - h) The activity does not give rise to any of the following effects on water quality:
 - i. The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - ii. Any conspicuous change in the colour or visual clarity; or
 - iii. Any emission of objectionable odour; or
 - iv. The rendering of freshwater unsuitable for consumption by farm animals; or
 - v. Any significant adverse effects on aquatic life.

Rule Table C6.4.2

Rule Number	Rule	Status	Permitted Activity Standards; or Matters of Control or Discretion
Permitted Activities			
6.4.2(1)	Maintenance of lawfully established structures including network utility structure, roads, tracks, earthdams or fencelines.	Permitted	
6.4.2(2)	Exotic vegetation clearance where a) The clearance is required under a <u>Regional Pest Management Plan</u> under the Biosecurity Act 1993 or a registered Wetland Management Plan; or b) The clearance is hand clearing for fencelines and is surficial, and not more than 4m in total width; or c) The activity is for the purposes of control of natural hazards and the area to be cleared does not exceed 100m ² per 24 months;	Permitted	<p>a) No vegetation, slash, spoil or other debris greater than 100mm in diameter shall be directly deposited in, on or under wetlands;</p> <p>b) Where non-hand-held machinery is used to remove vegetation, the machinery shall not be located within the wetland. Nothing in this rule prevents the use of cables and associated fixtures attached to machinery located outside the wetland, or the use of hand-held machinery in the wetland;</p> <p>c) Where tree species that regrow from cut material fresh water including, but not limited to willows and poplars fresh water are to be removed, the tree is to be cut down, and removed from the wetland. Nothing in this rule prevents the use of alternative tree control methods listed in Advisory Note 2.</p> <p><u>Advisory Notes</u></p> <p>1. <i>Advice on the appropriate removal of pest plants is available from Gisborne District Council.</i></p> <p>2. <i>Methods for the removal of exotic vegetation from wetlands include injection of herbicide into standing trees, total removal, cutting the tree and treating the stump to prevent regrowth, or spraying (aerial or hand-held).</i></p>
6.4.2(3)	Harvesting or sustainable use of wetland resources in accordance with: a) A registered Wetland Management Plan that has been certified by the Consent Authority as being prepared in accordance with Appendix H26; or b) A reserve management plan prepared under the Reserves Act by the Gisborne District Council, the Department of Conservation; Fish and Game NZ, or a recognised iwi authority; or c) Māori customary use, including, but not limited to raranga, rongoa, and kohinga kai, where the activity is undertaken according to tikanga Māori.	Permitted	
6.4.2(4)	The restoration of wetlands including: a) The removal of plants that are not indigenous to the region; b) Activities for the control of pest species; and c) The planting of indigenous vegetation	Permitted	a) A wetland management plan must have been prepared and certified by the consent authority as being prepared in accordance with Appendix H26 prior to the works commencing.

Rule Number	Rule	Status	Permitted Activity Standards; or Matters of Control or Discretion
6.4.2(5)	Stock access to a wetland excluding controlled stock crossings and stock access where resource consent is required by Rule C6.2.9(1), C6.2.9(2) or C6.2.9(3)	Permitted	a) The stock access shall only cause minor and temporary disturbance fresh water (but not clearance) of vegetation in the wetland; b) The stock access does not result in pugging or de-vegetation that exposes bare earth; c) The stock access does not degrade the values of any Regionally Significant Wetland identified in Schedule G17; d) From 1 May 2021 there is no stock access from cattle to any regionally significant wetlands identified in Schedule G17; e) The wetland is not used as a stand-off for stock and there is no feeding out of supplementary feed.
Discretionary activities			
6.4.2(6)	Any activity that results in the modification of a wetland not provided for in another Rule in the Plan that it is not a Regionally Significant Wetland identified in Schedule G17. <i>Note: this rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017 where a plantation forestry activity results in the modification of a wetland and is not provided for by another Rule in the Plan.</i>	Discretionary	Advisory Note: <i>Work outside of a wetland which leads to drainage, infilling, vegetation clearance or diversion of water or other modification of the wetland requires a resource consent under the discretionary activity rules.</i>
6.4.2(7)	Modification of a Regionally Significant Wetland identified in Schedule G17 in accordance with a registered Wetland Management Plan. <i>Note: this rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017 where a plantation forestry activity results in the modification of a Regionally Significant Wetland.</i>	Discretionary	Advisory Note: <i>Work outside of a wetland which leads to drainage, infilling, vegetation clearance or diversion of water or other modification of the wetland requires a resource consent under the discretionary activity rules.</i>
Non-complying Activities			
6.4.2(8)	Any activity that results in the modification of a Regionally Significant Wetland identified in Schedule G17 not provided for in another Rule. <i>Note: this rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017 where a plantation forestry activity results in the modification of a Regionally Significant Wetland.</i>	Non-complying	

C6.4.3 Other Methods – Wetlands

1. Develop a database of all known wetlands within the region, including those in land drainage areas, that identifies their significant values and threats to those values. Council will also undertake a programme, in conjunction with landowners, to accurately map the boundary of each wetland using Global Positioning Systems.
2. Encourage the active restoration of wetlands and their margins by:
 - i. Developing non regulatory projects which arise from this Plan and any catchment plans; and
 - ii. Supporting the development of Wetland Management Plans as outlined in Appendix H26 as a formal tool for managing wetlands.
3. Promote awareness about the values of wetlands, the importance of protecting them and the benefits of good management through forums such as schools, field days, newsletters and visiting landowners.
4. Maintain, enhance or reinstate wetlands, where practicable, in Council administered land drainage areas.

C6.4.4 Policies for Riparian Areas

Advisory Notes:

1. *Some activities may occur in both the Riparian Management Area and the Bed of a River or Lake. Please refer to Section C6.3 for policies and rules related to activities in the Beds of Rivers and Lakes.*
2. *Riparian Management Areas are not mapped. (Please refer to the Definitions for the extent of Riparian Management Areas and the Beds of Rivers and Lakes.).*
1. To maintain and enhance the vegetation, along the riparian management areas of the region's lakes, rivers and streams with encouragement given to indigenous planting and to promote the retirement and planting of riparian management areas where appropriate.
2. The establishment of indigenous vegetation in riparian management areas will be promoted and encouraged where this will:
 - a) Protect and enhance the values of outstanding waterbodies identified in Schedule G18;
 - b) Protect the banks from erosion and adverse effects of flooding;
 - c) Protect and enhance the aquatic ecosystems and habitat for flora and fauna, with particular focus on areas identified in Schedules G15, G17, and G18;
 - d) Retire areas identified as protected watercourses (Schedule G21) as part of vegetation clearance resource consents;
 - e) Protect and enhance indigenous biodiversity;
 - f) Protect or enhance the hydrological regime of the river, including its hydraulic power and energy regime;
 - g) Protect or enhance the efficiency of river channels;
 - h) Protect structures in the beds of lakes and rivers.
3. To promote the beneficial outcomes of improved management of riparian management areas and actively support the restoration of riparian vegetation. In determining reaches of streams, rivers or lakes for priority action in relation to riparian management initiatives, including those to achieve catchment plan outcomes, regard shall be had to the following criteria:
 - a) The matters referred to in Policy C9.4.1) above;
 - b) Existing degraded water quality – including high water temperature, suspended solids, E.Coli, ammonia, nitrate and reactive dissolved phosphate levels;
 - c) Existing degraded habitat quality, including in-stream habitat and the extent of loss of existing vegetation;

- d) The intensity of land uses, and their proximity to watercourses,
- e) The slope of the land, soil characteristics and the actual or potential contamination from diffuse sources;
- f) The actual or potential use of water for community, industrial and domestic water supplies;
- g) Mauri and customary uses of tangata whenua;
- h) Access to actual or potential scenic, amenity and recreational values – including fishery values and the habitat of native fish and trout;
- i) Actual or likely conflicts among competing water uses and values and the potential for riparian management to reduce those conflicts;
- j) The presence of 'threatened' or 'at risk' species.

4. Provide for vegetation maintenance requirements to support rural production.

C6.4.5 Rules for Riparian Management Areas




C6.4.5.1 General Standards




Note: the general standards in C6.4.5.1 do not apply to plantation forestry activities located in Riparian Management Areas that are regulated under the Resource Management (National Environment Standards for Plantation Forestry) regulations 2017 with the exception of standards a) and c) which applies in addition to those regulations.







The following standards apply to permitted activities in **Riparian Management Areas**:







- A.
 - a) No contaminants – including, but not limited to – oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents, or anti-fouling paints, excluding sediment, shall be released into the water body;
 - b) All machinery shall be kept out of the bed of the water body and refuelling or fuel storage shall occur at a location where fuel cannot enter any water body;
 - c) Where possible, activities should be undertaken between 1 October and 31 March;
 - d) The activity shall not cause or induce ongoing erosion of the bed or banks of any surface water body;
 - e) No vegetation, slash, soil or other debris shall be:
 - i. Directly deposited in, on or under the bed of a lake or river, or deposited into a position where it can readily enter or be carried into a permanently flowing river or lake.
 - ii. Left in a position described by i) above, where the vegetation exceeds:
 - 100mm diameter and 3m in length; or
 - 100mm diameter and any lesser length, where the vegetation may cause diversion, damming, bed erosion or habitat destruction.



Rule Table C6.4.5




Rule Number	Rule	Status	Permitted Activity Standards; or Matters of Control or Discretion
Permitted Activities			
6.4.5(1) 	Vegetation clearance within the Riparian Management Area of an Aquatic Ecosystem Waterbody within Schedule G15. <i>Note: this rule prevails over the regulations relating to vegetation clearance associated with a plantation forestry activity in the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017 (Regulations 93-95).</i>	Permitted	<ul style="list-style-type: none"> a) The vegetation comprises exotic trees or shrubs or other exotic plants scattered amongst pasture; or b) The clearance is required under a Regional Pest Management Plan under the Biosecurity Act 1993; or c) The clearance is hand-clearing of exotic vegetation for fencelines, restoration of riparian management areas, and public access points, and is surficial, and not more than 4m total width; or d) The clearance is plantation forestry thinning resulting in at least 250 evenly distributed trees remaining per hectare; or e) The clearance is the grazing of pasture by stock in accordance with Rule C6.3.7.1 provided that it is not an area identified as Overlay 3A in the land management, soil conservation provisions of the Tairāwhiti Plan; or f) Where the vegetation clearance is for the establishment of a river crossing point: <ul style="list-style-type: none"> i. The access does not exceed more than 4.5m in width; ii. The activity does not affect more than 4.5m per contiguous 100m of riparian area frontage; iii. The crossing shall be made at, or near to, right angles to the flow of the water in the river or stream, ensuring minimal roading in the Riparian Management Area; iv. The area shall be stabilised as soon as practicable, but no later than three months from the end of the activity; v. All practicable steps shall be taken to keep stormwater away from the stream crossing approach
6.4.5(2) 	Vegetation clearance within the Riparian Management Area of an Outstanding Waterbody within Schedule G18 <i>Note: this rule prevails over the regulations relating to vegetation clearance associated with a plantation forestry activity in the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017 (Regulations 93-95).</i>	Permitted	<ul style="list-style-type: none"> a) The vegetation comprises exotic trees or shrubs or other exotic plants scattered amongst pasture; or b) The clearance is required under a Regional Pest Management Plan under the Biosecurity Act 1993; or c) The clearance is identified within a Farm Environment Plan registered with the Consent Authority; or d) The clearance is hand clearing of exotic vegetation for fence lines or for restoration of riparian management areas, and is surficial, and not more than 4m in total width; e) The clearance is grazing of pasture by stock in accordance with Rule C6.3.7.1
6.4.5(3) 	Establishment and harvest of agricultural and horticultural crops within the Riparian Management Area of an Aquatic Ecosystem Waterbody within Schedule G15.	Permitted	<ul style="list-style-type: none"> a) Land preparation does not result in the clearance of indigenous vegetation; b) No land disturbance within 1m of the bank of the aquatic ecosystem waterbody. <p>Advice Note: This rule applies to activities not covered by section 5 (Diffuse Discharges) rules relating to 'Commercial Vegetable Growing and Cropping or the establishment of feed crops to</p>





Rule Number	Rule	Status	Permitted Activity Standards; or Matters of Control or Discretion
			<i>support intensively farmed stock or winter intensive grazing. In practice, this rule is likely to apply only to permanent horticulture and viticulture crops.</i>
6.4.5(4) 	Vegetation clearance Provided that: a) The activity is not within the Riparian Management Area of a waterbody that is of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan:	Permitted	Provided that: a) The vegetation comprises exotic trees or shrubs or other exotic plants scattered amongst pasture; or b) The clearance is by grazing; or c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or d) The clearance is harvesting of agricultural and horticultural crops; or e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; f) The clearance is land preparation by discing, ploughing or ripping; g) The clearance is hand clearing for fencelines or for restoration of riparian management areas, and is surficial, and not more than 4m in total width.
6.4.5(5) 	Disturbance or destruction of the vegetation understorey to first rotation plantation forest Provided that: a) The activity is not within the Riparian Management Area of a waterbody that is of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan: <i>Note: vegetation clearance associated with a plantation forestry activity is regulated under Regulations 93-95 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017. Those regulations prevail over this rule.</i>	Permitted	
6.4.5(6) 	Vegetation disturbance incidental to permitted or otherwise authorised plantation forest vegetation clearance. <i>Note: vegetation clearance associated with a plantation forestry activity is regulated under Regulations 93-95 of the Resource Management (National Environmental Standards for Plantation</i>	Permitted	a) The disturbance or damage is temporary, does not destroy the vegetation, and does not compromise the ecological functioning of the area.






Rule Number	Rule	Status	Permitted Activity Standards; or Matters of Control or Discretion
	<i>Forestry) Regulation 2017. Those regulations prevail over this rule.</i>		
6.4.5(7)  	<p>Clearance of vegetation and land disturbance associated with establishing access to a river crossing point</p> <p>Provided that:</p> <p>a) The activity is not within the Riparian Management Area of a waterbody that is of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan;</p> <p><i>Note: vegetation clearance associated with a river crossing that is regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulation 2017 is managed under regulation 93-95. The conditions of this rule apply in addition to those regulations.</i></p>	Permitted	<p>a) The activity does not affect more than 4.5m per contiguous 100m of Riparian Management Area frontage; and</p> <p>b) The access does not exceed 4.5m in width</p>
6.4.5(8) 	<p>Maintenance and repair of existing lawfully established structures within the Riparian Management Area of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan, including:</p> <p>a) Lines, cables and other structures for network utility purposes; or</p> <p>b) Lawfully established roads, tracks or earth dams; or</p> <p>c) Any other lawfully established structure.</p>	Permitted	
6.4.5(9)  	<p>Installation and operation of lines and cables (including associated structures) for network utility purposes, and associated clearance of vegetation and land disturbance.</p>	Permitted	<p>a) Lines are installed and operated within roads, lawfully established tracks or river crossing access points where these exist within a practical distance.</p> <p>b) Where lines and cables are not located within roads, tracks or river crossing access points, any vegetation clearance and land disturbance does not exceed 2m per contiguous 100m of riparian management area frontage, or 2m in width.</p>
6.4.5(10) 	<p>Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)</p> <p>Provided that:</p>	Permitted	

Rule Number	Rule	Status	Permitted Activity Standards; or Matters of Control or Discretion
	a) The activity is not within the Riparian Management Area of a waterbody that is of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan:		
6.4.5(11)  	Maintenance of lawfully established roads, fencelines, tracks or earth dams.	Permitted	
6.4.5(12)  	Maintenance and repair of lawfully established structures excluding network utility structures.	Permitted	
6.4.5(13) 	Land disturbance for installation of fencing or structures associated with soil conservation purposes or scientific monitoring within the Riparian Management Area of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan.	Permitted	



Controlled Activities			
6.4.5(14)  	<p>Clearance of plantation forest vegetation Provided that:</p> <p>a) The activity is not within the Riparian Management Area of a waterbody that is of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan:</p> <p>b) The clearance is not as a result of cable haul logging across a surface waterbody.</p>	Controlled	<p>Council shall limit its control to the matters a) - i) 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 non-plantation forest 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, access and landscape</p> <p>e) effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors</p> <p>f) methods necessary to avoid, remedy or mitigate stream bank erosion.</p>

	<p>c) The activity is not within 10m of the bank of a Protected Watercourse identified in Schedule G21.</p> <p><i>Note: this rule prevails over the harvesting regulations (62-71) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 where harvesting is within a Riparian Management Area.</i></p>		<p>g) Effects on the water quality of waterbodies, from sediment, for example (for the purposes of section 30)</p> <p>h) effects of changed shading on aquatic habitat from non-plantation forest vegetation (for the purposes of section 30)</p> <p>i) heritage values in the heritage alert layer (for the purposes of section 31)</p> <p>Notification</p> <p>a) Subject to section 94A(3) and 95B(2) of the Act an application for a controlled resource consent for plantation forest vegetation clearance within a Riparian Management Area, shall not be notified except where the application relates to land within:</p> <ol style="list-style-type: none"> An Outstanding Landscape Area; The Coastal Environment; A Protection Management Area <p>in which case notification may be required.</p>
<p>6.4.5(15)</p> 	<p>Minor upgrading and maintenance of lawfully established network utility structures within the Riparian Management Area of an Outstanding Waterbody as identified within Schedule G18 of the Plan.</p>	Controlled	<p>Council shall limit its control to matters a) - f) specified below:</p> <ol style="list-style-type: none"> location and placement of any line or cable; timing and duration of activity; effects on bank erosion, mobilisation and destabilisation of the bed; effects on fisheries and spawning tributaries; and effects on hazard management, heritage items and natural heritage values. effects on 'threatened' or 'at-risk' species.
Restricted Discretionary Activities			
<p>6.4.5(16)</p> 	<p>Vegetation clearance not provided for in another Rule within the Riparian Management Area of an Aquatic Ecosystem Waterbody identified in Schedule G15.</p> <p><i>Note: this rule prevails over the regulations (93-95) relating to vegetation clearance associated with a plantation forestry activity in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	Restricted Discretionary	<p>Council shall restrict its discretion to matters a) - g) specified below:</p> <ol style="list-style-type: none"> location of the activity; timing and duration of activity; effects on bank erosion, mobilisation and destabilisation of the bed; effects on fisheries and ecosystem health including 'threatened' or 'at-risk' species; effects on water quality; effects on natural character and landscape values; and effects on recreational values.
<p>6.4.5(17)</p> 	<p>Any activity not provided for in another Rule within the Riparian Management Area of an Outstanding Waterbody in Schedule G18 of the Plan.</p> <p><i>Note: this rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	Restricted Discretionary	

6.4.5(18) 	Land and Vegetation disturbance as a result of cable haul logging across a surface waterbody. <i>Note: this rule prevails over the harvesting regulations (63-71) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	Restricted Discretionary	
6.4.5(19)  	Vegetation clearance, other than that specifically provided for in Rule C6.4.5(14) Provided that: a) Vegetation clearance exceeds 10m ² per contiguous 100m of Riparian Management Area and/or exceeds 10m ² over any 24 month period; and b) The vegetation is not the understorey of plantation forest, cleared in accordance with a consent granted under C9.1.6(38). a) The activity is not within the Riparian Management Area of a waterbody that is of an Aquatic Ecosystem Waterbody identified in Schedule G15 or an Outstanding Waterbody as identified within Schedule G18 of the Plan: b) The vegetation clearance is not as a result of cable haul logging across a surface waterbody c) The vegetation clearance is not of plantation forest species within 10m of the bank of a Protected Watercourse identified in Schedule G21 <i>Note: this rule prevails over the regulations (93-95) relating to vegetation clearance associated with a plantation forestry activity in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	Restricted discretionary	Council shall restrict its discretion to the matters a) - i) specified below: a) the timing and duration of the activity b) the area and location of the activity c) any vegetation that is to be retained d) potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, including revegetation type and density; and (for the purposes of section 31) amenity value, access and landscape. e) effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors f) methods necessary to avoid, remedy or mitigate stream bank erosion. g) Effects on the water quality of waterbodies, from sediment, for example (for the purposes of section 30) h) effects of changed shading on aquatic habitat (for the purposes of section 30) i) heritage values in the heritage alert layer (for the purposes of section 31) Notification Subject to section 95A(3) and 95B(2) of the Act an application shall not be notified except where the application relates to land within: i. an Outstanding Landscape Area; ii. the Coastal Environment; iii. a Protection Management Area in which case notification or limited notification may be required.
6.4.5(20) 	Land disturbance that exposes or disturbs more than 10m ² of earth per contiguous 100m of Riparian Management Area and/or exposes or disturbs more than 10m ² of earth over any 24 month period.	Restricted discretionary	Council will restrict its discretion to matters a)- h) (s30) and matters a) to g) (s31) listed in Rule C6.4.5(19) above. Subject to section 95A(3) and 95B(2) of the Act an application shall not be notified except where the application relates to land within: i. an Outstanding Landscape Area;

	<p>Provided that:</p> <p>a) It is not a result of cable haul logging across a surface water body</p> <p><i>Note: this rule prevails over the earthworks regulations (22-35) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>		<p>ii. the Coastal Environment;</p> <p>iii. a Protection Management Area</p> <p>in which case notification or limited notification may be required.</p>
<p>6.4.5(21)</p>  	<p>Erection of new structures or alteration or additions to existing structures that is not subject to Rule 6.4.5(17)</p> <p>Provided that:</p> <p>a) This rule excludes the following:</p> <ul style="list-style-type: none"> Fencing; or structures associated with flood management, river control, or soil conservation purposes. 	<p>Restricted discretionary</p>	<p>Council shall restrict its discretion to the matters a) - h) specified below:</p> <p>a) the timing and duration of the activity</p> <p>b) the cumulative effect of the activity</p> <p>c) potential effect on the values associated with water quality, natural character, biodiversity, and significant habitat of indigenous fauna; and (for the purposes of section 31) , amenity value, access and landscape.</p> <p>d) methods necessary to avoid, remedy or mitigate stream bank erosion.</p> <p>e) the area, location and size of the structure (for the purposes of section 31)</p> <p>f) proximity to existing structures (for the purposes of section 31)</p> <p>g) conformity with the nature and extent of existing structures (for the purposes of section 31)</p> <p>h) heritage values in the heritage alert layer (for the purposes of section 31)</p>
<p>6.4.5(22)</p>  	<p>The planting of second rotation plantation forest species within a Riparian Management Area</p> <p>Provided that:</p> <p>a)The planting occurs after the Plan becomes operative.</p> <p>b)The planting is not a requirement of a consent.</p> <p>c)The planting is not within the Riparian Management Area of an Outstanding Water Body in Schedule G18</p> <p>d)The activity is not within 10m of the bank of a Protected Watercourse identified in Schedule G21</p> <p><i>Note: this rule prevails over the replanting regulations (76-81) in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	<p>Restricted discretionary</p>	<p>For the purposes of section 30 of the Act, Council shall restrict its discretion to the matters a) - i) 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, including revegetation type and density; and (for the purposes of section 31) amenity value, access and landscape effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors</p> <p>f) methods necessary to avoid, remedy or mitigate stream bank erosion.</p> <p>g) effects on water quality of any waterbodies from sediment, for example (for the purposes of section 30)</p> <p>h) effects of changed shading on aquatic habitat (for the purposes of section 30)</p> <p>i) heritage values in the heritage alert layer (for the purposes of section 31)</p> <p>Notification</p> <p>Subject to section 95A(3) and 95B(2) of the Act an application shall not be notified except where the application relates to land within:</p> <p>i. an Outstanding Landscape Area;</p> <p>ii. the Coastal Environment;</p> <p>iii. a Protection Management Area</p>

			in which case notification or limited notification may be required.
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Discretionary Activities			
6.4.5(23) 	Vegetation clearance or afforestation with plantation forest species within 10m of the bank of a Protected Watercourse identified in Schedule G21 <i>Note: this rule prevails over the afforestation, harvesting and replanting regulations in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	Discretionary	
Non-complying activities			
6.4.5(24) 	The planting of second rotation plantation forest species within a Riparian Management Area of an Outstanding Waterbody as identified in Schedule G18. <i>Note: this rule prevails over the afforestation, harvesting and replanting regulations in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	Non-complying	

C6.4.4 Methods – Riparian Management Areas

1. Map electronically on the Council GIS protected watercourses identified in Schedule G21 and keep this mapping up to date. Develop a database of values of the Protected Watercourses.
2. Undertake further research to identify waterbodies and/or riparian areas within the region that warrant specific riparian protection management due to their associated aquatic or terrestrial biodiversity, habitat or ecosystem values and current or potential impacts to these, or potential threats to water quality. This could include identifying further waterbodies and/or riparian areas through the catchment planning process.

C6.5 Watercourses

C6.5.1 Watercourses

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

C6.5.2 Maintenance of Watercourses

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

C6.5.3 Obstructions

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

C6.5.5 Miscellaneous

1. No person shall without the written consent of the Authority take or drive or cause or permit to be taken or driven any livestock, motorized vehicles or machinery on any flood control stopbank or other defence against water where in the opinion of the Authority that action could cause damage to the stopbank or other defence against water.
2. The Authority may from time to time by public notice prohibit any access to or passing over any part of a watercourse under its control for the protection of that part of the watercourse.

C7 LAND MANAGEMENT

C7 provisions are regional plan provisions.



Regional Plan

C7 is operative.

C7.1 Soil Conservation

C7.1.1 Introduction

This chapter encompasses the regional land component of the Plan. It is the statement of how Council will manage regional environmental effects, such as erosion caused by inappropriate land management practices and derives its purpose from Sections 65(1) and 30(1)(c) of the Act.

The chapter relies on the Tairāwhiti Plan Maps. These maps show three land overlays broadly reflecting the land resource's varying susceptibility to erosion. The land overlays encompass the entire district.

The land overlays are developed from amalgamated units from the land use capability (LUC) assessment of the New Zealand Land Resource Inventory (NZLRI) Gisborne East Coast Region, Second Edition, June 1999. In the NZLRI the maximum erosion severity has been assessed for each LUC unit and this is based on the geology, soil type, steepness, climate and vegetation cover. The land overlays comprise the following LUC units:

- Land Overlay 1 Classes I-IV and VIe1, 2, 3, 5, 7 and 8 inclusive
- Land Overlay 2 Balance of Class VI
- Land Overlay 3 (including 3A) Classes VII & VIII (see C7.1.5 for detailed units).

The maps are used to, locate where the activity is to occur. This will fall into one of the land overlay areas. The Rules section of this chapter has sub-headings for each land overlay and within these are various thresholds of environmental effect for particular activities.

It must be noted that the beds of lakes and rivers, although usually covered by the land overlays are specifically excluded from the rules. In respect of lakes and rivers only the objectives, policies, methods and rules in C6 pertain.

Erosion is the natural process of soil and rock wearing away and being moved through the landscape. Erosion includes sheet, wind, creep, slump, flow, rill, earthflow, gully, tunnel gully and stream erosion. In areas undisturbed by human activity, the rate of erosion is determined by geology and weather. Land uses, particularly those that reduce vegetation cover or disturb the soil can lead to a much faster rate of erosion. This is especially heightened in naturally unstable areas where even relatively minor landuse activities can have major impacts. Erosion that has been increased by human action is called induced or accelerated erosion and despite the voluntary erosion control efforts of many landowners and kaitiaki, this remains the major landuse issue in the district that also impacts on the district's waterways and coastal seabed and key assets such as roading.

Soil degradation, particularly compaction from practices such as poor stock management or cultivation practices, results in long-term reduction in soil quality. This reduction diminishes the ability of future generations to access the life supporting qualities that the soils offer present generations. Soil conservation is the management of land to maintain New Zealand's soil and water resources to provide the widest range of sustainable benefits for the needs and aspirations of present and future generations, and includes:

- the maintenance of the productive potential of the nation's soil resources to retain sustainable land use options for present and future generations;
- the maintenance of catchments to provide high quality water resources for downstream users;

- land management practices that further enhance the protection of waterways from suspended sediments, nutrients, harmful micro-organisms and other pollutants; and
- the mitigation of the impacts of land related hazards including flooding, subsidence and erosion; and
- the maintenance of aesthetic, scientific, economic, social and cultural values related to land and water.

C7.1.2 Issues

1. Induced erosion causing the loss of an essentially non-renewable resource.
2. Sediment and gravels from land disturbance, vegetation removal activities and lack of effective tree cover (ETC) have an adverse effect on the receiving environment. This includes effects on water quality, aquatic and wetland ecosystems, biodiversity and physical resources.
3. Soil degradation such as compaction, nutrient loss and diminished fertility caused by unsustainable land management practices.
4. Induced erosion, soil degradation and sediment causes loss of the ability of the natural resources to be used for economic, social and cultural benefits.

C7.1.3 Objectives

1. Land uses and management practices that avoid, remedy or mitigate adverse effects on the environment including adverse effects on aquatic and wetland ecosystems, biodiversity and physical resources.
2. Rehabilitation of eroded land, and stabilisation of erosion prone land.
3. Reduction of land and asset degradation caused by poor land management systems.
4. Maintenance of the life supporting capacity of the soil.
5. Recognition of the relationship between tangata whenua and their ancestral lands in achieving ETC on Land Overlay 3A (LO3A) land.

Principal reasons:

- **Objectives 1 to 4** - *The district's land (and other natural and physical resources) have to be sustainably managed so that the resources can meet the needs of future generations. This is a fundamental principle of the Act. However, present and future productivity of the land resource is threatened from large scale induced erosion. Therefore, it is critical that further degradation is prevented, natural degradation is minimised, and that the district takes positive steps toward land rehabilitation.*
- **Objective 5** - *This is a matter to be recognised and provided for, as a matter of national importance, in the Act.*

C7.1.4 Policies

1. To promote and encourage through education and advocacy, sustainable land management and soil conservation as an integral part of all land use activities.
2. To ensure that, when land disturbance or vegetation clearance operations take place in environments susceptible to erosion, measures to achieve soil conservation and the avoidance, remediation or mitigation of adverse effects will be taken into account.
3. Regard to the following will be had when preparing plans or considering applications for plan changes or consents:
 - a) the sustainable management of the land resource;
 - b) the effects of the activity on erosion and soil conservation;

- c) the effects of the activity on the establishment or maintenance of ETC on LO3A land;
 - d) the effects of the activity on the receiving environment and waterbodies;
 - e) the effects of the activity on the aquatic environment;
 - f) the potential of the activity to erode physical resources.
4. To encourage the phasing out of land management practices that cause or maintain erosion and to encourage land management practices that reduce unsustainable use of highly erodible land. Particular emphasis will be placed on the worst eroding land (i.e. LO3A). Regard to the following will be had when preparing plans or considering applications for plan changes, or consents:
- a) actual, incipient or historical erosion features;
 - b) amount of bare ground;
 - c) slope;
 - d) amount of soil lost from the site;
 - e) lithology;
 - f) environment degradation such as soil compaction erosion, sedimentation and destabilisation and degradation of aquatic habitat and wetland ecosystems;
 - g) existing ETC on LO3A land;
 - h) any soil conservation benefits of land in plantation forest.
5. To encourage the voluntary retirement of land that is unsuitable for any productive landuse. Encouragement could include financial contributions, lobbying of central government for direct incentives, assistance with costs and services, and advice and information. Particular emphasis will be placed on the worst eroding land (i.e. LO3A). Criteria that would be used to assist assessment of this land includes such matters as:
- a) actual, incipient or historical erosion features;
 - b) amount of bare ground;
 - c) slope;
 - d) amount of soil lost from the site;
 - e) lithology;
 - f) environmental degradation such as soil compaction erosion, sedimentation and destabilisation and degradation of aquatic habitat and wetland ecosystems;
 - g) existing ETC on LO3A land;
6. To recognise that it is not possible to completely stop soil loss, and movement of sediment and gravel offsite, and to allow land disturbance and vegetation clearance activities with adverse effects that can be remedied or mitigated or have no more than minor adverse effects on erosion, soil structure and water quality.
7. To encourage landuse regimes, including environmental management systems and/or comprehensive landuse consents that address a number of operations for approved programmes or procedures. These would be subject to the provision of:
- a) detailed management plans to demonstrate that adverse effects are being avoided, remedied or mitigated;
 - b) a monitoring programme to demonstrate compliance with rules;
 - c) a demonstrated ability to achieve and maintain compliance performance;
 - d) contingency mechanisms to cope with failure of control measures.
8. To allow for a system of cost recovery for regional landuse consents. Regard to the following will be had when considering applications for consents:
- a) site visits and assessment by Council staff, sufficient to assess the consent application at no charge to the applicant.;
 - b) non-compliance with consent conditions, or non-compliance with the General Standards will incur full compliance monitoring cost recovery by Council.

9. To allow for a system of cost-sharing for Sustainable Hill Country Project (SHCP) works plans. Council will provide:
 - i. site visits by Council staff to assess the treatment options for each LO3A area.
 - ii. a SHCP works plan template, including ortho-photographic property maps, and an annual reporting template.
10. To support and undertake programmes for baseline monitoring of landuse and such investigations as required.
11. To require the establishment and maintenance of ETC on the worst eroding land (i.e. LO3A) in the district, that is the land identified on the Tairāwhiti Plan Maps as LO3A. Depending on specific site conditions, potential treatments include plantation forestry (close planting of trees), strategic willow and poplar pole planting and unassisted or actively managed reversion to indigenous species. Indigenous species reversion is generally preferred for land that requires permanent ETC, with no harvesting disturbance. In some circumstances it will be necessary to include works on land not identified (but within the same rating assessment unit) as LO3A in order to achieve ETC on LO3A land.
12. To recognise that there will be instances where the District Conservator considers ETC is not achievable in part or in total, due to circumstances that are outside of the landowner's control, such as:
 - a) the unavailability of suitable plant material necessary for achievement of ETC.
 - b) topographic, geological or unusual climatic or other environmental conditions resulting in, or likely to result in, plant establishment or maintenance failure.
 - c) the unavailability of financial assistance, despite applications for Works certified by the District Conservator having been made to the Erosion Control Funding Project (ECFP)

To also provide a process in cases where the District Conservator does not agree with a landowner's proposals for achieving ETC, whereby that landowner can make a resource consent application, as a discretionary activity, to have their proposal considered by the Council.

13. To require certification by the Consent Authority, of:
 - a) proposed SHCP Works Plans, or
 - b) works completed in the absence of a Works Plan.

as likely to achieve, or achieving, the establishment and maintenance of ETC on LO3A land. An existing certified works plan for a rating unit can either be taken up by a new landowner, and continue to apply to the land, or be revised and submitted for certification.
14. To encourage the use of assistance provided by the ECFP for the purpose of the establishment and maintenance of ETC on LO3A land.
15. To recognise that regulation is not considered achievable without the assistance to the District provided by the ECFP (or an equivalent financial incentive). The feasibility of regulation will be reviewed should the ECFP be withdrawn or amended to the extent that it is effectively unavailable to landowners.
16. To monitor the accuracy with which the worst eroding land is identified as LO3A on the Tairāwhiti Plan Maps. An ongoing mapping process will continually identify any inaccuracies and promote amendments for inclusions and boundary adjustments through variations or plan changes.
17. To recognise the potential difficulties associated with achieving ETC on LO3A land which is multiple owned Maori land and the governance structures that may be associated with it.
18. While consent applications are generally considered in the round. Vegetation Clearance resource consent applications within the same proposal for controlled and for restricted discretionary activities in respect of distinct areas will be separately assessed, provided the effects of exercising the two consents will not overlap or have flow on effects on matters to be considered in respect of the other distinct areas, and that the factors to be taken into account are relatively unconfined. The application of Council's restricted discretion will depend upon the circumstances of each particular case.

Principal reasons:

- **Policy 1 and 2** - This policy outlines a strategy of education and participation within the community that is crucial to developing a landowner ethic of sustainable land management. This is a long-term process, and will be largely managed through the Council's Long Term Plan and Annual Plan. It also allows the encouragement of land management practices that minimise the inherent instability and erodibility of the district's land resource.
- **Policy 3** - Erosion in areas covered by land overlays 2 and 3 (including 3A) is particularly sensitive to landuse and the management of the adverse effects of landuse activities requires constant consideration. The high degree of either actual or potential erosion, and the downstream adverse effects and environmental cost to the community from inappropriately managed land disturbance activities, compels a rigorous approach to be taken.
- **Policy 4** - Some land in the district is being used in a manner that is unsustainable and contributes significantly to sediment in the districts waterbodies. It is preferable to encourage a change to more sustainable uses. Council can choose to assist this change in a range of ways. The process can be managed through the Long Term Plan and Annual Plan. The worst eroding land (i.e. LO3A) in the district is generally eligible for funding from the (ECFP) incentive for mitigation or rehabilitation works.
- **Policy 5** - Some land in the district is unsuitable for productive use and is an environmental cost to the community because of the off-site adverse effects it generates. This land is more appropriately retired. Assessment of the land is site specific and could include parameters or indicators that show how the land is unsuitable for the current landuse.
- **Policy 6** - It is impossible to entirely stop soil loss and sediment transfer when land disturbance takes place and there is a background natural level of erosion that occurs regardless of landuse.
- **Policy 7** - This policy acknowledges that a range of land use regimes may be appropriate, including environmental management systems and/or comprehensive land use consents, addressing predetermined operations, programmes or procedures. It encourages proactive approaches for the management of effects of operations while providing certainty that resources are being managed sustainably.
- **Policy 8** - This management policy outlines that Council wishes to continue its present cost recovery regime. The consent process provides an opportunity for Council to advocate particular sustainable land management practices to applicants and assists the regulation by demonstrating to users that other options may be available.
- **Policy 9** - Sharing the preparation costs of SHC works Plans recognises that sustainable hill country practices benefit both the wider community and individual landowners.
- **Policy 10** - Monitoring of the resource and resource use is fundamental to understanding the impact of landuse.
- **Policy 11** - The policy guides the implementation of regulation addressing sustainable management of the worst eroding land (i.e. LO3A) in the district, identified as LO3A in Tairāwhiti Plan maps, and as 'Target Land' by the ECFP. The policy recognises erosion treatments already regarded as effective and prescribed under the ECFP. Harvesting of trees from plantation forests can temporarily disturb the land. In certain situations adjacent land in a different land overlay can contribute to erosion on LO3A land. In these circumstances achievement of ETC on LO3A land will require complementary works on the adjacent land.
- **Policy 12** - There are many site specific variables influencing the establishment and maintenance of 'Effective Tree Cover'. This policy provides for certification by an appropriately qualified and experienced Council officer, to avoid landowners expending significant energy on Works that may not be appropriate in their circumstances, and to ensure adequate Works, tailored to site characteristics. In addition, there needs to be a process for the circumstances where the District Conservator does not agree with a landowner's proposal to achieve ETC which provides for that landowner to make an application for consideration of their proposal by the Council.

- **Policy 13** - There are several circumstances where non-compliance with the regulation or components of it, either in part or in whole, may be considered defensible. The policy would apply when considering certification of works and works plans, an application for a discretionary activity, or when considering enforcement procedures (amongst other circumstances).
- **Policy 14** - The task to address the adverse effects of the worst eroding land (i.e. LO3A) is not achievable by landowners acting independently or the district without the external assistance provided by the ECFP.
- **Policy 15** - There are inherent uncertainties involved in reliance on the ECFP incentive, and regulation of LO3A land, and to require ETC, may be too much of a burden on the community to deliver, without access to financial assistance in some form.
- **Policy 16** - The identification of worst eroding land as LO3A on the Planning Maps is the result of a detailed property-scale mapping process. However, it is recognised there may be small inaccuracies and it is necessary to undertake an ongoing mapping process to identify such inaccuracies.
- **Policy 17** - There are potential difficulties associated with multiple owned Maori land given the governance or ownership structures that can apply and that a greater effort may be required by those owners and the Council in implementing ETC and achieving the assistance provided by the ECFP.

C7.1.5 Methods

Advocacy

1. Provide information on soil conservation and sustainable land management, with an emphasis on the worst eroding land (i.e. LO3A) in the District through a programme of:
 - a) Individual property advice and property-scale mapping of LO3A land;
 - b) Site visits.
 - c) Promoting co-operation with and between landowners, users, iwi and runanga and other organisations with statutory responsibilities for land management to advance the integrated management of the land resource;
 - d) Supporting programmes of other organisations that promote sustainable management, including the ECFP and also "care" initiatives such as, Queen Elizabeth II National Trust covenants and Nga Whenua Rahui. Also, support industry based training programmes and the development of guidelines appropriate to the Gisborne District. Support could include the provision of information, services or financial assistance. The type and amount will be determined through the Council's Long Term Plan and Annual Plan processes;
 - e) Submissions on policy to interest groups, government departments and industry;
 - f) Where funding is available, the provision of financial assistance, including promoting the establishment of a community based contestable fund to assist development of sustainable land management within the district;
 - g) Participation in poplar and willow breeding and sourcing programmes and alternative species research;
 - h) Ensuring appropriate poplar and willow plant material is available locally.
 - i) Ensuring implications of multiple ownership and associated governance structures are considered when carrying out Council's advocacy role on LO3A land.

Education

1. Promote soil conservation and sustainable land management within the community and interest groups, with an emphasis on the worst eroding land (i.e. LO3A) in the District through the Long Term Plan and Annual Plan by:
 - a) Making available information and advice on sustainable management and soil conservation, and by advocating the principles of sustainable land management, and funding opportunities (particularly the ECFP), to individuals, community and industry groups and other agencies through publications such as Conservation Quorum and other pamphlets or seminars, field days and workshops on specific issues;
 - b) Support a programme of education for sustainable land management which would include activities such as extension programmes and demonstrations to educational and industry groups.

Regulation

1. Establish Tairāwhiti Plan rules to avoid, mitigate or remedy the adverse effects of activities on the district's land resource values.
2. Identification of land overlays in the Tairāwhiti Plan. The land overlays recognise varying susceptibility of the land to erosion, soil loss and sediment generation and enable appropriate targeting of land use rules to those areas where adverse effects are likely.

There are three land overlays:

- a) Land Overlay 1 - comprises LUC Classification Unit Classes I -V and VIe1, 2, 3, 5, 7 and 8 inclusive. This land overlay recognises the district's flat land and easy hill country. Land Overlay 1 excludes the beds of lakes and rivers.
- b) Land Overlay 2 - comprises the balance of LUC Classification Units in Class VI. This land overlay describes hill country land which is moderately limited in terms of its capability for sustainable use. Land Overlay 2 excludes the beds of lakes and rivers.
- c) Land Overlay 3 - comprises land in LUC Classification Unit Classes VII and VIII. Options for sustainable landuse in these classes of land are severely limited. It is the most susceptible to erosion, sediment generation and soil loss. Land Overlay 3 excludes the beds of lakes and rivers. Land Overlay 3 includes LO3A.
- d) LO3A – is a subset of Land Overlay 3 and is the worst eroding land in the district. It consists of land identified on the Tairāwhiti Plan Maps as "LO3A". All Land 3A meets the text descriptions of Land Use Capability Units (1st edition NZLRI) VII3e12-16, 18 and 20, VIIIe 1-6; (2nd edition NZLRI) VIIe18-19, VIIe21-25, and VIIIe2-9. However, as LO3A land is mapped at a more detailed scale and the beds of lakes and rivers and coastal cliffs have been excluded, it does not correspond to the full geographic extent of such Units as mapped in the NZLRI. LO3A is also eligible for treatment as Target Land under the ECFP.

Review of Provisions Regulating Land Use Change on Land Overlay 3A Land

1. The Council will review the feasibility of implementing the LO3A regulatory provisions if ETC financial support is removed or made inaccessible, and may initiate a variation or plan change as a result noting that the inaccessibility of the ECFP to the Crown shall not activate this method.

Principal reasons:

Advocacy

- **Method 1** - Advocacy is explaining to landholders why unsustainable landuse is occurring, what the best methods are to resolve the issue and how they can be implemented. Emphasis is on direct contact with landholders. Financial and material assistance are adjuncts to advocacy that encourage landholders to act on information made available. Encouraging landowner uptake of the incentives offered as part of the ECFP through Council advocacy work has direct sustainable land management benefits for the community.

Education

- **Method 1** - Education is a long-term process to engendering change in the community's perception of the environment and sustainable land management.

Regulation

- **Methods 1 and 2** - Rules are used to implement the land overlay approach, to provide certainty that defined environmental standards will be able to be achieved. The land overlays promote sustainable management of natural and physical resources. The overlays are mapped on the Tairāwhiti Plan maps to indicate with some certainty to landowners or other resource users the vulnerability of the land resource.

Review of Provisions Regulating Land Use Change on Land Overlay 3A Land

- **Method 1** - It is considered outside of the financial ability of the community to fund the land use changes needed to effectively treat LO3A land. The regulation is dependent on the substantial financial assistance offered to the district via the ECFP. Note that as the Crown is not generally eligible for ECFP funding, its inaccessibility to the Crown is not a reason to review the regulation.

C7.1.6 Rules for Land Disturbance and Vegetation Clearance

Note: The only rules in this chapter that apply to plantation forestry activities are those relating to Land Overlay 3A (Rules 7.1.6(33), 7.1.6(34) and 7.1.6(35) as these rules address effects not addressed within the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017. The regulations prevail over all other rules in this section.

Note

Activities shall comply, where relevant, with the regional or district rules in C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C8 Natural Hazards, C9 Natural Heritage, C11.1 Signs.

The rules of C7.1.6 shall apply in addition to the zone rules for the area.

In addition to the rules in C7.1.6, C6 and C9 include rules that relate to activities in the Beds of Lakes and Rivers and the Riparian Management Area.

Advisory Note

The following permitted activities are for the avoidance of doubt. The list is not exhaustive.

C7.1.6.1 General Standards

Note: These general standards do not apply to plantation forestry activities regulated under the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.

Subject to any other rule in the Plan, land disturbance and vegetation clearance activities conducted in land overlays 1, 2 and 3 (including 3A), as denoted on the Tairāwhiti Plan Maps, are permitted where they comply with the following regional rules.

- A. No activity shall cause conspicuous change in colour or natural visual clarity of any off-site receiving water after reasonable mixing.
- B. No vegetation, slash, spoil or other debris shall be:
 - i. directly deposited into a permanently flowing water body, lake, wetland or the sea, or be deposited into a position where it can readily enter, or be carried into a permanently flowing water body, lake, wetland, or the sea.
 - ii. left in such a position described in (i) above where the vegetation exceeds
 - 100mm diameter and 3 metres in length; or
 - 100mm diameter and any lesser length, where the vegetation or slash may cause diversion, damming, erosion or result in movement of debris and deposition downstream.

Note

In addition to the rules in this chapter, the rules in C6 that relate to activities in the Beds of Lakes and Rivers and the rules in C9 that relate to activities in the Riparian Management Area.

- C. All land disturbance activities shall include runoff controls around the area of disturbance where necessary to prevent concentration of runoff causing, erosion, scour and sediment discharge off-site.
- D. Where an activity results in areas of exposed ground greater than a 0.5ha contiguous area over a 12 month period on any one site excluding firebreak sites, these areas shall be revegetated to give a ground cover of 75% of that area within 12 months of the activity ceasing.
- E. Land disturbance batters and side-castings are to be stabilised by methods such as surface revegetation and drainage to avoid slumping and the generation of sediment.
- F. Spoil and fill shall not be placed over vegetation other than grass, or placed in a position where it can cause erosion.

C7.1.6.2 Specific Standards

Note: these specific standards apply to plantation forestry activities regulated under the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017 when these activities are undertaken on land identified as LO3A in the Tairāwhiti Plan Maps to the Plan.

- A. a) Works have been undertaken on the single rating unit to establish and/or maintain ETC on all treatable land (including Crown land) identified as LO3A in the Tairāwhiti Plan Maps to the Plan, subject to the following standards:
 - i. With regard to all such land, except land owned and administered by the Crown, the requirement for the establishment of ETC is subject to the availability of the incentive; *and*
 - ii. In the case of land owned and administered by the Crown, the requirement for the establishment of ETC is subject to the existence of the ECFP incentive; *and*
 - iii. This rule comes into force on 1st July 2011, by which date Works Plans are required to have been completed and certified by the Consent Authority.

OR

- b) A Sustainable Hill Country Project Works Plan (Works Plan) is developed and implemented for all treatable land (including Crown land) on the single rating unit identified as LO3A, in the Tairāwhiti Plan Maps to the Plan, subject to the following standards:
 - i. With regard to all such land, except land owned and administered by the Crown, the requirement to develop and implement the establishment works component of a Works Plan is subject to the availability of the ECFP incentive; *and*
 - ii. In the case of land owned and administered by the Crown, the requirement to develop and implement the establishment works component of a Works Plan is subject to the existence of the ECFP incentive; *and*
 - iii. Works Plans are required to have been developed and certified by the Consent Authority by 1st July 2011 *and*
 - iv. Works Plans shall describe the Works proposed for all LO3A land on the single rating unit, including:
 - detail of the nature, extent and dates of establishment and/or maintenance Works planned, with the location of Works shown on a property map;
 - detail of any plant or animal pest control planned (including stock exclusion as necessary);
 - the timeframe for plan implementation, which is to be completed by 2021 in respect of establishment works;
 - a budget adequate for the proposed Works; *and*
 - Implementation shall be in accordance with the Certified Works Plan;

AND

- c) Certification: All Works and Works Plans described by Standard C7.1.6.2 a) and b) must be certified by the Consent Authority. Regard will be had to the following when considering certification:
- i. whether the completed Works, or proposed Works Plan, will achieve the establishment or maintenance of “ETC”; and
 - ii. whether there is any conflict between current or proposed land use activities (such as plantation forest harvesting, damage by livestock, stock water access, lambing / fawning / calving paddocks, or management of historic/archaeological or indigenous biodiversity values), and the establishment or maintenance of ETC; and
 - iii. whether the effects of any activity described in b) above are localised, and whether there are proposed measures to mitigate or remedy the effects of the activity; and
 - iv. in the case of Works Plans, whether resourcing (including labour, plant material, and budget provision) is demonstrably adequate and available for the proposed Works; and
 - v. whether the timeframe for implementation will facilitate achievement of the objectives and policies of this chapter in a phased manner given for completion of establishment works; and
 - vi. whether there may be areas where ETC is not achievable in part or in total, due to circumstances that are outside of the landowner’s control, such as:
 - the unavailability of suitable plant material necessary for achievement of ETC; or
 - topographic, geological or unusual climatic or other environmental conditions resulting in or likely to result in plant establishment or maintenance failure.
 - vii. whether the completed Works, or proposed Works Plan, include Works on land not identified (but within the same rating assessment unit) as LO3A where these are essential to achieving ETC on adjacent LO3A land.

NOTE: Informal guidelines for establishing tree cover in LO3A, will be produced by Council for information only. They are not Rules and have no statutory effect.

AND

- d) Reporting Requirements: The nature, extent, progress and results of all works and Works Plans described by Standard C7.1.6.2 a) and b) must be reported annually at a date to be set at the time of certification, to the Consent Authority, and shall include the following information:
- i. detail of the nature, extent and dates of establishment and/or maintenance Works undertaken, with the location of Works shown on a property map; and
 - ii. the detail of any plant or animal pest control undertaken (including stock exclusion as necessary); and
 - iii. the result of all establishment and/or maintenance Works to date (including survival rates, and the locations of and reasons for any failure to establish effective tree cover, including the unavailability of financial assistance, despite applications for Works certified by the Consent Authority having been made to the ECFP);

In the case of Works Plans described in Rule C7.1.6.2a) the information shall also include:

- iv. the extent of the Works Plan completed to date; and
- v. the nature of, and reason for, any deviation from the Works Plan, including the unavailability of financial assistance, despite applications for Works certified by the Consent Authority having been made to the ECFP.

Rule Table C7.1.6

Rule Number	Rule	Zone/Overlay	Status	Activity Standards; Matters of Control or Discretion; Notification
Land Overlay 1				
7.1.6(1)	Land disturbance and vegetation clearance activities which are not specifically provided for in any other rule in this Chapter	Land Overlay 1	Permitted	
7.1.6(2)	Trenching	Land Overlay 1	Permitted	The area is backfilled within 3 days of the trench being unused.
7.1.6(3)	Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)	Land Overlay 1	Permitted	
7.1.6(4)	Maintenance of lawfully established roads, tracks, fencelines or earth dams	Land Overlay 1	Permitted	
7.1.6(5)	Maintenance and repair of lawfully established structures excluding network utility structures.	Land Overlay 1	Permitted	
7.1.6(6)	Vegetation clearance	Land Overlay 1	Permitted	<ul style="list-style-type: none"> a) The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or b) The clearance is by grazing; or c) The clearance is harvesting of agricultural and horticultural crops; or d) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or e) The clearance is land preparation such as discing, ploughing or ripping; or f) The clearance of up to a 10 metre width of vegetation for fencelines; or g) The clearance is by line cutting; or h) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or i) The clearance is of the indigenous under-storey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.
7.1.6(7)	Ground levelling involving side-cutting deeper than 1 metre that meets the General Standards, where applicable.	Land Overlay 1	Controlled	<p>Council shall limit its control to matters a) to e) below</p> <ul style="list-style-type: none"> a) Timing and duration of the activity to avoid wet ground conditions b) Placement and management of cuts and fills likely to cause slope instability c) Methods of sediment control d) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems e) Heritage values in the heritage alert layer

				Notification: Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.
7.1.6(8)	That part of any vegetation clearance (including plantation forest clearance, and selective tree felling) in the Rural General Zone (DD4) Provided that: a) It exceeds 2000m ² , in any 12 month period, and i. adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and ii. has an average slope greater than 35°; and iii. has less than 75mm of topsoil present over at least 25% of the area OR b) It exceeds 2000m ² , in any 12 month period, and i. has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a network utility structure OR c) It is not described by a) or b) above, and cannot comply with the General Standards	Land Overlay 1	Restricted Discretionary	Council shall restrict its discretion to matters a) to f) below: a) Timing and duration of the activity b) The area and location of any Plantation Forest species to be left in situ after felling which within 10 metres of the Riparian Management Area and would exacerbate soil disturbance through conventional removal; and the area and location of any other vegetation to be retained. c) Methods necessary to maintain slope stability d) Methods of sediment control e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems f) Heritage values in the heritage alert layer Notification: Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.
7.1.6(9)	Land disturbance and vegetation clearance activities which do not comply with the General Standards and are not provided for as Controlled or Restricted Discretionary Activities	Land Overlay 1	Discretionary	
Land Overlay 2				
7.1.6(10)	Land disturbance and vegetation clearance activities which are not specifically provided for in any other rule in this Chapter	Land Overlay 2	Permitted	
7.1.6(11)	Trenching	Land Overlay 2	Permitted	The area is backfilled within 3 days of the trench being unused.
7.1.6(12)	Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)	Land Overlay 2	Permitted	

7.1.6(13)	Maintenance of lawfully established roads, tracks, fencelines or earth dams	Land Overlay 2	Permitted	
7.1.6(14)	Maintenance and repair of lawfully established structures excluding network utility structures	Land Overlay 2	Permitted	
7.1.6(15)	Vegetation clearance	Land Overlay 2	Permitted	<ul style="list-style-type: none"> a) The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or b) The clearance is by grazing; or c) The clearance is harvesting of agricultural and horticultural crops; or d) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or e) The clearance is land preparation such as discing, ploughing or ripping; or f) The clearance of up to a 10 metre width of vegetation for fencelines; or g) The clearance is by line cutting; or h) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or i) The clearance is of the indigenous under-storey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.
7.1.6(16)	<p>Land disturbance that complies with the General Standards, where applicable.</p> <ul style="list-style-type: none"> a) The activity involves side-cutting more than 0.5m deep over a contiguous length greater than 100m in any 3 month period; <p>OR</p> <ul style="list-style-type: none"> b) The activity causes the disturbance of more than 50m³ of soil on land in any 3 month period. 	Land Overlay 2	Controlled	<p>Council shall limit its control to matters a) to e) below</p> <ul style="list-style-type: none"> a) Timing and duration of the activity to avoid wet ground conditions b) Placement and management of cuts and fills likely to cause slope instability c) Methods of sediment control d) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems e) Heritage values in the heritage alert layer <p>Notification:</p> <p>Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>
7.1.6(17)	<p>Vegetation clearance, other than in Rule C7.1.6(18), that complies with the General Standards, where applicable</p> <p>Provided that:</p> <ul style="list-style-type: none"> a) The land to be cleared is greater than 2ha in any one contiguous area over any 12 month 	Land Overlay 2	Controlled	<p>Council shall limit its control to the matters a) - h) specified below:</p> <ul style="list-style-type: none"> a) Area, and location of the clearance b) Timing and duration of the activity to avoid wet ground conditions c) Methods necessary to maintain slope stability d) Methods of sediment control associated with any track works and landings

	period, and is not on land that meets criteria in Rule C7.1.6(19).			<ul style="list-style-type: none"> e) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems f) Slash and debris in waterbodies g) The area and location of any vegetation to be retained h) Heritage values in the heritage alert layer <p>Notification: Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>
7.1.6(18)	<p>Selective scrub or tree felling that complies with the General Standards, where applicable. Provided that:</p> <ul style="list-style-type: none"> a) The total area of land affected by clearance is greater than 2ha, and is not on land that meets criteria in Rule C7.1.6(19). b) The activity results in clearance of more than 10% of the closed canopy cover in any five year period. 	Land Overlay 2	Controlled	<p>Council shall limit its control to the matters a)- f) specified below:</p> <ul style="list-style-type: none"> a) Timing and duration of the activity to avoid wet ground conditions b) Methods of sediment control associated with any track works and landings c) Impact of any sediment generation on waterbodies, including any impact on aquatic and wetland ecosystems d) Slash and debris in waterbodies e) The area and location of any vegetation to be retained f) Heritage values in the heritage alert layer <p>Notification: Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>
7.1.6(19)	<p>That part of any Vegetation clearance (including plantation forest clearance, and selective scrub and tree felling) in the Rural General Zone (DD4) Provided that:</p> <ul style="list-style-type: none"> a) It exceeds 2000m², in any 12 month period, and <ul style="list-style-type: none"> i. adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and ii. has an average slope greater than 35°; and iii. has less than 75mm of topsoil present over at least 25% of the area <p>OR</p>	Land Overlay 2	Restricted Discretionary	<p>Council shall restrict its discretion to matters a) to f) below:</p> <ul style="list-style-type: none"> a) Timing and duration of the activity b) The area and location of any Plantation Forest species to be left in situ after felling which is within 10 metres of the Riparian Management Area and would exacerbate soil disturbance through conventional removal; and the area and location of any other vegetation to be retained. c) Methods necessary to maintain slope stability d) Methods of sediment control e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems f) Heritage values in the heritage alert layer <p>Notification: Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>

	b) It exceeds 2000m ² , in any 12 month period, and i. has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a network utility structure OR c) It is not described by a) or b) above, and cannot comply with the General Regional Rules			
7.1.6(20)	Land disturbance and vegetation clearance activities which do not comply with the General Standards and are not provided for as Controlled or Restricted Discretionary activities	Land Overlay 2	Discretionary	
Land Overlay 3				
7.1.6(21)	Land disturbance and vegetation clearance activities which are not specifically provided for in any other rule in this Chapter	Land Overlay 3	Permitted	
7.1.6(22)	Trenching	Land Overlay 3	Permitted	The area is backfilled within 3 days of the trench being unused.
7.1.6(23)	Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)	Land Overlay 3	Permitted	
7.1.6(24)	Maintenance of lawfully established roads, tracks, fencelines or earth dams	Land Overlay 3	Permitted	
7.1.6(25)	Maintenance and repair of lawfully established structures excluding network utility structures Advisory note: More restrictive rules map apply in respect of Land Overlay 3A.	Land Overlay 3	Permitted	
7.1.6(26)	Vegetation clearance Advisory note: More restrictive rules map apply in respect of Land Overlay 3A.	Land Overlay 3	Permitted	a) The vegetation comprises trees or shrubs or other plants scattered amongst pasture; or b) The clearance is by grazing; or c) The clearance is harvesting of agricultural and horticultural crops; or d) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or e) The clearance is land preparation such as discing, ploughing or ripping; or f) The clearance of up to a 10 metre width of vegetation for fencelines; or g) The clearance is by line cutting; or

				<p>h) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or</p> <p>i) The clearance is of the indigenous under-storey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.</p>
7.1.6(27)	<p>Selective scrub or tree felling that complies with the General Standards</p> <p>Provided that:</p> <p>a) The total area of land affected by clearance is greater than 2ha, and is not on land that meets criteria in Rule C7.1.6(29).</p> <p>b) The activity results in clearance of more than 10% of the closed canopy cover in any five year period.</p> <p>Advisory note: More restrictive rules map apply in respect of Land Overlay 3A.</p>	Land Overlay 3	Controlled	<p>Council shall limit its control to the matters a)- f) specified below:</p> <p>a) Timing and duration of the activity to avoid wet ground conditions</p> <p>b) Methods of sediment control associated with any track works and landings</p> <p>c) Impact of any sediment generation on waterbodies including any impact on aquatic and wetland ecosystems</p> <p>d) Slash and debris in waterbodies</p> <p>e) The area and location of any vegetation to be retained</p> <p>f) Heritage values in the heritage alert layer</p> <p>Notification:</p> <p>Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>
7.1.6(28)	<p>Clearance of plantation forest that complies with the General Standards</p> <p>Provided that:</p> <p>a) The area to be cleared is greater than 500m² in any one contiguous area over any 12 month period, and is not on land that meets criteria in Rule C7.1.6(29).</p>	Land Overlay 3	Controlled	
7.1.6(29)	<p>Plantation forest clearance, and selective scrub and tree felling</p> <p>Provided that:</p> <p>a) It is on a contiguous area of greater than 500m² which has an average slope greater than 35 degrees;</p> <p>OR</p> <p>b) It is on a contiguous area of greater than 500m² which has less than 50mm of topsoil present over 25% or more of the area.</p>	Land Overlay 3	Restricted Discretionary	<p>Council shall restrict its discretion to the matters a)-g) specified below:</p> <p>a) Timing and duration of the activity</p> <p>b) The area and location of any vegetation to be retained</p> <p>c) Methods necessary to maintain slope stability</p> <p>d) Methods of sediment control</p> <p>e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems</p> <p>f) Heritage values in the heritage alert layer</p> <p>g) Whether, in the case of LO3A land, the activity is in accordance with a Works Plan certified pursuant to Standard C7.1.6.2(A) c).</p> <p>Notification</p> <p>Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates</p>

				to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.
7.1.6(30)	<p>Land disturbance Provided that:</p> <p>a) The activity involves side-cutting of more than 0.5m deep over a contiguous length greater than 20m in any 3 month period; OR</p> <p>b) Causes the disturbance of more than 10m³ of soil on land in any 3 month period.</p>	Land Overlay 3	Restricted Discretionary	<p>Council shall restrict its discretion to the matters a)- g) specified below:</p> <p>a) Timing and duration of the activity</p> <p>b) The area and location of the activity.</p> <p>c) Placement and management of cuts and fills likely to cause slope instability</p> <p>d) Methods of sediment control</p> <p>e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems</p> <p>f) Heritage values in the heritage alert layer</p> <p>g) Whether, in the case of LO3A land, the activity is in accordance with a Works Plan certified pursuant to Standard C7.1.6.2(A) c).</p> <p>Notification</p> <p>Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>
7.1.6(31)	<p>That part of any Vegetation clearance (including plantation forest clearance, and selective tree felling) in the Rural General Zone (DD4)</p> <p>a) It exceeds 2000m², in any 12 month period, and</p> <p>i. adjoins more than a contiguous 100m length of Riparian Management Area Overlay, and</p> <p>ii. has an average slope greater than 35°; and</p> <p>iii. has less than 75mm of topsoil present over at least 25% of the area OR</p> <p>b) It exceeds 2000m², in any 12 month period, and</p> <p>i. has soil erosion deeper than 1m, occurring at any point within 20m of a formed public road, or a network utility structure OR</p>	Land Overlay 3	Restricted Discretionary	<p>Council shall restrict its discretion to the matters a)-g) specified below:</p> <p>a) Timing and duration of the activity</p> <p>b) The area and location of any vegetation to be retained</p> <p>c) Methods necessary to maintain slope stability</p> <p>d) Methods of sediment control</p> <p>e) Impact of any sediment on waterbodies, including any impact on aquatic and wetland ecosystems</p> <p>f) Heritage values in the heritage alert layer</p> <p>g) Whether, in the case of LO3A land, the activity is in accordance with a Works Plan certified pursuant to Standard C7.1.6.2(A) c).</p> <p>Notification:</p> <p>Subject to Section 95A(3) and 95B(2) of the Act an application made pursuant to this rule shall not be notified except where the application relates to a land overlay in respect of C9 – Natural Heritage or C3 – Coastal Environment Overlay, in which case notification may be required.</p>

	c) It is not described by a) or b) above, and cannot comply with the General Standards			
7.1.6(32)	Land disturbance and Vegetation clearance activities in Land Overlay 3 which do not comply with the General Standards and are not provided for as Controlled or Restricted Discretionary Activities	Land Overlay 3	Discretionary	
Land Overlay 3A				
7.1.6(33)	Any activity, where the total area of LO3A land, on any single rating unit, is 5 hectares or more <i><u>Note:</u> this rule applies to plantation forestry activities regulated under the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</i>	Land Overlay 3A	Permitted	a) The activity complies with and any more restrictive rules in respect of Land Overlay 3, where applicable: b) The activity complies with Specific C7.1.6.2 above (Sustainable Hill Country Project Works Plan)
7.1.6(34)	Any activity, where the total area of LO3A land on any single rating unit is 5 hectares or more, which is not in accordance with a certified SHCP Works Plan, or which disestablishes, or fails to maintain, certified works <i><u>Note:</u> this rule applies to plantation forestry activities regulated under the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</i>	Land Overlay 3A	Discretionary	In regard to any establishment Works (including establishment Works proposed in a Works Plan), the ECFP incentive exists.
7.1.6(35)	Any land use activity undertaken on land administered by the Crown, where the total area of LO3A land on any single rating is 5 hectares or more, which is not in accordance with a certified SHC Works Plan, or which disestablishes, or fails to maintain, certified works. <i><u>Note:</u> this rule applies to plantation forestry activities regulated under the Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017.</i>	Land Overlay 3A	Discretionary	

C8 NATURAL HAZARDS

C8 provisions are a mixture of regional plan, regional coastal plan and district plan provisions, as shown with symbols. The rules for land are regional plan provisions, while the rules for the coastal marine area are regional coastal plan provisions.



Regional Plan



Regional Coastal Plan



District Plan

C8 is operative with the exception of the coastal provisions in C8.5.1 to C8.5.4 and C8.5.6 (these coastal provisions reflect Council's decisions on submissions and the resolution of any appeals but have not yet been made operative).



C8.1 Natural Hazards



C8.1.1 Introduction

Natural hazards are natural events in the weather, earth, water or sea. Their actions can harm human life, property, or other aspects of the environment. The Gisborne District experiences a range of natural hazards including:

- Land instability;
- Flooding;
- Coastal hazards (tsunami, coastal inundation, erosion and sediment movement, dune movement);
- Seismic activity;
- Volcanoes;
- Mud Volcanoes; and
- River mouth movement

Further information about these hazards is provided in the RPS (Part B5 of the Plan).

Over the last few decades there has also been growing concern that human activity has led to increases in atmospheric concentrations of 'greenhouse gases' causing global warming. Global warming could result in a rise in global mean sea level and climate change. However, there is uncertainty about sea level rise, especially over the likely extent of any rise within a particular time. Climate change may result in more frequent 'unusual' climatic events including flooding, landslips and erosion, and greater extremes.

The issues and objectives which follow relate to all hazards. There are general policies and methods also relating to all hazards and more specific policies and methods relating to particular hazards, including rules.

C8.1.2 Issues

1. People, property and the environment are adversely affected by natural hazards, including land instability, flooding, seismic and volcanic activity and coastal hazards.
2. There is uncertainty about the location, frequency and extent of natural hazards.
3. The adverse effects of natural hazards are increased by inappropriate subdivision, use and development.
4. It can be difficult to predict exactly the impacts of natural hazards on individual properties.
5. Land use and development decisions are often made without due recognition of the actual or potential risks from natural hazards, reducing the safety of communities and increasing the risk of damage to life, property, infrastructure and the environment.

C8.1.3 General Objectives

1. A pattern of human settlement that:
 - a) provides a high level of personal safety from natural hazards for its inhabitants;
 - b) avoids or mitigates the risk to property and infrastructure from natural hazards; and
 - c) does not accelerate or worsen the adverse effects of natural hazards upon the natural and physical environment.
2. A community informed of the potential natural hazards of the District.
3. The protection of natural features that could lessen the impact of natural hazards.

Principal reasons:

- **Objective 1** - *Natural hazards are caused by natural processes and only become hazards due to their interface with human activities. The objective seeks that for existing and new development the risk of loss of life or injury is minimised, damage to property and the environment is avoided and there is no transfer of adverse effects.*
- **Objective 2** - *A community more aware of this District's natural hazards will encourage more informed landuse or development decisions with regard to the potential risks.*
- **Objective 3** - *Natural hazards are naturally occurring events. There are natural features that can reduce the scale or impact of these events. Protection of these features can help to avoid adverse effects.*

C8.1.4 General Policy

1. In extreme hazard areas where the natural hazard cannot be avoided or mitigated new development and any related subdivision should not occur.
2. In all hazard prone areas, any new subdivision, use and development should avoid or minimise any risk of loss of life or injury or other environmental damage due to natural hazard.
3. Any assessment of a resource consent application within a hazard prone area shall consider, but is not limited to, the following matters:
 - a) whether minimum floor levels for residential buildings should be set to reduce the susceptibility to danger and damage from flooding;
 - b) the desirability of residential buildings being relocatable so they may be moved if the risk of damage becomes imminent.
4. Patterns of human settlement, development and activities should not induce or accelerate the risk of natural hazards. When assessing an application for a resource consent the effects of that application on any hazard risk shall be considered. This includes but is not limited to the following:
 - a) the likelihood and effect of unrestrained material escaping and increasing potential hazard damage;
 - b) any diversion of overland flows of floodwaters or stormwater;
 - c) the safety of any occupants of buildings and evacuation procedures;
 - d) potential flood conditions, including silt deposition, at the site;
 - e) site topography and location of the building;
 - f) likelihood of increased erosion elsewhere;
 - g) stormwater collection and disposal systems should be designed to mitigate any adverse effects on the stormwater system or avoid an increase in the risk or severity of flooding or land instability;
 - h) other measures in place to reduce the potential effects of the proposed buildings or site development on the movement of floodwater;
 - i) extent to which natural buffers exist and are adversely affected.

5. To recognise the limits of attempts to control natural processes by physical work and restrict such attempts to appropriate situations where they are:
 - a) needed to protect existing development, or waahi tapu or new public infrastructure such as ports, roads and bridges; and
 - b) have a favourable benefit to cost ratio; and
 - c) will have no more than a minor adverse effect on the natural character of the coastal environment, lakes and rivers and their margins, or areas / features of natural or cultural significance, or other adverse environmental effects; and
 - d) will not cause or worsen hazards to other lands or waters; and
 - e) are the best practical alternative.
6. Mitigation works shall be designed and constructed in sympathy with the environment recognising:
 - a) the dynamic, complex and interdependent nature of biological and physical processes;
 - b) effect on amenity values;
 - c) effects on the landscape and natural features of the locality;
 - d) any effect on public access.
7. A precautionary approach should be adopted where activities with unknown or little understood effects are proposed, or the effects on natural processes are difficult to assess.
8. In carrying out hazard assessments or considering resource consent applications the possibility and implications of climate change are to be recognised. In particular the likelihood of the following matters should be considered:
 - a) a change in sea level;
 - b) altering of coastal processes;
 - c) increased inundation of low lying estuarine areas;
 - d) higher local temperatures;
 - e) changes in rainfall patterns;
 - f) increase in cyclonic storms.
9. The integrity of natural systems and features that provide a defence against natural hazards should be recognised and protected. These include:
 - a) the capacity of foredunes to act as natural protection against inundation and erosion;
 - b) wetlands;
 - c) margins of estuaries.

Principal reasons:

- **Policy 1** - These are areas where severe effects from natural hazards can be expected to occur. With greater knowledge now available, it is no longer necessary to expose people and their assets to such risks. Extreme hazard areas are defined as:

- River and Floodway Flood Hazard Area 1 and 9;
- Extreme Risk Coastal Hazard Area.

This policy will assist to avoid the establishment of any further dwellings that are likely to be affected by flooding or other natural hazard.

- **Policy 2 & 3** - These are areas where significant effects from natural hazards can be expected to occur. Where use and development do occur in these areas precautions need to be taken to avoid risk.

Hazard Prone Areas include all land identified as follows:

- Flood Hazard Overlay Areas 2-10;
- Coastal Hazard Overlay Areas High, Moderate and Safety Buffer;
- Areas Sensitive to Coastal Hazards;
- Land Instability Overlay.

The precautions listed are some common ways that the adverse effects of hazards can be minimised.

- **Policy 4** - Little can be done to prevent some hazards from occurring. Other natural hazards can be avoided or their impacts minimised by appropriate management.
- **Policy 5** - Much of this District's population and economic activity are established on river flood plains or in areas of coastal erosion and therefore already carries some risk. In some circumstances the construction or maintenance of physical works as attempts to control natural processes may be appropriate. These would include low cost, low impact works and where the value or importance of the assets to be protected justifies greater spending.
- **Policy 6** - Attempts to control natural processes need to be designed with full consideration of the actual effects on the environment.
- **Policy 7** - Knowledge of natural processes is incomplete and there is considerable uncertainty about the impacts of global warming. Therefore a precautionary approach is considered more sustainable when considering the effects of a proposal.
- **Policy 8** - These factors are all expected to occur due to climate change and should be taken into account in any relevant assessment.
- **Policy 9** - Elements of the natural environment, such as beaches, sand dunes, lagoons and wetlands provide a buffer against natural hazards. These features should be recognised and protected from inappropriate subdivision, use and development so they continue to fulfil their natural function.

C8.1.5 Methods

Note: The methods relate to all hazard zones and overlays in C8.1- C8.5.

There is a diverse range of natural hazards experienced in this District. Strategies are developed for each individual hazard, generally involving a combination of the following methods:

Information and Research

1. Carry out research to improve knowledge of particular hazards in particular areas and where appropriate incorporate such information into this Plan.
2. The Council will seek opportunities to increase knowledge about seismic hazards. Where appropriate such information will be incorporated into this Plan and included in any relevant Project or Land Information Memorandum.
3. Council will provide preliminary advice about potential land stability issues.
4. Records of sites that have been filled will be held by Council.
5. Additional coastal hazard assessment for priority areas will be carried out.
6. Council will undertake new, and review existing, flood and inundation hazard assessments, as follows:
 - a) Stormwater secondary flow paths in Gisborne urban area;
 - b) Review Te Karaka Flood Control Scheme;
 - c) Carry out further Coastal Hazard Zone Assessments for parts of the coastline subject to development pressure. Initial priorities include Tolaga Bay, Anaura Bay, Tokomaru Bay, Te Araroa and Hicks Bay;
 - d) Any new information will be incorporated into Council flood hazard records, and this Plan and will be available for use in Project Information and Land Information Memoranda.

Works and Services

1. The following works and services will be carried out where appropriate:
 - a) Provision and maintenance of erosion protection measures;

- b) Catchment treatment, such as tree planting, land purchase and retirement, drainage and hill toe protection works;
- c) Works and services in areas subject to land instability;
- d) Investigate and upgrade stormwater systems; and
- e) Support for community based dune care programmes.

Regulation

1. The Council will assess and monitor Gisborne building stock according to requirements of the Building Act 2004 and subsequent legislation. The Council will continue to pursue an active programme under the Building Act of assessing buildings for earthquake risk and requiring strengthening as appropriate.
2. Council will apply as appropriate the provisions of Section 36 of the Building Act on any building consent application, including declining the consent, requiring mitigation or requiring the owner to indemnify Council for any liability for damage.
3. The Council will include areas subject to natural hazards in Hazard Overlays on the Tairāwhiti Plan Maps. Restrictions applying to these Overlays will be included in this Plan.
4. Overlays include the following:

- a) **Flood Hazard Overlay 1 (River and Floodway):** These are the main routes for floodwaters. They include all watercourses and adjacent berms liable to regular flooding. Floodwaters could be deep and fast flowing. These are areas unsuitable for regular human occupation. Floodway areas are areas which even if only partially blocked would cause a significant redistribution of flood flows. Care needs be taken not to alter the level of the land in a way which could divert floodwaters and cause adverse effects. Activities which could trap sediment in a flood and build up the river berms should also be avoided.
- b) **Flood Hazard Overlay 2A (Moderate/High Hazard Areas):** Similar to Flood Hazard Overlay 2 except that:
 - i. The flood hazard varies between "moderate" and "high"; and
 - ii. Flood warning systems and evacuation plans provide some measure of protection to residents

Within this overlay some areas are unsuitable for permanent habitation, while others may be suitable subject to the practicality of evacuation routes and the potential numbers to be evacuated.

- c) **Flood Hazard Overlay 2 (High Hazard Areas):** Flooding in high hazard areas is associated with flow over stopbanks and roads and deep overland flow confined to narrow valleys. Floodwaters could cause structural damage to buildings and in extreme cases light framed houses could be swept away. Heavy silt deposition can occur. These areas are generally unsuitable for permanent habitation. Care needs be taken not to alter the level of the land in a way which could divert floodwaters and cause adverse effects. Activities which could trap sediment in a flood and build up the river berms should be avoided.
- d) **Flood Hazard Overlay 3 (Flood Ponding Areas):** This contains low-lying areas or basins subject to occasional but relatively deep flooding. Generally floodwaters would be slow moving or stationary. For Poverty Bay these areas have been flooded in 1985 and/or 1988. Ponding areas store floodwaters during major rainfall events. Infilling of these areas may divert and raise the level of floodwaters elsewhere.
- e) **Flood Hazard Overlay 4 (Areas Liable to Flooding):** contains areas on floodplains that have previously been flooded. For Poverty Bay that is flooding from the 1985 and/or 1988 floods. For the Mangatuna/ Wharekaka area it is flooding from the 1988 flood. For the Waimata Taruheru and Turanganui Rivers and the Waikanae Creek it is flooding from the 1977 and/or 1985 flood.

- f) **Flood Hazard Overlay 5 (Flood Fringe Areas):** contains areas that have not previously flooded but are expected to be flooded under design flood standard conditions. Generally water would be shallow and slow moving. These areas are generally suitable for permanent habitation as flooding should not cause structural damage. However floor levels need to be high enough for inhabitants to remain safely in houses until effective evacuation can take place. Care needs to be taken not to alter the level of the land in a way which could divert floodwaters and cause adverse effects.
- g) **Flood Hazard Overlay 6 (Old River Loops):** These areas are old river loops that can be flooded to depths exceeding 1m. They are not generally suitable for residential occupation because the depth of water could cause difficulties in evacuation. Care needs to be taken not to alter the level of the land in a way which could divert floodwaters and cause adverse effects.
- h) **Flood Hazard Overlay 7 (Urban Stormwater Flood Hazard Area):** These areas are affected by flooding from local streams and drains in design flood conditions. The stormwater reticulation system within the Gisborne urban area is presently undergoing an upgrading programme and the extent of this area may be able to be reduced when this programme is complete. However, work on this has only just begun and therefore the 1977 and 1985 floodspread maps are to be used until then as the basis of this overlay area.
- i) **Flood Hazard Overlay 8 (Urban Ponding Areas):** Urban ponding areas store floodwaters during major rainfall events. Infilling of these areas would put extra stress on urban reticulation systems or require expensive upgrading of such systems.
- j) **Flood Hazard Overlay 9 (Urban Floodways):** These are main routes for floodwaters. They include all rivers, streams and watercourses and adjacent berms liable to flooding. Floodwaters could be deep and fast flowing. Floodway areas are areas which even if partially blocked would cause a significant redistribution of flood flows. Care needs to be taken not to cause adverse effects by diverting or impeding floodwaters.
- k) **Makorori Hazard Overlay:** Because of the extremely unstable underlying geology, building construction, earthworks of any kind, vegetation removal, stormwater and effluent disposal systems all have the potential to cause or increase slope instability and landslip. Properties are liable to damage from landslip from the higher slopes behind.
- l) **Waimata Riverbank Erosion Hazard Overlay:** The Waimata riverbank may be susceptible to slumping as a result of instability and riverbank erosion. Lithology is generally layered alluvial sediment rather than erosion resistant rock. Saturation and additional loading as a result of building activities, earthworks and vegetation removal or stormwater discharge can increase the potential for slumping which could damage development near the top of the slope.
- m) **Waimata Riverbank Fringe Overlay:** The Waimata riverbank may be susceptible to slumping as a result of instability or riverbank erosion as described above. Saturation and additional loadings as a result of building activities, stormwater discharges, earthworks and vegetation removal can increase the potential for slumping which could damage development near the top of the slope. Slope failure in the erosion hazard area may cause disturbance in the fringe area which could damage buildings.
- n) **Site Caution Overlay:** This overlay is a signal to advise the public there may be additional site-specific controls required for protection measures or a need to avoid development. Subdivision of land will be assessed in order to avoid the creation of new sites which cannot be satisfactorily developed.
- o) **Coastal Hazard Overlay 1 - Extreme Risk Area:** This area lies adjacent to the coast and encompasses the area subject to high impact short-term shoreline fluctuations. There is a significant possibility of values being damaged or destroyed in any one year. Erosion could occur to the full width of this area in a single storm.

- p) **Coastal Hazard Overlay 2 - High Risk Area:** This area lies adjacent to and landward of the Extreme Risk Area. It encompasses the area subject to potential sea and wind erosion, flooding or landslip with a high probability of occurring between now and the year 2050 AD. The shoreline is forecast to lie at the inland edge of this area by about the year 2050 AD.
- q) **Coastal Hazard Overlay 3 - Moderate Risk Area:** This area lies adjacent and landward of the High Risk Area. It encompasses the area subject to potential sea and wind erosion, flooding and landslip with a high probability of occurring during the period 2050 2100 AD. The shoreline is forecast to lie at the inland edge of this area by about the year 2100 AD according to the 1995 Coastal Hazard Assessment.
- r) **Coastal Hazard Overlay 4 - Safety Buffer:** This area is likely to be affected by coastal erosion beyond the year 2100 AD on present assumptions. This would be affected by any change in the rate of sea-level rise and any change in storm frequency due to climate change. Buildings erected now are likely to be still in existence by the time the area comes to be affected by erosion. It has been mapped now for advance warning and to enable the rate of change to be monitored.
- s) **Areas Subject To Coastal Hazard (ASCH):** These are areas which have been assessed as being potentially subject to coastal hazard. A preliminary study of these areas was carried out in 1994 by Dr J.G. Gibb for the Council. This was based on the factors of sea and wind erosion, landslip and flooding from the sea and coastal rivers. These areas are identified in the aerial photographs in the Maps. The majority of the Gisborne coastline is affected.

The results of the study will be incorporated by the Council into Land Information and Project Information Memoranda, and in decisions on building consents, resource consents and subdivisions. Developers of sites in these areas may be required to carry out more in depth analysis of the degree of hazard as part of their applications.

The areas concerned are shown on aerial photographs included in the Tairāwhiti Plan Maps.

Public awareness

1. Initiatives will be carried out to build public awareness of natural hazards and their effects. This will include, but is not limited to, collecting rainfall and river monitoring data and providing public flood warnings. Council will provide advisory services to the public and encourage individual responses to managing natural hazards.

Principal reasons:

Information and Research

- **Method 1** - Increased knowledge of hazards enables more informed decisions to be made. Note: Funding for this method will need to be sought through the Annual Plan process.

Works and Services

- **Method 1** - These services are carried out on behalf of ratepayers and residents to provide a level of protection from the dangers and inconvenience of natural hazards.

Regulation

- **Methods 1 and 2** - These are responsibilities Council exercises outside the Act. They complement the other methods taken in this Plan.
- **Methods 3 and 4** - In the areas concerned additional restrictions are required to avoid or mitigate the effects of natural hazards to ensure people and structures are not adversely affected.

Public Awareness

- **Method 1** - Raising public awareness of the potential effects of natural hazards can encourage the community to take initiatives that will help to reduce the risk and impact of hazard events.



C8.1.6 Regional Rules for Natural Hazards – General

Note:

1. Activities shall comply, where relevant, with the Regional or District rules in C2 Built Environment, Infrastructure and Energy, C4 Cultural and Historic Heritage, C5 Environmental Risks, C6 Freshwater, C7 Land Management, C9 Natural Heritage, C10 Subdivision, C11.1 Signs.
2. The regional rules for each overlay apply in addition to the zone rules for the area.
3. Subject to any other rule to the contrary in this Plan, the following requirements shall apply in all Natural Hazard Overlays; as denoted on the Tairāwhiti Plan Maps, or ASCH Aerial Photographs.

Rule Table C8.1.6

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
General hazard rules				
8.1.6(1)	Planting of trees and shrubs carried out or supervised by the Gisborne District Council for the purpose of soil conservation and river control	All overlays	Permitted	
8.1.6(2)	Small-scale and temporary engineering investigations and associated structures carried out or supervised by the Gisborne District Council	All overlays	Permitted	
8.1.6(3)	Any existing, lawfully established activity in a hazard overlay is a permitted activity if it is not addressed as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity	All overlays	Permitted	
8.1.6(4)	The maintenance and minor upgrading of legally established existing structures	All overlays	Permitted	



C8.2 Flood Hazard



C8.2.1 Introduction

Flood hazard assessments have been carried out for several areas in the District. These include the Poverty Bay Flats, Gisborne urban area, and the Mangatuna/ Wharekaka Area for the Hikuwai/Uawa River.

The flood hazard varies across liable areas. Generally towards the edge of the flooded area depths are shallow and floodwaters move at slow speeds. Therefore the degree of hazard is low. However floodwaters are generally deep and flow swiftly in the vicinity of the main river channel and other major flood flow paths. These areas generally have a high degree of flood hazard with silt and debris deposition.

The process of assessing flood hazard, firstly involves a study into flood behaviour. This involves estimating discharge for the various sized floods and the determination of water levels, velocities and depth of flooding. Then secondly a 'design flood standard' is selected. The determination of that 'design flood standard' balances the social, economic and ecological considerations against the consequences of flooding. If the standard is too low development will be inundated relatively frequently with greater damage. If the standard is too high land will incur unwarranted controls. The selection of the design flood standard depends on flood behaviour, landuse and consequences of larger floods.

The level of protection offered by flood mitigation works may be different from the design flood standard adopted for land use planning. That level is dictated by economics of the situation or physical limitations of the site. It is prudent to assume that floods may occur greater than the ability of protection works to contain them. The design flood standard is intended to reduce the impacts of such floods, by avoiding or limiting development which would be affected.

C8.2.1.1 Poverty Bay Flats

The Waipaoa River Flood Control Scheme (WRFCs), is a system of stopbanks and channel improvements on the Waipaoa River and some of its tributaries. After extensive flooding from the 1988 storms, repairs were carried out to the WRFCs so that all the Scheme will contain a discharge up to 5000 cumecs with varying levels of freeboard.

The WRFCs offers only partial protection to the Poverty Bay Flats as the flood control system can be overtopped by discharges greater than design capacity. Also, while the Waipaoa River is the dominant element on the Poverty Bay Flats there are other important drainage features. These include the Waimata and Taruheru River system, Te Arai River, Waikakariki Stream and the Whakaahu Stream (Ngatapa and Patutahi), the Mahanga Stream (Ormond) and the Whatatuna and Pipiwhakao Drain (Manutuke). In major coastal storms these are capable of creating significant overland flooding without any input from the Waipaoa, which has most of its catchment well inland.

On this basis, in 1992 Council adopted a 'design flood standard' for the Poverty Bay Flats. It introduced landuse management policies to minimise adverse effects from flooding. This design flood standard was seen as high enough to ensure that the impacts of flooding are sustainable, yet not so high that development is unnecessarily restricted. In determining that standard the uncertainties of climate change, river aggradation and the lack of long historical records were taken into account.

Although improvements to the Waipaoa and Taruheru River flood controls schemes will reduce the flooding risk, land on the Poverty Bay floodplain will continue to be subject to a flooding hazard. The areas where flooding is able to be predicted are specifically identified by Flood Hazard Overlays. The Flood Hazard Overlays indicate the different flood hazard categories.

Under the 'design flood standard' conditions there is still a considerable area of the Poverty Bay floodplain not covered by the Flood Hazard Overlay. This does not imply that flooding will never be experienced in these areas. In a number of situations flooding could occur, such as overflows due to blockages in the drainage system, floods greater than the design flood standards and failure of the stopbanks.

C8.2.1.2 Gisborne Urban Area

The Taruheru, Waimata and Turanganui Rivers, their tributaries and the Waikanae Stream provide the natural drainage system for the Gisborne urban area.

The Waimata River has its origins in the hill country north of Gisborne. The river has a very flat slope within the urban area and the bed levels are below mean sea level. It is deeply incised into the alluvial flats. It is capable of conveying large floods without inundating large areas of the Gisborne urban area.

The Taruheru River flows into Gisborne from the north-west, and joins the Waimata River to form the Turanganui River before discharging into the sea. The condition of the river is critical to the drainage and flood protection of a major part of the Eastern Poverty Bay Flats. Prior to the completion of the WRFCs overflows from the Waipaoa River regularly flowed to the Taruheru River and Waikanae Stream. The main channel of the Taruheru River has gradually reduced due to the changes in the catchment and sedimentation.

The design flood standard for the Waimata and Taruheru Rivers in the Gisborne urban area is the 100-year return period flood. The areas affected have been identified on the Flood Hazard Overlay on the Tairāwhiti Plan Maps

Flooding of the Gisborne urban properties and streets from stormwater system overflows has occurred during past storm events. The 1977 storm saw widespread flooding in residential parts of Gisborne urban area. Flooding houses and properties often leads to an overload of sewerage reticulation systems which in turn leads to sewage overflows into streams and properties.

Once the capacity of the primary stormwater system (which includes gullies, sumps, pipes and open drains) is exceeded there is overland flow along secondary flow paths. Council is currently carrying out a stormwater system improvement programme.

If an area is not covered by a flood hazard overlay it does not mean that it will never be flooded. Properties outside the extent of the Overlay could still be subject to inundation in unusual circumstances such as catastrophic rainfall, or blockages of culverts and secondary stormwater flow paths.

C8.2.1.3 Te Karaka Township

Te Karaka Township is located on the Waipaoa River floodplain and could suffer extensive property damage in the event of a flood. Although the Flood Control Scheme reduces the risk of flooding it does not eliminate that risk. Measures to minimise the effects of flooding adopted in the Transitional District Plan (Waikohu Section) have therefore been retained. These are:

- a) a floodwater pathway with landuse restrictions;
- b) a floodwater ponding area immediately to the east of the township with landuse restrictions;
- c) minimum floor levels for new buildings in Te Karaka Township.

C8.2.1.4 Mangatuna and Wharekaka Area

The Uawa River and its tributaries make up the main drainage system for Tolaga Bay. The river has its origins as the Waiau River flowing through deep valleys in the upper reaches then entering its floodplain at Willow Flat, where it is known as the Hikuwai River. It then combines with the Mangaheia stream to form the Uawa River before discharging into the sea at Tolaga Bay. The river overflows its banks from time to time (twice last century) in its lower reaches inundating large areas of land. The river contains large amounts of silt during floods which is deposited over the floodplain.

The flood-spread area extends from Willow Flat to Tolaga Bay, generally confined between the State Highway, the Paroa and Tauwhareparae Roads and the Wharekaka area.

The meandering path of the Hikuwai River in the Mangatuna area is such that the area between State Highway 35 and Paroa Road acts as a floodway during major floods. Much of this area is subject to very heavy silt and/or debris deposition. During floods water overflowing the Hikuwai River flows into Wharekaka. The drainage system cannot cope and deep ponding with deposition of silt occurs. The floodwaters entering the downstream area of Mangatuna and west of Wharekaka spreads along the wide flat basin and combines with the Mangaheia River floodwater to flow through the Uawa River.

C8.2.2 Policies for Flood Hazards

1. In developing plan provisions, and in assessing resource and building consent applications, the Council will adopt 'design flood standards' for flood hazard assessments as follows:

a) **(Waipaoa River within the) Poverty Bay Flats**

Peak flood flow of 5830 cumecs in the Waipaoa River at Kanakanaia over a period of 30 hours. (Cyclone Bola hydrograph plus 10%) plus a flood equal to the magnitude of the July 1985 event from all other rivers and streams on the floodplain.

b) **Gisborne Urban area**

Flood equal to the magnitude of the July 1985 event or the 1977 event.

c) **Te Karaka**

Peak flow of 5300 cumecs in the Waipaoa River at Kanakanaia.

d) **Mangatuna / Wharekaka area**

A flood equal to the magnitude of the "Bola" flood in the Hikuwai River as measured at Willow Flat.

2. The Council will recognise that localised flooding may occur outside the areas described in Policy C8.2.2(1) above.
3. When designing and carrying out earthworks or roadworks any adverse effects resulting from the diversion of floodwater should be avoided, remedied or mitigated.
4. Activities on land within the Waipaoa River Floodway should avoid causing aggradation of the berms during floods by trapping silt.
5. The Council will not consent to any building associated with commercial, industrial or other development sensitive to flood hazard in the Citrus Grove Development Control Area unless the requisite floodway and minimum ground levels set out in Schedule G10 have been constructed and achieved. Where it is necessary to obtain subdivision consent prior to the floodway being constructed and the ground levels achieved then conditions will be imposed to require these works to be completed prior to s.224(c) approval.

Principal reasons:

- **Policy 1** - The design flood standard must be high enough to ensure that the impacts of flooding are minimised yet not so high that development is unnecessarily restricted. They generally represent 100-year floods, recognising the limitations in attempting to predict the frequency of floods due to the short historical record and the possibility of climate change. The selected standards seek to minimise the flood hazard yet maximise the benefits from use of the floodplains.
- **Policy 2** - If an area is not covered by a flood hazard predictive model it does not mean that it will never be flooded. Properties outside the model could still be subject to inundation in unusual circumstances.
- **Policy 3** - Diverting floodwaters could cause harm to people or properties where this did not previously occur.
- **Policy 4** - Waipaoa Floodway is liable to aggradation from the deposition of silt. Obstructions, which slow the passage of floodwaters, increase silt deposition, reducing its capacity to contain floodwaters and thus lowers the level of protection on the Poverty Bay Flats. NOTE: See also general policies for natural hazards.
- **Policy 5** - The Citrus Grove Development Area is considered to be viable for non-rural land use and development only if the floodway and minimum ground levels set out within the relevant Plans are achieved and maintained on an ongoing basis.



C8.2.3 Regional Rules for Flood Hazards

Note:

1. Activities shall comply, where relevant, with the Regional or District rules 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.
2. The regional rules for each overlay apply in addition to the zone rules for the area.

3. Subject to any other rule to the contrary in this Plan, the following requirements shall apply in all Natural Hazard Overlays; as denoted on the Tairāwhiti Plan Maps or ASCH Aerial Photographs.

C8.2.3.1 General Standards

The following General Rules shall apply to all permitted activities in a flood hazard overlay

- A. **Obstruction of Floodwaters- Rural Industrial A Zone:** Not more than 33 percent of the F4 floodway width identified on any one site, within this zone is to be obstructed by buildings or other solid objects (including solid fences).
- B. **Ground level within the Citrus Grove Development Control Area:**
- a) No building shall be constructed prior to the floodways and minimum ground level of 3.9m above mean sea level as set out in the structure plan and Schedule G10 a) to c) being achieved.
 - b) No site shall be used for industrial or commercial purposes prior to the floodways and minimum ground level of 3.9m above mean sea level as set out in the structure plan and Schedule G10 a) to c) being achieved.
- C. **Maintenance of constructed Floodways within the Citrus Grove Development Control Area:** No activity or use shall be undertaken or established within the constructed floodways which would affect and/or compromise floodway capacity and structural integrity.
- D. **Minimum habitable floor levels**

F3, F4 and F5: All residential buildings and habitable buildings shall have minimum habitable floor levels as specified below:

Poverty Bay and Gisborne urban area:	300mm above the design flood standard or 600 mm above general ground level whichever is the greatest;
Mangatuna and Wharekaka (Tolaga Bay):	500mm above the design flood standard;
Te Karaka:	1.0m above general ground level or 300mm above flood level, whichever is the greater.

Figure C8.1 – Minimum habitable floor levels

F7: Any new residential building erected or relocated in the area shall have minimum habitable floor levels as follows (the highest level shall apply):

- a) 300mm above general ground level or
- b) 200mm above the 1977 and/or 1985 flood level or
- c) 200mm freeboard above any adjacent road crown, footpath or ground acting as a hydraulic control or weir.

Rule Table C8.2.3

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
Flood Hazard Overlay F1 (River and Floodway)				
8.2.3(1)	Annual cropping except maize or sweetcorn	F1 River and Floodway	Restricted discretionary	Council shall restrict its discretion to the matters a) - c) specified below: a) Restriction or diversion of the passage of floodwaters; b) Aggradation of the bed or berms of the rivers; c) The endangering of lives or property in the event of flooding.
8.2.3(2)	Any activity in the road reserve that may result in the diversion or ponding of floodwaters, including any new road, road alteration or shape correction	F1 River and Floodway	Restricted discretionary	
8.2.3(3)	New fencing other than temporary electric fencing and boundary fencing	F1 River and Floodway	Restricted discretionary	
8.2.3(4)	Construction of soil conservation and river control works	F1 River and Floodway	Restricted discretionary	
8.2.3(5)	Earthworks which alter the level of the land	F1 River and Floodway	Restricted discretionary	
8.2.3(6)	Planting of trees or shrubs	F1 River and Floodway	Restricted discretionary	
8.2.3(7)	Construction or installation of new structures associated with network utility activities	F1 River and Floodway	Restricted discretionary	
8.2.3(8)	Addition to or alterations of non- residential buildings	F1 River and Floodway	Restricted discretionary	
8.2.3(9)	The installation or alteration of culverting or bridging of streams, watercourses or rivers	F1 River and Floodway	Restricted discretionary	
8.2.3(10)	The construction of all new buildings (except network utilities), and addition to or alteration of existing residential buildings	F1 River and Floodway	Prohibited	
8.2.3(11)	Commercial horticulture involving perennial tree or shrub species	F1 River and Floodway	Prohibited	
8.2.3(12)	Artificial shelter belts	F1 River and Floodway	Prohibited	
8.2.3(13)	Cropping of maize or sweetcorn	F1 River and Floodway	Prohibited	
Flood Hazard Overlay F2 (High Hazard Areas) and Flood Hazard Overlay F2A (Moderate / High Hazard Areas)				
8.2.3(14)	The establishment of new permanent horticulture, woodlots or shelter belts in Flood Hazard Overlay 2A, where the rows of structures to support the plants and/or the rows of plants are parallel to the likely overland flood flows	F2A Moderate/High Hazard Areas	Permitted	
8.2.3(15)	Construction or relocation of, additions to or alterations of buildings	F2 High Hazard Areas, F2A	Restricted discretionary	Council shall restrict its discretion to the matters a) - c) specified below:

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
		Moderate/High Hazard Areas		a) Restriction or diversion of the passage of floodwaters; b) Aggradation of the bed or berms of the rivers; c) The endangering of lives or property in the event of flooding.
8.2.3(16)	Earthworks which alter the existing ground level	F2 High Hazard Areas, F2A Moderate/High Hazard Areas	Restricted discretionary	
8.2.3(17)	The establishment of woodlots, shelter belts or new permanent horticulture in Flood Hazard Overlay 2, including any structures to physically support the plants	F2 High Hazard Areas	Restricted discretionary	
8.2.3(18)	The establishment of woodlots, shelter belts or new permanent horticulture in Flood Hazard Overlay 2A, where the rows of structures to support the plants and/or the rows of plants are not parallel to the likely pathway of overland flood flow	F2A Moderate/High Hazard Areas	Restricted discretionary	
8.2.3(19)	Any activity within the road reserve that may result in the diversion or ponding of floodwater, including any new road, road alteration or shape correction	F2 High Hazard Areas, F2A Moderate/High Hazard Areas	Restricted discretionary	
8.2.3(20)	Construction of soil conservation and river control works	F2 High Hazard Areas, F2A Moderate/High Hazard Areas	Restricted discretionary	
8.2.3(21)	Construction or installation of network utility structures	F2 High Hazard Areas, F2A Moderate/High Hazard Areas	Restricted discretionary	
Flood Hazard Overlay F3 (Flood Ponding Areas), Flood Hazard Overlay 4 (Liable to Flooding) and Flood Hazard Overlay F5 (Flood Fringe Areas)				
8.2.3(22)	Internal alterations to residential buildings and habitable buildings and the construction of decks and pergolas that are attached to an existing residential building that comply with General Standard D in 8.2.3.1	F3 Flood Ponding Areas, F4 Liable to Flooding and F5 Flood Fringe Areas	Permitted	
8.2.3(23)	Accessory buildings associated with a residential dwelling in the area covered by Overlays 4 and 5 that comply with General Standard D in 8.2.3.1	F4 Liable to Flooding and F5 Flood Fringe Areas	Permitted	
8.2.3(24)	Construction, additions to or alterations to the upper floor levels of any existing residential or habitable buildings that comply with General Standard D in 8.2.3.1	F3 Flood Ponding Areas, F4 Liable to Flooding and	Permitted	

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
		F5 Flood Fringe Areas		
8.2.3(25)	Construction, or relocation of residential buildings and habitable buildings; additions or external alterations to residential buildings and habitable buildings; and the conversion of accessory buildings or non-habitable buildings into residential buildings and/or habitable rooms that do not comply with General Standard D in 8.2.3.1	F3 Flood Ponding Areas, F4 Liable to Flooding and F5 Flood Fringe Areas	Restricted discretionary	Council shall restrict its discretion to the matters a)- c) specified below: a) Restriction or diversion of the passage of floodwaters; b) Aggradation of the bed or berms of the rivers; c) The endangering of lives or property in the event of flooding.
8.2.3(26)	Any new road, road alteration or shape correction that alters the pavement level in the FH3 and FH4 Overlay areas	F3 Flood Ponding Areas, F4 Liable to Flooding	Restricted discretionary	
8.2.3(27)	Any earthworks that alter the ground level in the FH3 & FH4 areas, including filling of ponding areas	F3 Flood Ponding Areas, F4 Liable to Flooding	Restricted discretionary	
8.2.3(28)	Erection of buildings or solid objects (including fences) which will obstruct 33 percent or more of the F4 floodway width on a site within the Rural Industrial A Zone	F4 Liable to Flooding	Restricted discretionary	Council will restrict its discretion to the matters a)- e) specified below: a) Enhancement of amenity values; b) Provision of landscaping and signage; c) Site layout particularly building design and location on site; d) Mitigation of flood risk; e) Provision of network utility services.
8.2.3(29)	Erection of buildings or solid object (including fences) within the area hatched blue in Appendix H14	F3 Flood Ponding Areas, F4 Liable to Flooding and F5 Flood Fringe Areas	Restricted discretionary	
Flood Hazard Overlay F6 (Old River Loops)				
8.2.3(30)	The construction of buildings except for residential building. The relocation, additions to or alterations of all buildings	F6 Old River Loops	Restricted discretionary	Council shall restrict its discretion to the matters a)- c) specified below: a) Restriction or diversion of the passage of floodwaters; b) Aggradation of the bed or berms of the rivers; c) The endangering of lives or property in the event of flooding.
8.2.3(31)	Any new road, road alteration or shape correction that alters the pavement level, or earthworks which alter the natural ground level	F6 Old River Loops	Restricted discretionary	
8.2.3(32)	The construction and relocation of residential buildings	F6 Old River Loops	Prohibited	
Flood Hazard Overlay F7 (Urban Stormwater Flood Hazard Areas)				
8.2.3(33)	Any activity in the road reserve that may result in the diversion or ponding of floodwaters, including any new road, road alteration or shape correction	F7 Urban Stormwater Flood Hazard Area	Restricted discretionary	Council shall restrict its discretion to the matter a) specified below: a) Avoiding, remedying or mitigating any effects of flooding. This includes ensuring that activities shall not restrict or divert the passage of floodwaters.
8.2.3(34)	Any new solid fence, or alterations to existing solid fence, along any property boundary	F7 Urban Stormwater	Restricted discretionary	

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
		Flood Hazard Area		
8.2.3(35)	Earthworks that change the permanent level of the land	F7 Urban Stormwater Flood Hazard Area	Restricted discretionary	
Flood Hazard Overlay F8 (Urban Ponding Areas)				
8.2.3(36)	Any activity in the road reserve that may result in the diversion or ponding of floodwaters, including any new road, road alteration or shape correction	F8 Urban Ponding Areas	Restricted discretionary	Council shall restrict its discretion to the matter a) specified below: a) Avoiding, remedying or mitigating any effects of flooding. This includes ensuring that activities shall not restrict or divert the passage of floodwaters.
8.2.3(37)	Any new solid fence, or alterations to existing solid fence, along any property boundary	F8 Urban Ponding Areas	Restricted discretionary	
8.2.3(38)	Earthworks that change the permanent level of the land	F8 Urban Ponding Areas	Restricted discretionary	
8.2.3(39)	Filling of ponding area with earth or other material	F8 Urban Ponding Areas	Restricted discretionary	
8.2.3(40)	Construction, relocation, additions to or external alterations of residential and habitable buildings	F8 Urban Ponding Areas	Restricted discretionary	
8.2.3(41)	Construction or installation of new network utility structures	F8 Urban Ponding Areas	Restricted discretionary	
Flood Hazard Overlay F9 (Urban Floodways)				
8.2.3(42)	The installation or alteration of culverting or bridging of rivers, streams and watercourses	F9 Urban Floodways	Restricted discretionary	Council shall restrict its discretion to the matter a) to d) specified below: a) Avoiding, remedying or mitigating any effects of flooding b) Restriction or diversion of the passage of floodwaters c) Aggradation or erosion of the banks and berms of rivers, streams or watercourses d) Access for machinery
8.2.3(43)	Planting of trees or shrubs on the banks/berms of rivers or streams	F9 Urban Floodways	Restricted discretionary	
8.2.3(44)	Construction or installation of network utility structures.	F9 Urban Floodways	Restricted discretionary	
8.2.3(45)	The replacement of watercourses/drains in the Taruheru Block with alternative drainage infrastructure including pipes and swales	F9 Urban Floodways	Discretionary	
8.2.3(46)	Construction of soil conservation and river control or protection works where they do not accelerate or worsen the effects of natural hazards	F9 Urban Floodways	Discretionary	
8.2.3(47)	The construction of or addition to any structure (excluding buildings) not specifically provided for as a permitted activity or a restricted discretionary activity (excluding maintenance and minor upgrading)	F9 Urban Floodways	Discretionary	

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
8.2.3(48)	The construction of or addition to any building (excluding maintenance and minor upgrading)	F9 Urban Floodways	Prohibited	
8.2.3(49)	Deposition of any lawn clippings, tree prunings or any other waste material	F9 Urban Floodways	Prohibited	
8.2.3(50)	Raising the level of the land by the depositing of materials (excluding activities subject to Rules 8.2.3.45-8.2.3.47)	F9 Urban Floodways	Prohibited	



C8.3 Seismic Hazard



The Gisborne District has a considerable history of moderate seismic events. Major earthquakes, although very rare, could occur at any time. Evidence of earthquake fault lines has been significantly modified by erosion and subsequent development.

Surface movement on a fault line will cause massive ground deformation and destruction of any structure built across the fault or within the crush zone. The main adverse effect of earthquakes is ground shaking, which can occur anywhere in the district, whether or not close to a fault line, as the ground movement of an earthquake can be transmitted for hundreds of kilometres. Effects include damage to or failure of buildings, building contents, infrastructure, and personal injury. Earthquakes can also cause secondary effects including landslides, flooding and liquefaction.

There is little the Tairāwhiti Plan can effectively contribute to mitigating the hazard, as all parts of the District can be affected. Some areas, because of their underlying geology are more vulnerable than others. However, the Council enforces national requirements governing the structural standards for buildings to take account of the effects of earthquakes on buildings. These standards are enforced under the Building Legislation provisions.



C8.4 Land Instability



Most of the elevated land of the District has potential for instability resulting in slippage, slumping, slope failures and general soil erosion. The risk of loss of life, injury or damage to property from the land instability hazard will be considered in this chapter.

It is difficult to always be precise in identifying the land at risk as susceptibility factors are very site specific and require detailed risk investigation in consideration of the type of development proposed. Some areas are well recorded but the absence of information does not imply other areas are hazard free.

For likely areas of urban or rural residential development, where soil and slope instability are of potential concern, or have had detailed hazard assessments carried out, a Site Caution Overlay indicates potential land instability. The Overlay acts as a signal to advise the public there may be additional site-specific controls required for protection measures or a need to avoid development. The site caution overlay does not include the general rural areas where although the potential land instability hazard is no less, sites are usually large with available space for a building platform. In these areas site suitability will be assessed at Building Consent Stage.

Several areas have a heightened potential for adverse effects of land instability. This is due to their physical characteristics and their proximity to urban areas. The hazards include:

Riverbank Edges - These are sloping sides of incised, significant waterbodies and adjacent former flood plain terrace edges. These may be susceptible to slumping as a result of riverbank erosion or saturation during prolonged periods of rain.

Erosion Debris Inundation - Hill country within this Overlay is underlain with soft tertiary age rocks. Mudstone and Alternating Mudstone/Sandstone are prone to surface slip and slump erosion. Development down slope, either close to the toe of such hill country or in valley bottoms is prone to inundation with the soil erosion products. This could be solid material or further out, a high water content slurry.

Gisborne Periphery Slope Instability - Bordering the Poverty Bay Flats and Gisborne urban area to the North East and occurring as "caps" to Kaiti Hill and hills to the South East are layered deposits that may impart instability irrespective of the presence of underlying or overlying stable layers. The potential for deep-seated earthflow erosion precludes secure building development in many areas. This area has been mapped as a Site Caution Overlay.

Te Puia Springs - Structural damage to buildings and infrastructure is an on-going problem at Te Puia Springs because of the existence of very large deep-seated earthflows.

Makorori settlement - This area is inherently unstable and complicated by a lack of formal stormwater surface drainage with poor subsurface drainage. There is a strong potential for slope failure due to saturation of underlying materials.

The hazard exists in varying degrees according to the location of the sites but could involve:

- a) landslide or inundation from debris from slopes above; or
- b) flooding and knock-down through the impetus of storm-driven seas; or
- c) landslide or collapse of old slip debris through in part saturation, and erosion of the toe by wave action.

Waimata Riverbank - A land instability hazard exists in a 285m long bend of the Waimata River bank between Tukura Road and Hinaki Street in the Gisborne urban area. It is a well-developed residential area with the houses constructed close to the edge of the slumped slope. The hazard involves:

- a) some river bank areas with slopes greater than 1 in 2.5 are unstable and may slump when wet or loaded;
- b) some areas are liable to slump under severe conditions such as cracking and saturation;
- c) erosion on the outer side of the bend in the river and bed degradation during large floods may also cause the progressive failure of otherwise stable slopes;
- d) The Overlay identifies an area that includes the immediate hazard area adjacent to the river and a fringe area 15m parallel and landward of the hazard area.

C8.4.1 Policies for Land Instability

1. It shall be recognised that most of the elevated land in the district has the potential for land instability. Developers and the Council shall take this into account when developing sites, considering resource consents or preparing plans under the Act. Council may require further more detailed information including the preparation of full geotechnical reports. It may require the effects of the hazard to be avoided, remedied or mitigated or decline the proposal.
2. Areas particularly at risk from known instability problems shall be identified in this Plan.
3. The Council will recognise that localised instability may occur outside the areas described in Policy C8.4.1(2) above.
4. It shall be recognised that within the area described as Site Caution Overlay to the north and east of the Gisborne urban area and at Te Puia Springs, there is significant potential for damage to development due to land instability. In developing plan provisions and in assessing resource and building consent applications in these areas the Council will have particular regard to the potential for instability.
5. It shall be recognised that within the Makorori Township Land Instability Hazard Overlay building construction, earthworks of any kind, vegetation removal, stormwater and effluent disposal systems all have the potential to cause or increase slope instability and landslide, and that properties are liable to damage from landslide from the higher slopes behind.
6. In developing plan provisions, and in assessing resource and building consent applications for Makorori, the Council will be guided by the following documents:
 - a) Makorori Beach Township Engineering Geology Report; Kingston Reynolds Thom and Allardice Ltd, December 1983;
 - b) Makorori Beach Township Geotechnical Report Volume 1 and 2; Kingston Reynolds Thom and Allardice Ltd, April 1986;
 - c) Report to Cook Council Council of 4 December 1986; RDR Elliott, County Manager.
7. It shall be recognised that in and close to the steep bank of the Waimata River between Tukura Road and Hinaki Street there is a heightened risk of instability affecting property. In particular the following activities should be carefully assessed to ensure they do not increase the risk of landslide:

- a) earthworks that may steepen the slope or that may add load on the surface;
 - b) discharge of stormwater which may saturate or scour the riverbanks;
 - c) removal of vegetation that is stabilising the riverbank;
 - d) construction of buildings that may add load on the surface or allow water to penetrate the ground.
8. In developing plan provisions, and in assessing resource and building consent applications for the Waimata Riverbank Hazard Overlays, the Council will be guided by the following documents:
- a) Waimata River Left Bank Proposed Hazard Zone, Report EW93/01 Engineering and Works Department, March 1993.

Principal reasons:

- **Policy 1** - It is difficult to always be precise in identifying the land at risk, as susceptibility factors are very site specific and require detailed risk investigation in consideration of the type of development proposed.
- **Policy 2 and 3** - Where research or previous experience has identified at risk areas then identification of them will enable informed decision-making. Some areas are well recorded but the absence of information does not imply other areas are hazard free.
- **Policy 4** - Land instability is a particular hazard in these areas, due to their physical characteristics and proximity to urban areas. The overlay acts as a signal to advise the public there may be additional site-specific controls required for protection measures or a need to avoid development.
- **Policy 5** - These activities have the potential to saturate the ground or load it beyond its bearing strength, leading to slope failure. Instability in the area could cause landslip even without further development of the area.
- **Policy 6** - These reports make up a detailed assessment of the natural hazards at Makorori and recommend strategies for dealing with the problems, however can be supplemented by more recent knowledge.
- **Policy 7** - These activities have the potential to cause or increase the risk of landslip in this area, and therefore require careful assessment.
- **Policy 8** - The report contains a detailed assessment of the natural hazard and recommends strategies for dealing with the problems.

NOTE: See also general policies for natural hazards.



C8.4.2 Regional Rules for Land Instability

Note:

1. Activities shall comply, where relevant, with the Regional or District rules 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.
2. The regional rules for each overlay apply in addition to the zone rules for the area.
3. Subject to any other rule to the contrary in this Plan, the following requirements shall apply in all Natural Hazard Overlays; as denoted on the Urban and Rural Planning Maps, or ASCH Aerial Photographs.

C8.4.2.1 General Standards

- A. All permitted activities in the Makorori Land Instability, Waimata Riverbank Erosion Hazard and Waimata Riverbank Fringe overlays shall comply with the following:
- a) Land disturbance shall not exceed 1m³ in any 3 month period, except for land disturbance directly associated with the construction of a building platform
 - b) Vegetation shall not be removed if the vegetation is more than 2m high, and vegetation removal shall not exceed 10m² in any 12 month period
 - c) Stormwater discharges shall be designed and constructed to avoid erosion of riverbanks

Rule Table C8.4.2

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
Makorori Hazard Overlay				
8.4.2(1)	Land disturbance of more than 1m ³ in any 3 month period, except for land disturbance directly associated with the construction of a building platform	Makorori Hazard Overlay	Restricted discretionary	Council shall restrict its discretion to the matter a) specified below: a) Ensuring that activities do not cause or contribute to land instability
8.4.2(2)	Installation of septic tanks or soakage pits	Makorori Hazard Overlay	Restricted discretionary	
8.4.2(3)	Removal of vegetation of more than 10m ² in any 12 month period	Makorori Hazard Overlay	Restricted discretionary	
8.2.4(4)	Removal of vegetation that is more than 2m high	Makorori Hazard Overlay	Restricted discretionary	
8.2.4(5)	Subdivision, except for adjustment of boundaries which will not create any additional housing sites, or for the creation of esplanade reserves	Makorori Hazard Overlay	Prohibited	
Waimata Riverbank Erosion Hazard Overlay				
8.2.4(6)	Land disturbance including filling of more than 1m ³ in any 3 month period	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	Council shall restrict its discretion to the matters a) - b) specified below: a) Ensuring that activities do not cause or contribute to land instability; and b) Ensuring that any new development/dwelling have a reasonable factor of safety against settlement or slipping.
8.2.4(7)	Vegetation removal of more than 10m ² in any 12 month period	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
8.4.2(8)	Removal of vegetation that is more than 2m high	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
8.4.2(9)	Extensions to existing buildings	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
8.4.2(10)	Construction of any ancillary buildings	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
8.4.2(11)	Any new protection works, or alterations to existing protections works that mitigate natural hazards	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
8.4.2(12)	Construction or relocation of residential buildings	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
8.4.2(13)	Stormwater discharges	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
8.4.2(14)	Subdivision of land	Waimata Riverbank Erosion Hazard Overlay	Restricted discretionary	
Waimata Riverbank Fringe Overlay				
8.4.2(15)	Any new protection works or alterations to existing protection works that mitigate natural hazards	Waimata Riverbank Fringe Overlay	Restricted discretionary	Council shall restrict its discretion to the matters a)- b) specified below: a) Ensuring that activities do not cause or contribute to land instability; and b) Ensuring that any new development/dwelling have a reasonable factor of safety against settlement or slipping.
8.4.2(16)	Construction or relocation of any new residential buildings	Waimata Riverbank Fringe Overlay	Restricted discretionary	
8.4.2(17)	The installation or diversion of stormwater discharge systems	Waimata Riverbank Fringe Overlay	Restricted discretionary	
Site Caution Overlay				
8.4.2(18)	Subdivision of land	Site Caution Overlay	Restricted discretionary	Council shall restrict its discretion to the matters a) specified below: a) Ensuring that activities do not cause or contribute to land instability



C8.5 Coastal Hazards



C8.5.1 Introduction



Coastal hazards occur when a natural process has adverse effects on human safety, property or on objects or areas that are valued by humans, or when human activities generate anomalies in natural processes, causing those processes to act in unforeseen ways. Human responses to such hazards may, in turn, have other adverse effects on the environment and on the economic, social, and cultural well-being and health and safety of people.

The Coastal Environment of the Gisborne District is defined in Part E of the Tairāwhiti Plan and shown on the planning maps. This Coastal Environment is particularly susceptible to a number of coastal hazards because the majority of people in the Gisborne District live close to, or use, the coast. These include:

- a) Tsunami;
- b) Storm surge inundation;
- c) Erosion;
- d) River mouth movement; and
- e) Dune and Coastal Sediment movement.

All of these events have occurred in the past within the Gisborne District. The entire Gisborne District coastline is subject to, and is likely to continue to be subject to, adverse effects from one or a combination of the natural hazards of sea and wind erosion, landslip and flooding from the sea and coastal rivers. Natural coastal hazards are an example of an issue which straddles the administrative boundary between the land and sea set up in the RMA.

The majority of the coast has undergone an initial assessment of sensitivity to coastal hazards (ASCH). This represents a rapid and less rigorous assessment of the extent to which an area is subject to coastal hazards over a 100 year planning horizon. For areas where there is an identified coastal hazard problem, a rigorous and complete Coastal Hazard Overlay assessment has been undertaken. The assessments are based on an acceptable level of risk, and strike a balance between the expectations of members of the community to be able to use their land against the need to protect life, adjacent property, and values from coastal hazards on the other.



C8.5.2 Issue – Regional Plan and Regional Coastal Plan



1. Subdivision, use and development in areas of the Coastal Environment is threatened by natural physical processes. Responses to those natural physical processes may exacerbate the threat or cause additional adverse environmental effects.



C8.5.3 Coastal Hazard Objectives – Regional Plan and Regional Coastal Plan



1. Identify the areas where natural hazards may occur for all the Gisborne District coastline within 5 years.
2. New subdivision, use, and development and human settlement patterns in the Coastal Environment which:
 - a) Maximise personal safety from natural hazards.
 - b) Ensures that property and community infrastructure is less at risk of loss or damage from natural hazards.
 - c) Does not accelerate or worsen or cause transfer of adverse effects of natural hazards on the environment.
 - d) Preserves the natural character of the Coastal Environment and protects the amenity values and quality of the Coastal Environment from any adverse effect arising from activities undertaken in response to natural hazards.

3. Regionally significant infrastructure, such as state highway 35 and Port Gisborne, is maintained by appropriate protection mechanisms, including the option of relocation where feasible, when threatened by natural hazards.
4. Agencies and members of the general public are aware of areas of the coast identified as being areas subject to natural hazards and appreciate the dangers associated with subdivision, use, and development in those areas
5. Natural features, such as dune systems and estuaries, and physical processes are maintained or enhanced in order to maintain natural buffers against natural hazards which occur in the Coastal Environment.
6. A fully integrated approach to natural hazard identification, review, avoidance and mitigation between departments of the Gisborne District Council and with other responsible agencies.

Principal reasons:

- **Objective 1** - *The NZCPS requires Local Authorities to identify areas in the Coastal Environment where natural hazards exist to enable people to consider ways of avoiding exposure to those natural hazards.*
- **Objective 2** - *As awareness increases of the types of natural hazards that can occur in the Coastal Environment, attitudes about how and where development should be undertaken must change to harmonise with natural processes. This Objective is consistent with the NZCPS.*
- **Objective 3** - *There are several regionally important infrastructure networks within the Gisborne District which may become exposed to natural hazards in the Coastal Environment. Because of their regional significance they need to be maintained but relocation away from natural hazards must be considered as an option for their protection.*
- **Objective 4** - *It is essential that information and education on the areas prone to natural hazards is made available and undertaken so that informed community debate can occur in order to shift public perception about development in natural hazard prone areas.*
- **Objective 5** - *The NZCPS states that natural features and systems are natural defences against natural hazards and these should be maintained or enhanced.*
- **Objective 6** - *It is essential that communication occurs between the agencies and departments who have roles in assessing, identifying, responding to and making policies about natural hazards in the coastal environment and that the approach taken is integrated and consistent.*



C8.5.4 Coastal Hazard Policies – Regional Plan and Regional Coastal Plan

1. The Council will adopt a two-tiered assessment of areas prone to natural hazards associated with coastal erosion, storm surge inundation and slips. These assessments will be incorporated into the Plan.
2. The initial assessments of areas sensitive to coastal hazards for selected parts of the Gisborne District coast set out in the report and accompanying A1 Aerial photomaps prepared for the Gisborne District Council in December 1994 are adopted as ASCHs for inclusion in this Plan and the Photomaps are reproduced in the planning maps of the Tairāwhiti Plan.
3. The assessments of coastal hazard zones for northern Poverty Bay and Wainui beach and data contained in the report and accompanying A1 aerial photomaps prepared for the Gisborne District Council in June 1995 were adopted as Coastal Hazard Overlay for inclusion in this Plan. In 2001 the 1995 Wainui Coastal Hazard Overlay were reviewed on the basis that new more precise information has become available which includes: new precise survey information of the coastal hinterland and seabed collected in 1999 and 2000; the latest advances in science including forecasts on climate change effects, sea level rise (SLR) and tsunamis published in 2000 and 2001; knowledge of Wainui Beach developed from 1973 to 2001 and a parametric Geographic Information Systems (GIS) computer model developed in 1996 for assessing erosion risk on sandy coasts. The data from the photomaps is reproduced in Schedule G13 of this Plan.

4. The assessments of coastal hazard zones for Tolaga Bay and Anaura Bay and data contained in the report and A3 cadastral maps prepared for the Gisborne District council in August 1998 are adopted as Coastal Hazard Overlay for inclusion in this Plan and the data from the cadastral maps is reproduced in Schedule G13 of this *Plan*.
5. The amalgamated assessments of Coastal Erosion Hazard Zone (Erosion) and Coastal Landslip Hazard Zone for Southern Poverty Bay and data contained in the report and A3 cadastral maps prepared for the Gisborne District Council in June 2004 are adopted as Coastal Hazard Overlay for inclusion in this Plan and the data from the cadastral maps is reproduced in Schedule G13 of this Plan.
6. The assessment of Coastal Erosion Hazard zones (CEHZ), Coastal Landslip Hazard Zones (CLHZ) and Coastal Flood Hazard Zones (CFHZ) for Tokomaru Bay and data contained in the report and A3 cadastral maps prepared for the Gisborne District Council in September 2008 are adopted as Coastal Hazard Overlay for inclusion in this Plan and the Combined Regional Land and District Plan of the Gisborne District and the data from the cadastral maps is reproduced in Schedule G13 of this Plan.
7. Council shall adopt a minimum planning horizon of 100 years for ASCH and Coastal Hazard Overlay assessments.
8. When considering an application for a resource consent, the Council or Consent Authorities shall require a developer to undertake either a Coastal Hazard Overlay or ASCH assessment in areas where no ASCH assessment has been made but subdivision, use, or development is proposed.
9. Where subdivision, use, and development is proposed within an ASCH, Council may require the developer to have a full Coastal Hazard Overlay assessment prepared as part of any information requirement or environmental assessment for a resource consent application.
10. Where activities involving quantities of hazardous substances are, or are likely to be, undertaken adjacent to areas identified as being prone to coastal hazards, a planning horizon greater than 100 years may be applied to that area when assessing natural hazards in order to avoid adverse effects on the environment if contamination of the Coastal Environment could occur at the end of a 100 year planning horizon.
11. Council shall take into account projected changes in sea level as a result of global warming when preparing ASCH and Coastal Hazard Overlay assessments and shall adopt the Intergovernmental Panel on Climate Change (IPCC) "best estimate" rise in sea-level projection.
12. Where coastal property and infrastructure is artificially protected from coastal erosion by devices such as sea walls and revetments, Council will adopt the Extreme Risk Erosion Zone as a minimum Coastal Hazard Zone width provided that the Council is satisfied that the protective structures have a "specified intended life" EXCEEDING 50 years (refer: S. 39, Building Act 1991) and will, with regular maintenance, achieve the purpose for which it is designed.
13. ASCHs and Coastal Hazard Overlay may be reassessed after the occurrence of significant natural phenomena (e.g. large storms, tsunamis, earthquakes, etc.), or significant new information becomes available (e.g. Climate Change and sea-level rise, monitoring program results), or after significant failure of property protection devices, or after the construction of significant property protection devices.
14. Publicly owned and administered land should generally not be used to construct private property protection devices unless no other alternative is available and the statutory purpose of those community assets is consistent with their use for the construction of private property protection devices.
15. Publicly owned and administered land within the Protection Management Area shall not be used to construct property protection devices which may adversely affect the values identified in the Protection Management Area unless such use better meets the purpose of the Resource Management Act 1991 and the statutory purpose of those community assets is consistent with their use for the construction of private property protection devices.

16. When assessing subdivision consent applications in the Coastal Environment, Council shall have regard to any coastal flood hazards.
17.
 - i. Council and Consent Authorities may require financial contributions as a condition of any resource consent pursuant to Section 108 of the Resource Management Act 1991 for any structure built within an ASCH zone or Coastal Hazard Overlay according to the provisions set out in C8 (C8.5) of this Plan.
 - ii. Consents for structures in the coastal marine area and any property protection device in the Coastal Environment built within a Coastal Hazard Overlay shall require a bond to be given against the removal of the structure on the expiry of the consent or in the event of its abandonment or its destruction by natural hazards.
18. Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be allowed only where they are the best practicable option for the future. The limitations of attempts to control natural processes by physical works will be recognised in the consideration of future options. The abandonment or relocation of existing structures should be considered among the options.
19. Coastal hazard protection works may be considered in relation to existing use or development of areas in the Coastal Environment. Determination of applications for resource consent will include consideration of:
 - a) The probability of the works providing effective long-term protection;
 - b) The public benefit from the use or development to be protected, in enabling the regional community to provide for its economic wellbeing, health and safety;
 - c) The regional and national significance of the use or development to be protected;
 - d) The effects of the protection works on the environment, including any change in natural character values or in the occurrence and rate of coastal erosion;
 - e) Measures previously taken, including decisions as to the location of the use and development, to avoid the need for coastal hazard protection works;
 - f) **Alternatives to the development of coastal hazard protection works, and the reasons why those alternatives have not been proceeded with.**
20. Council and consent authorities shall discourage new development in areas that are known to be at high risk from coastal hazards within the Coastal Environment unless either:
 - a) The development is necessary for the operation of regionally important infrastructure such as Port Gisborne, and
 - b) There is no practical alternative; or
 - c) The proposed development will not be significantly affected by coastal hazards or affect natural features that act as buffers against natural hazards. And in the case of (b) and (c) above:
 - i The development is unlikely to lead to a demand for protection works.
 - ii In the event of a hazard occurring, any resulting damage will not result in significant adverse effects on the environment including the safety of the general public.
21. The Council will maintain a strong commitment to researching, recording and publicising information about natural hazards in the Coastal Environment.
22. The Council will provide for integration and consistency in dealing with resource consents for protection works either side of mean high water springs through provisions of the Tairāwhiti Plan.

Principal reasons:

- **Policies 1 to 6-** *These policies are necessary to implement Objective C8.5.3(1) of this Plan and the NZCPS.*

- **Policy 7** - The Council has adopted a 100 year planning horizon which allows for the cumulative effects of a slowly accelerating rise in sea-level, recurrence of severe onshore storms with a one-in-100 year frequency, long-term fluctuations in sediment supply and the recurrence of episodic short-term shoreline fluctuations.
- **Policy 8 and 9** - This Policy is required to implement Objective C8.5.3(1) and C8.5.3(2) of this Plan and the NZCPS.
- **Policy 10** - Hazardous substances are frequently persistent and should be set back from the coast to reduce the risk of introducing those substances into the environment. This Policy implements Objective C8.5.3(2).
- **Policy 11** - Adopting the IPCC "best estimate" figure errs on the side of caution as required by the NZCP.
- **Policy 12** - This Policy identifies that property protection devices may reduce the risk posed by natural hazards to property, altering the area covered by a Coastal Hazard Overlay, while being consistent with the NZCPS.
- **Policy 13** - This Policy is required to implement Objective C8.5.3(6) of this Plan.
- **Policy 14 & 22** - This Policy is required to implement Objectives C8.5.3(2) and C8.5.3(5) of this plan and the NZCPS.
- **Policy 15** - This Policy implements Objectives C8.5.3(2) and C8.5.3(5) of this Plan and the Policies in Chapter 1 and the NZCPS.
- **Policy 16** - This Policy is required to implement Objective C8.5.3(1), C8.5.3(2) and C8.5.3(6) of this Plan and the NZCPS.
- **Policy 17** - This Policy implements Objective C8.5.3(2) and C8.5.3(4) of the Plan and the NZCPS.
- **Policy 18** - This Policy is required to implement Objective C8.5.3(2), C8.5.3(4) and C8.5.3(5) of this plan and the NZCPS.
- **Policy 19** - This Policy is required to implement the NZCPS and to indicate where appropriate subdivision, use and development may occur in the Coastal Environment.
- **Policy 20** - This Policy is required to implement Objective C8.5.3(2), C8.5.3(3) and C8.5.3(4) of this Plan and the NZCPS.
- **Policy 21** - This Policy is required to implement Objective C8.5.3(1), C8.5.3(4) and C8.5.3(6) of this Plan and the NZCPS.



C8.5.5 Coastal Hazard Policies – Regional Plan and District Plan



1. Where subdivision use and development are proposed in an area identified as an Area Sensitive to Coastal Hazard (ASCH), the Council shall take into account the nature of the coastal hazards identified and the interaction with the type of use or development; including any subsequent use or development permitted as a result of the resource consent application or designation requirement. In exercising its powers on any subdivision consent, resource consent or building consent the Council shall take into account the information contained in the ASCH database. It may require further more detailed information, including the preparation of full Coastal Hazard Assessments as described in the Regional Coastal Environment Plan. It may require the effects of the hazard to be avoided, remedied or mitigated or decline the application.

Principal reasons:

- **Policy 1** - The Areas Subject to Coastal Hazard have been delineated on a broad basis based on existing information and site studies. This information may not be sufficient to assess all developments, especially the more intensive ones. Depending on the nature of the proposed development, and the degree of risk, it may be necessary to require more detailed information to be prepared.



C8.5.6 Coastal Hazard Methods – Regional Plan and Regional Coastal Plan

1. Council will undertake a rapid hazards assessment of the entire coast. This will be known as an Area Sensitive to Coastal Hazards (ASCH) assessment. A more detailed assessment known as a Coastal Hazard Overlay assessment will be undertaken for areas where there is a high degree of risk revealed by the ASCH assessment and significant development has occurred, or is likely to occur, and be at risk from natural hazards.
2. Council will ensure that responses to natural hazards are integrated with the policies of this Plan through other documents prepared under the RMA, and other Acts under which the Gisborne District Council operates.
3. Council will work closely with and advocate to other organisations which have responsibilities for dealing with natural hazards in the Coastal Environment in order to ensure consistent approaches to natural hazard management.
4. Where new ASCH assessments or Coastal Hazard Overlay assessments have been completed, Council shall incorporate those assessments into the Tairāwhiti Plan, within three months of their completion, by way of commencing a Plan Change pursuant to the first schedule of the RMA. Council will also incorporate these in Council's property database.
5. Council will undertake Coastal Hazard Overlay assessments for southern Poverty Bay, Tokomaru Bay, Te Araroa and Hicks Bay within five years after this Plan is made Operative.
6. Council will publish new information on natural hazards and promote greater understanding of the natural processes that give rise to such hazards.
7. In areas where Coastal Hazard Overlay have been assessed, Council will undertake long term and regular monitoring of sand budgets, earth movements, sea level measurements and weather patterns in order to obtain a more detailed understanding of the natural processes occurring at those locations.
8. Council will investigate the feasibility of preparing Coastal Inundation Hazard Areas for inclusion into the Tairāwhiti Plan. Areas which may be assessed as a matter of priority are Poverty Bay, Wainui Beach and Tolaga Bay.
9. The Council will, where appropriate, facilitate the undertaking of beach management options relating to property / beach protection works as recommended in the Wainui Beach Coastal Management Strategy (2003).

Principal reasons:

- **Method 1** - This Method is required to implement Policy C8.5.6(1) of this Plan and the NZCPS.
- **Method 2** - Several different divisions of the Gisborne District Council are responsible for preparing documents under a number of different Acts. It is important that those documents are integrated with the Policies set out in this Plan to ensure a consistent approach to responses when natural hazards occur. This Method Implements Objective C8.5.3(6).
- **Method 3** - Other agencies have responsibilities for natural hazard management and should be consulted with and made aware of policy directions that Council wishes to adopt. This Method implements Objective C8.5.3(6).
- **Method 4** - Once new information about natural hazards has been formulated, it is important that such information is made publicly available and of use to decision makers. The Plan will immediately provide policies and rules for the interpretation of those hazard assessments and assist in achieving Objective C8.5.3(2) and C8.5.3(4). Information on hazards incorporated into council databases will provide hazard information to people who wish to carry out subdivision, use and development in the Coastal Environment.

- **Method 5** - The areas referred to are considered to be areas with a high degree of vulnerability to natural hazards and areas that are likely to be subject to some degree of development pressure over the next ten years. It is considered desirable to identify the extent to which these areas are vulnerable to coastal hazards so that subdivision, use and development are undertaken in an informed manner.
- **Method 6** - New information on natural hazards in the Coastal Environment should be disseminated as soon as possible so that people are able to make informed decisions about activities they wish to undertake in areas identified as at risk.
- **Method 7** - Coastal hazards are generally long term events and long term detailed monitoring is the only means of detecting the long term trends that underlay the nature and progress of such hazards.
- **Method 8** - The NZCPS requires Council to identify areas in the Coastal Environment where natural hazards exist. This Method is required to implement Policy C8.5.4(16).
- **Method 9** - This Strategy aims to provide 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.



C8.5.7 Regional Rules for Coastal Hazards (Coastal Hazard Overlay)

Note:

- Activities shall comply, where relevant, with the Regional or District rules in rules 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.
- The regional rules for each overlay apply in addition to the zone rules for the area.
- Subject to any other rule to the contrary in this Plan, the following requirements shall apply in all Natural Hazard Overlays; as denoted on the Urban and Rural Planning Maps, or ASCH Aerial Photographs.

Rule Table C8.5.7

Rule Number	Rule	Overlay	Status	Activity Standards; Matters of Control or Discretion
Coastal Hazard Overlay CHZ1 (Extreme Risk Area)				
8.5.7(1)	The installation or alteration of works designed to mitigate the effects of coastal hazards	Coastal Hazard 1	Discretionary	
8.5.7(2)	Additions to or alterations of existing buildings	Coastal Hazard 1	Discretionary	
8.5.7(3)	Any activity, including earthworks, that will alter natural dune landform	Coastal Hazard 1	Discretionary	
8.5.7(4)	Removal of any works designed to mitigate the effects of coastal hazard	Coastal Hazard 1	Discretionary	
8.5.7(5)	Subdivision to enable new development to occur, except for the provision of esplanade reserves	Coastal Hazard 1	Prohibited	
8.5.7(6)	New buildings	Coastal Hazard 1	Prohibited	
Coastal Hazard Overlay CHZ2 (High Risk Area)				
8.5.7(7)	Construction of new commercial or habitable development	Coastal Hazard 2	Discretionary	
8.5.7(8)	Additions to or alterations of existing buildings	Coastal Hazard 2	Discretionary	
8.5.7(9)	Any activity, including earthworks, that will alter natural dune landform, beaches, wetlands or sand spits	Coastal Hazard 2	Discretionary	
8.5.7(10)	Subdivision for new commercial or residential development	Coastal Hazard 2	Prohibited	
Coastal Hazard Overlay CHZ3 (Moderate Risk Area)				
8.5.7(11)	Subdivision	Coastal Hazard 3	Discretionary	
8.5.7(12)	Construction of residential and habitable development	Coastal Hazard 3	Discretionary	
8.5.7(13)	Any activity, including earthworks, that will alter natural dune landform, beaches, wetlands or sand spits	Coastal Hazard 3	Discretionary	
Coastal Hazard Overlay CHZ4 (Safety Buffer Area)				
8.5.7(14)	Subdivision	Coastal Hazard 4	Discretionary	
8.5.7(15)	Any activity, including earthwork, that will alter natural dune landform, beaches, wetlands or sand spits	Coastal Hazard 4	Discretionary	

